

A Moveable Feast – Law Librarianship in the noughties

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Introduction

The purpose of this paper is to review where law librarianship finds itself six years into the new millennium, and what common challenges the profession faces in the new century.

Initially I would like to take a backward glance. When I was undertaking postgraduate studies in librarianship in 1978, lecturers Doug Down and Wes Young said to us: 'By the turn of the century there will be no books left in libraries'. This was the same year that I undertook some computer programming for the first time, using punch cards.

Both computers and books have come a long way since then, and while some of us have less books in our libraries now than a decade ago, the majority of us are still surrounded by some books. But we are also dealing with an onslaught of technology that moves at lightning speed in a constantly changing landscape.

A dozen years ago, I first used this marvellous thing called ftp, with gopher and archie to help me search menus and locate files, and then moved on to the www using a Mosaic browser. Can you imagine what we would have thought then if people had spoken of blogs and wikis and net space and google and a hundred other new terms that are now common parlance? But this is our present reality, and the world will not stop for us, so this paper reviews some themes that I have found to be universal in our profession.

Outline

The paper will examine what links law librarians, no matter where we work. We will then move on to look at some of the impacts of globalisation that affect us directly, before investigating several issues common to us all. And finally, I will list some challenges that we face wherever we are based..

The 'Moveable Feast' in the title was inspired by Ernest Hemingway:
"If you are lucky enough to have lived in Paris as a young man, then wherever you go for the rest of your life it stays with you, for Paris is a moveable feast." ¹

This may be drawing a long bow – but Law Librarianship is also a moveable feast – once you have been a law librarian you carry the legacy with you. And in this age of change, it is a profession that is fully transportable, transferable and globalised in every way. What is it about this specialisation that makes it different, interesting and challenging?

What links us?

¹ Ernest Hemingway : A Moveable Feast (Jonathan Cape 1964)

There are several common features of the profession.

- Service is the key; and for many of us it is a core reason for choosing librarianship as our career. We also work collaboratively and share ideas and experiences freely.
- We all deal with lawyers in a variety of guises - students, solicitors, judges, partners, legal counsel, academics, barristers.
- We have varied workplaces – firms, courts, tribunals, law schools, in-house counsel in every industry, government departments, non-governmental organisations, and barristers' chambers. The expectations of us and the service we provide varies greatly from workplace to workplace, but our starting points are the same.
- Networking, both physical and virtual, provides us a community of common interests which expands our workplace to embrace the world.
- In searching for better ways to provide added value for our readers, we are innovative and adopt new technology speedily. The major computer databases developed in the 1980's were to become the behemoths of today – Lexis and Westlaw. Early adopters of push technology for lawyers were librarians in law firms.

Globalisation

Although globalisation is an over-used word, it is appropriate to describe the impact on our profession, as well as our daily work, of the changes brought about by technology. This impact is such that not a single aspect has escaped.

This could be viewed by some as negative, because it has taken place outside our sphere of control, but our reactions, and the examples of innovations by some colleagues show that we are willing to rise to daily challenges posed by ongoing change.

I will also discuss briefly at some responses to this fast moving environment.

1. Impact on the Profession

Legal Systems

The legal profession was, until recently, narrowly focussed on the home jurisdiction – local legislation, and local caselaw were sufficient to learn, to practice, and to know for the majority of students and practitioners. Academics have generally had a wider world view, with comparative studies and international issues playing a greater part in their research. As the world shrinks, the legal systems with which we need to have familiarity have broadened greatly, as have the range of legal topics.

We are required to look beyond our own jurisdiction, and to understand about transnational law, trade law (and its impact, for example as a means of imposing copyright restrictions by one jurisdiction on others²), treaties and conventions in international law, and impacts of the convergence between civil and common law

² Australia-United States Free Trade Agreement, (AUSFTA) entered into force on January 1, 2005. Ch. 17, Intellectual Property Rights, esp. 17.2

systems. A passing knowledge is needed of UN, EU, Unidroit, WTO, ICJ, and numerous other legal regimes and bodies.

The Google generation has had a huge impact on our profession. They are the direct descendants of McLuhan's teenager of 1960: "Today's teenager, the future (global) villager, ... feels especially at home with our new gadgets — the telephone, the television."³

There are several generalisations that one can make here.

- On the whole, there is no patience with structured searches, or Boolean connectors; online library catalogues are unwieldy, they don't incorporate spell check/ suggestions ('*did you mean...*'), subject headings are limiting, and they often don't provide an online link, 'just a book' on the shelves.
- There is a belief that online legal information is free, and a lack of understanding of the nature of provenance or authority of free sources.
- Copy/paste is not understood to be potential plagiarism.
- Instant delivery is expected, and shorter time frames are imposed on us all. When the fax was introduced we welcomed it, but it was the start of the instant turnaround mentality.
- The current generation of new trainees into firms are the ones who have never really been told 'no'. They are the brightest, have been given most everything, and the first time they may be confronted with not getting what they want could be the day they are told they do not have the work group of their choice within the firm⁴.

