

Disintermediation Brings Law Librarians and Law Publishers Together

by Mark E. Estes and Kay M. Tadd

AALL has sponsored several colloquia that have brought together law librarians and legal publishers to explore areas of mutual interest and to create an ongoing dialogue. The first, in 1994, focused on electronic information and included 18 librarians and 13 legal publishers. It was followed by two other conferences.

Planning for Substance

In 1997, President Judy Meadows assembled a committee composed of AALL Past Presidents Albert Brecht, Kay Todd, and Mark Estes, and Ken Halajian, Vice President of Matthew Bender, to plan the 1998 symposium. AALL Executive Director Roger Parent and Director of Programs Martha Brown were also enlisted for support. A meeting was held to plan a

and potential outplacement for librarians who may be perceived as unnecessary.

The fourth colloquium, was held Thursday and Friday, April 2 and 3, at the McDonald's Lodge in Oak Brook, Illinois. The Lodge provided pleasant surroundings with understated distractions so that participants could focus on the challenges facing law librarians and legal publishers.

The attendees included 15 law librarians and 17 representatives of legal publishers. Over a day and a half, the group considered the issues, and in large and small group discussions created a list of "next steps." Joint publisher-librarian task forces will address each of these, and propose to the colloquium planning committee a means of resolution or remediation. "The task

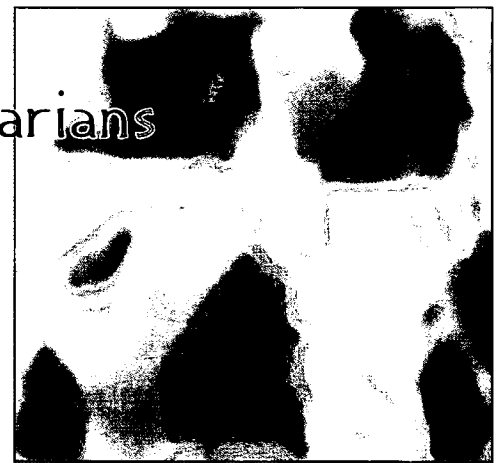
forces are specifically, rather than broadly, charged and we expect successful outcomes from each," said President Judy Meadows.

The librarian attendees of this 1998 meeting were chosen for their interest or experience in end user training and the role of the law librarian in this environment.

The legal publishers included those involved in electronic product development, as well as those who work with the law library community. In advance of the meeting, each received a packet of required readings on cyberspace and traditional media, changes in electronic information since 1977, and disintermediation. (See the box on page 10 for the bibliography.)

The New Information Seeker

The meeting began with a keynote presentation, "Disintermediation in an Emerging Information Age," by Professor C. Olivia Frost (Ph.D., Professor and Associate Dean at the University of Michigan School of Library and Information Services).



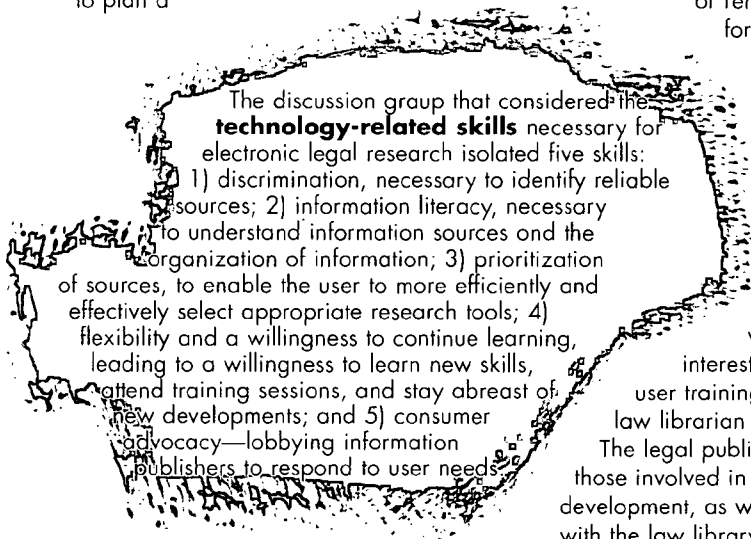
She discussed how technology has broadened the audience of information seekers. It is no longer necessary to physically go to the collection that is digitized. And, with digitization, the material is accessible to more—at least in facsimile. For many in this broader audience, information seeking has become entertainment as well as purposeful. Information seekers now browse Web pages in much the same way that people browse the shelves: moving toward a particular site, but stopping along the way.

