BEYOND THE BOUNDARIES:

REPORT OF THE

SPECIAL COMMITTEE ON

THE FUTURE OF LAW LIBRARIES IN THE DIGITAL AGE

July 2002
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"In the future, libraries will work with technology to do one of the things they do best: select and organize content."¹

"Librarians can cement their roles in the virtual library by ensuring that the clients never forget that the human component is integral to any library, virtual or physical."²

INTRODUCTION

The Special Committee on the Future of Law Libraries in the Digital Age was appointed by AALL President Robert Oakley in early 2001 to explore issues surrounding "the evolution of virtual and physical law libraries" as contemplated by the 2000 AALL Strategic Plan.³ The Special Committee was charged "to consider the implications of electronic publishing for the future of law libraries and to prepare a report examining the issues and outlining different scenarios or models to describe the law library of the future." The charge further suggested methodologies and issues to consider as it pursued this inquiry, and to submit this final report for consideration at the July 2002 meeting of the Executive Board.⁴

Two themes influenced the work of the Committee throughout this process. The first is suggested by the title of this report – "Beyond the Boundaries." As law libraries operate in an increasingly virtual world, the notion of physical boundaries changes dramatically. But, as contemplated in the scenarios described below, the boundaries of the law library of the future will change in other ways as well: in assuming new roles, providing new and different services, partnering with other units in our organizations, collaborating with external entities. The law library of the future must be flexible and innovative in defining the boundaries of its mission, but it must do so in light of the mission and direction of its parent organization.

The second theme that guided the Committee's work is suggested by the language of the Strategic Plan: "Law librarians determine the evolution of virtual and physical libraries." (Emphasis added)⁵. While it may seem unrealistic that individually and collectively we have the ability to determine

¹ Duane Webster, Educause Review, Jan/Feb 2000
⁴ Committee charge, Appendix A.
⁵ See footnote 3.
our future, we law librarians are not without resources and direction. Given the choice between stepping back and letting the future happen ("drift") versus stepping forward and having some influence on the evolution of the future of law libraries ("mastery"), the Committee opted toward the latter approach. We developed the scenarios below, therefore, with a focus on the opportunities for law libraries in a digital future, rather than dwelling on the threats inherent in our changing environment.

**COMMITTEE PROCESS**

The Special Committee initially identified seven significant trends external to law libraries that are shaping the face and the future of our libraries:

- Trends in Access to Legal Information, including issues of disintermediation, services marketed directly to end-users, non commercial publishing, and the digital divide;
- Trends in Commercial Legal Publishing, including issues of industry consolidation, transition from print to electronic publishing, customization and personalization of products, competition with non-commercial publishing;
- Trends in Intellectual Property Law and Licensing, including issues of expansion of copyright protections, database protection, the Digital Millennium Copyright Act, and the *Tasini* decision;
- Trends in Preservation and Permanence, including issues of preservation of the print and electronic record and digitization of information;
- Trends in User Expectations, including expectations of ubiquitous access and "anytime, anyplace" access as well as lack of critical evaluation of information accessed;
- Trends in Authentication, including issues of citation reform, authority control, and permanent uniform reso.rces.locators; and
- Trends in Technology, including ever-changing hardware, software and formats, and evolution of intranets, extranets and portals.

Committee members developed brief papers describing these trends\(^6\) and identified areas or aspects of law libraries that are impacted by these trends:

- the physical plant
- collections and content
- staffing
- services
- training
- budget

Subcommittees grouped by library type then developed papers describing the impact of the trends on these areas or aspects of library operations on academic law libraries, private law libraries, and state, court and county law libraries.\(^7\) This initial period of exploration of the issues also included solicitation of input from AALL membership, particularly at the 2001 Annual Meeting in Minneapolis, and contacts identified as "experts" with particular perspectives that might inform the committee’s work: 11 professionals in our organizations, publishers, facilities designers, and contacts at other organizations (ARL, ABA (Section on Law Practice Management and Section on Legal Education Committee on Libraries), AALS, SLA, and CTC). Committee members also read the extensive literature discussing the effect of technology on the future of libraries.

\(^6\) Trends reports. (These reports will be included as an appendix in final publication).

\(^7\) Impact by Library Type reports. (These reports will be included as an appendix in final publication).
The Special Committee also took special note of the 1995-96 "Renaissance Report." This report continues to make a valuable contribution to the discussion of issues and challenges regarding the future of law libraries. It is, however, now dated – the profound influence of the Internet on law libraries was just intimated seven years ago, however, and the change described in that report has proceeded even more rapidly than anticipated. On the other hand, many of the themes and predictions described in the Renaissance Report are repeated in the scenarios described in this report. A significant difference between the work of the Renaissance Committee and Future of Law Libraries in The Digital Age Committee, however, is that the former committee was charged to look at the future of the law librarianship profession while the latter is charged to look at the future of law library institutions.

Having completed its environmental scan, the Special Committee moved to the substantive process of developing its report on the Future of Law Libraries in The Digital Age.

**SCENARIOS OF THE FUTURE LAW LIBRARY IN THE DIGITAL AGE**

The Special Committee was charged to outline "different scenarios or models to describe the law library of the future." From the outset, it was agreed that although there are many issues and challenges common to all law libraries, it would be most useful and profitable to develop scenarios specific to library type. The following scenarios describe six possible future academic law library models, six possible future private law firm models, and four possible future state, court or county law library models.

**Ground rules for reviewing the scenarios**

Please note the following:

- No one scenario is suggested or desired – these are possible directions and outcomes given the rationale that introduces each scenario
- There is considerable overlap among the scenarios, and an interdependence that sees law libraries evolving on different fronts
- The extent to which a scenario "rings true" for any particular library will depend on the mission and characteristics of that library and of its parent institution
- While the Committee adopted a philosophy of "mastery over drift" as it contemplated possible law library futures, it was also mindful of the realities of moving forward in a digital age. Some aspects of these law library scenarios may not be particularly desirable or optimistic, but they may happen.

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8 The Special Committee on the Renaissance of Law Librarianship in the Information Age: Towards a Renaissance in Law Librarianship, 1997. As with the work of this current Special Committee, the Renaissance Committee was charged pursuant to directive from an earlier Strategic Plan. See the Renaissance Committee report, p.3.

9 Committee charge, Appendix A.
CREATING VIRTUAL LAW LIBRARIES IN THE DIGITAL AGE

SCENARIO #1: ACADEMIC - THE VIRTUAL ACADEMIC LAW LIBRARY

Rationale

The world of legal information and how legal researchers access that information is moving rapidly to a totally electronic environment. Commercial publishers are accelerating their conversion to more digital publication formats, and the volume of legal information from non-commercial sources via the Internet is even more significant. The rapid and chaotic increase of information available on the internet, and the inherent deficiencies (albeit great convenience) of search engines such as Google, calls for the need for the central and historical role of libraries to bring discipline and coherence to the world of information generally and as to legal information this is the natural and fundamental role of the law library.

In legal education, the ways that faculty do research and develop curriculum, and the ways that students prepare for classes, research papers, and access legal information is also profoundly impacted. As law schools respond to the influence of the web on their central mission and more specifically on the ways that they conduct day-to-day operations of administrative and student services, curriculum, and faculty teaching, scholarship and service, the academic law library also is transforming itself to meet the legal information needs of its constituencies in a digital environment.

Budgetary constraints force choices that compel the move to a virtual law library: the costs of maintaining dual formats, requiring continually expanding needs for building space, can no longer be justified. For many institutions, therefore, the inevitability of a virtual academic law library prompts this scenario of the future.

Vision

To “envison” a virtual academic law library may seem an oxymoron, but this vision does contemplate an ongoing vibrant institutional presence within the life of a law school. The information resources and services of the library are all electronic, from scholars portals providing access to a wide array of digital files to electronic reference and document delivery services to interactive instructional modules teaching law students how to navigate the world of legal research in a digital age. Because content and services are provided virtually, the library must market the fact that the e-resources provided at the desktop are made available through its licensing and acquisitions services. The library facility itself is transformed into a high technology service center, staffed by librarians with a high level of expertise in navigating the digital legal information world. The virtual academic law library is transformed and redefined under this vision, but it nevertheless retains its central role of providing access to legal information and selecting and organizing content.

Implications/Strategies

Facilities:
The physical plant is converted from [with new buildings, is designed for] substantially less emphasis on print collection storage and on site access to a service center fully equipped with high-end technologies. The degree to which on-site facilities exist for research and in-person research and reference assistance may vary. Staff workspace needs will vary, as there no longer is as much need for materials processing space but there is a continuing need for technologically equipped workstations for librarians and technical staff. Because most access and service is provided virtually, there no longer is a need to distinguish between public spaces and staff spaces. Depending on the institution and roles in the law
school (see "Scenario #5: Academic – Redefining the Library as Multi-Faceted Partner") the law library facility might be equipped with electronic classrooms and technical support staff for faculty.

Even assuming a virtual collection and services, as long as the ABA standards impose a significant "residency" requirement, placing a high value on residency as a key component of the legal educational experience for law students (see Standards 304,306, Interpretation 306-3; also 702, 703) the academic law library facility will be critical to providing that environment. Otherwise stated, unless and until these standards are revised, there will continue to be a physical aspect to the virtual law library (see "Scenario #4: Academic – The Academic Law Library As Place").

Collections and Content:
The evolution of the virtual law library began in the late 1980's and continued through the 1990's. It began as the legal databases of LexisNexis and Westlaw took firm roots in the legal research universe, and law libraries started reducing duplication of print sources. It accelerated as libraries cancelled subscriptions to print search tools such as Shepard's citators and West digests. Official U.S. government publications began going virtual in the 1990's and have continued this course. Digitization of retrospective legal collections, apart from the resources in LexisNexis and Westlaw, by commercial (Hein OnLine) and non commercial [Cornell's Legal Information Institute (LII), Harvard's Legal Electronic Document Archive (LEDA), and other academic law library initiatives] entities have made more digital content available. Finally, the last to convert to the digital world are the treatises, texts, and monographs as the age of the e-book replaces the print formats.

The virtual law library "collection" is based on the principle of access rather than ownership. The collection development policy states that print will be acquired only when materials are not available in electronic form. The law library's legal information portal provides cross-platform access to a universe of digital resources, selected and organized utilizing values of coherence, relevance, currency, authority, stability and permanence. Development of appropriate standards, search engines and technology – locally, collaboratively [OCLC, Research Libraries Group (RLG)], or through national organizations such as The Association of Research Libraries, The American Association of Law Libraries, or the Library of Congress (see "Scenario #9: Academic - The Academic Law Library Collaborating With External Partners") – enables cross database searching and retrieval of relevant sources. These digital resources include a combination of commercial and non-commercial databases, catalogs, web sites, and links.

The virtual collection includes all primary domestic, foreign and international legal texts; and secondary materials such as e-treatises, e-journals, unpublished materials such as scholarly discussion, images and sound (court proceedings, appellate arguments). Retrospective collections are premised on digital initiatives and collaborations (see "Scenario #13: Academic – National and Regional Repositories / Print Resources"). The nature of what constitutes legal information has broadened as more non-legal information and interdisciplinary sources become available through the law library's portal. [But see ABA Standards and especially Interpretation 606-3].

The library's content portal incorporates many "beyond the boundary" law school resources, providing customized access for administrative units, faculty and students, curricular and scholarly initiatives. (see "Scenario #5: Academic – Redefining the Library as Multi-Faceted Partner" and "Scenario #9: Academic – The Academic Law Library Collaborating With External Partners").

Staffing:
Law Librarians have an increasingly higher and different level of expertise in digital resources, technical applications. Focus is on evaluation of digital sources (including authentication, reliability, stability), development and maintenance of the digital collection, license negotiation and compliance; rights management; instructional and support roles for faculty and students. The function of the "virtual cataloger" is of critical importance in organizing access to digital content.
Collection processing and maintenance staffing, serials check in and filing etc., are “virtually” eliminated. Academic law library organization and staffing models are restructured, and new measures for evaluating performance are needed.