Mega legal publishers

The past dozen years has seen the steady disappearance of boutique and specialist legal publishers. As they are swallowed up, we have to keep track. Fortunately, there is a list, now on the AALL website, which was started by Rob Richards⁵ and traces these publishing family trees. The global marketplace has reduced the competition among legal publishers to the 'big 3' – Lexis Nexis (Elsevier); Westlaw (Thomson) and CCH (Walters Kluwer). Publishers have not yet clearly redefined their new role in the market, and have been relatively slow to adapt from publishing online versions of paper products to seeing themselves primarily as digital providers.

For us it has meant adapting to ever changing sales methods, invoicing and pricing schemes, and a decline in alternative suppliers of information to help keep the big boys honest.

³ "World is a global village". *The CBC Digital Archives Website*. Canadian Broadcasting Corporation. Last updated: 1 Sept.2003. < http://archives.cbc.ca/IDC-1-69-342-1814/life_society/mcluhan/clip1 > . [Accessed 12 Sept. 2006.]

⁴ Graduate Recruitment Bureau Research Report: Generation Y ©2006. http://www.grb.uk.com/generation_y.0.html [Accessed 20 November 2006]

⁵ AALL publisher list: <http://www.aallnet.org/committee/criv/resources/tools/list/> Last updated July 2004 [Accessed November 20, 2006]

Googleisation

The first reference I could find to this word was a paper by Janine Schmidt and others from the University of Queensland, at IFLA in 2003⁶. They were referring to the search expectations of university students. The term has broadened widely to incorporate all the developments by Google, from Google maps to Google talk, Google books, Google print, and the Google desktop.

Most of these enhancements to the search engine were released in 2005 – how quickly we adapt to these changes! I use the Google desktop search constantly to locate emails and files, and can't imagine life without it. I will speak about the print side of Google later, but there is great concern shown in another interpretation of Googleisation - that it has lead to researchers now only knowing about research they can access online⁷. For us, the upshot may well be a generation which rejects precision in favour of ease of access. How will we deal with this?

Knowledge Management

Knowledge Management is a global phenomenon embraced with some vigour by the legal profession, and librarians, mainly in the corporate world are often partners in this dynamic development.

Are we under threat from Knowledge Management? Organising information and access to information is our forte; over the past decade it has been assumed and re-branded by the IT systems developers with ever increasingly complex, expensive and sophisticated software to make the life of every lawyer 'simple and more time efficient'. Within firms it has meant many things, from precedent management, or document management, through to all the information and 'corporate memory' throughout the firm. In many firms, librarians manage this aspect of the organisation, sometimes together with the Professional Support Lawyers.

2. Impact on our daily work

Globalisation impacts on us daily in ways we now take for granted, varying and enhancing our profession.

Continuing technological change

We face ongoing and inexorable change in our workplace. As soon as we master one new technology another one is developed. Just keeping abreast of the new technologies is difficult; evaluating them to see whether they have relevance to our particular

⁶ Janine Schmidt, Anne Horn, Barbara Thorsen, : Australian Subject Gateways, the successes and the challenges 2003 http://www.ifla.org/IV/ifla69/papers/166e-Schmidt_Horn_Thorsen.pdf [Accessed September 1, 2006]

⁷ Robert Terry: 'Text mining of subject archives will enable new facts to be discovered' n Research Information, June/July 2006 <http://www.researchinformation.info/rijunjul06openaccess3.html> [Accessed September 1 2006]

workplace is an even greater challenge. Being an implementer is important for our credibility, but requires great commitment.

Diverse reader backgrounds

Our readers/users/customers are increasingly diverse – we have distance learners; visiting professors; lawyers from other countries and other jurisdictions making use of our facilities and resources. All have their own set of values and expectations of resources and service, frequently based on their experience at home. Language differences; diverse nationalities and customs all impact on the way we provide our services.

Over abundance of legal resources

For many of us, and for our readers, there is too much information and too little time to validate sources. Access to many e-resources is determined by budgets, and free web resources need evaluation. Legal books continue to be published at an even greater rate than in the past; the development of new areas of law ensures this growth will continue in parallel with digital advances.

Current awareness and instant global access

To truly keep up to date with all the legal developments via lists, rss feeds, alerts, etc is a full time occupation in itself. Use of e-mails can mean we interact with our computers and not people. When was the last time you picked up the phone to discuss an issue with a colleague, rather than sending an e-mail? Yet frequently when we email each other across the continents, we receive responses immediately, time zones notwithstanding. We are able to be better at our work as a result.

