

## *Practicing Reference . . .*

### **On Fun\***

Mary Whisner\*\*

*While acknowledging the many scholarly and thought-provoking contributions that Bob Berring has made in the areas of legal information and law librarianship, Ms. Whisner suggests that his ability to also make them fun is of equal, if not greater, importance.*

¶1 The symposium in this issue of *Law Library Journal* focuses on ideas spawned or inspired by the writing of Robert C. Berring.<sup>1</sup> The contributions examine lofty themes (the importance of context to legal research<sup>2</sup> and the nature of authority<sup>3</sup>), as well as critical questions of practice and policy (how legal research should be taught<sup>4</sup> and whether legal research should be tested on the bar exam<sup>5</sup>). In this essay, I'd like to focus on something a bit lighter but no less significant. I'm speaking of what might be Bob Berring's biggest contribution to legal research instruction and law librarianship: making them fun. Berring's playful approach to his work has not only entertained, but has also worked hand in hand with his intellectual contributions.

¶2 The unfortunate truth is that legal research is not inherently fascinating to everyone. In fact, it is quite possible to make a presentation or article about it supremely boring—dull as ditchwater, dry as Death eating a cracker, a regular snoozefest. We insiders know, of course, that it is important, and we are intrigued by some of the arcana of legal bibliography but, let's face it, it can be tedious. I've

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1. Symposium, *Legal Information and the Development of American Law: Further Thinking about the Thoughts of Robert C. Berring*, 99 *LAW LIBR. J.* 191, (2007).
2. See Barbara Bintliff, *Context and Legal Research*, 99 *LAW LIBR. J.* 15, 2007 *LAW LIBR. J.* 249.
3. See Richard Delgado & Jean Stefancic, *Why Do We Ask the Same Questions? The Triple Helix Dilemma Revisited*, 99 *LAW LIBR. J.* 307, 2007 *LAW LIBR. J.* 18; Ethan Katsh & Beth Noveck, *Peer to Peer Meets the World of Legal Information: Encountering a New Paradigm*, 99 *LAW LIBR. J.* 365, 2007 *LAW LIBR. J.* 20.
4. See Roy M. Mersky, *Legal Research versus Legal Writing within the Law School Curriculum*, 99 *LAW LIBR. J.* 395, 2007 *LAW LIBR. J.* 22.
5. See Steven M. Barkan, *Should Legal Research Be Included on the Bar Exam? An Exploration of the Question*, 99 *LAW LIBR. J.* 403, 2007 *LAW LIBR. J.* 23.

dozed off reading a research text—haven't you? To Bob's lasting credit, he has made serious bibliography and epistemology more accessible by making them fun.

¶3 When I was a first-year law student, I saw an announcement for a short series of lectures about legal research, and I went. As I recall, there were a lot of us in that classroom, because of our early-1L willingness to show up and do what we were told would be good for us. The speaker was Bob Berring, with a shaggy brown beard and an irreverent approach to his subject. It was clear that he thought that the arrangement of legal information was fascinating and powerful—but he also cautioned us about relying too heavily on the organizational schemes developed by a stationery salesman who thought that Oklahoma was a Pacific state. I can't claim that all of my classmates were equally entertained, but I was sufficiently impressed by this guy who was both smart and fun that I looked up his profile and mentally filed away the fact that one could have a career as a law librarian.

¶4 One of our greatest challenges in research instruction is getting and holding an audience. Bob has met that challenge at Boalt, the law school of the University of California, Berkeley, filling classrooms year after year with students eager to take his advanced legal research class. Some of the enrollment can no doubt be attributed to students' realization that they have very poor research skills which need to be improved if they are to succeed in their law jobs. But I'm sure a large part is due to Bob's charm, as well as to his freewheeling assignments.<sup>6</sup> Many students must find it *fun* to be told to write a pathfinder about any darn thing that grabs them. It must be liberating to have a research expert stand up and say that your first goal is not to do everything the hard way but to *find someone who's done the work for you*.<sup>7</sup>

¶5 He took his act outside his own school by creating the now well-known legal research video instructional series, *Commando Legal Research*, in 1989.<sup>8</sup> The tapes themselves featured a man with a conservative navy blue jacket and trimmed beard, but the title and the marketing poster (Bob in his best *Rambo* garb,<sup>9</sup> ready to leap into the legal research fray) indicated that this guy did not take himself too seriously. Within the tapes, he often illustrated research techniques with anecdotes that helped the lesson stick. Now he has moved on to newer technologies: a two-DVD set supplemented with podcasts.<sup>10</sup>

¶6 Bob's humor is humane. He values people and relationships, as well as good work and intelligence. This surely comes across in his reference work, not just in his teaching. Outside either reference or teaching, he has been famous at Boalt for

6. Bob teaches the class with Kathleen Vanden Heuvel and Michael Levy, and I imagine their reputation in the school influences students' choice too.

7. Translated into a stodgier lecture style, this would be: "Many researchers find it helpful to begin their projects with a survey of secondary sources, to achieve the benefit of writers' analysis and research."