Services:
Remote access to library services: e-reference, e-document delivery, and other access/delivery mechanisms available through the legal information portal. Asynchronous service models: “any time, any where”. New measurement models need to be developed and standardized to assess quality of the law library's virtual services. Although more trivial directional and retrieval reference services decrease, the nature and complexity of reference questions increase. Interlibrary loan supplemented by commercial document delivery services, is provided to the desktop. Instructional services for students include the increasing importance of critical evaluation of sources; even as student technological savvy is high, inculcating in them an appreciation for the nature and function of the sources remains as a critical focus. Faculty services are delivered electronically. Library increasingly involved in technical support function. Digitization services and support are provided for mounting and providing access to digital content developed by faculty, journals, and other law school entities.

Budget:
Deans and other institutional administrators expect that the virtual law library achieves cost savings and this is true as to elimination of costs for print materials that are also acquired in e-format (though the e-version in many cases is more costly than the print version), support staff costs for processing materials, and a constantly expanding need for space. Conversely, there are cost implications for the library absorbing new roles, staff development, technical infrastructure and the unknown factor of "pay per view" licensing. Even as the expectation that "its all free on the Internet" becomes more of a reality, the library must maintain access to the authoritative, stable and costly commercial electronic services.

S.W.O.T Analysis

Strengths:
- Law libraries have been progressing towards the virtual for over twenty years and have a strong tradition of adapting to the digital environment
- The virtual law library could achieve budgetary savings for the law school

Weaknesses:
- Without effective marketing of the law library's identity, users may fail to recognize that resources and services accessed at desktop are provided by the library
- Conversion to a totally digital environment is still a long ways away, especially for certain types of materials such as treatises and monographs; law libraries have invested in large print collections which they are unlikely to discard
- Techno stress; impact on staff roles and necessity of retooling skills
- ABA Standards continue to require print

Opportunities:
- Expansion of access and services to “any time/anyplace”, not tied to physical environment
- Academic law libraries exploring new ways to access digital content; can be on the ground floor in development of legal information portals
- Work with ABA to revise and re-evaluate standards to accommodate a virtual library
- Develop programs and services to educate law students and other users about the universe of digital legal information
Threats:
- Effect of "pay-per-view" licensing on access to digital legal information
- Disintermediation undermining the traditional function of the reference desk and other law library roles
- Lack of "ownership" of the virtual collection; long term role of vendors in maintaining custody of legal information record
- Decline in research skills; unquestioning acceptance by law students and faculty of information obtained via the internet

SCENARIO #2: PRIVATE – THE LAW FIRM ELECTRONIC LIBRARY

Rationale
When we think of the library of the future we think of the virtual library. Law firms are inevitably relying more heavily on the increasingly available online research resources. Budget and space constraints along with firm culture and usage patterns dictate how quickly firm libraries will complete the transition but all are somewhere along the path to a totally electronic or virtual library.

Vision
With the exception of those print resources that are not yet available electronically, the library has ceased to exist as a physical place. Researchers turn to their computers to access resources that have been organized in meaningful ways by the library staff and are delivered via the firm’s Intranet. The entire library staff works with attorneys and support personnel to identify user needs, evaluate resources and develop and organize the collection/content. This same library staff also works with technical staff to manage the Intranet content for ease of access and act as trainers for end users. The rest of the library staff’s time is spent performing research that requires more sophisticated research skills than is possessed by attorneys and staff. Much of this research involves non-legal resources with which attorneys and staff are not familiar.

Implications/Strategies

Facilities
The library staff may have moved to office space within the various practice groups or may still be centralized. With the increased reliance on electronic resources, physical location of staff is of less importance. The facilities are designed to assist researchers in the use of the electronic library and are equipped to facilitate the delivery of remote reference services on a 24/7 schedule. These facilities include:

- A multipurpose training room that is used for group training and is outfitted with systems for distance learning i.e., NetMeeting and video conferencing. This room can be rearranged to be used as a conference room for staff meetings, meetings with vendors etc.
- Computer workstations where researchers can work quietly away from the distractions of their own offices.
- Librarians’ offices that allow the librarians to work with individuals at the computer for individual training/research sessions or to meet with small groups for planning sessions. (Some of the reference staff may prefer telecommuting and will not need assigned office space)
- A network with high speed Internet access and wireless capabilities
• Shelving needs are minimal as most information is now available only in electronic format.

Collections and Content:
Content includes both primary and secondary legal materials as well as resources that greatly broaden the collection i.e., corporate, financial, scientific, medical, government and general reference materials. Primary material is purchased once (from one vendor) but is integrated with all secondary resources. For example, you are able to retrieve a cited resource from any online treatise (if that resource is part of the library collection).

Material that is too old to be available electronically will be borrowed from academic libraries that maintain archives of this material either in microform, CD-ROM or print. All electronic resources are available through the firm's portal to the Intranet or Internet and unless otherwise stated any costs involved are treated as overhead.

This portal technology provides the ability to filter content to the attorney desktop enabling our attorneys to see only what they choose to see. It has become possible to purchase information in smaller and more specific segments at more reasonable prices thus helping librarians to purchase information from only a single selected source. The availability of increased amounts of electronic information in our library is dependent on our librarians’ ability to negotiate flexible and sophisticated license agreements at reasonable rates. The vendors have partnered with libraries to supply online links to bibliographic information for the content they provide. The library can then provide access to the online titles through their electronic catalogs and intranets.

The legal material available includes:
• Case law: Attorneys and staff are able to retrieve by citation or key word searching (search functionality as available in LexisNexis or Westlaw) and view online or print as needed.
• Statutes, codes and regulations: Available online via table of contents, by citation or keyword searching. Users are able to browse page by page, forward and backward.
• Online digests/cite checkers: Researchers use online tools like Westlaw or LexisNexis to identify/update potential case law, etc. The digests/cite checkers link to the primary material collection described above.
• Texts, Treatises, Law Journals and Periodicals: Practice specific treatises or texts as needed by the firm. Researchers would be able to browse issue table of contents or do keyword searching. These would be considered core titles for each practice with other titles available via online sources like LexisNexis or Westlaw.
• Newsletters: Practice oriented newsletters are accessed electronically via the Internet or as current awareness services e-mailed to specified recipients.

Staffing:
The staff consists of librarians and technicians who have all the traditional skills plus a high degree of technical expertise. The demand for such highly qualified individuals is great and retention is difficult and expensive. They include:

• A library director who has a vision of what the electronic library looks like in his/her firm, communication skills that allow him/her to get their firm to buy in to the vision, and an understanding of technology that allows him/her to work with technical staff to make it happen.
• Acquisitions/Serials staff that have a complete understanding of licensing and copyright. Their responsibilities include negotiating contracts and managing user access.
• Research staff that is skilled in evaluation of resources, training end users, and conducting research. Their responsibilities include working with end users to understand their needs, evaluating new and existing resources, assisting users in research and the use of the electronic resources, and performing research. With so much information available directly to the end user, the role of the research staff as intermediary will decrease as the need for training and needs assessment will increase.

• Web development staff that is skilled in communication, project management, and systems thinking. Besides their technical expertise, they have a complete understanding of the library’s mission and the resulting services provided by library staff. They spend their time working with library staff and end users in the development of the online library.

• Clerical staff to support data entry as needed.

• Interlibrary loan staff to locate and borrow older material available only in print.

Services:
Increased reliance on technology has minimized the staff’s opportunity for face to face contact with our users and increased the expectation of access to information anytime from anywhere. The impact of these changes can be seen in the following descriptions of services now offered by the library.

• Reference/Research: Attorneys and staff communicate with library staff via an interactive reference service that uses computers, video cameras and interactive software. Research results are delivered electronically. With attorneys doing most of their own legal research the research most often conducted by librarians includes business, scientific and technical research.

• Collection development: Librarians with practice specialties work with a designated attorney within each practice to identify, evaluate and develop the content for the electronic library for that practice.

• Collection management: Librarians and acquisition/serials specialists manage subscriptions and contracts for content. This includes contract and license agreement negotiation and management of the library budget.

• Access management: Librarians and acquisitions/serials specialists manage the licenses, user ids and passwords for end users. They also manage copyright permissions.

• Resource Development: Librarians and technical/web staff work with attorneys and vendors to develop customized resources for use by their firm’s attorneys.

• Current awareness: Attorneys get one daily e-mail that has highlights of all of the newsletters, clipping services, etc. to which they subscribe. The e-mail also has a link to a personalized intranet page that aggregates all resources into one central page. All of this content is available on the attorney’s wireless device.

• Training: Librarians arrange vendor training or develop and deliver in-house training for both computer savvy and less computer savvy users. Librarians have the ability to take control of a user’s computer to demonstrate how to conduct a particular research session or to trouble shoot a problem.

Training:
An electronic library requires library staff to develop skills in several areas. In addition to the need to stay current in their specific areas of expertise, they include leadership, communication, negotiation, marketing, evaluation of resources, technical know-how (networks, web-coding, portals, etc.), licensing and copyright, understanding of structure and holdings of legal publishing industry, financial acumen, and training adult users.

The need for increased release time to allow for continuing education for the library staff is putting an increasing strain on all staff. It is imperative that library staff be able to pass on what they learn in training sessions to the rest of the staff.
Not all the training for attorneys and staff can be accomplished face to face. Staff is working with IT professionals to develop online, just-in-time training segments available via the Intranet. These training modules are available to users any time from any location.

**Budget:**
The cost of an electronic library is often thought to be less than maintaining a print collection. In reality the cost is generally more. The budget for the electronic library is affected by the following:
- The need for more technical staff leads to an increase in staffing costs. Expect to pay more for today’s library staff as well as increased cost for indexing or cataloging the additional electronic content.
- Staffs for an electronic library require more on-going training than in the past, which, in turn, increases education costs.
- Customization of information resources and integration with firm intranets/portals adds additional costs.
- Reduction of duplication of resources reduces the dollars spent on content.
- Membership fees for access to academic and special libraries are likely to continue to increase as private libraries are expected to share in the increased cost of archiving materials.
- Fewer dollars spent on space

**S.W.O.T. Analysis**

**Strengths:**
- Meets both attorney and client expectations of a modern information center that fits with the corporate world’s expectations
- Allows for closer ties between firm and client with electronic communication systems.
- Allows for an increase in depth and breadth of information resources
- Allows for access to information 24/7 from anywhere
- Eliminates need for shelving, study tables, reference desk, book processing area — generally frees space for more productive use
- Eliminates the need for processing and circulating incoming print material
- Eliminates need for re-shelving and weeding print material
- Eliminates duplication of resources
- Makes it possible to create one user interface to all resources, both internal and external
- Provides for customization and personalization of the user interface

**Weaknesses:**
- Increases requirements for new technology tools
- Increases cost of total operation
  - Higher salaried staff
  - Electronic materials more expensive
  - New technology tools come with cost
- Reduces face-to-face communication between library staff and attorney
- Increases chances that some older material may become totally unavailable
- Requires additional time for continuing education seminars and training

**Opportunities:**
- Strengthen relationships with other departments, particularly IT and attorney practice areas
- Increase technical proficiency
- Develop training skills
- Develop expertise in particular subject areas
• Develop communication and marketing skills

Threats:
• Technology professionals may absorb our positions
• Attorneys may no longer need information professionals to find what they need
• Budget tightening may impede our ability to carry out this transition
• Electronic retrieval systems may replace information professionals

SCENARIO #3: STATE, COURT & COUNTY – THE TOTALLY ELECTRONIC PUBLIC LIBRARY

Rationale
Technology is viewed as one of the biggest changes in the public law library environment. Such resources as LexisNexis, Westlaw, and Loislaw are creating situations where legal information that is traditional in print is also available in electronic format. The growing question that is asked by many in the public law library field is whether a library can be completely transferred into an electronic delivery system. Although librarians look at this possibility in the future tense, some government law libraries have already made the change from traditional print, to a completely electronic public law library system.

Vision
Converting a traditional public law library into a total electronic law library will cause most people to wonder about the reasoning behind such a substantial transition. Some of the primary reasoning behind such a move could be (1) overall costs, (2) available library space, (3) staffing, (4) library consolidation or consortium, and (5) centralizing library management in a multi-library setting.

The Total Electronic Public law library design is one that must be defined by those that manage the library and limited by the amount of resources, both human and monetary, afforded the public law library. In a perfect world, a public law library would have every bit of information that is available in print available electronically, and everything available electronically obtainable in print. However, since this goal is outside most, if not all, libraries, the library management must make the decision to arrange its collections in accordance with its overall goals.

