

2002–03 Completed Research Grant Projects

¶1 The AALL Research Grant Program funds projects of value to those professions that create, disseminate, or use legal and law-related information. The program aims to stimulate a diverse range of scholarship in any format. Areas for potential research may include, but are not limited to, those described in the Association’s Research Agenda.¹ The program is administered by the AALL Research Committee, which oversees two research funds: the AALL/Aspen Publishers Research Grant Program, made possible through a \$50,000 contribution from Aspen Publishers, and the AALL Research Fund, established with an endowment of \$100,000 from LexisNexis.

¶2 Final reports for five completed research projects were delivered to the Research Committee in 2002–03:

- AALL Government Relations Committee and AALL Washington Affairs Office, “Permanent Public Access of State Government Information: A State-by-State Compilation and Resource Guide”
- Xia Chen and Frederick E. Smith, “Web-Based Distance Learning of Principles of American Legal Bibliography”
- Kris Gilliland, “The Research Habits of Lawyers”
- Pamela Melton and Lisa Eichhorn, “Research Habits of the South Carolina Bar”
- Catherine Sanders Reach and David Whelan, “Feasibility and Viability of the Digital Library in the Private Law Firm”

Abstracts of each of these reports are provided below; the full reports are available from the committee upon request.

Permanent Public Access of State Government Information: A State-by-State Compilation and Resource Guide

¶3 One of the most significant developments related to the growth of the Internet during the 1990s was the pace at which governments at all levels embraced its use to provide the public with unparalleled access to government information and e-government services. Officials were quick to recognize that government information freely flowing via the Internet facilitates government transparency and accountability, and increases government accessibility and citizens’ democratic participation. Unfortunately, few officials have recognized the vital importance of *permanent* public access to that information, that is, the preservation of electronic government information for current, continuous, and future access.

1. Am. Ass’n of Law Libraries, AALL Research Agenda (2000), *reprinted in* AALL DIRECTORY AND HANDBOOK 2002–2003, at 502, *available at* <http://www.aallnet.org/committee/research/agenda.asp>.

¶4 While government entities today make available enormous amounts of information to the public through the Internet, most fail to manage the entire life cycle of electronic government information, from its creation to its preservation. Technical obsolescence and the failure to create a centralized and coordinated system at any level of government have resulted in the loss of huge amounts of electronic government information during the past decade. Titles that are “born digital” and have not been retained for permanent public access upon removal from a government agency Web site are likely to be lost forever.

¶5 AALL has long been engaged in educating policy makers about the loss of electronic government information at the federal level, and has supported legislative efforts to update federal public access and e-government laws to address the need for preservation and permanent public access. The purpose of this study was to research what, if anything, state governments are doing to meet the enormous challenges of ensuring permanent public access to state electronic government information.

¶6 Authors in each of the fifty states, the District of Columbia, and Puerto Rico completed a comprehensive survey and submitted a short executive summary based on their survey results. With but one exception, Colorado, no states have explicitly amended their laws to mandate that Web-based electronic government information must remain permanently accessible and be preserved. Existing public records statutes that ensure preservation of records with long-term value are adequate for print information, if state agencies comply, but not for electronic information published as Web sites or Web publications or records.

¶7 The grant team envisioned that this project, funded through the AALL/Aspen Publishers Research Grant Program, would be the first step in the advocacy process necessary to enact state laws that will prevent the loss of important state government information in electronic format. Toward this end, it sought to create a document that could be provided to legislators and other policy makers to educate them about the responsibility of state governments to ensure permanent public access to electronic information. An additional objective was to strengthen the GRC’s and WAO’s ties to AALL members at the local level, thereby forming a base of activists who could advocate for improved laws mandating permanent public access to state government information. Because AALL and other library organizations lack the manpower to tackle the problem of disappearing electronic government information in all states simultaneously, the grant team has identified key states to target for legislative activity.

¶8 Along with providing the executive summaries and tabulated results from each state, the final report resulting from this project includes an executive summary of results and identifies successful state models. The final report will be published and distributed to key state policy makers as part of our advocacy efforts. The entire report, including the surveys completed by the state authors, is available electronically (<http://www.ll.georgetown.edu/aallwash/PPAreport.htm>).

¶9 This was an eighteen-month collaborative effort by the GRC and WAO. Each thanks the state authors and regional editors whose dedication and hard work made this project possible.

AALL Government Relations Committee and Washington Affairs Office

Web-Based Distance Learning of Principles of American Legal Bibliography

¶10 This project, which focused on utilizing Web-based distance learning to explain principles of American legal bibliography, was supported by a grant from the AALL Research Fund established by an endowment from LexisNexis.