8. BOB BERRING'S *COMMANDO LEGAL RESEARCH* (Legal Star Communications 1989).

9. Could it be that those were someone else's impressive biceps in that poster? Oh what skeptics we have become in the age of computer-generated graphics.

10. ROBERT C. BERRING, *BERRING ON LEGAL RESEARCH: DEEP PRINCIPLES FOR RESEARCHING AND UNDERSTANDING THE LAW* (2006); Berring's Legal Research Podcast, <http://www.berringlegalresearch.com/podcast.asp> (last visited Jan. 14, 2007). He also continues to take his act on the road with the very old technology of in-person lectures to law firms.

I wondered whether Bob's charm might be limited generationally. After all, when I was a 1L and first heard him lecture, he was only five years out of law school himself. Would Generations X and Y

his persona (shared with Kathleen Vanden Heuvel) of Uncle Zeb, who responds to law students' questions about law, life, and romance with offbeat humor and good-natured advice.<sup>11</sup>

¶7 Perhaps what drives Bob's ability to make a legal research lecture or a professional panel fun is that he really does seem to enjoy his work. He says that librarianship is "the last truly service-oriented profession" and he has "never found a better gig."<sup>12</sup> Moreover, he finds teaching to be "an exhilarating and enlightening experience."<sup>13</sup> He's having a good time, and he'd like everyone else to have a good time too. Would that we all could catch that bug!

¶8 Although I appreciate Bob's role in shattering the stereotype of the mousy, dull, tedious librarian for thousands of students and lawyers, I don't want to suggest that the stereotype ever was true. There were certainly law librarians who could have fun before Bob came on the scene. Even now, years after Marian Gould Gallagher retired, older law school alumni tell me what a great raconteur she was.<sup>14</sup> And there are certainly law librarians around the country today who use humor and a light touch to help their patrons, their students, and themselves have a good time while doing the serious work of legal research. But Bob stands out, and for that I salute him—and thank him.

respond as well to this Baby Boomer? He is, after all, burdened with "a 20th Century mind." Robert C. Berring, *A Few Parting Words*, 1 GREEN BAG 2D 227, 227 (1998). So I've been very pleased with the inclusion in his podcasts of a bright and engaging 2L named Meghan Corman, who serves as a link to the newest generation of legal researchers. For instance, she said in the first podcast (Sept. 1, 2006) that she has never seen a print digest, but in her summer job she found it was incredibly helpful to use the topics and key numbers in Westlaw to find cases on a given issue.

11. The advice has been termed "irreverent and often absurdist." Charles Burress, *Interim Boalt Law Dean Is 'Uncle Zeb'; UC's Choice Also a Student Favorite*, S.F. CHRON., Dec. 12, 2002. For a sample of Zeb's oeuvre, see Best of Zeb '98 (Craig Broscow ed., 1998), <http://www.boalt.org/zeb/1998/bestofzeb/zebsbest.html>, reprinted in THE BEST OF ZEB 1995–1998 (Craig Broscow ed., Green Bag Special Edition, 1999), available at <http://www.greenbag.org/Zeb.pdf>. See also Tung Yin, *Really, Who Is Uncle Zeb?* 3 GREEN BAG 2D 115 (1999); Uncle Zeb, *The Best of Zeb—1999 Pocket Part*, 3 GREEN BAG 2D 118 (1999).
12. Robert C. Berring, *Librarian Odyssey: How I Became a Law Librarian*, in Christopher Vallandingham, *Propagating the Species: Will Librarians Go the Way of the Dodo Bird?* AALL SPECTRUM, Feb. 2003, at 16, 17 (sidebar).
13. Office of Educ. Development, Univ. of Cal., Berkeley, What Good Teachers Say About Teaching, Robert C. Berring: Law (1993), <http://teaching.berkeley.edu/goodteachers/berring.html>.
14. Mrs. Gallagher died in 1989, less than a year after I started working at the Marian Gould Gallagher Law Library, so I only met her a few times. For more, see Pegeen Mulhern, *Marian Gould Gallagher's Imprint on Law Librarianship—The Advantage of Casting Bread Upon the Waters*, 98 LAW LIBR. J. 381, 2006 LAW LIBR. J. 20.

Mike Chiorazzi was one of four students in Mrs. G's last class of law librarianship students. Bob Berring was already in town, succeeding her as director of the library, so he sat in on the last two courses:

Here were two professionals who took their work, but not themselves, very seriously. Each took turns being straight man/woman for the other. Each class had the same basic form: a little banter, followed by some more banter, ending with some final banter. I was having so much fun listening to them that it wasn't until I went home for the day that I realized how much I had learned. Their humorous anecdotes all had points. Through it all, the importance of what we do as law librarians was never lost. It didn't matter if the subject was collection development, reference service to pro se patrons, or cataloging; they found humor, value and dignity in the work and the people with whom they worked. They never told us the importance of doing our work well, but it was made clear through their example. For all their intelligence, the real keys to their success were hard work and decency.

Mike Chiorazzi, *A Changing of the Guard*, LEGAL REFERENCE SERVICES Q., 1999, no. 1, at 1, 1–2.