

## *Practicing Reference . . .*

### **Just Looking\***

Mary Whisner\*\*

*While acknowledging that much of what librarians do is research focused on answering specific questions, Ms. Whisner suggests that there are virtues in being a “just looking” shopper of legal information. Browsing through resources such as blogs, Web sites, and newsletters allows librarians to build knowledge about what’s available and to identify items that can be shared with patrons, colleagues, and themselves.*

¶1 The research of librarians is generally very focused, directed at answering specific questions. “Can assault be a predicate felony for purposes of felony murder?” “Is there a recent English translation of the Dutch inheritance law?” “Where can I get a copy of \_\_\_?” Lawyers’ and law students’ research is also focused, even if the questions are broader, like “What are our client’s potential causes of action and defenses?”

¶2 But some of our research work is not so focused. In fact, without a particular question, we might not even call it “research.” It is analogous to when shoppers go into stores without knowing precisely what they will buy, if anything. When a clerk approaches one of these shoppers and asks to help, the shopper often replies, “Oh, no thanks—I’m just looking.” If the shopper has a particular goal—whether finding a decent pair of black slacks that fit or a fluted ceramic quiche pan—he or she might be happy to accept help in finding the item. (Some shoppers might still prefer to find things themselves.) But some shopping doesn’t have a specific goal. That doesn’t mean there is *no* goal—just not a specific goal. “Just looking” can serve goals such as: “I want to explore what’s on the sale racks and see if anything appeals to me” and “I’d like to see whether anything seems like a gift that any of the several people on my list might enjoy.” So just as librarians might do this sort of shopping in a bookstore—to see what’s new, what has a “staff picks” note, what’s remaindered—they also browse in the stores of legal information.

¶3 Now, even when shoppers don’t have narrow goals, they still do target their browsing. If I’m looking for possible gifts for my brother, my sister-in-law, my partner, and my aunt, I don’t go to a cigar store, because none of them smokes; I

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don't go to Baby Gap, because they are all adults; I don't go to Abercrombie & Fitch, because people on my list don't wear their clothes (and anyway, the music at A&F annoys me); and I don't go to Tiffany's, because I couldn't afford to buy anything there. Likewise with law. I find that I spend time "just looking"—but usually my browsing is in certain areas, along certain paths. When I stop and linger over something I see, it's because it seems appropriate for someone on my list. (As with my Christmas shopping, sometimes *I* am the person who will most enjoy something I pick up.)

¶4 Answering the questions that come up is a higher priority than browsing. If a professor wants me to search for articles or a patron asks for help in locating a statute, then, of course, that's where I turn my attention. But looking around without a specific target has value too. First, it enables me to prepare for questions to come: if I'm aware of topics in the news or recent scholarship, then I am better equipped to assist when someone asks me about them. Second, it helps me to provide current awareness service to my community—in a way, answering questions they haven't asked yet.

¶5 Just as meandering through a mall can be overwhelming, sampling the great mass of information churned out daily in law and related fields is also overwhelming. So I have some "shops" I visit regularly (and others I bypass) and, while I'm looking, I keep in mind some types of merchandise I'd like to pick up. Since I started a blog about trial advocacy (Trial Ad Notes, <http://trialadnotes.blogspot.com>), my browsing eye is on the lookout for news and scholarship in that area. To that end, I go to places where I'm likely to find it: the American Bar Association's Web site ([www.abanet.org](http://www.abanet.org)), my local bar publications,<sup>1</sup> the state attorney general's press releases,<sup>2</sup> relevant professional organizations and agencies,<sup>3</sup> and other trial practice blogs.<sup>4</sup> Meanwhile, I often take a look at (or listen to) general news and legal news sources<sup>5</sup> and podcasts,<sup>6</sup> as well as current awareness sources for law librarians.<sup>7</sup>