¶11 The product resulting from this project is a Web-based guide to American legal bibliography in English and Chinese. The guide (<http://lawlibfs.lawlib.ucla.edu/bio/index.htm>) is basically a self-teaching tutorial with venues for group discussions and interactions with the authors via e-mail. The guide provides introductions to a wide range of primary and secondary sources of law commonly used in conducting American legal research. It aims to be comprehensive in coverage, yet brief and simple in explanatory narratives. While the instructional texts are reduced to their essentials, in-depth and quality resources on the Internet are brought in as much as possible. Printed sources are also mentioned as needed, and full bibliographical information is provided by linking to the records from the online catalog of the University of California at Los Angeles. There is also a self-study test. The Chinese version of the guide attempts to explain some of the myths and complexities of American legal bibliography in lucid Chinese.

¶12 Simplicity is the key goal of the design of the guide. The Web page is simple to navigate, and simple to maintain and update. It is structured in several basic tables. Frames are avoided to ensure accessibility by various browsers. Excessive images are avoided to achieve speedy uploading. The Chinese version follows the same rules of design. One less-than-ideal feature with the Chinese page is that it does require Chinese word processing software installed or Chinese character fonts loaded onto the computer to view it properly. An alternative of creating image maps was explored but dismissed for fear it would create space and speed problems. It also would make updating and revision more cumbersome. However, this will not pose too much of an obstacle since most Chinese readers do have computers with language capability one way or another.

¶13 The authors wish to express their thanks to the members of the AALL Research Committee for the grant and their support. Xia Chen is especially grateful for the committee's granting an extension for the project which was delayed due to her illness. Thanks also to the librarians at the Hugh and Hazel Darling Law Library for their encouragement and support in various ways. In particular, Associate Dean and Law Librarian Myra K. Saunders for her support, especially in providing time and convenient arrangements to work on the project. Thanks also go to Donna Gulnac for helping to find an excellent assistant; to Alex Stavchanskiy, Viktor Prokopenko, and Cynthia Lewis for their willing technical

help and successful trouble-shooting; to John Wilson for his valuable comments, suggestions, and particularly his expertise in international law research. Able assistance from Sarah Smith and Chien Lee is also appreciated.

Xia Chen² and Frederick E. Smith³

The Research Habits of Lawyers

¶14 In early 1995, Morris Cohen, Penny Hazelton, and Patricia DeGeorges set out to test some of the basic assumptions of librarians about how lawyers do research. Using an eight-page survey, they queried more than 1500 alumni of the Yale, University of Washington, University of Southern California, University of Florida, and William Mitchell law schools. With more than 450 written responses received, they gathered an impressive amount of data on a wide range of topics, including source and location of research, use of print and electronic materials, and access to and consultation with librarians.

¶15 Preliminary findings from the survey were first reported at the 1995 AALL Annual Meeting in an educational program featuring Hazelton and DeGeorges titled "Current and Future Research Needs of Lawyers," but the survey authors' plans to publish a detailed final report had not yet been realized when, in spring 2001, I proposed to continue their work. With the support of a grant from the AALL Research Fund, endowed by LexisNexis, I have now tabulated and analyzed all their data, and will report the results in an article in a future issue of *Law Library Journal*.

¶16 While the legal information environment has changed in many ways since 1995, the survey may still provide useful insights or otherwise confirm anecdotal evidence for librarians charged with the design and planning of research instruction programs, services, and collections. For example, 85% of survey respondents who attended law schools in the 1980s, and more than half of those who graduated in the 1960s and 1970s, were frequent users of online services like Lexis and Westlaw. Approximately one-half of the 1980s group and about one-third of the 1960s and 1970s groups felt that technology had "considerably" improved both their efficiency and productivity.

¶17 However, when asked about their biggest frustrations regarding legal research, they expressed concern about younger lawyers' dependence on electronic tools, the cost of online services, and the unavailability of print materials in their organizations; only a few wished for greater access to computerized tools. The largest percentage lamented the inadequacy and inconsistency of both print and electronic indexing and case-digesting systems. Many expressed hope that technological innovations like the Internet and natural-language searching would alle-

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viate some of these problems, but less than a quarter of the respondents felt that online services had improved the quality or creativity of their work.

¶18 At the same time, less than 10% of the respondents said that they began research projects in unfamiliar areas by talking with a librarian, and less than a third consulted a librarian, either within their organizations or elsewhere, for any reason more than once a month. Perhaps more surprising, nearly one-half of the respondents noted that they did not have access to a librarian.

