



# CHANGING NATURE OF LEGAL RESEARCH:



by Mark Estes

research into first-year students' research techniques: They find law by searching for facts instead of legal issues and choose the convenience of Web-based research from home over traditional legal research techniques using the library.

**Bob Berring**, director of the law library and professor of law at the University of California at Berkeley Boalt Hall School of Law, delivered the second keynote via videotape. He addressed cognitive authority, student expectations and the expectation of employers of recent law school graduates.

Cognitive authority represents identifying which sources are authentic, the importance of understanding how the document reaches the researcher, how it's assembled, the parts, etc. in order to assess its accuracy. The Web changed the legal research paradigm. All of us — librarians, publishers and researchers — are still figuring out the new rules.

Students' expectations about the possibilities of technology are greater and more sophisticated. They are also more aware of the importance of legal research skills. Advanced legal research classes across the country routinely turn away students. The *Harvard Law Record* includes Virginia Wise for her course on legal research in a list of 10 professors students should take at law school.

Employers expect greater research skills, cost-effective skills. They say that critical thinking relates to research skills.

A series of breakout sessions considered three issues:

- the practices and preferences of different types of legal-information users in 2005;

- the changing roles of law librarians and legal publishers resulting from changes in user expectations, practices and preferences;
- identifying action items for AALL, legal publishers and individual law librarians.

I have summarized the conclusions below about each of these issues as a series of bullet points on their impact for several groups: everyone, the public, librarians, judges, students and lawyers.

## Practices and Preferences for Different Groups

### All Groups

24/7 support.

Ability to search simultaneously across all sources with high precision and recall ("all sources" now means only print sources).

Zero learning-curve for new resources.

### The Public

Greater access to information.

Built-in guidance at the source of information.

Improve government Web sites to make them more comprehensive.

### Judges

E-filing for all documents.

Reliance on clerks to do the research?

Slower change rate than others.

### Librarians

Increased role in knowledge management.

Deeper understanding of technology and its impact on customers.

**O**n May 7–8, AALL held the fifth Colloquium for Law Librarians and Legal Publishers. In welcoming the participants, AALL President Bob Oakley listed the goals of the colloquium planning committee:

- to create opportunity for law librarians and legal publishers to talk and get to know each other;
- to identify topics of interest to librarians and publishers related to what legal information tools customers want and how customers use the tools;
- to identify possible projects for going forward.

The symposium addressed one of Oakley's broad goals for his presidency: to increase and improve communications between librarians and the publishing community. Twenty-two law librarians and 15 legal publishers explored the changing preferences and research practices. Of special interest was how the preferences and practices of younger individuals differ from older users. The attendees also identified action steps for AALL, law librarians and legal publishers to address the challenges presented by changing preferences.

The first keynote speaker, **Diana R. Donahoe**, associate professor of legal research and writing at Georgetown University Law Center, discussed her

Collaborate with technology staff, publishers and customers to create customized information products.

### Students

A wireless world.

Increasing online orientation.

First generation to embrace e-books.

### Lawyers

Greater use of technology for "mobility."

Access to quality practice information from anywhere.

Multidisciplinary practice pressures.

Pricing options for access to electronic sources.

## Changing Roles

### Librarians

Provide 24/7 services for reference, research and just-in-time training to local and remote customers.

Knowledge management.

Teach multiple approaches on how to use information and to conduct research.

Take a more active role in evaluating more information sources.

Have more interaction with users about resources and how they use them.

Provide for archival access in an electronic environment.

### Publishers

Provide better training and training tools for products that move tutorials embedded in products.

Develop "zero-training" products/products that anticipate where the user wants to go.

Update treatises continuously.

Facilitate searches of all information — proprietary and other customer information (standard language and cost).

Make electronic research easy for print customers.

Undertake more sophisticated marketing (value propositions and benefits of products and services) to provide more complete information about electronic versions of print resources.

Provide for archival access in an electronic environment.

## Action Items

### AALL

Include a "Future Trends" column in *AALL Spectrum*.

Identify federal agency materials published electronically but not captured by commercial publisher.

Investigate feasibility of a product-certification program.

Sponsor electronic discussion of colloquium topic(s).

Have a similar colloquium that would include hiring partners and judges.

Create a shared Web site for teaching and include digitized images of materials.

Complete a research study on how legal research is conducted.

Revise and update the legal research competencies listed in the McCrate report.

Expand the scope of the Access to Electronic Legal Information Committee to include all public access Web sites and draft standard explanatory language for government sites.

### Publishers

Evaluate their information about use patterns to decide what, if any, can be shared with librarians.

Contribute to "sample pages" image Web site.

Create mechanisms to provide product usage information to customers.

Develop more content-oriented options.

Differentiate documents depending on the source (regulations and statutes vs. news articles).

Embed navigation advantages of books, such as indices and table of contents.

Share with librarians the training scripts for their products.

### Librarians

Use a new training technique in one class — e.g., offer a weekly "office visit" training session.

Write an article explaining one new research technique.

Improve interaction with legal research and writing faculty.

Include history of legal publishing when teaching research.

Use Donahoe's article on "Beyond the Books" as a catalyst for discussion of library's future with institutional policy-makers.

Conduct research on whether the ability to research makes a difference.

Law school and firm librarians need to continue to convince their institutions that resources are needed for legal research.

## Conclusion

This colloquium clearly met the goals set out by Oakley. The challenge now falls to each of us, individual librarians, legal publishers and AALL leaders, to follow through on the action items.

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