1. *E.g.*, *Washington State Bar News*, published by the Washington State Bar Association; *Bar Bulletin*, published by the King County Bar Association.
2. *E.g.*, Wash. State Office of the Attorney General, AGO Press Releases, available at <http://www.atg.wa.gov/pressreleases.aspx> (last visited Apr. 5, 2007).
3. *E.g.*, National Center for State Courts ([www.ncsconline.org](http://www.ncsconline.org)); Federal Judicial Center ([www.fjc.org](http://www.fjc.org)); American Association for Justice (formerly Association of Trial Lawyers of America) (<http://justice.org>); Administrative Office of the U.S. Courts ([www.uscourts.gov](http://www.uscourts.gov)).
4. *E.g.*, Illinois Trial Practice Weblog ([www.illinoisrialpractice.com](http://www.illinoisrialpractice.com)); South Carolina Trial Law Blog ([www.sctriallaw.com](http://www.sctriallaw.com)); Public Defender Stuff (<http://pdstuff.blogspot.com>); Injustice Anywhere . . . (<http://injusticeanywhere.blogspot.com>); Arbitrary and Capricious (<http://skellywright.blogspot.com>); Deliberations (<http://jurylaw.typepad.com/deliberations>).
5. *E.g.*, local newspapers and newspapers with strong national coverage, such as the *New York Times* and the *Washington Post*; National Public Radio; Jurist (<http://jurist.law.pitt.edu/>); Law.com (<http://law.com>).
6. *E.g.*, Justice Talking ([www.justicetalking.org](http://www.justicetalking.org)); Legal Talk Network ([www.legaltalknetwork.com](http://www.legaltalknetwork.com)).
7. *E.g.*, BeSpacific (<http://bespacific.com>).

¶6 Even the most avid shoppers do not visit their favorite stores every day and when they do, they don't examine every item on every shelf or rack. Similarly, I don't visit my favorite Web sites or scan my favorite print sources every day. When I do check a site or source, I don't read everything. This actually is a bit of a challenge for me, since I'm not a natural skimmer. I tend to read books from the preface all the way through to the end, and I've never been much good at managing newspapers and magazines, because I get drawn into too many articles that I read too thoroughly. But somehow, in the online medium, I have developed the ability to scan headlines and skip over lots of articles, selecting just a few to read more carefully. (When I was in college, I knew a woman who could walk briskly down the aisle of a thrift store with one hand brushing the sleeves of blouses and find the one silk blouse among a throng of synthetics.)

¶7 Once I find something I might put in my metaphorical shopping cart, I have to think about whom on my list I might give it to and how I'll wrap it. The first question relates to a basic issue for librarians: who are our patrons? In collection development, we have to think about who will use the books and other materials we buy. If we are planning a training program, we have to think about who might come and what would interest them. Because of my blog, when I go out "shopping," I'm looking for material that would be appropriate for that—news, scholarship, cases, etc., related to trial practice, judges, the court system, and so on. The people on my list are the audience I imagine for the blog—the law students and faculty who were the original intended audience and with whom I've talked about the blog, and the readers from outside the law school who find it one way or another.

¶8 But when you're shopping for your friend Nancy, you sometimes come across something that would be perfect for Aunt Patty. That happens when I'm shopping for information, too. When I'm scanning my sources looking for something good for Trial Ad Notes, I often happen upon something I send to individuals or groups. I'll forward this piece about time management to the part-time lecturer who teaches a class on solo and small firm practice; this news item about a prosecutor's conflict of interest when she had written a novel similar to the case she was prosecuting would be good for the professional responsibility professors; this report on jury awards in medical malpractice cases would interest the health law professors; the assistant dean for career services should see this story about the changing values of law firm associates. Some of the items I send to individuals or groups also make it into the blog (I might even just send them a link to the blog post), but others do not. One of the health law professors subscribes to the blog, so now I don't have to remember to send her separately the health-related trial items I post.

¶9 This gets me back to the question: who are my patrons? From the examples, you can see that faculty figure large. The more I know about their research and teaching interests, the more effective I can be in my current awareness service.