The internet has made everything a 24 hour activity. We can buy, subscribe, install, write, blog and view at any time that suits us. Nothing is ever closed in the virtual world. Yet for many of us our physical libraries are closed to readers, thus the challenge is to provide our e-resources in user friendly and accessible on line locations – websites, portals, etc.

Virtual learning & access management

Our research aids must be online so they are there when the reader needs them. Online tutorials, interactive teaching, using the available technologies – we have to decide where to pitch and direct these tools when we often don't physically know or meet our readers.

Access management to e-resources is another issue – whether via portals, intranets or with single log-on for multiple databases, etc; making access as seamless as we can to our readers, and excluding unauthorised use is another challenge

Changing work flows

Changes to the way we work have been a great benefit of globalisation.

Few libraries undertake original cataloguing; selection, acquisition and ordering are far more streamlined with the use of credit cards combined with extensive online catalogues provided by publishers; adding e-resource links to records improves the relevance of the catalogue for readers. Hein's Greenslip notification service, Swets online tracking service, and Blackwells Series Manager⁸ are some of the welcome developments for acquisition and selection of material.

In many libraries tasks such as looseleaf filing and binding are things of the past as these resources now arrive online. This allows us the opportunity to value-add in our service provision, to create targeted web sites, build intranets and portals, to collaborate with colleagues in managing 'born-digital' resources, some of which will need more rigorous authentication than was necessary for print materials.

3. Impact of Individuals

The internet has provided us with access to the wonderful work done by colleagues everywhere. I have listed some of my Law Library heroes in the Appendix, but there are many more, unsung, who provide tools and resources which they generously make freely available to us all. This has to be one of the best features of the global information world we inhabit.

4. Issues without borders

We face many and varied issues no matter where we are based. The issues are extensive and include collection management, decreasing funding, growth of new areas of the law, and a general dumbing down of research. It is hard to limit myself, but I have selected the following borderless issues to examine in more detail.

- a. Publishing & e-resources
- b. Digitisation of collections
- c. Teaching
- d. Role of professional organisations
- e. Sponsorship

a) Publishing

Publisher dominance

As mentioned earlier, in 2005 3 commercial publishers controlled 80% of the legal market in the US⁹ It seems that this would not be very different in Australia, but may be

⁸ <http://www.heingreenslips.com/>
<http://informationsservices.swets.com/web/show/id=40029>
http://www.blackwell.com/collection_manager/series_manager/ [Accessed 20 November 2006]

⁹ James G. Milles: Redefining Open Access for the Legal Information Market*
http://www.aallnet.org/products/pub_lj_v98n04/2006-37.pdf

slightly less in the UK & Europe, where some smaller publishers still survive. However, in the past 3 years, Lexis, Westlaw and Wolters Kluwer have both made great strides in acquiring the leading legal publishers in many jurisdictions.

Licensing & costs

E-resources have provided an opportunity for a whole new approach to pricing by the legal publishers. There is a vast array of different terms for different materials and different users on offer.

Where there was once transparency in pricing, there is now 'commercial in confidence' written into every contract. The final agreed price offered for access is not a level playing field – negotiation, size and status of firm, what the market will bear – all these, and other intangibles, play their part in costing a product.

Why are the publishers so secretive with their pricing deals? They are not selling the same product, so comparisons are hard to make – it is not like comparing the cost of cameras, or kettles.

Sales methods

Some publishers use call centres and sales teams; they sell products and packages; they try cold-calling and pressure selling techniques; they do not know or understand their client base. This is a far cry from the representatives of ten years ago, who prided themselves on knowing the broad collections of their client base, and who were much more 'partners' with their clients, not salesmen.

Packaging jurisdictions

Ironically, law publishers do not yet organise themselves globally in terms of service provision. There are two examples I would use to illustrate this. We have tried to get all the various Westlaw databases for various jurisdictions that do not appear on Westlaw – so, LawBook in Australia, Carswell in Canada, Swisslex in Switzerland, Aranzadi in Spain, or with the competition – Juris Classeur in France (Lexis owned). It is not possible to deal with one person at either company who can handle this. We have to deal with sales people in each country. And the first publisher who understands that use of an electronic resource from another jurisdiction is going to be minimal compared with the home jurisdiction, and who prices the product accordingly, will surely be awarded one of the Publisher of the Year awards by law librarians.

In law firms with offices throughout the world, similar problems arise, where the publishers apply global pricing policies, and do not make selected titles that will only be used in one office or country, available at reduced costs.