If a totally electronic public law library is the goal of the law library management, the limitations of such a collection must be understood. The pros and cons of such a system should be clearly defined by the management and conveyed to those who will use the library. The pros and cons should cover such topics as (1) available collections, (2) total cost of an electronic system, (3) staffing and training, and (4) overall use of an electronic public law library.

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<th>PROS</th>
<th>CONS</th>
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<tr>
<td>AVAILABLE COLLECTIONS</td>
<td></td>
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<tr>
<td>Most publishers are pushing the Internet as the primary access point for online databases. Most CD-ROM databases are still available.</td>
<td>Accessing online database should be accomplished through high-speed Internet connections. Modern access should be avoided. If the Internet connection is &quot;down,&quot; the library collection will not be available.</td>
</tr>
</tbody>
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| PRIMARY SOURCES | |
| Most primary sources are available through pay subscriptions such as Westlaw and LexisNexis. | Older sources may not be available. |
### SECONDARY SOURCES

<table>
<thead>
<tr>
<th>Treatises are becoming more available through the major online providers.</th>
<th>Not all treatises are available and older versions of treatises may never be converted to online format.</th>
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<tbody>
<tr>
<td>Law reviews and bar journals are becoming more readily available.</td>
<td>Older law reviews and bar journals may never be converted to online format.</td>
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### TERTIARY SOURCES

| Some legal resources are available either through online subscriptions or through online databases compiled by third parties such as bar associations, law schools, or state/federal courts. | Most resources are not available in electronic format, or if these sources are available, the costs may be too much to justify the purchase of these materials. |

### TOTAL COST OF AN ELECTRONIC SYSTEM

| It is possible to increase the total collection of the law library at a cost that is similar to a traditional print collection. | Online subscriptions, computer costs, high-speed Internet connections and maintenance will most likely be higher than traditional overall costs. |
| More information may be housed in a smaller space. | Creating a smaller library (in size) may create problems of traffic flow through the law library. |

### STAFFING/TRAINING

| Staffing levels could be reduced in smaller libraries. Management could be centralized in multi-county law library systems. Shelving and updating of information will no longer be part of the librarian duties. | Staffing could increase to include technical support. Staff would have to adjust to the electronic format and provide reference service appropriate for an electronic library. Librarian will have to have some technical expertise to troubleshoot basic computer/network problems that may occur. |

### OVERALL USE

| Those proficient in using electronic databases can complete their research, and have documentation delivered back to their office via e-mail. | Many users will not be comfortable using electronic databases. Users' initial complaints will be high. Librarian will have to become a de facto trainer. |

The pros and cons will vary depending upon the individual situation with the public law library. The managers of the public law library should make an extensive list of pros and cons and be willing to justify the decisions to all affected by the transition.

The vision of a completely electronic public law library has already become a reality in some court and county law libraries. Although, this type of scenario may not be possible for some public law libraries so many are blending electronic collections with tradition print collections. For those contemplating conversion to totally electronic public law libraries, it is a process that cannot be entered into without defining the overall structure needed for such a transition. Issues regarding staffing, management, collection development, contract negotiations, and spacing must be addressed before implementation. With clearly set goals, proper staffing, and strong management support, the transition from traditional print to total electronic public law libraries can be a viable option for many public law libraries.

### Implications/Strategies

#### Facilities:

When discussing converting a print library to electronic, some within the discussion may start planning reducing the overall size of the library to make way for additional office space for court staff. Because space is usually a premium resource in older courthouses, the pressure will be extremely high to start dividing the library into smaller pieces. Indeed, this may be the principle motivating factor in converting
public law library collections to the electronic format. Library managers should calculate the total estimated space requirements to house an electronic library. They must take into consideration what materials will be permanently housed in the public law library allowing for any additional space requirements needed for future expansion of the library computer system.

**Collection and Content:**

Just like annual print collection costs, the annual costs of electronic collections must be calculated and the potential for increases in subscription costs should be factored in to long-range budget calculations. Contract agreements must be constantly monitored for compliance, both on the part of the library and on the part of the vendor. Since most vendors factor in percentage increases every year, the library managers should understand the vendor's practices and adjust accordingly. Many libraries find that the negotiation process never ends, especially when confronted with subscriptions that give certain percentage discounts the first year and remove those discounts during subsequent years.

Depending upon the situation, electronic libraries may still have the responsibility of purchasing certain print materials for judges or administrators. Although the overall collection in the library may be completely electronic, others in the court system may continue certain print materials, especially print statutes. If the library is required to purchase material for the Judiciary, many will demand that they receive print copies of the materials rather than electronic. The costs for these materials must be factored into the overall costs of the library. One possible benefit may be a reduction in costs of the print material if the same is purchased in electronic format.

**Staffing:**

In state and county public law libraries, there appears to be reluctance on the part of those in charge of the law library funds to hire additional personnel. This creates a situation where more responsibilities are falling on the original number of employees. In some situations, the number of employees is actually falling through attrition. One of the misconceptions of converting public law libraries from print to electronic is that fewer library staff will be needed. The conversion may actually trigger the opposite effect. Where a single librarian might be sufficient in small libraries with print collections, small electronic libraries require expertise in the same areas as traditional print libraries, plus the knowledge of electronic databases, searching capabilities, computer software/hardware/operating system, and computer networking. Although there are librarians who have all of these skills, they are extremely hard to find. This type of environment normally requires a librarian and a network technician.

**Services:**

As with any change, there will be an initial reluctance to use electronic legal research tools by the tradition users of the law library. Librarians will need to work on two fronts to ensure that the conversion from print to electronic does not cause a significant reduction in library patrons. First, the librarian will need to inform the users of the materials that are available. Computer databases can be extremely confusing to the user because most of the materials that are available might be difficult to initially find. The librarian should attempt to make the list of databases easy to negotiate. This can be accomplished by designing the library computer to list the available databases, compile a listing of databases in a handbook, or through training of the users. Second, the librarian will need to arrange comprehensive training sessions for those who will use the electronic library. Training can be scheduled through the vendors and should be a part of the contract with the vendors. Librarians should be careful, however, that the trainers sent by the vendors are actually trainers and not sales people. Most sales people do not have the skills needed to train on the product they sell. The safest mode of training is to conduct in-house training arranged and conducted by the library staff.
Budget:
There is a perception by many that moving collections to electronic would save public law libraries money over a traditional print collection. Whether this is true or not depends on the situation of the public law library. For example, if the budgets for a public law library are managed centrally, converting collections of all of the member libraries to electronic may be less expensive than having the equivalent collection in print in each of the libraries. By spreading the costs over the entire consortium, it could make it possible for smaller libraries to increase the amount of their collections without increasing the total allocated budget for that library. On the other hand, the overall costs may be so much higher as to prohibit converting the collections to electronic format.

The libraries that are the most likely candidates for conversion from print to electronic are multi-county/multi-district law libraries. Because they can negotiate contracts with "one voice" rather than as individual libraries, they have more leverage against the vendors, or they can take advantage of multiple subscription discounts that would not be available as individual libraries. Centralized management is the most likely style needed to strengthen the overall position of the public law libraries. The potential problem with this type of management is that some in the consortium will argue that a "one size fits all" approach will not be receptive to the needs of the local library. Management must address this type of potential problem by including people on the local level in collection development decisions.

S.W.O.T. Analysis

Strengths:
- Size of Collection
- Reduced Physical Space needed to house collection
- Ease of Searching and Indexing of information
- Currency of information

Weaknesses:
- Ability of user to learn/use computerized system
- Number of available terminals v. number of concurrent users of the library
- Specialized staffing needs

Opportunities:
- Expand collection
- Minimize spacing needs

Threats:
- User reluctance
- Vendor reluctance
- Networking issues
- Permanence of transition from print to electronic
REDEFINING TRADITIONAL ROLES OF A LAW LIBRARY
IN THE DIGITAL AGE

SCENARIO #4: ACADEMIC – THE ACADEMIC LAW LIBRARY AS PLACE

Rationale
The academic law library has traditionally served as the center of intellectual life of the law school, the place where faculty and students obtain legal information and assistance with research projects. Even in the fast changing world of digital legal information, where remote access to library resources and services is common, the law library continues to house significant print collections, to develop facilities for access to electronic resources, to provide on-site services, and to accommodate library staff and infrastructure. Another important traditional role for the academic law library is to provide space for group and individual study and research.

Accreditation standards demand, and legal educators agree, that legal education requires a residential component that includes significant interactions with instructors and classmates in and out of the classroom. While the proposed revisions regarding distance education provide more flexibility in this regard, they still emphasize this value – see proposed Interpretations 306-3, 306-4. Accreditation standards also continue to require library facilities to accommodate research and study space, and space for collections, services, staff and equipment.

Thus the academic law library as a continuing institutional presence and a place in the law school prompts this vision of the future.

Vision
This conception of the academic law library contemplates an institution with a proverbial foot in both the physical and the electronic worlds. As changes in library usage and the ways that patrons access its information sources have accelerated, the academic law library has re-examined its mission and redirected its focus towards maintenance of its vital institutional presence within the law school. The physical plant is designed and arranged for flexibility and to accommodate changing use patterns, technologies, programs and services. The library’s collections and services are available remotely and on site. Library service desks serve as a central point of access and user support. Librarians with expertise in print and electronic legal research provide instruction (individual and group) and technical support to students and high level scholarly research support to faculty, and they also promote an overall environment of intellectual inquiry. This library is a central gathering space for student collaborations as well as quiet study.

Implications/Strategies
Facilities:
The academic law library building is designed for flexibility and functionality, to respond to and accommodate technologies and applications over time. The building design reflects a redirected mission of the library to promote community and the learning environment contemplated by accreditation standards. Ample study spaces are available at carrels and tables, with laptop access (wired or wireless) to library, law school and other resources. Conference rooms, computer labs and library classrooms feature functional furnishings and the latest technologies. Comfortable lounge seating
arrangements are strategically located to promote collaborative conversation without disturbing quiet study and research spaces, and in many institutions a café is located within the library. Service desks equipped with latest technologies offer functional on-site research and other support. A substantial proportion of the print collection – no longer a prominent and primary feature and not growing as fast as in the past, but nevertheless an important facility requirement – is stored on compact shelving or at a remote storage facility for the historical and less used print materials. Some stack spaces have been converted to new uses: computer clusters, conference rooms, lounge areas, service desks and staff offices and workstations. The library facility contains spaces for other law school programs such as legal research and writing, journals, clinics, institutes or centers (see Partnering scenario).

Collections and Content:
The collection is a hybrid of print and digital resources. The print collection consists of historical legal texts, and the monograph/treatise collection continues to grow in this format. Because the treatises are heavily used in print form, this collection is housed on the main floor where browsing and retrieval is convenient. The treatise collection is accessed through the library’s OPAC which is incorporated into the research portal described below and in the Virtual scenario. Print versions of primary law sources and finding tools have been decreased substantially if not totally eliminated.

The digital content is accessed through a research portal that searches across sources, from library computers and connections or remotely. It consists of legal and non-legal databases, links to web sites, and a vast array of other commercial and non-commercial sources. (See Virtual scenario for more information.)

Services:
Library reference, document delivery, circulation, technical support and other services and support are available on site, where patrons receive personalized and hands-on assistance with research and technical questions. Service areas provide easy access to professional assistance all hours that the library is open. Instructional sessions are provided to law students in the library’s electronic classrooms. A faculty assistance center provides in-depth reference support for research projects and instructional support. Librarians may be engaged in collaborative services and programs with other law school units – eg, career services, legal writing, clinics, institutes or centers (see Partnering scenario).

Staff:
Staffing levels are maintained to meet the demand for on-site assistance as well as remote access by faculty and students. Service desks are staffed all hours the library is open. New service models have been developed to promote the redirected mission of the library. Technical processing staff, reduced in number due to the decrease in print sources acquired, nevertheless continue to perform acquisitions, cataloging and serials processing functions.

Librarians with a high level of expertise in print and electronic formats provide support and instruction to onsite and remote users, and are actively engaged in development and maintenance of the library’s digital resources and its research portal. Collaborative initiatives within the law school and across campus keep librarians actively involved in the institutional enterprise, and bring a variety of people into the library.