(Who on the faculty would care about the growing prominence of IP litigation? Sean? Bob G.?) But I also include others. For instance, after I spoke with a student about the law review piece he was writing about the Spokane Archdiocese's bankruptcy, I sent him a news item about the San Diego Diocese and the citation to a law review article on a related topic. Once in a while I'll send something to a graduate or a friend outside the law school, too. So my patron base starts in my own institution with the high-priority group of faculty, but it includes students and others when I know of their specific interests. I think that sharing information with these patrons—internal and external—is valuable. They are all busy people, coping with a vast information universe, and the things I send are (I hope) useful to them.

¶10 How to package the information “gift” is the next question. When I send something to an individual, I may hardly wrap it at all—I just e-mail the link with a skimpy note (“Thought you’d like this—Mary” or simply “fyi—mw”). Even when I post to the blog, I sometimes let a headline speak for itself; readers click on the link if they want to read more. But usually I write a summary to highlight what I think is most interesting. And I often make the “gift” more attractive by pairing it with other items: for instance, “here’s a news story about a case and here’s a link to the Ninth Circuit opinion it’s discussing,” or “here’s a news story about a legal trend and here are some related law review articles.”

¶11 Reference librarians aren’t the only ones who can benefit from good browsing skills. I think of students assigned to write seminar papers. They can’t research (in the narrow sense of answering specific questions) until they have topics. And one way to come up with a good topic is to browse in likely “shops” until they see something that catches their eye. We librarians can help them with this process. We know the layout of the mall and good techniques for finding the bargains (the “bargains” in this context being the sources that can quickly help them get up to speed in an area and follow new developments). First-year students don’t need to know about current awareness sources like newsletters and the *Current Index to Legal Periodicals*—but when second- and third-year students are casting about for paper topics, they do. Law students are comfortable using Google, but they often don’t know how to find blogs that cover news in their areas of interest. They might know about searching newspapers in LexisNexis and Westlaw, but not know that they can set up searches to automatically check for new stories on their topics each day or week. We can teach them our skills as browsers. And then, of

course, once they have their topics, we can help them with research, pursuing more and more focused questions.<sup>8</sup>

¶12 Shoppers who are “just looking” aren’t merely killing time. They can be building knowledge about the range of merchandise available as well as finding trinkets—or gems—for themselves or to offer to friends. Researchers who take a break from researching narrow questions and instead wander the aisles of legal information stores also build knowledge about what’s available and find trinkets—or gems—to offer to patrons, colleagues, and themselves.

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8. Recently I spoke to the students in a seminar on critical race theory. As usual, I encouraged students to contact us in reference anytime they had questions. Afterwards, one said to me that she sometimes doesn’t stop by the reference office because she doesn’t know what to ask. I encouraged her to stop by anyway. I think her uncertainty about “what to ask” relates to this issue of learning to browse: she knows how to ask for help when she’s looking for document X or cases on topic Y; it’s just hard to ask for help when she wants to learn more about what’s out there. She needs to learn what stores are likely to have products that appeal to her and will come in handy for this seminar and other purposes.

Another student recently came to me with narrow questions: what “U.S.P.Q.” stands for and whether he needs to give it as a parallel citation. I showed him *United States Patents Quarterly* in print and said that, in some contexts (e.g., in-house memos), the parallel citation would be a convenience for practices that subscribe only to the specialized reporter. Since he told me he has a summer job in a firm that specializes in intellectual property, I took him to see what’s new in the stores this season: BNA’s Web product and the e-mail newsletters that he can get as part of our subscription—a great way for him to expand his knowledge of IP issues. He said he’d try the *Patent, Trademark & Copyright Journal* (I cautioned him that the *Patent, Trademark & Copyright Daily* might be overwhelming). So in this interaction, I helped him with the specific items on his shopping list and also led him to some guided window shopping. He didn’t know to ask “Is there a weekly newsletter surveying developments in intellectual property?” but once I showed it to him he saw how useful it could be.