These two factors—a broader and geographically dispersed audience, and one that is accustomed to information seeking as entertainment—describe a significant challenge facing information providers. Researchers must remember that it is necessary to change the seeking mode from surfing the Web to purposeful, planned searching.

That challenge, coupled with the fact that information consumers want to be more informed and participate in decision making once left to the professional, places greater demands on lawyers, law librarians, and publishers to respond to consumer demands.

Following Frost's presentation, the full group was led by facilitator Rose Marie Clemendot (Law Library of Congress) in brainstorming the issues. This brainstorming generated 80 ideas and issues, many of which were discussed in small group sessions over the course of the next day. Energized by the brainstorming session, the participants were ready to focus their discussions.

First, three discussion groups worked to identify the key elements of the following topics: adult learning preferences and their impact on electronic product design; basic technology skills necessary for effective legal research; and disintermediation and its impact on research skills. (See the box on this page for the technology skills.)



program whose focus would be compelling to both the publishing community and AALL's members.

The planning group reviewed the 1994 report and identified common themes and new issues, which included the need for standardized training and the need to identify new research competencies. Thus the 1998 colloquium continued a focus on electronic information, and addressed the increase in end user research in electronic media without the assistance of an information professional. The buzzword coined for this concept is *disintermediation* and it includes issues of end user effectiveness, end user technology skills,

Adult Learning Preferences

The focus group on adult learning discussed the different ways adults learn: some learn by writing, some by reading, some by listening and some by repetition, or actually doing the learning activity. In the technology area, adults' preferences are based on their prior technology experiences. Generally, adults want a product that is attractive and intuitive and requires no outside documentation. They are willing to engage in a trial-and-error method to orient themselves to a new product.

Training must be available to them in a variety of environments and formats. In the area of legal research, some prefer to begin with the specific example and proceed to the general; others, however, want to start from the general and move to specific examples. Technology that is highly effective at finding specific examples as a starting point should also be designed to assist general-to-specific research, and provide the context for legal topics, in order to promote effective legal research through electronic systems.

Technology Skills

The discussion group that considered the technology-related skills necessary for electronic legal research isolated five skills: 1) discrimination, necessary to identify reliable sources; 2) information literacy, necessary to understand

information sources and the organization of information; 3) prioritization of sources, to enable the user to more efficiently and effectively select appropriate research tools; 4) flexibility and a willingness to continue learning, leading to a willingness to learn new skills, attend training sessions, and stay abreast of new developments; and 5) consumer advocacy—lobbying information publishers to respond to user needs.

Disintermediation

The third discussion group explored disintermediation and its impact on legal research, as well as its serious implications for law librarians. The key issues for this topic were: the development of better training tools; the desire for greater standardization of search protocols; adjusting training to users with different skill levels; how to control costs when everyone is an offsite end user; and how to stay current with new tools.

The first day's official program concluded with a dinner speech by Albert Brecht. He discussed the trends in law students' familiarity with technology and their use of technology in legal research as summer associates/law clerks. Significantly more students own a computer now than 10 years before and they use technology to conduct their research more now than in

the past. Brecht also explored the importance of library resources in law school rankings and how dollars spent on the library impact the perception of quality of the library and the law school. Technology enables law libraries to provide access to more information in less space. But, technology involves significant costs beyond the license or subscription fees: hardware; network; people to support, train and feed the machines with toner, paper, etc. Library budgets for the most part have not expanded at the same rate as the responsibility of the librarians to provide information. In other words, librarians are expected to use technology to provide access to more information, in less space but without a real-dollar increase in funds available to support that information infrastructure of electronic and print resources.

The second day of the colloquium again used small group sessions to refine a set of issues, this time comparing librarian and publisher views of common issues: training in electronic media, product discernment, and continuous learning.