Budget:
A commitment to transforming and enhancing the role of the academic law library as a vital presence within the law school does not, for the most part, achieve financial savings. Facilities renovations, maintenance of print collections while moving forward with digital collections, the need to staff service desks for on-site services, all carry budget implications. Law school administrators are convinced that these commitments are worth the expense, however, as the library retains its important role in the institutional life of the law school and promotes the educational experience of its students.
S.W.O.T. Analysis

Strengths:
- Academic law libraries have long served as an environment for research and study
- Academic law libraries have substantial dedicated space within the law school that can be adapted to changing roles
- Academic law library staffs with strong service orientation can provide incentives to come into the library for assistance

Weaknesses:
- Decline in on-site traffic; faculty and student increasingly not coming to the library to take advantage of on-site resources, services, opportunities
- Adaptation of library facility, designed primarily to house print collection, for a refocused mission may not be feasible

Opportunities:
- The academic law library as the interactive and intellectual “center” of the law school
- Development of high level technological expertise and support centers
- The law library with a refocused and revitalized mission, developing new resources and services for faculty and students on-site

Threats:
- Law school administrators unwilling to invest in transforming the traditional role of the law library
- Technological advances undermining the library as place
- Law library losing sight of its mission as it tries to adapt to new roles within the law school

SCENARIO #5: ACADEMIC – REDEFINING THE LIBRARY AS MULTI-FACETED PARTNER

Rationale

In order for the academic law library to be a driving force within the law school and the university community, it must engage in strategic partnerships, with the parent institution and with the academic community. Law librarians, because of their training and their service orientation, make natural partners with nearly all departments within the law school. In this model the library is fully integrated in the life of the law school and actively seeks partnerships across campus.

It is already a trend for academic law library directors to play a major role in the integration of technology in the law school. This successful partnership model can be expanded to other areas of service, teaching, and research to further the mission of the law school.

- The partnering model recognizes redefined relationships with students, faculty, and administration
- Librarians are in the classroom
- Librarians contribute to curriculum development
- Librarians collaborate more closely with faculty to enable teaching, scholarship and service in the digital world
- Librarians collaborate more closely with legal research and writing programs
The library plays a key role in distance education and the satellite campus

- The academic law library is a publisher
- The academic law library partners with other library types

**Vision**

The fully integrated academic law library is the heart of the law school, providing facilities, resources and services to support the educational process.

- The physical space of the library will not look significantly different in the short-term, with the exception of greater numbers of computer terminals for walk-up use, outlets or wireless capacity for personal laptop use, and scanners for converting microform and print materials. In the longer term we will see redesign of space to facilitate collaborative projects as well as emerging technologies.

- Librarians will assume a variety of traditional and new roles, in the information technology arena (desktop, classroom, campus-wide resources, remote access), in the classroom (information literacy skills training, bibliographic instruction in substantive and skills courses, legal research and writing instruction), in law school administration, in web and digital publishing, and as a visiting librarian in firm and court settings.

- Law schools and law libraries will work with the ABA to revise the Standards for Approval of Law Schools and Interpretations to reflect the library's integral role in the legal education process and to suggest some qualitative measures of evaluation. For example, to recognize the greater partnership role, we might propose new interpretations to be added under Standard 601(a) (General Provisions) and Standard 605 (Services).

**Implications/Strategies**

**Facilities:**
This model includes the need for space devoted to non-traditional library roles – less stack space for print resources and more computer workstations; expanded use of group study rooms and seminar rooms within the library to facilitate collaboration among students, faculty and librarians; electronic classrooms; space for career services consultation; space for clinic services; rooms equipped with multimedia for skills training, simulation exercises, etc.; areas where “roving” librarians can mix with students who are seeking information or doing research; technology that will support electronic reference chat rooms and shared viewing of computer screens; flexible space that can be adapted to new roles and functions as they evolve.

**Collections and Content:**
The percentage of non-print resources in the overall collection will increase as more resources are available in electronic form and libraries begin to respond by weeding print collections. Libraries will begin to collect more aggressively in other media, such as instructional media and digitized collections. Librarians will work directly with faculty to provide advice on electronic content that will support course web pages. Librarians will work with the law school's journals, research centers, and other units on digital publishing and archiving.

**Staffing:**
This model will include a wide variety of professional and non-professional staff. Some will be law- or library-trained, but some will have training in other academic disciplines or professions. Educational backgrounds in computer science, adult learning, instructional technology, and publishing, for example, will facilitate the more collaborative role of librarians in the teaching, research, administrative and
publishing functions of the law school. Law schools will develop more programs of research leaves for librarians so that a librarian might undertake a cooperative project with an outside organization. For example, a librarian might work with a state agency to develop a legal information system or with a legal publisher to design and test new products and systems for providing legal resources. Such redefined staff roles will necessitate changes in rank and status for librarians and non-librarians.

**Services:**
The more the library partners within the law school and across campus, the more new services will be expected. These might include electronic delivery of information to faculty within and outside the law school, assistance with instructional media, delivery of career services resources, development of institutional and instructional web pages, electronic publishing, and training students in information literacy skills.

**Training:**
Library staff will be required to complete regular courses in technology instruction and database training in order to take advantage of new products and technologies, developments in web-based instruction, and opportunities for service delivery and collection building.

**Budget:**
While all of the above will require more money, partnerships should assume some sharing of costs across law school and university departments. Budget realities will dictate less duplication of formats and a shift of resources away from print. Increases will be needed in training and professional development budgets. Major funding will be required for renovation of facilities.

**S.W.O.T. Analysis**

**Strengths:**
- Library staff play a pivotal role in the legal education process with both students and faculty
- Library staff capitalize on knowledge in related areas, such as technology and publishing
- Library’s strong service ethic serves as a model for other law school units
- Library remains an active, central and integral part of the law school

**Weaknesses:**
- Resistance from library staff to changing roles and new expectations
- Difficulty of changing image of the library and breaking through the boundaries of traditional library functions; practical issues of integrating new roles
- Increasing demands on the library’s physical space
- Diminishing budgets are stretched even further

**Opportunities:**
- Create the future of the library instead of reacting to external developments
- Become a vital and more visible part of the legal education process
- Evaluate library services to ensure that they are closely aligned with the institution’s educational mission and strategic plan
- Bring students into the library through collaboration with and housing of student services, e.g. admissions and career services
- Educate and serve more public patrons through collaboration with clinics
Threats:
- Resistance on the part of the faculty
- Resistance from other law school departments
- Library could undermine its primary mission by focusing too many resources on collaborative activities

SCENARIO #6: PRIVATE - THE GLOBAL LAW FIRM LIBRARY

Rationale
Many law firms maintain international and branch office libraries. In the case of international offices and the branch offices of very large firms, these libraries are generally decentralized with acquisitions and collection management, etc. being done locally, or, in the case of cataloging, not done at all. If the libraries have no reference staff, reference and research is handled by lawyers, paralegals and secretaries with the occasional question asked of the librarians in the main office. As the practice of law becomes more global and technology allows easier access to information, many firms are looking to integration of practices between disparate offices to gain economies of scale and provide better practice tools to their attorneys. As the firms move in this direction, librarians and libraries can play an important role in that integration and in support of the global practice.

Vision
Library services are integrated across offices regardless of location or if the office is domestic or international. Library staff in all offices work closely to provide the same level of service in each office as is provided to the attorneys and staff in the firm's main office. Some functions of the international and branch office library are centralized depending on firm culture, the size of the office or the services being provided. Librarians support the global practice as they:
- Develop expertise in the practices within the international and branch offices.
- Play a role in collection management, elimination of duplication of resources, and the resulting cost savings.
- Act as a conduit between offices to maximize investment in information and technology.

Implications/Strategies
Facilities:
The facilities for large branch or international office libraries are similar to that of the main office. They include office space for staff, space for shelving for the print collection, space as needed for patron study areas, and a training room. Smaller offices need a space to house whatever print collection that may exist and a work table to be used while research is being conducted. Whatever space exists, it is smaller than days past as:
- The print collection is smaller.
- Little research is done in the physical library.
- More focus is placed on space to be used in training researchers to use electronic materials.

Collections and Content:
The collection contains international and foreign law or resources specific to the location of the office and the practice areas within the office. Some print materials are available but emphasis is put on developing
an electronic collection that can be used by researcher regardless of location. All resources, print and non-print are shared between offices depending on need and licenses. The firm’s intranet or portal is used to provide access where possible.

**Staffing:**
Offices of twenty-five or more attorneys have a full-time librarian who provides reference/research support, etc. with clerical support as needed. Additional librarians are hired as the size of the office increases. Acquisitions are handled centrally through the main office. Smaller offices rely on staff from the main library for reference/research support, etc. and local support staff or a tiling service for maintenance of the physical collection. In addition to the requirements listed for library staff in the all electronic scenario, the following skills are also needed:

- Research librarians who support the international offices must have knowledge of foreign and international law and must be able to communicate with the attorneys and staff in the offices they are supporting.
- Acquisition staff in main office must have an understanding of the purchasing process from a global perspective.
- Finally, firm libraries have an increased dependence on academic libraries for the services they provide in the international/foreign law area.

**Services:**
Since the international/branch library is largely electronic, the services provided are similar to that in the all electronic scenario. They include:

- Reference/Research/Current awareness: Branch or international office librarians respond to reference questions, conduct research, and provide a current awareness service as needed in their office. Main office librarians provide the same service for offices without librarians.
- Collection development: Branch or international office librarians work with main office library staff and local attorneys to evaluate and select new electronic resources. They serve as experts in selection of resources unique to their location. Collection development in offices without librarians is done by the main office library staff working with branch office attorneys and staff.
- Collection management: Maintenance of the physical location is done by clerical staff in the branch office (library clerks or other staff depending on size of the office) or is outsourced.
- Access management: Management of access to electronic services is handled in the main office.
- Training: Librarians arrange vendor training and develop and deliver in-house training. Again, librarians in branch or international offices provide this service and offices without librarians rely on the main office for training. Training provided by the main office may be done remotely by computer or by office visits.

**Training:**
Librarians and staff in the international or branch office library need to participate in the same training as their co-workers in the main office. Besides the need to stay current in their specific areas of expertise, the topics include leadership, communication, negotiation, marketing, evaluation of resources, technical know-how (networks, web-coding, portals, etc.), licensing and copyright, understanding of structure and holdings of legal publishing industry, financial acumen, and training adult users. Additionally, both the solo librarian in a branch or international office library and the main office library staff who support a small office needs language skills for their location and knowledge about the international and foreign law research.

**Budget:**
This scenario has both a positive and negative effect on the budget:

- Reduces the need to maintain multiple sets of print material in all offices, thereby reducing cost.
- Increases travel costs as library staff travels between offices for training, etc.
- Increases training costs as librarians need to upgrade their skills in languages and gain specialized knowledge in new practice areas.
- Increased technology costs.

**S.W.O.T. Analysis**

**Strengths:**
- Librarians already have the research skills and aptitude needed to develop research expertise in new areas.
- Allows for elimination of duplication of resources.
- Provides more standardized service to every attorney in the firm.
- Maximizes the firm's investment in information and technology.

**Weaknesses:**
- Library staff may not have the language skills needed for supporting international offices.
- Library staff in main office may not have enough experience in researching international and foreign law or providing assistance in using local materials in branch offices.
- Remote training is often not as effective as face-to-face training.
- Branch and international office attorneys and staff who have been self-sufficient may not think of approaching the library for service.
- Staffing will be difficult as best.

**Opportunities:**
- Branch and international offices are a new market for firm librarians to offer services to.
- Firms could develop exchange programs between offices.

**Threats:**
- Individual librarians may perceive the need for additional skills as a threat.
- Cultural differences may work against integration.
- Demand may temporarily outstrip ability to provide services as planned.