In the US many firms go with one or the other of the Wexis pair, in part because of the costs, with incentives offered to firms to exclude the competition.

Ownership v access

The issue here is the right to hold information forever. With e-journals deals, contracts now give perpetual rights of ownership for the years for which subscriptions are paid - but not with the big 3 – the subscriptions there are for the right of access only, and not the right of ownership.

Yet e-resources are just another format for what is often core information re-packaged in a new form. Yet we are not entitled to retain the back set should we ever cancel current subscriptions. Is this fair?

Usage monitoring

What are the implications of the level of detail publishers have of customer usage levels? The software allows them to know every detail of searches by individuals, or else by the subscribing body. With changes to the laws in the US after September 11, should there be greater privacy concerns over this?

Incentives to train

Some publishers offer incentives on subscription rates if they are allowed to carry out the training in law schools on their databases. It seems to me that they do this in part in an effort to ensure that librarians do not offer training that compares the strengths and weaknesses of the various databases available.

And a couple of publishers also employ 'student ambassadors' within many institutions to undertake the more subtle promotion with their peers. This is almost subversive

Free online publishers

There is hope. The growth of reputable and reliable free online legal publishing is changing the landscape for us all. Academic institutions are all dealing in some way with institutional repositories to try to retain the intellectual capital they own. The Open Access movement has gained great support in recent times¹⁰. This is one way to counter the situation where academics write articles for journals published at high costs by the publishers, who then sell the titles back to the Universities at high prices.

Governments in some countries have done a superb job of getting legislation online for the public – Australia is a leading light, as is the US. The UK lags badly behind, with the UK Statutes project still not launched – and although rumoured to be a user pays system when it eventually is released to the public, news came through recently that the service will in fact be free .

Legal information Institutes are also expanding, providing caselaw from many of the harder to access jurisdictions. And the growth of metadata projects such as EISIL¹¹ Weblaw and Intute (formerly SOSIG) shows the value of collaborative, voluntary work by many librarians, who all contribute time and effort to these world class resources.

In summary, these are some of the issues that arise from the global reach of a publishing industry that is dealing with the tensions between electronic and paper provision of the same information. For their part, the publishers face pressure from

¹⁰ Open Access <http://www.eprints.org/openaccess/>
Open access Law Journal initiatives <http://sciencecommons.org/literature/oalawjournal>

¹¹ Eisil: <http://www.eisil.org/>; Weblaw <http://www.weblaw.edu.au/weblaw/index.phtml> ; Intute <http://www.intute.ac.uk/socialsciences/law/>

practitioners for accurate and timely publishing of changes in the law; they face the huge costs of rolling out ever more sophisticated interfaces for their databases; they are dictated to by their shareholders, and marketing gurus, not the legal editors. The transition from print to electronic commercial publishing will continue, as, most likely, will the consolidation of publishing companies. And the 'free to air' models are growing in quality, and reliability on a daily basis, providing challenges to commercial publishers to demonstrate added value.

b) Digitisation of collections

Another issue which spans the globe is the digitisation of collections. There are commercial collections which have been developed over the past half a dozen years, and which present excellent images of the originals which are also fully searchable. The coverage varies, with the Gale product covering the 18th and 19th centuries¹², Hein going back to the first volume of journals, and the federal register, as well as many older classic American law monographs¹³. The Law Library Microform consortium is digitising all the microfiche it has in its collection¹⁴. Proquest have digitised British Parliamentary papers from the 19th century¹⁵.

There was a rush to announce participation in digitisation projects in the second half of 2005, after the news of the Google Book¹⁶ project went public in May. The Yahoo and Microsoft projects are dealing with books in the public domain, and basing a lot of the work on the original work on the Internet Archive. They seem to think that in-copyright books may eventually come into the fold as they see the growth of demand for this material.

This is not just an Anglo phenomena. Gallica¹⁷, the Bibliotheque National de France project has digitised over 75,000 volumes since 1997

Oxford Digitisation Project¹⁸

One of the most interesting aspects of working at a library service such as Oxford, is the extent of digitisation already in progress. The Oxford Digital Library commenced work in 2001, but few would have heard of that outside Oxford.

However, everyone has heard about the Google Print project¹⁹. This commenced at the University of Michigan, and has stirred up controversy because its objectives and methodology were suspect. At Oxford, this Digitisation Project is dealing with pre-1885 books, and includes part of the collection of the Law Library.