Training Resources

The discussion of training described the publishers' challenge to provide training that is product-specific for a large number of products, that does not significantly affect pricing, that is somewhat user-specific for librarians, lawyers and law students, and that can be overseen by their current sales and training staff. Librarians, however, have different challenges. They must develop effective teaching skills, attract those who want to be end users of specific products to training sessions, overcome the widespread resistance to spending time at training sessions, and provide training on numerous products with staff and time limitations.

Learning to Discern

The discussion of product discernment identified a set of skills for users of electronic information: the ability to identify reliable products; a knowledge of the limitations of Internet-based information; the ability to address authenticity of data; and the ability to prioritize sources in the research context. Challenges for librarians include establishing standard criteria for reliability of Internet sites and publicizing the criteria; educating end-users to evaluate sites; and creating subject-specific Web site tools to direct user research. In this area, publishers face the challenge of presenting

Background Reading

Participants received the following articles as part of their "required reading" packet.

John Mutter, "The bookstore of the 21st century: new technology and new customer attitudes will challenge booksellers," 243 *Publishers Weekly* 146 (July 22, 1996)

Stephen E. Arnold & Erik S. Arnold, "Vectors of change: electronic information from 1977 to 2007," 21 *Online* 18 (July 17, 1997)

David Shaw, "Can Newspapers Find Their Niche In The Internet Age?" *Los Angeles Times* Part A; Page 1 (June 16, 1997)

Maribeth Ward, "A 'disconnect' between academic librarians and

students," 16 *Computers in Libraries* 22 (November 21, 1996)

In addition, each participant received a bibliography, "Books on the Social Aspects of Computing, 1996-1997," compiled by Phil Agre of the University of California at San Diego. The most recent version can be found on the Web at <http://weber.ucsd.edu/~pagre/recent-books.html>. This bibliography has a wide range of interesting and useful titles. For example, Philip E. Agre, *Computation and Human Experience*, 1997. David Shenk, *Data Smog: Surviving the Information Glut*, 1997. Jeffrey P. Zaleski, *The Soul of Cyberspace: How New Technology Is Changing Our Spiritual Lives*, 1997.

their Web-based products in ways and formats that assist users, and referring researchers to Web sites that are authoritative and support their products. Publishers are also challenged to provide (for their own products) clear information on currency and source, which will not only assist researchers, but also serve to set them apart from the vast majority of free Web-based information. Legal publishers must emphasize the value-added nature of their products, and in a very similar sense, law librarians must emphasize the resources and expertise which they offer the end user. This interest in positioning ourselves in the marketplace as offering a value-added resource is one factor that links librarians and publishers.

Continuous Learning

The third focus group looked at the need for continuous learning to be effective at research in the new digital age. The group agreed that the next generation of researcher will need to be eager to learn new skills, willing to use self-training programs such as tutorials, willing to attend training sessions, and willing to ask for help. This requires that individuals be flexible and open to learning. In this area, librarians will be challenged to recognize the different levels of computing and direct use of electronic sources that various groups

of their users require. The challenge for publishers will be to design products that reward the skilled user, but that also can be used by those whose skills are not advanced.

New Initiatives

Reports on these small group discussions to the entire group led to a final "What can we do together in these areas" brainstorming. That discussion isolated a set of specific initiatives of a nature and scope that a working group of librarians and publishers could address and impact. These working group topics are listed in the accompanying sidebar. President Judy Meadows is in the process of forming small groups to act on them next year, with the expectation that their activities and outcomes may stimulate the next joint meeting. "These librarian/publisher meetings have no value unless we take the energy and desire to address shared concerns that they generate and focus it on solutions and actions," President Meadows said.

The participants left with the conviction that the issues related to disintermediation and electronic legal information were a challenge, but that law librarians and legal publishers together were fully capable of addressing them.

Working Group

- 1) Joint development of a "Train the Trainer" program for electronic products
- 2) Flip sheets to be posted to AALLNet on products, problems, and common solutions
- 3) A reliable Web site directory
- 4) Quantification of law librarians' training which will relate the impact of librarians' assistance to savings by publishers for customer support
- 5) Training scripts for Internet training
- 6) Training scripts for technology/literacy training
- 7) Joint CLE training with a technology component
- 8) Training tools for CDs and Online, and
- 9) Recommended skill sets for technology readiness of law graduates.

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