**SCENARIO # 7: PRIVATE – THE LAW FIRM LIBRARY AS KNOWLEDGE MANAGEMENT CENTER**

**Rationale**

As the practice of law evolves, law firms grow, and client demands change, it has become evident that the need for firms to manage the intellectual capital within their organizations has become imperative. Law librarians have been working in knowledge management (KM) through organization of both internal and external knowledge for years. It follows that the library would be the department within the firm to take on the responsibility of managing that intellectual capital through KM.
Vision

The law firm library has become the center for knowledge management within the organization. Library staff work with practice groups to facilitate the sharing of knowledge within and among the groups. Besides working with the groups to develop non-technical initiatives, the staff also works on developing technologically driven systems that allow knowledge sharing. These systems are web based and accessed via the firm’s intranet. In this scenario, the library moves beyond the boundaries of what a library is defined as today and operates as a leader within the organization in support of the practices.

Implications/Strategies

Facilities (See “Scenario #2: Private – The Law Firm Electronic Library” for additional information regarding facilities):
Space is needed for additional staff members who are dedicated to KM. The facilities include offices that allow KM staff and librarians to meet with individuals and small groups for planning sessions. KM initiatives also require state of the art computers and a network with high speed Internet access.

Collections and content:
Content for KM initiatives includes the following:
- Information stored in databases throughout the firm (Outlook, Elite, Interaction, HR database, etc.) that, when put in context via the firm’s intranet, become knowledge.
- Databases that are created specifically to contain knowledge (i.e., Research database that tracks reference/research requests).
- Prior work product stored in the firm’s document management system.
- External information resources used to develop knowledge regarding clients, legal issues, etc. These services can be primary or secondary legal resources, news resources, public records, etc.

Staffing:
Additional staffing is generally needed to support KM initiatives. This staff is knowledgeable about the practice of law and the technology used to manage knowledge. The staffing may be different depending on the size of the firm and the KM initiatives being undertaken by the firm and may be outsourced depending on need. Skills needed by library staff or provided through partnering with other departments within the firm or by outsourcing include:
- The ability to lead the firm in the visioning process that needs to take place in order to move forward with KM. It requires high leadership aptitude with a high degree of skill in communication, problem solving, change management and negotiation/collaboration.
- The technical skills needed to develop resources/systems for knowledge sharing. Since the intranet is the central resource for KM in the firm, technical skills are necessary for the development process of the various systems that come out of the KM initiatives. Along with technical skills, skill in communication, project management, and systems thinking are also required.
- The ability to lead in the evaluation, implementation and training of electronic resources. The skill in evaluation of user interfaces and content, along with experience in training and performing research are also required.
- The ability to act as KM consultant during KM initiatives as well as provide services as research librarians, trainers, and content/collection developers.
- A full understanding of the firm's practices and the support needed within each practice area.

Services:
The services consist of individual KM initiatives that result in database systems/online collections available via the intranet/extranet that are managed by library staff. Examples of such collections include:
- Attorney work product retrieval system
• Attorney expertise system
• Expert witness database
• Judges biographical database
• Local counsel database
• Client/matter resource
• Intranet practice group page
• Intranet research page
• Current awareness service
• CLE support

Training:
The library as knowledge center requires library staff to develop skills in several areas. Besides the need to stay current in their specific areas of expertise, they include leadership, communication, negotiation, change management, marketing, content evaluation, user interface evaluation, technical know-how (networks, web-coding, portals, etc.), and training adult users.

Budget:
Knowledge management is expensive. Besides the increase in staffing costs, expect the following in the way of costs:

• The cost of space for additional staff.
• The cost of lawyer time as they work on non-billable KM initiatives.
• The expense of KM software as needed.

At the same time, the firm should realize cost savings as attorneys and staff use the resources developed to provide client support.

S.W.O.T. Analysis

Strengths:
• Increases access to the firm's intellectual capital
• Increases the effectiveness of the individual practice groups
• Enhances consistency and quality of service to the firm's clients

Weaknesses:
• Increases requirements for new technology tools
• Increases cost of total operation
  - Higher salaried staff
  - Electronic materials more expensive
  - New technology tools come with cost
• The library staff may not have the credibility needed to implement a successful KM initiative if they do not have a law degree.
• Requires champion who may not be present within the firm.

Opportunities:
• Strengthen relationships with attorney practice areas
• Increase technical proficiency
• Develop communication and marketing skills
• Develop expertise in particular practice areas
• The information professional is seen as a leader within the organization.
• Provides recognition opportunity.

Threats:
• Chances of failure are high if the firm’s leaders do not support
• There may be competition for control within administrative departments and/or practice groups.

**Scenario #8: State, Court & County – The Truly Public Law Library**

**Rationale**

Functioning as a branch of the public library system, a department within the judicial branch, or an independent public law library, these libraries share the mission of providing public access to a wide range of legal materials and court documents, both print and electronic. As each state’s judiciary invests more of their budget in the development of services and court assistance programs for the public, the public law library has become a significant partner in the delivery of justice. Relying on regional repository libraries to maintain archival print collections, the librarians at these libraries are familiar with the best resources for meeting the needs of the self-represented litigants, members of the general public and the judiciary.

As documented in a number of surveys conducted in early 2000, the number of attorneys using public law libraries is decreasing. With a corresponding increase in the depth and breadth of materials available in an electronic format at an affordable price, the attorney now accesses most, if not all, legal resources online. Those public law libraries relying on a membership subscription base must find new ways to provide alternative and/or remote services to retain this user population. At the same time, the number of lay users is increasing, including a dramatic rise in the number of self-represented litigants. Interestingly, this growing group of law library users requires more assistance and training than that previously provided to attorneys using public law libraries and affects the format and content of public law library collections.

**Vision**

Located in the courthouse or municipal library facility, these public law libraries offer large open spaces permitting easy access to computer workstations and library staff. Using a variety of formats and techniques, law librarians provide ongoing educational programming for library users, including the judiciary and the public. The librarians’ time may be dedicated to completing in-depth legal research for solo practitioners who, despite ease of access, don’t have time to come to the library or complete the research at their own desktop. For the self-represented litigant, the librarian is ready to assist as they navigate a range of library materials: print, microfiche and electronic.

**Implications/Strategies**

**Facilities:**
• Blend of electronic and print legal resources requires less shelf space and more electronic workstations
- "Hot line" to regional repository law libraries for access to many print and archival materials provides a direct connection to materials not held by the public law library
- In addition to computer workstations dedicated to preparation and filing of court documents, there are workstations set up for one-on-one and group training

Collections and Content:
- Wide range of access to a variety of electronic resources
- Limited print collections consists of primary law for the locality and legal materials prepared for the layperson
- Court forms, including necessary instructions
- Emphasis on "how-to" titles written for the layperson
- Basic materials available in multiple languages and large print formats

Staffing:
- Changing role of technical services staff and traditional technical services functions
- Majority of staff working in public service and training areas
- Basic "electronic services" skills necessary for all staff
- Strong oral and written communication skills necessary for teaching
- Strong customer service orientation
- Basic conversational skills in other languages

Services:
- Ongoing basic legal research training sessions for self-represented litigants, such as monthly in-house seminars on a variety of legal topics
- Ongoing instruction in use of electronic products, including self-serve kiosks
- Interlibrary loan services for access to print materials housed at regional repositories
- Providing coordinated "virtual" legal reference services with local public and state libraries
- Partnering with courthouse legal assistance programs
- Document delivery and research services

Training:
- Professional development addressing licensing issues inherent in the acquisition of electronic access to vs. ownership of legal resources
- Ongoing technology training for library staff
- Workshops focusing on teaching and training adult learners

Budget:
As a partner with the court and community in providing equal access to the legal system, these libraries are funded via state and local appropriation and, in some cases, membership subscription fees

S.W.O.T. Analysis

Strengths:
- Public law libraries are already positioned to serve the public's information needs
- Better, more efficient use of limited library space to provide legal information

Weaknesses:
- Loss of some print collections = less-timely access to older legal information
- Dependence on other libraries to maintain and preserve legal materials
• Increased reliance on providing information via electronic access requires more expertise re: licensing issues
• Inconsistent funding from year to year

Opportunities:
• Partnerships with local judiciary and bar increase awareness and support of the library's mission
• Collaborative approach to providing legal assistance is more beneficial for the public and enhances public trust and confidence
• Establishing cooperative collection access with other law libraries strengthens relationships with colleagues

Threats:
• Perception that the law library requires much less funding since there are fewer books to process and fewer attorneys using the library collection
• Inability to negotiate online access contracts for public access and/or inconsistent vendor policies re: public access to online databases
• Dependency on vendors for continuation of existing electronic formats and range of content
• In some states, unauthorized practice of law rules and policies may restrict the levels of service librarians are able to offer

EXTERNAL COLLABORATIONS AND EXPANDING STAFFING ROLES IN THE DIGITAL AGE

SCENARIO #9: ACADEMIC – THE ACADEMIC LAW LIBRARY COLLABORATING WITH EXTERNAL PARTNERS

Rationale

The digital age has brought profound change to academic law libraries. Numerous outside entities with which we work—accrediting agencies, publishers, other libraries, library organizations and consortia, information technology departments on campus and in legal education, to name a few—are also dealing with, and reacting to, the impact of digital technology from their perspectives. Academic law libraries cannot operate in a vacuum in responding to change, particularly if we want to master the future we envision rather than drift towards a future with no controls. Collaborations with these external entities, whose response to the digital challenge will greatly impact our futures, will enable us to influence their direction and achieve outcomes that best serve the academic law library and its place in legal education.

The importance and necessity of these collaborations, therefore, prompt this scenario of the future.

Vision

Law libraries are active participants in design and implementation of new models and standards, working with campus libraries and IT departments to develop campus wide information portals and collaborating with legal publishers in design of new products and the next generation of legal information
systems. Law librarians have assumed leadership among colleagues in development of instructional tools and programs. They have collaborated with the ABA and AALS to revise standards and regulations to better address digital realities, with IT professionals in legal education to develop and manage digital content and services, and with courts, the bar and other library organizations in to influence the direction of information policy in the digital age.

**Implications/Strategies**

Successful collaborations with all of the above listed entities will have significant impact on library facilities, collections, staffing and services, as described in other scenarios. The *fact of the collaborations*, however, will also have implications for academic law libraries.

**Facilities:**
Increases need for space devoted to programs, development and testing of products and services, meeting spaces for conferences and collaborations with colleagues. The law library may house the central office for staff supporting initiatives. In addition, technology is needed to accommodate initiatives undertaken (e.g., digitization, teleconferencing) both on-site and virtually.

**Collections and Content:**
Depending on nature of the collaborations, collection impact could include reduction of print, and transfer of portions of collection to a repository. Digitization collaborations could result in creation of any number of subject, jurisdictional, retrospective or interdisciplinary electronic collections. Product development collaborations with publishers may result in innovative and creative legal information tools. Similarly, access to resources in the collection may be affected as consortial or other collaborative research portals are tested and implemented.

**Staffing:**
Perhaps the biggest implication is here: If law librarians and others are involved in these important collaborations with external partners, who is minding the store? Law library must engage in critical evaluation of existing staff models and initiate appropriate changes in order to dedicate efforts to collaborations.

**Services:**
Faculty and students as guinea pigs testing products and services developed through collaborations. Service models must be assessed and appropriate changes made in order to adopt new services and products developed through collaborations.

**Budget:**
Academic law libraries will need to invest in these collaborations: librarian travel and development funds, facilities modifications, technology, additional staffing. Many collaborative initiatives are ideal candidates for grant funding, e.g., from publishers, governmental or other organizations.

**S.W.O.T. Analysis**

**Strengths:**
- Academic law libraries are stakeholders; institutional self interest
- Academic law libraries have specialized expertise and perspectives to contribute to collaborative efforts
- Benefit from knowledge and resources of collaborating partners

**Weaknesses:**
- Difficulty of balancing and prioritizing external collaborations with internal demands
• Budget and staffing implications

Opportunities:
• Bring about change in ways that best serve academic law libraries
• Influence direction of legal information resources, services; broaden access to interdisciplinary sources
• Restructure staff and service models to accommodate new roles
• Expose law library's clientele to exciting new developments
• Enhance the profiles of academic law libraries

Threats:
• Work very hard on collaborations that are not successful – e.g., products or services that don’t work or are buggy; standards or policy revisions that do not get adopted and meanwhile, neglect of primary clientele and internal focus causing a diminished appreciation for the law library within the law school
• Resistance of law school to providing resources for external rather than internal projects
• “Eye on the ball” issues: academic law libraries cannot lose sight of primary mission as they engage in collaborations that move them into broader environment

SCENARIO # 10: PRIVATE – DISTRIBUTING STAFF AND SERVICES TO PRACTICE GROUPS

Rationale

The private law firm library exists to serve the practicing attorneys and their clients. The assertion has often been made that the better the library staff understands the specific nature of the practice, the better job they can do in serving their clientele. By physically moving staff and services to the practice areas and integrating the reference and collection development staff into the various practice groups the library staff can more quickly and thoroughly come to fully understand the idiosyncratic nature of the practitioner’s information requirements. This scenario depends a great deal on having sophisticated electronic systems in place.