¹² Gale: The Making of Modern Law: <http://www.gale.com/ModernLaw/>

¹³ Hein Online: <http://heinonline.org/front/front-index>

¹⁴ LLMC Digital Library http://www.llmc.com/i_list_toc.htm

¹⁵ House of Commons parliamentary papers: <http://parlipapers.chadwyck.co.uk/home.do>

¹⁶ Google Book Project <http://books.google.com/googleprint/library.html>

¹⁷ Gallica: http://www.bnf.fr/pages/zNavigat/frame/version_anglaise.htm?ancre=english.htm

¹⁸ Oxford Digital Library <http://www.odl.ox.ac.uk/>

¹⁹ <http://www.bodley.ox.ac.uk/google/>

These projects are great for scholars, and those who do not have easy access to older material. The implications for paper collections are already evident in many collection policy documents – more and more series of US law journals and US law reports are being removed from libraries and being placed in storage or sold off. Hein conducts an annual 'Bound Volume' survey²⁰ of law libraries to chart this process ('to help everyone detect the trends in libraries around the world as a result of access to HeinOnline').

We are investing great faith in a technology and source of delivery that is not even two decades old, and yet has been through many incarnations already. Are we putting too much faith in the internet, and the future stability of the infrastructure?

c) Teaching and training

Legal research

If you can search anything on the web or on paid databases, do you need to understand what you are searching, or the arcane way that law has been organised in the past? Do our users need to know the difference between a digest, a citator, a legal encyclopaedia and a series of law reports? I believe that this information is still useful and important to students and junior lawyers, and I think we are in the best position to teach it to them.

Having worked on both sides of the firm/academic divide, I can attest to the efforts made in law school to ensure an understanding of legal research methodology, and to the sheer frustration in firms when new trainees seem to be devoid of any legal research skills. The teaching methods at university often have a lot to answer for, as students are given daunting reading lists, and rarely provided with an opportunity to really do any research during their degree. Part of our changing role is to ensure legal research training in some form is an integral part of the legal workplace or academic course.

Methods

When we prepare research training, what method is best? This will depend on the student, and in order to cover as many learning styles as possible, we need to prepare the same information in various formats, so that it is on-hand when they need it, and not just at the time we are ready to present it. The best form of teaching is 'just in time' – when the reader has a query. But with so much online work happening, we have to also be online in some form or another so that we are there when they want to find out. So our challenge extends beyond training styles to looking at VLEs (virtual learning environments), and web design to ensure maximum impact and relevance.

Recent developments –blogs²¹, wikis and skype as teaching tools?

²⁰ <http://lists.washlaw.edu/pipermail/heinonline/2006-October/000244.htm>

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²¹ Law Library Blogs: <http://blogs.lawlib.widener.edu/delaware> | <http://library.law.wisc.edu/wisblawg/blogslispublic.htm>

Where does one start? It is hard to keep up with all the developments that could, with some work and time, be adapted to our own purposes to provide wonderful shared learning environments – eg, wikis²² already implemented at numerous law schools.

‘Ask a Librarian’²³ almost seems old fashioned now, but it does still work well, and has been successfully adopted by many university libraries. Skype²⁴ is potentially a rival for real time online reference advice. The use of RSS feeds for news and general information on web sites has grown phenomenally. Should we set up blogs which are aimed at our readers, as some colleagues are already doing? And to be part of the latest trend - should we put up a slightly off beat legal research video on Youtube?²⁵

Sweet and Maxwell are publishing nutshells as podcasts²⁶. Would a podcast of how to research UN material be a hit on iTunes?

Irwin Law²⁷ are publishing e-books that allow mark-up, and notes, and interacts with Quicklaw citations.

Social networking via MySpace²⁸ and facebook.com are developments we need to be aware of, as they become the centre of the universe for our younger readers – the challenge for us is to keep up with these trends as they develop, and to stay abreast of them so that we can adapt our training as needed.

Links on reading lists – implications?

The technology allows us to take subject reading lists, and insert all the links to cases, legislation, etc, with ease. Students can then click through online to most of the required reading. It reduces the time students have to spend searching the library shelves for the resources, or searching case names online for themselves. Thus it makes them more efficient in their study techniques.

But it also has its down side – students do not need to know how to locate material in libraries; they do not need to understand how series of law reports are organised; they need never look at an original piece of legislation, nor have to work out the basics such as how legislation is organised into volumes.

My colleague Sandy Meredith is Law Faculty IT Training and Development Officer at Oxford, and she has written an interesting article²⁹ about legal research skills and electronic resources. In a survey undertaken at Oxford, in 2006 80% of students were using legal databases to find most of the sources on their reading lists.

