

## From the Editor: Big Things

One of the things that stuck when I was attending library school at the University of Wisconsin in the mid-seventies was a comment repeated several times by Professor Jack Clarke, who taught the basic reference course. Clarke felt that what distinguishes the professions from other work is the interest (and the need) of professionals in any field to stop occasionally and think about what it is they are doing and why.

This point has come back to me recently, as I have considered the differences between my job today and ten or fifteen years ago. The major source of change in what I do, as for nearly all librarians, is, of course, technology. When I have the time to stop and think about it, I am not completely sure how I spent my time ten years ago or earlier, when I first came to Duke and didn't spend so much time thinking about computers and networks. It is clear that, because of computing, I am doing my job differently than I was in the first years after becoming director at Duke in 1979. But has information technology changed only the *ways* that law librarians do their jobs, or the work itself? Are we still doing the same *big things* that we have always done, only faster and presumably better? Or has the amount of time most of us now spend in front of computer screens begun to alter the fundamental nature of what law librarians do?

To consider these questions, I decided to look back at my annual reports to the dean of the law school during the first few years (1980-84) that I was directing the law library at Duke. If I had been following Jack Clarke's advice back in the early 1980s and thinking a bit about what I was doing, how much of what I was doing then foretold what I spend my time on now?

The first thing that I learned from my review of these ancient documents was that I then devoted a lot of time to writing lengthy, discursive annual reports. Clearly, at the time, the process of writing annual reports was valuable to me as a young director learning his craft. Equally clearly, I am sure that, despite his good will, my dean could never have read through all the detail these reports provided on law library life. (This is not to say that the reports do not stand the test of time as great pieces of library writing.)

But, since that time, the forms and the nature of intra-office communications at the Duke Law School have changed, as they have elsewhere. The annual report has lost a good deal of its substantive importance as a

means for informing the dean about library issues. I still write reports and analyses for the dean on various matters, but, because of word processing, they are now more often specialized documents produced easily throughout the year when needed. And because of e-mail, my written communications with the dean's office, as well as with faculty and others in the law school, are now much more timely and efficient, and are in many ways more effective.

Those changes in the means of communication were not foreseen in my annual reports of the early 1980s. But what was in the content of the reports? Of several recurrent themes, one of the most prominent was concern about the inadequacies of the law school physical plant. I wrote regularly and with passion about there being too few carrels to meet student demand and too little space to store the books acquired each year in a growing collection (each report noted another area in the library where we had installed a few hundred additional linear feet of shelving), as well as about the inadequacies of the staff offices.

In 1994, as we near completion of a new building addition, we still occupy ourselves with space concerns, but the concerns are different. In our current planning, numbers of carrels are less important than that all our carrels be network-connected and that we provide sufficient dial-in access to the resources on our student and faculty networks. While the addition adds significant stack space, much of that is in compact shelving, and we are clearly less worried about maximizing our book storage capacities than in the past.

Another theme in the reports dealt with after-hours access to the library. Each report included descriptions of the latest variations in our attempts to administer a twenty-four-hour access policy. We tried keys, cypher locks, and even a year of hiring retired senior citizen watchpersons, who slept away the night on a couch in front of the library entrance. Now, as at that time, some of the problems that after-hours access poses to a library facility are probably unsolvable. One problem, however, access to information, is well on its way to resolution through dial-in access to the law school network and home access to CALR databases.

I also wrote with some frequency about cataloging and processing issues: whether to classify more of a largely unclassified collection; what would be the implications of AACR2 for the public catalog; and whether or not we should replace the card catalog with a COM catalog. In 1981, I provided a lengthy and lyrical description of a future "integrated library system" that would provide a one-stop searching device for law library patrons.

In 1993, we installed our second online system. Like the first, it doesn't do everything that I described to the dean in 1981. What it does do,

however, is to provide access to the holdings of all libraries at Duke and those of regional universities, as well as a number of online databases. And, because it is networked, the catalog is available both within the library and for simultaneous searching throughout the law building at each faculty and student computer.

I wrote at length each year about collection and budget issues. There were expressions of pride that in some years up to fifty percent of our overall budget went to purchase materials, and that we always spent more on materials than on staff. I wrote of plans to convert less-used materials to microform, and regularly described new ideas for making the microforms collections more accessible and more frequently used by faculty and students. In my 1981-82 report, I told the dean that "these are precarious times for law libraries," citing articles in the *Journal of Legal Education* which had noted (1) that the costs for libraries in law school budgets were only increasing with greater use of technology,<sup>1</sup> and (2) that, because law librarians had a stake in the existing system of massive duplication of materials, they could not be objective in reassessing library needs in the face of tightening budgets.<sup>2</sup>

In 1983, my report presented the dean with a short essay describing how the dominant force in law libraries no longer was *growth* but *change*, and how increasingly larger portions of library budgets would go toward providing access to materials, rather than to purchases. (I doubt that the dean was impressed, but, in rereading that report, I am impressed both that I talked a little bit about the future uses of networks in libraries and that I was way ahead of the curve in library jargon by pointing out the need for "new forms of document delivery.")

The review was fun, but after finishing it, I am not sure that I learned much about why what I spend my time on today seems so different from what I did then, or how much I might have been able to predict about the effects of the changes that I saw then. What the old reports did tell me was that the big things that we do as law librarians--acquisition and organization of information, assisting users, instruction, etc.-- have continued, but the ways that we do them and think about them have changed, largely because of technology. Clearly, what law librarians do will continue to change with changes in information technology. But, if we try to look

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1. A. Kenneth Pye, *Legal Education Past and Future: A Summer Carol*, 32 J. LEGAL EDUC. 367, 374 (1982).