Vision

The central library as a physical entity no longer exists. Library reference staff members are each assigned one or more practice areas and are physically located in the same area(s) as the practice groups to which they are assigned. Their workspace is fully equipped with all the tools they need to conduct online research to access both internal and external information. They have access to the extranets and other communication systems set up between attorney and client and respond directly to information requests from clients. They are involved in the evaluation and selection of new systems that are specific to their practice groups and work with the rest of the library staff to evaluate and select systems of more general utility. The library staff also works with both vendors and other staff to develop and present training on all electronic research systems.

Implications/Strategies

Facilities:
• The library staff has decentralized and moved to highly visible kiosk like offices scattered among the practice groups. Their facilities have been designed to assist attorneys, paralegals and staff in the use of the electronic library.
• There are small, specialized collections of print material that remain in areas not fully served by online information resources.
• As much information as possible is pushed to the attorney and staff desktop where it is available through a firm Intranet or Portal. The library staff is responsible for organizing and making this content available through the Portal in the same way they were previously responsible for organizing the print collection. This includes evaluating, negotiating licensing and purchasing the services as well as developing the interface to the attorney desktop.
• The library director, interlibrary loan staff and the technical services staff may still be located in a central location.

Collections and Content:
• Primary legal materials are all available electronically and corresponding print resources have been discontinued.
• All necessary secondary legal materials that are available online have been acquired. There is still a need for some specialized secondary sources which must be continued in print.
• There is heavy reliance on electronic access to subject specific information, business and financial, medical and scientific information as well as general reference resources.

Staffing:
• Additional reference staff will be required. They handle all reference for the practice groups they work with.
• A training specialist with background in reference and research has been added to the staff.
• Serials check-in, bill payment and ordering, and cataloging are still handled centrally by technical services staff.
• Attorneys are involved in the recruiting and hiring of reference staff who will work directly with them.
• Recruiting is more difficult and takes longer because very specific skill sets are needed.

Services: (See “Scenario #2: Private – The Law Firm Electronic Library” for additional services)
• Reference and research services, are the responsibility of librarians assigned to specific practice groups. Their close physical proximity makes it easier for them to have personal contact with the attorneys and staff they are working for.
• Training is geared to practice groups, paralegals and secretaries and offered on both an individual and group basis.
• Library staff works with vendors of specific services to provide training geared to specific practice areas.
• Library staff work with IT professionals to develop online, just-in-time training segments to be made available via the Intranet. These how to segments are designed to be available to users any time from any location.

Training:
• Staff requires additional specific subject area training
• Staff must develop team building and team participation skills to offset the risk that staff will become insular and isolated since their offices are physically separate.
• Staff must be trained to train

Budget: (See “Scenario #2: Private – The Law Firm Electronic Library” for additional budget implications)
• Additional reference staff required will increase budget
• Additional space required for increased staff will also increase costs.
S.W.O.T. Analysis

Strengths:
- Increased individualized service
- Increased expertise and understanding of the core business
- Proximity to attorneys will offer increased opportunities for face-to-face communication.
- Inclusion of information professional in the practice group strengthens marketing position to clients

Weaknesses:
- Increased costs for office space and personnel
- Difficult to recruit qualified staff
- More difficult to provide staff backup and coverage
- More difficult to provide inter practice group support
- Challenge to maintaining cohesiveness of library staff
- Discourages collaboration
- Increased dependence on electronic systems increases need for training end users.
- Small, specialized collections are difficult to manage and update.

Opportunities:
- Provide better and more targeted service to users
- Develop staff expertise in firm’s core business areas
- Provide greater sense of job satisfaction to library staff
- Staff is involved in transaction or litigation all the way through to completion
- Increase client satisfaction and loyalty
- Market information services directly to clients

Threats:
- Attorneys may not be willing to accept information professional as part of the team
- Paralegals or legal assistants may be threatened.
- Current trend toward practice groups changing and the boundaries shifting might make implementation difficult.

SCENARIO #11: PRIVATE - LAW FIRM LIBRARY AS MANAGED BY A PRIVATE COMPANY

Rationale

Managing today's law firm library requires many skill sets that are sometimes difficult to locate in a sufficient pool of candidates, from technical services to reference expertise, and from teaching and training skills to technology planning and implementation. Unfortunately, as the need for librarian expertise continues to grow within the private law firm environment, the number of qualified professional law librarians is shrinking. In many instances, qualified librarians who take these jobs plateau within their firm leaving them no room for advancement, leaving the librarians unfulfilled. In addition, many firms do not need to have constant access to all of these services at the same time, but would like to be able to utilize these resources on an as-needed basis.
Law firm libraries managed by a private company would help alleviate a number of these challenges: by providing an alternative career path for librarians, qualified personnel can be attracted and retained; by providing opportunities to strengthen individual skill sets, librarians might find the work more satisfying. Lastly, by providing even the smallest firm with the capability of superior library services, firms would increasingly value the contributions made by professional librarians.

**Vision**

The library is ultimately a business - it is in the business of information. As in every business, there is increasing attention paid to getting the strongest return on investment. The first challenge is to attract and retain qualified personnel. The private management company is able to do that by offering a number of opportunities for professional growth. Librarians are able to change positions within the company, depending upon their needs or wishes, without the loss of benefits or seniority.

A private law library management company, overseen by a team of professional librarians, allows the customer (in this case, the individual law firm) to reduce their costs by maximizing their investment in library services. By utilizing a company that centralizes library tasks, such as cataloging of library material and reference services, the firm's overall costs may be reduced. In addition, by the sharing of resources across a number of firms that are managed by the same company, the individual firm's costs are shared and it allows the firm to gain access to a much wider depth of reference assistance than might otherwise be available to them if they managed their library in-house.

The outsourced library, by helping to ensure cost-effective access to information, ensures that the firm is able to meet the ever-increasing demand for library services while maintaining a watchful eye on the cost of doing so.

**Implications/Strategies**

**Facilities:**
- With a greater reliance on electronic resources, the physical space for print resources has been reduced - retaining only those print items not available in electronic format. The existing space is allocated to training rooms and attorney offices.
- Outside of the library, the management company would retain offices in more affordable space (perhaps outside of the expensive urban areas that most law firms occupy).

**Collections and Content:**
- The vast majority of the resources is now electronic and can be shared among the company’s libraries, thereby reducing the costs.
- Each firm maintains their own specialized print collections for those items that are not available electronically and will be limited to materials that directly support the practice specialties of the firm. Access to online catalogs will be shared among librarians working for this company. In many instances, the management company will be responsible for creating the online catalog for some of the smaller firms that have not yet done so.
- Other materials will be available through interlibrary loan or document retrieval on an as-needed basis.
Staffing:
- Librarians would be available offsite and would be available around the clock to answer reference questions in several different ways: by phone, by e-mail, or by live research assistance through messaging with the attorney as he or she conducts the search.
- Individual librarians would develop subject and technological expertise. The management company would then have access to additional resources for particularly difficult reference questions.
- The technical services librarians would also be stationed at the management company's headquarters; though library clerks would make frequent visits to the law firm's library to handle reshelving and looseleaf filing for those few remaining titles.
- There are many advantages to this model: This significantly increases the level of service currently offered to law firms who employ one or two librarians and are therefore left hanging when they are not available. As projects warranted additional staff, librarians could be hired on an as-needed basis, just as is the trend in the legal profession with the growth of "contract attorneys". This temporary staffing saves the law firm the expense of having to hire individuals who then need to be let go when the projects are completed, and the management company can attract qualified candidates by ensuring benefits and a steady source of work for librarians attracted to this type of arrangement.

Services:
- The management company would also provide many services that simply might not otherwise be available through an in-house library, including technological analysis and consultation, knowledge management expertise, training for associates in cost-effective legal research or subject specialization.

Training:
- Librarians working for the management company would continue to need training in their subject specializations, as well as collaborative training. Note, however, that the ultimate cost of this training would go down because there is the potential that more people would directly benefit from the training, since the librarian would also be available to other firms also managed by the same company.

Budget:
- While firms would be responsible for setting their own resource budget, this amount would be managed and administered by the company.
- The individual law firms decide what level of service they need from the company. Presumably the premium service includes 24 hour reference assistance, acquisitions, processing, cataloging, technological consultation, and staffing.

S.W.O.T. Analysis

Strengths:
- The private management company presents a career path that was previously unavailable to the average librarian, overcoming the plateau effect that is prevalent in most law firm libraries.
- Librarians can change positions without the loss of benefits or seniority
- Smaller firms would gain access to additional resources and services previously unavailable to them.
- Potential increase in job satisfaction for librarians by providing them the opportunity to strengthen their skill sets, tackles different challenges, and work collaboratively.
- Provides the law firm with flexibility in staffing.
• Reduction of overhead costs for technical and reference services.

Weaknesses:
• Concerns about confidentiality.
• Resistance from the law librarian community.
• Loss of stability if the contract with the management company turns over.
• Licensing issues from vendors may pose problems.
• Stability is threatened as the library management company's contract is up for bid, opening up to the possibility that the service may turn over to another management company.

Opportunities:
• It would highlight the important role that librarians play in meeting firm's information needs.
• It would increase competition for qualified professional librarians, which might have a positive impact on salaries.
• Growth and development of private law library management companies

Threats:
• As "contract workers", librarians might feel less a part of the team
• Possible loss of status within the law firm as the library is removed from in-house.

SCENARIO #12: STATE, COURT & COUNTY - RIDING THE CIRCUIT:
ROVING LAW LIBRARIANS

Rationale
“Riding the Circuit” is a term that brings a nostalgic thought to many of us in regards to the Old West. One can imagine judges on horseback riding the prairies in the pursuit of bringing justice to the citizens of the territory. Although the horse has given way to the automobile, many district judges still feel that they are riding the circuit in their states. With a trend toward centralization of public law library management, many law librarians may feel that they, too, are “riding the circuit.”

Vision
Examples of circuit law librarians can be found across the United States and Canada. Oklahoma has consolidated 75 of the 77 county law libraries into a centrally managed system with one full-time law librarian to manage budgets and collections for those 75 libraries. In Canada, the Ontario Province has created a not-for-profit corporation called Library Co. to manage the 48 county law libraries. Library Co. has a roving librarian whose duty is to travel to each library to help the county law library staff with its overall planning and development of delivering legal information to the users of the law libraries.

Oklahoma and Ontario are different in many obvious ways, but the common thread between them is the centralized management of a library system comprised of multiple libraries across a wide area. The goals are to provide both legal researching abilities and professional service to the individual libraries whether the library is located in a large metropolitan area with thousands of users, or in rural districts where there may only be a handful of users.
**Implications/Strategies**

**Facilities:**
The infrastructure of the public or county law library is normally housed within the confines of the courthouse. The courthouses can range in distance from a couple of dozen miles to hundreds of miles in some areas. Knowledge of the overall size of the library, shelving space, Internet availability, and even electrical capabilities are essential for the roving librarian. When the roving librarian understands the infrastructure of the local law libraries, the central management can then work to improve any deficiencies and better structure goals to fit the individual libraries.

**Collections and Content:**
By understanding the infrastructure, the objectives of providing a quality legal research collection can be better achieved. Core library collections must be established so that the legal community has the tools needed to provide competent justice regardless of the size of the community it is serving. Primary law materials must be made available and updated appropriately. The roving librarian must work to ensure that the library collection does not fall into disarray. This means that the librarian must verify that the local staff has properly maintained the collection. The weeding of the collection may also be the responsibility of the roving librarian.