²² Some wikis - <https://ipdailyupdate.pbwiki.com/FrontPage>
http://www.crimeupdate.net/crimebook/index.php?title=Main_Page
<http://www.insidehighered.com/views/2006/06/14/mclemee>
http://www.blogwithouthalibrary.net/links/index.php?title=Welcome_to_the_Blogging_Libraries_Wiki

²³ <http://www.oclc.org/questionpoint/about/default.htm>

²⁴ <http://www.skype.com/intl/en-gb/helloagain.html>

²⁵ <http://www.youtube.com/>

²⁶ Sweet & Maxwell nutshell podcasts <http://www.sweetandmaxwell.co.uk/podcasts/index.html>

²⁷ <http://www.irwinlaw.com/newsdetail.aspx?newsid=71>

²⁸ <http://www.myspace.com/> and <http://www.facebook.com/>

²⁹ Meredith, Sandra, "First Year Law Students, Legal Research Skills and Electronic Resources" (August 9, 2006). Oxford Legal Studies Research Paper Available at SSRN: <http://ssrn.com/abstract=928428>

“Students were good at citation searching in several databases because they do it often. They were less skilled at subject searching and at using more complex features of databases because they had fewer opportunities to practice those skills.”

What the technology provides in the way of ease of access it sometimes takes away in the resulting shallowness of the understanding of the resources being used.

d) Role of Law Librarian Organisations

The model for law library associations is the AALL (American Association of Law Libraries). Next year is their centenary, and with the size of their membership, and their years of experience, they have dealt with almost all the issues that one can imagine would arise. So what role do these professional organisations have to offer us, and how do they enhance our work?

Arrange conferences

Organising conferences such as Southern Currents is a key responsibility of the organisations. These meetings are a way of sharing ideas, stimulating discussion, networking, and interaction that cannot be replicated in local branches or within sub groups, such as academic or private firm librarians. The voluntary efforts by so many in our profession to provide ongoing education to members, and to establish these meetings, benefits us all, whether we attend or not, because the ideas are shared with all.

The bursaries that are provided by organisations using their profits enable many who would otherwise not have the opportunity to attend conferences the chance to participate. This was one of the key outcomes for the original group who planned the first Law Librarian Symposium in Melbourne in 1996 – to use any profits from the conference to provide funds for bursaries in the future via the local division of the Australian Law Librarians Group.

Journals

The journals published by our associations provide us with a forum for scholarly publishing, and keeping up to date. They are, in my view, essential reading, and subscribing to core³⁰ titles should be every law library's aim.

Lists

The organisations were often the bodies which established the early librarians' lists, and some of them still manage the closed lists which allow us to have frank discussions about the issues that confront us all.

³⁰ Law Library Journal (AALL); International Journal of Legal Information (IJLL); Canadian Law Library review; Australian Law Librarian; Legal Information Management (BIALL)

Networking locally and internationally

Joining the committees of these organisations is a key means of establishing a network of colleagues across the full spectrum of our profession, and of contributing back to the profession. Other forms of networking are achieved by attending the regular meetings held by local branches or chapters of the organisations, or participating in specialist sub groups, such as private libraries, or academic, or other special interest groups in larger countries.

Lobby

The organisations have all established committees to liaise on our behalf with the publishers, to try to establish a code of ethical behaviour, and to lobby on our behalf with publishers. They also play a role in lobbying government on issues of common concern. The most recent example was the role that the organisations took in having sections of the anti –terrorism legislation in the UK removed which could have held librarians accountable for the books borrowed by readers who became suspects in investigations³¹.

Liaise

It is necessary to have someone speak on our behalf with the national professional associations – for example, representing the ALLG when the National Library of Australia was reviewing its law collection, or when the LAA in the US, or ALIA, set up committees or groups to represent all librarians, the national law librarian organisation ensures that we have a seat at the table.

Issues

Library associations need funds to undertake services. The larger the membership base, the more can be achieved. In Australia we started with state based groups, and only in 1994 did we venture to a national body that received \$2.00 per member as seed funding.

The national group continues to be the poor relation of the State groups. Distance plays a part in this making it difficult to carry out national programmes of education, etc., but it may be time for Australians to think beyond State groups for the betterment of the profession. It may be that we need to charge our members a more realistic membership fee. To be a personal member of the AALL I pay \$260 USD, and £65 for BIALL (\$190 AUD) – this makes my \$40 for VLLG seem a bargain. It might be worth thinking not only about increasing this rate, but establishing a small secretariat service, possibly combining forces with the NZLLA.

Another source of funds is the publishers. They have designated parts of their marketing budgets to support our activities. We need additional funding to maintain reasonable registration fees for conferences, and to provide bursaries for our members. Working with them does not compromise us; it allows us to extend the range of services and assistance we can offer our members. We take assistance/sponsorship from all quarters. Problems would arise if we only accepted funding from one publisher and denied access to the others.

