

Private Law Librarians: Do You Have A Future in Records Management?

by Warner Miller

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Increasingly, private law librarians, especially law firm and corporate librarians, are called upon to perform records management functions. Management taps the librarian to serve as the new head of the records department to make more efficient use of the librarian's managerial skills. Why not have one professional manager oversee both departments, particularly when that one person has many of the core competencies central to both disciplines (an understanding of information management theory, database skills, experience with circulation systems, etc.)? In addition, the library manager will have performed many of the administrative tasks required of the records manager (budgeting, negotiation of vendor contracts, hiring and training, space planning, and statistical analysis).

The strong service orientation common among library managers also makes them attractive candidates. One librarian/records manager of my acquaintance was selected to manage her firm's records department largely because the firm felt confident that she could inspire a stronger customer service orientation among records department personnel.

Hence, your law firm or corporate legal department may well ask you to assume responsibility for the records department. If confronted with such an opportunity, a flood of questions will beset you. "Do I need formal training in records management? Where can I turn for advice and resources? How will I balance the needs of the two departments? Will I like it?"

The purpose of this article is to offer some practical answers to these questions, based upon the experiences of some law librarians who have also managed records departments. In preparation for this piece, I posted an inquiry on the law-lib listserv, asking law librarians who had worn a records management hat to share their experiences with me.

How Does Records Management Compare with Librarianship in the Private Law Firm?

A law firm's records system is similar to managing a library in at least two basic respects. You need a well designed classification system that will enable you to locate items in your collection. You also need a reliable check-in/check-out procedure so that, when an item is missing from the "collection," you can quickly identify the person to whom it is checked out.

There are, however, several important differences between a law firm library and its records management department. First, the records department is responsible for maintaining ready access to internally generated, one-of-a-kind items. A librarian can borrow or buy another copy of *Prosser*

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& Keaton on Torts if the library's copy is missing. Generally, however, there is no way to beg, borrow, or steal another copy of a missing litigation file. Thus, a records department will lose credibility quickly if it cannot readily account for the location of critical files. By contrast, library patrons are generally more tolerant of the librarian's inability to locate a missing volume of the *Federal Register*.

Second, some records management functions are much more time-sensitive than most library functions. For example, a law firm's records department is often responsible for conflicts-checking. A conflicts check must be performed quickly

and accurately to ensure that no conflict of interest will arise from the representation of a prospective client. The firm may lose the client if the conflict check is not performed rapidly. The firm may be sued for malpractice if the check misses a potential conflict with an existing client. Thus, those performing these tasks work under considerable time pressure. Then, of course, there is also the litigator who asks at 8:30 a.m. for a missing pleadings file that he needs for an oral argument scheduled at 9:00.

Third, the records department simply cannot do its job well without close cooperation with its customers. A law firm library, by contrast, can function comparatively well with little direct assistance from other departments. A conflicts check, for example, may fail to reveal a potential conflict between an existing client and a prospective client if the attorney or secretary who completes the "new matter" form fails to list all related parties or to spell their names correctly.

Do I Need Formal Training?

None of the law librarian/records managers I spoke with had pursued the CRM (Certified Records Manager) certification recognized by the American Association of Records Managers (ARMA). There are, of course, law librarians who do have the CRM certification, but they are a rare exception.

The librarians I interviewed generally agreed that their education and training in information management provided an adequate foundation for learning the skills necessary to assume records management responsibilities. Some specifically commented that they had found cataloging concepts such as authority control, cross referencing, and multiple access points, for example, to be useful in understanding and implementing records

A Desktop Learning Opportunity



management systems. Generally, these new records managers felt that the tasks at hand were: 1) to assess their employer's particular records-management needs, and 2) to make an existing system work better or design a better system to meet those needs. As one librarian/records manager put it, "It was not difficult to learn the basics and develop those systems that worked for us."

Where Can I Turn for Advice and Training When I Need It?

Although you probably don't need to enroll in a formal records management training program, you will almost certainly need supplemental education and advice. As one librarian/records manager put it, "Knowing that a classification system is important doesn't teach you how to build one."

Records management systems range from manual systems workable for relatively small firms to high-powered records management software, such as ACCUTRAC Software and the ELITE Records Management System. Such electronic systems perform indexing and bar code tracking functions and can also automate docketing, conflict-checking, and document retention procedures. Some records departments are beginning to employ image-processing technology.

You may need additional training if, for example, your firm asks you to coordinate the conversion of a manual records management system to an electronic system. Or, you may be required to plan and execute a migration from one electronic system to another. Such projects are technically challenging, even for the sophisticated records manager.

There are also legal issues confronting the records manager that simply do not arise in law librarianship. How long, for example, is the firm legally required to preserve certain types of information? As a records manager, you may be asked to develop document retention schedules for client files, accounting records, and other administrative materials.