**Staffing:**
The overall purpose of centralized management of these law libraries is to bring efficiency both to the budgetary process and the collection management. If the roving law librarians are to perform their jobs efficiently, they must be knowledgeable to the needs of each of the libraries in their charge. When they arrive at a law library, the central management must establish clear goals and those goals must be relayed to the local staff.

The biggest hurdle to centralized management is the animosity of the local management, whether it is the local law librarian, or the local judge that feels that he or she no longer has control of their law library. The building of trust between the local staff and the roving librarian is essential in order to make the overall process work. Roving librarians are relied upon to implement the goals established by the central management and are viewed by the local staff as ambassadors charged with relaying their needs back to that management.

**Services:**
The roving librarian should be familiar with the services provided by the local law libraries. Outreach programs, training seminars, and library orientation tours may become an essential part of the roving librarian's duties. With the centralization of management, some materials may be made available through electronic databases. The roving librarian may be called upon to inform the users of the local library what services will be provided at the local level, and what services may be transferred to a central location.

**Training:**
Depending upon the amount of change in collection and services, the roving librarian may need to train the local staff in adapting to the change and understanding the responsibilities placed on the local staff to maintain the day-to-day operation of the law library. When the collection is modified to include new materials, or converted from books to electronic information, the roving law librarian should work with the vendors, the local staff, and the users of the law libraries to provide appropriate training. The roving librarian may be required to conduct the training and create the necessary training documents to those attending a training session.
Budget:
The roving law librarian is the primary liaison between the local libraries and the centralized management. Knowledge of the budgetary process is essential in order to provide the best services and collections. Depending upon the situation, the central management may be able to combine the budgets of multiple libraries and negotiate with vendors with a single voice. Other situations may require that the local library budgets must be spent locally. It is also important that the local libraries understand that the roving librarian is a service and that salary expenses for the roving librarian will be obtained from the local library budgets.

S.W.O.T. Analysis

Strengths:
- Centralized management
- Budget consolidation

Weaknesses:
- Overall distance and reaction time for individual libraries
- Ability to find qualified and willing roving librarian

Opportunities:
- More efficient library and staff
- Negotiate with a single voice

Threats:
- Cookie-cutter approach to collection development.
- Animosity of local staff

ESTABLISHING REPOSITORY LIBRARIES AND LIBRARY CONSORTIA IN THE DIGITAL AGE

SCENARIO #13: ACADEMIC – NATIONAL AND REGIONAL REPOSITORIES / PRINT RESOURCES

Rationale

As libraries deal with the shifting balance between print and electronic resources, the literature continues to suggest that preservation of legal materials in print and in microform will remain important for a long time. A popular point of view is that the major academic law libraries have a responsibility for preservation, but the reality is that there are only a handful of serious preservation efforts underway in academic law libraries.

At least one movement to create a national repository for primary law materials in print has already begun. Judith Wright, Associate Dean for Library and Information Services at the University of Chicago,
has submitted such a proposal to the Center for Research Libraries. Wright's proposal influenced the development of this scenario.

Many other national agencies, including the Library of Congress, the Council on Library and Information Resources, and the Association of Research Libraries, are working on preservation and access issues. Law libraries must participate in these efforts in order to preserve legal materials for the future.

**Vision**

- National and regional law libraries (or centrally funded agencies like the Center for Research Libraries) will assume primary responsibility for collection and preservation of assigned print resources.

- Regional and state law libraries will assume collection and preservation responsibilities for state resources.

- Smaller libraries that rely on repository collections and services will contribute to the cost of the repository program.

- The repository model will serve the needs of other libraries, not necessarily the needs of the individual user.

- Most academic law libraries will have something to contribute to repository collections.

- Librarians working in repositories will be responsible for the collection, organization, maintenance and preservation of identified print and microform resources.

- Law schools and law libraries will work with the ABA to revise the Standards for Approval of Law Schools and Interpretations to reflect the trend toward access to resources rather than ownership of physical collections and to suggest some qualitative measures of evaluation. For example, Standard 606, which mandates “ownership or reliable access,” might be strengthened by direct reference to the repository concept. Interpretation 606-4 might be revised to provide more detail on resource sharing in the repository model.

**Implications/Strategies:**

**Facilities:**
Repository locations will be high density storage facilities for print and microform materials. Many such facilities exist in universities and research institutions; the shared use of existing facilities will require negotiation. In addition to providing controlled storage for print and microform materials, the facilities will house equipment for ongoing preservation microfilming and state-of-the-art preservation laboratories for treatment of the collections.

**Collections and Content:**
Law librarians and legal scholars will collaborate to select the primary and secondary titles to be housed and preserved in the repositories. Law libraries will be invited to participate by contributing older materials from their collections. Procedures will be developed to collect materials on an ongoing basis.
Staffing:
Administrative body is needed to coordinate repository system and work with national preservation programs. Librarians with expertise in legal literature, collection development, interlibrary loan, preservation, and reformatting techniques will be most important in the repository situation.

Services:
Repositories will not be public library facilities, but rather will exist to provide resources for other libraries through interlibrary loan or duplication. Materials will be preserved in their original format or reformatted in another medium. Using new microform scanning technology, repositories will provide digital copies to users.

Training:
Continual training is needed in conservation methods and new technologies for reformatting print and microform; continuing education in law librarianship.

Budget:
While collections will be largely contributed by participating institutions, funds will be needed for administration, staffing, facilities, and equipment.

S.W.O.T. Analysis

Strengths:
- Law libraries collectively share the responsibility of preserving a large body of legal literature for future generations
- Law libraries individually can make the decision to weed print collections without fear of losing access to information

Weaknesses:
- By necessity the collections must be selective
- Potential to reduce public access to print collections if repositories operate as off-site storage
- Difficulty of securing cost-effective funding at both consortial and institutional levels

Opportunities:
- Take advantage of national preservation efforts
- Rethink local library collections to serve primary clientele
- Maintain greater control over local, hybrid collections while relying on repository collections for permanent access

Threats:
- Resistance to giving up autonomous collections
- Resistance to giving up control of services
- Older print materials are deteriorating faster than they can be preserved
SCENARIO #14: ACADEMIC – NATIONAL AND REGIONAL REPOSITORIES / VIRTUAL RESOURCES

Rationale

As libraries deal with the shifting balance between print and electronic resources, the literature continues to suggest that preservation of legal materials in print will remain important for a long time. But the increasing reliance on electronic resources also mandates a more serious focus on digital preservation efforts.

The age of the virtual law library brings with it the need to archive and preserve legal information in electronic formats. Space and budget issues are forcing law libraries of all sizes to weed print collections that are duplicated in electronic formats. Although some law libraries are shrinking and there is more reliance on electronic resources, many libraries are not willing to discard print collections because of a concern about the lack of preservation efforts for digital materials. Even if repositories for print and microform materials are established (see “Scenario #13: Academic - National and Regional Repositories / Print Resources”), there is a need to preserve the electronic versions of previously published materials, as well as material originally published in electronic form, for easy access and regular use.

Electronic resources that need preservation include commercial and non-commercial databases, electronic journals, original electronic texts, web sites, and digital archives. These resources are often here today and gone tomorrow; reliance on them as permanent resources is risky. The effects of the U.S. Supreme Court decision in The New York Times Co. v. Tasini (121 S. Ct. 2381 (2001)) and the near demise of netLibrary are two widely publicized examples, but web pages also disappear regularly. Libraries cannot rely on publishers and vendors to provide permanent archives of these publications.

At the same time, current digitization projects would benefit from a more systematic and coherent approach, which dictates working with other national digital preservation efforts and participating in the development of standards.

Vision

- National and regional law libraries or centrally funded archives assume primary responsibility for digital preservation projects for assigned resources.
- Librarians working in repositories will be responsible for the collection, organization, maintenance and preservation of identified electronic resources.
- The repository model serves the needs of other libraries, not necessarily the needs of the individual user.
- Law schools and law libraries will work with the ABA to revise the Standards for Approval of Law Schools and Interpretations to reflect the trend toward access to resources rather than ownership of physical collections and to suggest some qualitative measures of evaluation. For example, Standard 606 might be revised to include more specific examples of the importance of permanent access to electronic resources.
**Implications/Strategies**

**Facilities:**
Repository locations will require the technical and architectural infrastructure necessary for storage and authentication of digital archives. This will include a system of distributed servers and mirror sites.

**Collections/content:**
Law librarians and legal scholars will collaborate to select the retrospective digital content to be preserved in the repositories and to monitor new content prospectively. Law librarians will work with publishers of electronic materials to develop and maintain permanent access to electronic materials under appropriate license agreements.

**Staffing:**
Librarians and others with expertise in legal literature, information technology, digitizing and scanning techniques, intellectual property, and rights management will be most important in the virtual repository. Administrative body to coordinate the repository system and to work with national preservation programs.

**Services:**
Law librarians will participate in national efforts to develop and implement a digital preservation program for legal materials. Repositories will maintain consortial license agreements and provide digitizing on demand.

**Budget:**
Funds will be needed for administration, staffing, and technology. Grant opportunities will be pursued.

**S.W.O.T. Analysis**

**Strengths:**
- Law libraries collectively share the responsibility of preserving a large body of digital legal literature for future generations
- Collaboration between creators and users of content

**Weaknesses:**
- Uncertainty about cost of storage
- Scope of what has already been lost
- Difficulty of assessing and selecting the range of resources to be preserved
- Difficulty of negotiating fair license agreements

**Opportunities:**
- Take advantage of national digital preservation efforts
- Law libraries can take a leadership role in this important endeavor

**Threats:**
- Electronic media are developing faster than preservation techniques and standards can be developed
- Resistance from vendors to resource sharing concept for electronic resources
- Resistance from vendors to allowing permanent access to electronic resources
SCENARIO # 15: PRIVATE - SOLO LIBRARIAN CONSORTIUM

Rationale

As the need for librarian expertise continues to grow within the private law firm environment, the number of qualified professional law librarians is shrinking. In addition, a large number of solo librarians find themselves facing burnout for several reasons:

- Managing today's law firm library requires many skill sets (technical services, reference, long range planning, problem solving, technological innovation, teaching and training) that are unlikely to be found within one individual, leaving the librarian frustrated and overworked.
- Challenges confronting solo librarians include inability to provide coverage beyond set hours, lack of resources, lack of time; lack of opportunity to brainstorm with colleagues on difficult reference requests;
- No chance for advancement in career, and few new intellectual challenges;

A consortium of solo librarians answers a number of these problems. Subject specializations and skill sets can be developed and shared with colleagues; resources can be shared more effectively; additional reference coverage can be offered, and a reduction of the sense of isolation will increase job satisfaction and effectiveness. This consortium, national in scope to maximize its size and strength, is also organized into regional subgroups, which allow firms to share resources more easily.

Vision

The library is the hub of the firm's information wheel. Smaller firms, by choosing to participate in the Solc Consortium, are now able to compete more effectively with larger firms by maximizing their investment in information. The total is greater than the sum of its parts.

- With a greater reliance on electronic resources, librarians can more easily share materials, even long distances, which reduces the need to duplicate materials.
- Librarians are able to work collaboratively - asking their colleagues for reference assistance, coverage when the librarian is unavailable.

Implications/Strategies

Facilities:

- With a greater reliance on electronic resources, the physical space can be reduced, allowing the firm to allocate the space toward attorney offices.

Collections and Content:

- Each firm maintains their own specialized collections. Access to online catalogs will be shared among librarians.
- Organized as a consortium, the participating firms would have additional leverage when it comes to negotiating contracts or purchasing material than they might if they remained as solos.

Staffing

- Individual librarians would develop subject expertise.
- The consortium would give additional staffing resources to smaller firms who could only afford a solo librarian prior to this endeavor.
Services
- Participation in the consortium would allow greater coverage. Librarian hours could be staggered.
- Reference questions could be answered remotely.
- Subject expertise can be shared.
- Training resources can be shared.
- Technological expertise and resources can be shared.

Training
- Librarians will need training in collaboration, marketing, leadership, communication, technology, licensing, training techniques, and other relevant topics. The advantage to this consortium is that some members can be identified as experts in these areas so that all members need not participate in all training.