³¹ <http://www.cilip.org.uk/professionalguidance/terrorismbill/backgroundterrorismact.htm>

And the third issue was one raised by Roy Jordan recently in relation to the name of the ALLG. We first had the discussion in the mid 90's, and I think we should definitely be an Association – whether it is an ALLA or a LLAA will be up to members to decide. But we are well beyond being a 'group'³².

e) Sponsorship

Ethical issues

There are ethical issues in relation to sponsorship. Should we take money from those who sell us our core materials? I have already addressed the issue of the role publishers can play in supporting our professional organisations. In the days before global corporations, we knew that when we were dealing with a book publisher, the business the company was involved in was just that – book publishing.

Globalisation and expansion of companies has led to a situation where some publishers now own businesses with which we would prefer not to be associated. Reed Elsevier's recently acquired company, re-branded Reed Exhibitions, organised the Defence Systems and Equipment International exhibition last year; this event highlighted the difficulties we have in knowing the full extent of the business interests of the parent companies of our major suppliers, in this case, Lexis Nexis.

I would argue that it is important for us to be as aware as we can of these issues, so that we are not placed in a morally questionable position, but I also urge balance and reason in these dealings. We should raise our concerns, and our organisations can take up these questions if enough members are concerned. Individually it is more difficult to act; I think refusing sponsorship is not the answer, because in the end it hurts us, and has no influence on the corporation. If an issue of concern arises, and there is an agreed strategy, inspired by the membership, that, for example, boycotts selected products, such a scenario has real potential to influence the corporations.

Reasons for need for sponsorship

- **Conferences**

A conference with sponsorship can cover its costs and make some money for the organisation. A conference without sponsorship has to charge delegates full cost – and thus reduce the number of delegates attending. At the Joint Study Institute in Oxford in August, sponsorship for a couple of meals and a reception meant that we were able to keep the conference registration costs to £190. Without sponsorship delegates would have paid £250.

- **Funding for core materials/programmes**

Where donations can be received to support programmes in law schools, these should be welcomed. The Bodleian Law Library is proof that you are not diminished by carefully targeted signage and acknowledgement of support by benefactors. Without this support

³² Since presenting the paper, the Australian group has, indeed, changed its name to the Australian Law Librarians Association at its recent Annual Meeting.

our collection would not be able to maintain resources from the extensive range of jurisdictions we hold. It would also force us to cut paper holdings in favour of electronic, a path we are reluctant to take until we are forced to.

- **Special projects**

When librarians want to run an event, or publish a large print run, sponsorship can help keep costs down. For example, printed membership directories are expensive, but members still like them.

Having a sponsor does not compromise us – the world is no longer one in which we can ignore the reality that corporate funding helps make the world work, like it or not. Unfortunately there are not enough public funds to go around and do all the things that we deem ‘good’

Acknowledgment of support

If sponsorship is provided, it needs some recognition³³. This can be subtle, and in keeping with the level of support. Often, when asked, the donors do not need nor want banners and flags. Naming areas can be difficult I suppose, but in reality most of us could live with a ‘Corporate Name’ Reading Room if the funds provided us an endowment to secure material purchases for a number of years.

Firms

In firms, the issues are different – but in reality, billing time to clients is a way of underwriting the security of the library service, as it becomes a cost centre rather than an overhead.

In summary, we need to accept that libraries are no longer seen as necessary or core parts of the organisation. As long as those in charge think we shelve and stamp books all day, and that everything is free on the internet, there is a need to use other strategies to ensure the viability of the enterprise, and some form of self funding goes a long way to creating a different impression of the function of the library.

5) Our Future

Our role

The role changes - when you stop to think about it, you are most likely doing one or more of these jobs - manager, accountant, marketer, business specialist, teacher, knowledge manager, web publisher, lobbyist, staff management, being an ‘empowered’ employee – the role evolves. This is the future, and we have the skills to balance the various expectations of us from our varying audiences.

With increased networking online, most of us communicate via email, or MSN Messenger, or a host of other online formats such as Skype. It will become more and

³³ <http://www.ouls.ox.ac.uk/law/benefactors>

more important to ensure we network in person by travelling to conferences, undertaking staff exchanges, making new contacts, and expanding our virtual world.

As we know, libraries will not always be physical locations, but it is our role to ensure they continue to be real services, managing authentication for born-digital material; providing increased training to ensure our users search effectively, evaluate properly, and have a critical understanding of the value of the information they retrieve.

And some challenges

- Who will keep the last paper copy? As more and more institutions and firms abandon paper in favour of electronic, who will help fund the paper collections remaining in one or two institutions? In the UK, with Legal Deposit material being held at the Cambridge and Oxford Universities, there can be an expectation that the Law Library will do this – but does this apply equally in all countries? Who will bear the increasing storage and technical processing costs involved if these collections when they are held on behalf of a wider community than the home institution? Contrarily, despite moves to electronic courtrooms, and talk of a paperless society, a great deal of litigation seems to still rely on more and more paper.