All of the librarians I spoke with suggested joining ARMA, the American Records Management Association (<http://www.arma.org>). Several librarians

highly recommended attending ARMA's annual meetings for lectures, workshops, and exhibit hall. ARMA supports industry-specific special interest groups, including one for records managers in the legal profession. There are local ARMA chapters in many cities, some of which offer mini-seminars and workshops. ARMA's *Records Management Quarterly* discusses the practical concerns and challenges confronting the profession. Other ARMA publications include practice-oriented monographs such as *A Report on Issues Surrounding Retention of Client Files in Law Firms* (1993) and *Converting from a Manual to an Automated System* (1992).

AALL's Private Law Library (PLL) Records Management Group is also an excellent vehicle for networking with other law librarian/records managers. At this year's AALL Annual Meeting in Anaheim, the PLL Records Management Group will sponsor a workshop, "The Challenge of Records Management: New Horizons for Private Law Librarians" (Workshop W-2, to be held on Saturday, July 11, from 9 to 5).

There are also a number of listservs for records managers, including RECMGMT (send your "subscribe recmgmt your name" request to "LISTSERV@LISTSERV.SYR.EDU") and LEGALREC-L (send your "subscribe legalrec-l" request to "LISTSERV@NETCOM.COM").

Finally, there is, of course, a wealth of published literature on records management. One librarian/records manager recommended reading "everything you can by Skupsky." Some of the titles authored by Donald S. Skupsky include *Legal Requirements for Business Records: Guide to Records Retention and Recordkeeping Requirements* (1984-, looseleaf) and *Recordkeeping Requirements: the First Practical Guide to Help You Control Your Records—What You Need to Keep and What You Can Safely Destroy* (1994).

Other useful titles include *Records Management and the Library* (1993) by Candy Schwartz and Peter Herson, a highly practical work, although not geared specifically to the law firm or corporate legal department. The Rutter Group's *California Practice Guide: Law Practice Management*, by Karen Kadushin,

has a detailed, practice-oriented chapter on "Records Management Systems." Although written for the California practitioner, this book would be useful for anyone getting started in records management for law firms.

Do I Have Enough Staff with the Right Stuff?

A private law librarian can manage both the library and records, but not without excellent staff to handle most, if not all, of the day-to-day functions of the two departments. As the manager of two departments, you will have your hands full with administrative reporting, planning, budgeting, human resources issues, etc. Depending upon the size of your organization, you may even need to hire an experienced records specialist as a first-line supervisor. This person would train new staff members, consult with you on automation questions, and fill in for records staff during vacations, sick leave, etc.

Records department personnel must, of course, be conscientious and detail-oriented. As one records manager told me, the best people for this kind of work are those who "love to have their ducks in a row." On the other hand, the superior records management personnel take the initiative to question whether existing procedures can be made to work more effectively.

Finally, records personnel need well developed interpersonal skills and a strong service orientation. More than one librarian/records manager told me that her records staffers felt, by turns, overlooked by the firm and unfairly blamed for problems that were not their fault. Typically, the "patrons" of records are primarily secretaries and clerks. Many of these people work under constant pressure over which they have little or no control. The unfortunate records staffer who cannot readily find a requested file may become a "safe" target for a lot of pent-up frustration. Accordingly, diplomacy and a sense of humor are important survival skills in a records staffer.

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Will I Like It?

My interviews suggest that those librarians who enjoy wearing both hats are those who (1) have enough time and support staff to do justice to both roles and (2) seek administrative responsibility. Several librarians ultimately left records management because they felt that it was taking them away from the work they love. One librarian, for example, missed the intellectual stimulation of reference work and found "pushing paper" to be unsatisfying.

Records management, however, has become much, much more than filing and circulation. Serving as the records manager of a law firm or corporate legal department is a highly responsible,

intellectually challenging role. Increasingly, the job requires sophisticated database management skills. The politics of the job demand well developed diplomatic skills.

Conclusion

Records management is a critical function within the law firm or corporate legal department. With sufficient support, the law librarian can run a highly effective records department. To succeed, the librarian/records manager must strike that difficult balance between delegating appropriately and remaining sufficiently engaged to advocate and plan well for both departments. Unless your firm is extremely small, you must be prepared

to let go of many of the functions that formerly defined you as a librarian (daily reference work, for example).

Some librarian/records managers become dissatisfied with the dual role, feeling that they lack sufficient support or that the work itself is unsatisfying. Other librarians, however, see the dual role as an opportunity to expand their horizons as information resource managers. This is an exciting time to be a records manager, for many of the same reasons that this is a dynamic and challenging time to be a law librarian.

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