Budget
- Firms would pay a fee to participate in the consortium. The money would then go towards shared administrative costs, which might include access to technological expertise, a contract negotiator, and consultants
- The firms maintain their own budgets

S.W.O.T. Analysis

Strengths:
- Smaller firms might be more willing to hire a librarian if it meant they would gain participation in the consortium
- Significant advantages to participating: access to resources, subject expertise, additional reference service hours
- Provides additional support for solo librarians who are often isolated
- Allowing smaller firms to compete with larger firms in terms of resources
- Cost savings if consortium was negotiating purchasing of materials.

Weaknesses:
- Concerns about confidentiality
- Administrative costs are unknown
- A way to resolve disagreements would need to be built into the system.
- Licensing issues - sharing resources across firms-must be dealt with.

Opportunities:
- It would highlight the important role that librarians play in meeting firm's information needs.
- This consortium allows the solo librarian the opportunity to increase the level of service that he/she is responsible for, as well as increasing the level of sophistication by allowing for subject specialization and expertise.

Threats:
- Firms may rely on the consortium rather than expanding their own staffs, even when it is warranted.
- Firms may also hire unqualified or under-qualified individuals to serve as librarians, knowing that they will have colleagues in the consortium to support them.
SCENARIO #16: STATE, COURT & COUNTY – STATE, COURT AND COUNTY REGIONAL REPOSITORY

Rationale

Despite the growing trend of the all-electronic law library and the disappearance of some trial court and public law libraries, state law libraries and larger public law libraries continue to serve the legal research needs of those requiring access to materials not available in electronic format. Their mission includes the acquisition and preservation of primary law at the federal, state and local levels, materials currently not produced in an electronic format, superseded treatises, and local court documents.

Vision

Recognizing the importance of preserving unique court collections and important print legal documents, these law libraries are home to large collections acquired and maintained since the eighteenth and early nineteenth centuries. While rarely visited by attorneys and the general public, these libraries remain an important resource for users of court and public law libraries that discarded print materials in favor of online access.

A second important function is to serve as the archival repository for future court documents and publications; while most of these publications are available online via a court's web site, many disappear into an electronic black hole after their initial appearance. Depositing a copy of the document at the state law library or other court library ensures access long after that initial release. Aside from this form of electronic preservation, in the absence of necessary funding and staff expertise, this scenario doesn't address an ongoing digital preservation program.

Implications/Strategies

Facilities:
- Because no additional library space is available, these regional law libraries coordinate efforts to collect and preserve print legal resources in existing library space
- Less seating required = more space for housing materials
- Some collections housed in off-site warehouse facilities
- Electronic access to Internet and other online systems necessary for sharing of information and content, and provision of reference services to other libraries, the courts and the public

Collections and content:
- Primarily print and microfiche
  - State and federal reporter series
  - State and federal codes
  - State and federal session laws
  - Superseded editions of treatises
  - Treatises not produced in an electronic format
  - Law reviews and journals
- Court documents and publications produced by state and/or local courts

Staffing:
- No increase in the number of staff or fewer staff than previously budgeted
- Staff responsibilities have been realigned to reflect a more focused library mission
- Individual staff members have strong written and oral skills necessary to teach others in the use of print materials

Services:
- Outreach to law libraries no longer maintaining print collections
- Emphasis on interlibrary loan and document delivery services
- Greater involvement in design and maintenance of records management systems for court documents
- Ongoing preservation activities
- Teaching and training users, including colleagues, research skills necessary for accessing print historical materials
- Research services for law firms and others requiring research in print resources with responses provided via virtual reference, e-mail and fax systems

Training:
- Staff training in basic preservation techniques
- Ongoing staff technology training
- Workshops focusing on teaching and training adult learners

Budget:
- Legislative appropriation continues to be the primary source of funding for these collections

S.W.O.T. Analysis

Strengths:
- Strong historical collections acquired over decades of library operation
- Commitment to preservation of legal materials
- Staff familiarity with and expertise in researching print collections

Weaknesses:
- Lack of institutional support for increased public funding
- Lack of necessary funding and expertise for in-depth preservation programs
- Lack of appropriate archival environments for storage of library material (i.e. temperature and humidity controls)
- Isolated physical location and/or fewer visitors to the library reduces visibility of staff and their services = "out-of-sight, out-of-mind"

Opportunities:
- Partnering with court entities such as the administrative office of the court, judicial planning and the office of the clerk to preserve judicial documents increases library visibility
- Partnering with academic law libraries to ensure shared responsibility for housing historic collections
- Using variety of PR methods (print, electronic) to aggressively market the library's special collections and staff expertise in researching historical materials increases visibility and awareness of needs
- Establishing an ongoing dialog with local private law libraries to determine their expectations for continued access to specific resources
Threats:

- Staff resistance to shift in mission from primarily serving the public and/or attorneys to serving internal court entities and other libraries
- Perception that fewer visitors to the library equals a decreased need for staff and funding
- Some materials already have deteriorated to a state beyond the scope of preservation action
- "It's all on the Internet, so why do we need to keep these books and pay this staff?"
CONCLUSION

Rather than just offering the scenarios "as is," the committee felt it was crucial that these be shared with and used to solicit input from the membership of AALL. To that end, the above scenarios served as the basis for a weeklong listserv discussion co-sponsored by AALL's Professional Development Committee in May of 2002. The first morning of the discussion, moderator and committee member Margaret Axtmann, Associate Director for Information Resources, University of St. Thomas Law Library, sent the list an introductory message welcoming participants and outlining the format of the discussion. After the first day, each daily message stated the topic for that day, listed the scenarios falling within that day’s topic and provided some questions to spark comment and further discussion. Over 300 individuals subscribed to the discussion and, clearly, their response revealed that many of AALL’s members are interested in and thinking about the issues raised by these sixteen scenarios. The participants' thoughtful and well-articulated comments served to validate the direction of the committee’s work and, in particular, fashion the recommendations that appear at the end of this report.

Themes

In addition to the themes mentioned in the introduction, additional themes were repeated in the literature reviewed by committee members, during the interviews with experts in the library community and in the course of the listserv discussion. Although these were not the initial focus of the committee’s work, they certainly merit examination. The concept of the hybrid library as the most realistic future law library scenario emerged during the discussion — almost all the individuals posting messages to the discussion did not envision an entirely digital law library. This was true no matter the type of law library. Concerns for meaningful public access to legal information and vendor licensing issues were raised over and over again despite the fact that all recognized the transition to digital libraries is very real. Comments such as "[t]he vendors are deciding exactly how much virtual law library we are allowed to have,“10 and "collectively we need to demand the vendors change their approach"11 set the tone for discussion of licensing issues. In addition, the uncertainty of exactly who is preserving what, and the need for more training and better organization of electronic information must be addressed before the digital law library is a certain future. "Can I rely on someone else for backup [and] can/should I eliminate or abandon the resources and methodologies I already possess for the promise of what I may expect in the future?"12 Obviously, the reality of a virtual law library depends in great part on the reality of and commitment to a permanent print repository for legal information.

Law librarians serve as webmasters, knowledge managers and information aggregators. As a direct correlation to better access and organization of electronic resources, perhaps the most important role in the future will be that of educator: "I believe our roles will become more important as we work to train end users in the use of electronic resources, conduct research at a higher level than the attorneys and staff can do on their own, and manage the content and develop the interfaces that provide meaningful access."13 Our ability to continue to fill the role of educator will depend on a vibrant and skilled group of professionals as well as the growth of the profession. How will law librarianship as a profession and AALL as an organization meet the demand for these professionals without addressing the steady decline of those entering our profession and an increase in the hiring of non-librarians to fill positions previously occupied by law librarians?

10 Jan Ryan Novak, Director, Cleveland Law Library Association.
11 Mark Estes, Director of Library Services, Holme Roberts & Owen LLP.
12 Felice K. Lowell, Assistant Director for Technical Services, Cleveland-Marshall Law Library, Cleveland State University.
13 Nina Platt, Director of Library Services, Faegre & Benson, LLP.
The importance of the mission and culture of the parent institution can not be overstate as individual members of AALL plan for "their" law library of the future. One listserv participant stated, "We have to keep our eye on the ball: identifying our patron groups, analyzing their current information and research needs, and design and deliver programs and services that are responsive to those groups and their needs."\(^{14}\) No matter the type of law library, private, academic or state, court and county, this concept permeated the discussion of new roles and collaborative efforts.

While it might be impossible to predict the future, in the words of one listserv participant, "[t]he future might be murky, but I don't think anyone could ever accuse us of just sitting back and waiting for it."\(^{15}\) The Special Committee on the Future of Law Libraries in the Digital Age envisions a positive future for law libraries. This future and our success will require flexibility, commitment and action.

**Recommendations**

Having identified the trends affecting law libraries and considered their actual and potential impact on our futures, and having described multiple scenarios of the law library of the future, and having listened to members of the American Association of Law Libraries discuss these scenarios and the broader issues of law libraries in a technological environment, the Special Committee on the Future of Law Libraries in The Digital Age therefore recommends:

1) that the AALL Executive Board create a special committee to work with the vendor community to develop model licensing principles and promote public access to legal information;

2) that AALL support and continue a visible dialog about the future of law libraries via educational programming and regular columns in *AALL Spectrum*;

3) that AALL support and encourage a revision of the *ABA Standards for the Approval of Law Schools* to accommodate accreditation of digital academic law libraries;

4) that AALL continue to support efforts to establish a national law library and other projects in this area such as the Center for Research Libraries (CRL) proposal;

5) that AALL establish a committee to develop standards for cataloging of electronic resources and the development of intranets to ensure consistent and permanent access;

6) that AALL's educational programming provide opportunities for members to learn more about and plan for the digital law library, as well as strengthen the information technology and teaching competencies of its members;

7) that AALL promote, through grants and other support mechanisms, studies and research to evaluate the digital law library of the future.

"Vision without action is dreaming.  
Action without vision is random activity  
Vision and action together can change the world."

Joel Barker, futurist

\(^{14}\) Victoria K. Trotta, Director of the Ross-Blakely Law Library and Associate Dean, Arizona State University.

\(^{15}\) Catherine Lemann, Associate Director, Law Library of Louisana.
APPENDIX A: COMMITTEE CHARGE

The Special Committee on the Future of Law Libraries in the Digital Age is charged to consider the implications of electronic publishing for the future of law libraries and to prepare a report examining the issues and outlining different scenarios or models to describe the law library of the future. In preparing its report, the Special Committee should think about such things as library content, including the relative balance between print and electronic sources, library staffing and staff roles, library services, and any other issues or standards that might seem appropriate. At least one such model or scenario should be for an all-electronic or virtual law library. If appropriate, the Committee might develop a set of draft standards for the law library of the future and for the delivery of information and services in this new environment. The committee should consider the impact that the role or mission for different types of libraries will play in their respective futures and develop models and/or standards that will reflect those differences.

In preparing its report, the Special Committee should review the current and anticipated changes in legal publishing, the availability of legal and law-related information through alternative sources such as the World Wide Web, and the development of new mechanisms for the delivery of library and information services to lawyers, law students, judges, and other law library clients. They should also consider issues of preservation, permanence of the legal record, and authentication of legal documents. The Committee should review the existing literature and consult with colleagues representing different parts of the profession including readers services, technical services, foreign, comparative and international law librarians, etc.

The Committee is asked to begin its work immediately, to submit an interim report to the Board for the Board meeting in November of 2001 (report will be due to Headquarters by about October 1), and to prepare a final report by June, 2002, in time for the July Board meeting. The final Report may be published in Law Library Journal, AALL Spectrum, or as an entirely separate publication.
APPENDIX B: COMMITTEE ROSTER

**Rita T. Reusch** (Co-Chair)
Director of the Law Library
University of Utah
Salt Lake City, Utah

**Gail Warren** (Co-Chair)
State Law Librarian
Virginia State Law Library
Richmond, Virginia

**Margaret Maes Axtmann**
Associate Director for Information Resources
University of St. Thomas School of Law Library
Minneapolis, Minnesota

**Sandra S. Gold**
Director of Library Services
Lord, Bissell & Brook
Chicago, Illinois

**Gregory R. Lambert**
Legal Information and Law Libraries Director
Oklahoma Supreme Court
Oklahoma City, Oklahoma

**Robert L. Oakley** (AALL Board Liaison)
Director of the Law Library and Professor of Law
Georgetown University Law Center
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**Roger Parent** (AALL Headquarters Liaison)
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