Print repositories are a major response by many university and research libraries, with a 'single copy only' policy for a geographic community of participating libraries. Let's be subversive and remember at this point what happened to the collection of the ancient world at the great library at Alexandria.

What about countries with poor infrastructure, where the rule of law waxes and wanes, and there is no centrally stable and consistent political structure, or funding, available for digitisation of primary sources. Will the legal information divide between richer and poorer nations continue to grow? Who will own their documents once they are digitised by other bodies?

- We seem to be an ageing profession. In some countries there is the challenge of recruiting and mentoring and inspiring staff to ensure ongoing strength of the profession - in July 2006, the LawLib Directors list in the USA listed 15 directors positions coming free due to retirements or consequential vacancies.

The profession may need to look at applicants from a wider group of information workers, and encourage and train them to our specialisation. Career paths, expectations of younger librarians, and the challenge to allow movement between academia and law firms are issues we need to address in all jurisdictions.³⁴

- Role in open access initiatives - this movement is over a decade old and gaining in strength and support. Will the growth by pass libraries and librarians?

³⁴ IMLS Study on the Future of the Library Workforce Panel on Law Libraries 2005
http://libraryworkforce.org/tiki-page.php?pageName=individual_papers (law libraries)

Academic institutions are taking the lead in Open Access³⁵ e-print initiatives. Over 30 law journals have signed up to the Open Access pledge – we have a role disseminating this information to the lawyers, and encouraging them to use this avenue when publishing. Oxford E prints³⁶ was a library initiated project which has pre-prints from many disciplines. Major publishers have signed up to the Open Access Initiative..

- Funding models - How long will universities, governments and law firms support the expense of a law library, physical or virtual? What new funding models do we need to embrace to sustain our role? Are we to be consigned to “20th century altruism along with flower power and peace, man”? Will we have to team up with corporations, are libraries to be part of the public/private partnership scene?

Whilst we need to think the unthinkable and be prepared for anything, the good news is that libraries and librarians have been around for several thousand years. More and more libraries will operate in virtual space, although the hybrid library will still be the norm for a while to come.

Provided that we continue to adapt to, and adopt, relevant changes, we will continue to play a part, and even help shape, our digital future. We are the human interface to the collections, ‘e’ or otherwise. We have morphed from a traditional role to be early adopters of database technology; and now, thanks in part to two young computer savvy library users at Stamford, who thought outside the square³⁷, we are seeing the world become the sort of place librarians dream of, with information freely available to all. And we’ll be around to organise getting the best out of the web.

We should be rejoicing in these developments, and shouting from the treetops that we did it first, and we helped develop the standards, and we will continue to maintain them. Our ongoing role will be to be the interface with our readers to make this all organised, seamless to them - and be happy to hitch a ride on this globalised bandwagon.

Conclusion

In law librarianship, the issues are common wherever we are based geographically. I believe that we are a profession with adaptable and transferable skills, and being in a profession that is exciting, varied, and challenging, we will continue to have a valid, varied role to play in the legal information cyberworld of the future.

Law librarianship is thus a moveable feast – it is with you always, and wherever you may find yourself

³⁵ <http://www.eprints.org/openaccess/> ;
http://www.jisc.ac.uk/publications/publications/pub_openaccess.aspx

³⁶ <http://eprints.ouls.ox.ac.uk/>

³⁷ Larry Page and Sergey Brin, founders of Google

APPENDIX – Law Library Heroes

Colleagues create free to air internet based services we all can share, eg:

All the Legal Information Institutes, - <http://www.worldlii.org/>

GLIN, <http://ials.sas.ac.uk/library/flag/flag.htm>

FLAG, <http://ials.sas.ac.uk/library/flag/flag.htm>

Intute - <http://www.intute.ac.uk/socialsciences/law/>

Int law – Lyonette Louis Jacques - <http://www.lib.uchicago.edu/~llou/> ;

LLRX - <http://www.llrx.com/> ,

Globalex, - <http://www.nyulawglobal.org/globalex/>

BeSpacific - Sabrina Pacifici, - <http://www.bespacific.com/>

Virtual Chase - Genie Tyburski -- <http://www.virtualchase.com/> ,

Cindy Chick - <http://www.lawlibtech.com/>

Law blogs, eg SLAW – www.slaw.ca ,

Connie Crosby - <http://conniecrosby.blogspot.com/>

Washington & Lee Law school - <http://law.wlu.edu/library/CLJC/explanation.asp>

Tarlton Law Library, U. Texas journal contents/alerts -

http://tarlton.law.utexas.edu/tallons/content_search.html

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