Kris L. Gilliland⁴

Research Habits of the South Carolina Bar

¶19 We designed our research project, which was supported by a 2002 grant from the AALL Research Fund established by an endowment from LexisNexis, to help us determine whether the legal research curriculum of the University of South Carolina School of Law taught law students what they needed to know as practitioners. We sought to learn how much research members of the bar performed on a regular basis and what resources they used when doing that research.

¶20 To begin the project, we drafted survey questions to elicit the information we sought, as well as demographic information, from each respondent. Testing the draft survey on a small group of attorneys led us to clarify a few questions and to eliminate a few others. The final version was sent to a random sample of one thousand active bar members, whose names and addresses were generated from the mailing list provided by the South Carolina Bar Association.

¶21 We received 161 responses to the survey, a response rate of 16.1%. While this percentage was not high in absolute terms, it was slightly better than expected, based on the normal 3% return rate of a different survey of the bar conducted annually by the University of South Carolina Statistics Lab.

¶22 The typical respondents to the survey were owners or partners in a small private law firm (five or fewer lawyers) in an urban location engaged in a litigation practice. The respondents had been out of law school more than ten years and reported spending 5–10% of their time doing research, usually in their office. They also reported typically using the fruits of their research in trial and appellate briefs, and that their most frequently used resource was the court rules in print.

¶23 From the survey data, we have been able to draw a number of conclusions. We now know which resources are used frequently by many attorneys, and which are never used. In addition, we have a better understanding of the use of online versus print resources in practice. Perhaps most important, we gained an overall sense of how legal research fits into a practitioner's workload.

¶24 We will be submitting an article discussing our findings to the *South Carolina Lawyer*, a publication of the South Carolina Bar that reaches every

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licensed attorney in the state of South Carolina. We also plan to submit an article containing a more thorough discussion of the survey results to the *Law Library Journal*.

Pamela Melton⁵ and Lisa Eichhorn⁶

Feasibility and Viability of the Digital Library in the Private Law Firm

¶25 In February 2002, the American Bar Association's Legal Technology Resource Center undertook a research project to study the feasibility and viability of a digital library in a private law firm, funded in part by the AALL/Aspen Publishers Research Grant Program. The study consisted of surveys of three populations: lawyers, law librarians, and legal publishers. Each group responded to questions pertaining to preference, availability, and concerns regarding digital or online legal research. For the purposes of the study, the digital library was defined as a collection made up of primarily digital materials accessible via information systems. The survey results and analysis show that a digital library is feasible; however, there are still barriers to implementation and success of a digital library in today's law firm.

¶26 Survey questions on legal research were sent to lawyers as part of the Legal Technology Resource Center's annual technology survey in fall 2002. In addition to other questions, lawyers were queried on their means of access for online legal research materials and whether they preferred free or fee-based systems. In comparison to previous results from the LTRC surveys, attorneys seem to be more comfortable with accessing and using online legal research materials than ever before.

¶27 Results for the survey of U.S.-based for-profit publishers of print legal publications were tallied in January 2003. Most publishers do not plan to exceed print publication with digital material, although some larger publishers already have all or most of their print in a digital format. There is still a high level of commitment to print, with the vast majority of publishers pledging to continue publishing in multiple formats. There is a supposition in the industry that the market for print materials has not lessened; rather, a new market for online materials is emerging.

¶28 In summer 2002, law librarians were invited via discussion lists to take part in an online survey. Approximately 170 respondents representing private law firm libraries participated in the survey. Law librarians indicate that they are not as likely to purchase certain materials in a digital format due to several factors, including high cost and licensing difficulties. Additionally, factors such as the lack of a print equivalent in the collection and training issues negatively affected their decision to buy digital products. In comments submitted with the survey, many

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librarians also suggested that their attorneys prefer print and that they do not have a way of keeping up with usage statistics and bill-back charges.

¶29 While a digital library appears to be feasible, all three of the populations still see barriers to the medium. Legal publishers still note a strong attachment to the print products; law librarians see digital materials as cost-prohibitive; and while attorneys are slowly embracing fee-based online research, there is still a strong attachment to print. The results of the study, analyzed in an article published in *Law Library Journal*,⁷ indicate that the digital library in a private law firm is currently a vision instead of a reality.

Catherine Sanders Reach⁸ and David Whelan⁹

7. Catherine Sanders Reach et al., *Feasibility and Viability of the Digital Library in a Private Law Firm*, 95 LAW LIBR. J. 369, 2003 LAW LIBR. J. 26.

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