2. Richard W. Nahstoll, *Current Dilemmas in Law School Accreditation*, 32 J. LEGAL EDUC. 236, 249 (1982).

ahead, can we be certain that today's changes will affect only the means of accomplishing our big things, or the big things themselves? What does one write in the annual report to the dean for 1994?

It may be helpful to think in terms of a model of the legal information environment that concentrates on the roles of four parties in the process of getting legal information to a user: (1) the creators of legal information, (2) its publishers and distributors, (3) law librarians, who acquire, organize and assist users in locating information, and (4) the users themselves. Changes in information technology have affected and will continue to affect the roles that each of these parties plays in the process. There are indications, however, that the traditional roles of the two parties in the middle, legal publishers and law librarians, are being fundamentally transformed by current and predictable future technological changes and may indeed be threatened.

Changes in information technology have many of the same effects in all disciplines, but they are also affected by the peculiar histories and information infrastructures of individual subjects. In law, the impacts of technological change are complicated by the fact that legal publishers and law librarians deal not only with what other fields call "scholarly information and communication" (communications and writings *about the law*), but with the raw materials of research in the field: *the law itself*. The creators of legal information are not only legal scholars, but the law-makers themselves: courts, legislatures, administrative agencies, etc. This part of the legal information base has been traditionally seen as in the public domain and uncopyrightable, available for publication in a variety of sources, forms, and formats. These raw data of legal research have always been readily available for publishers to repackage with value added to meet the needs of specific users. Repackagings of primary source legal materials make up large portions of the holdings of law libraries.

The publishers of legal information are not only independent commercial publishers, but publishers licensed by governmental authorities and the government itself. The competition among vendors of legal information led historically to nearly comprehensive publishing of primary legal texts; to the development of sophisticated indexes, cross-reference systems and tools for evaluating the sources; and to the early creation of massive libraries of electronic full-text information. The proliferation of numerous alternative sources for information with different kinds of value added also created a complex environment in terms of organization, access, and pricing.

In 1994, the essential technological changes affecting this environment are (1) the growth of national and international electronic networks and the increasing potential for legal information to be transmitted in electronic form directly from creators to users, and (2) the direct availability of legal

information in electronic and other formats to users through document delivery providers other than the library. Already there are numerous and growing sources of legal information available on the Internet (apparently free to many users) at various gopher sites and from other sources on university campuses, and in state and federal government databases. Already there are commercial document delivery services that end-users can access electronically to locate articles and have the articles delivered, paying by credit card. Each trend can be expected to grow.

The new, widespread direct availability of legal information creates both opportunities and complications for all four parties in the model sketched above. Certainly, the wider direct availability of digitized legal information through online sources is in itself a good for those with the means to access it, especially if the information is available more cheaply and with fewer restrictions than from commercial providers. Yet, for the seeker of legal information, the digital environment also means an even greater proliferation of formats and sources of information, more packaging variations, and, ultimately, less certainty about what is the most effective and efficient way to answer a legal research question. An already complex information environment is made no simpler by increasing the number of alternative sources for information already widely available in multiple formats and sources.

In a networked legal information environment, there is also less opportunity for any of the parties to bring order to the growing body of legal information. Not only does it become impossible for librarians to establish the kinds of bibliographic control that they have traditionally used to organize printed information, but the sorts of order that publishers have traditionally provided are affected as well. Publishers may prefer not to label themselves as "gatekeepers," because of the term's implications for restricting the flow of information. It is clear, however, that the increased opportunities for creators of legal information to "self-publish" electronically and to distribute their products directly through the Internet impacts some aspects of the publishers' traditional role.

In the traditional environment of legal publishing, publishers play a major role in determining the quality of published legal information, whether in printed or in digitized form. As in other disciplines, legal publishers determine how many and which books and articles will be published, thus providing some checks on the quality of individual works and on the proliferation of works on popular topics. Because they publish primary source material, legal publishers also stake their reputations and financial success on the work of their editorial staffs and their systems for ensuring the accuracy and authenticity of what is distributed under their imprint. Who will perform these functions in the self-publishing environ-

ment? How will the user know which of dozens of newly composed papers on health care reform legislation are worth the time and effort to retrieve and browse? Who can be sure which of the several versions of the North American Free Trade Agreement mounted at various sites in Canada and the United States are accurate and up-to-date?

How will all this affect the roles that law librarians have traditionally performed in the legal information environment? Certainly, for as long as libraries continue to serve as places and means for information seekers to access legal information, the proliferation of sources and formats will give law librarians an important role in assisting users in locating what they need. In addition, the effects of changes in the legal publishers' traditional gatekeeping role could create an expanded role for librarians in evaluating the usefulness of particular packages of information for specific user needs. Libraries could also take on something of the publishers' role of adding value to raw information by creating user-friendly packages and interfaces to access remotely held data. (This is already being done by librarians and computing staffs at law school gopher sites.) The proliferation of information sources will create a need for new kinds of preservation and authentication mechanisms that may need to be filled by libraries.

Our ability to predict the effects of future (and current) technological developments is limited. On the other hand, it is apparent that the kinds of changes now occurring in the legal information environment--all technology driven--are affecting all parties in the process. Because they affect everyone, these changes are as likely to alter the fundamental nature of what law libraries do--the big things--as they are to affect only how we do those things.

What is clear is that law librarians cannot be passive reactors to technological change or to the shifting roles of the several actors in the legal information environment. The roles of all four parties are changing, with direct effects on the traditional places of publishers and libraries in the equation. It is up to us to recognize this and to work, perhaps together in new partnerships with publishers, to make clear what value we now contribute and can continue to contribute to the process of legal research and to the functioning of the legal information environment.

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