

The Effects of Information Technology on Law Librarianship: An American Perspective

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Much of what can be said about the impacts of technology on law libraries in the United States applies to all American law libraries, regardless of the clientele they serve. The comments that follow, however, are based on my experience in academic law libraries, which as their primary missions support the education of students seeking the juris doctor degree (the professional credential held by most American lawyers) and the research activities of the faculty charged with educating law students. My comments will consider some of the effects of information technology on American legal education and law school libraries; the conclusions of a recent report of an American Association of Libraries committee asked to consider the impact of information technologies on the future of law librarians; the current and future relationships between librarians and information technologists; and the impact of the changing information environment on the potential roles of the law library director.

Computing in Legal Education

To provide context and for comparative purposes, the following facts may be helpful. In 1995, 179 accredited law schools reported various statistical data about their libraries to the American Bar Association. Those schools reported an average of 681 full-time students seeking the three-year post-baccalaureate juris doctor degree; they ranged in size from 215 students to over 1,800. The libraries at those schools ran from fewer than 60,000 to over 1,500,000 physical volumes and microform volume equivalents. Staff sizes averaged a total of 23, ranging from fewer than 6 to 171; in most law libraries, regardless of size, about half of the staff members are classed as professional librarians. Many American law school librarians hold law degrees, as well as graduate degrees in library science. The ABA does not compile statistics on how many librarians hold law degrees.

The law schools reporting to the ABA in 1995, on average, provided 57 computers, including those dedicated to computer-assisted research, for the use of law students. The reported range was between 10 and 374, although some figures on the high end may be suspect. Indeed, the gathering of statistical information on computing in American law schools is in its infancy, and any conclusions or generalisations

rest on imperfect information. Still, the most recent ABA data indicate that most American law libraries have full responsibility for the computers used by law students in their institutions, nearly all law libraries operate local area networks of some sort, and many law libraries have some degree of responsibility for the computing services delivered to law faculty and staff, as well as for services to students. A quick review of the reported numbers reveals no obvious correspondences between the number of computers provided to students and the size of the law school or its relative prestige.

Incomplete as they may be, however, the figures are clear indicators of the growing importance of computing and network services in American legal education, both within the traditional areas of law library concern and other areas of law school activity.

How important has computing become in legal education? At most American law schools, networked computers are used extensively by faculty, students, and staff for research and communications, in the curriculum, and for administrative purposes. Nearly everyone in American law schools uses word processors to write, a development which provided the initial impetus for the schools to supply computers and places to use them. Reliance on personal computers for so primary an activity as writing served to focus the attention of faculty, students, and others in the law school community on a multi-purpose device that can be used not only for writing, but for research, communications, work-sharing and a growing number of other applications. For American law faculty and students, the connected computer provides desktop access, at home or in the law school, to primary sources of research materials through Lexis/Nexis and Westlaw, to e-mail, and to such Internet applications as the World Wide Web, all with no direct costs to law school users. It is, therefore, not hard to see why network computing has become so important so quickly in legal education, and why Lexis/Nexis, Westlaw, and other information companies are moving now to develop electronic course materials, Web-based discussion groups, and other products to support the law school curriculum.

At my own institution, the first personal computer

was purchased for library use in 1983 and required justification in a four-page memorandum to university officials. By 1995, when we completed a comprehensive addition and renovation to the 30-year-old law school physical plant, it was evident that the changed environment of legal education had created an institution that in many ways is centered on its infrastructure of information technologies. That infrastructure is now based in two local area networks: a faculty network, which supports the needs of all full-time faculty, adjuncts, visitors, joint appointees and others with offices in the law building, as well as those of all administrative departments, including the library; and a separate, but linked, student network that extends to 270 active connections in library carrels and study rooms, in the offices of the six student-edited journals, the student bar association and other student organisations, and at several public terminals.

Perhaps the most dramatic evidence of the growth of importance of technology in the law school can be seen in the law library. The building addition enlarged the library to over one and one half times its original size and greatly increased its book stack capacities. Yet, because a major goal of the expansion was to improve student study facilities and access to computer-based resources, the bulk of the additional book storage capacity is in moveable shelving. The library now has about 235 active network connections, mostly in carrels designed to allow students to work comfortably with computers and books. Eighty-five carrels and ten study rooms are equipped with networked desktop computers; other carrels provide connections for portable computers. Once connected, Duke law students have access to a full range of services and applications including word processing, shared laser printing, e-mail, access to Lexis, Westlaw, and other information resources, instructional exercises, course-based discussion groups, and full Internet capabilities. The law school's administrative communications, as well as those from instructors to students, are increasingly delivered through e-mail, the school's World Wide Web page, or network discussion groups. Classrooms are wired to support laptop users. Beginning with the 1996 entering class, students are required to own computers with capabilities for accessing the law school network from their residences.

Renaissance Men and Women

Information technology has had dramatic impacts on law librarians as well as on law libraries. In 1994, the American Association of Law Libraries established a Special Committee on the Renaissance of Law Librarianship in the Information Age to explore the issues that technology raises for the future of the profession. The committee's 1996 final report describes how "in only twenty years, law libraries have gone from being entirely manual and paper in nature to combinations of manual/paper and electronic, with the latter permeating every aspect" of library activities. As the report notes, in the early

1980s, only avant-garde law librarians experimented with personal computers, computer labs for students, and CD-ROMs. Now all are commonplace and, as the Renaissance Committee Report makes clear, the effects of information technology may completely transform law librarianship.

Your position on the future of law librarianship depends largely on whether or not you believe that even transformational changes like those recorded in the Renaissance Committee report will fundamentally change the nature of what librarians do. As Lorcan Dempsey put it in his remarks at the 1996 BIALL Conference, much depends on whether you are a "transformist" or a "continuist." And, despite the present and anticipated changes wrought by information technology on approaches to research and the information-seeking behaviour of researchers, many librarians believe that technology and changing media will not alter their fundamental mission or the core functions they perform.

This is the conclusion of the Renaissance Committee as well. As stated in the committee report, the mission of law librarianship is "to serve the information needs of the legal profession and the legal information needs of the public". To fulfil that mission, the committee believes that law librarians will continue to perform their traditional activities of acquiring, organising, retrieving, preserving, and disseminating legal and related information, and assisting users in retrieving and using information. According to the report, the mission and primary activities of law librarians are format- and medium-neutral; they will continue to be performed in a print, electronic, or mixed format information environment.

The report acknowledges, though, that the ways in which these activities are performed will change in response to changes in the information environment: library selectors will need to be knowledgeable about many more sources of information; acquisitions librarians will need to know how to choose among such alternative information formats as hard copy, microform, CD-ROM, online, video, and multimedia; reference librarians will play greater roles as information analysts, establishing profiles of individual users' information needs and providing information filters for their clients; cataloguers will need to organise access to a new variety of information sources, including materials that the library may not own; and administrators will need to negotiate new kinds of contracts and licences, maintain different kinds of accounting records, seek alternative sources of support and funding, and be prepared to market library services in the face of new kinds of competition. In addition, such initiatives as the Research Libraries Group's "Studies in Scarlet" digital publishing project will provide new kinds of opportunities for libraries to act as publishers individually and in collaborative projects.

As the Renaissance Committee report points out, these changes in how we do things will change and

expand the knowledge base required to succeed in the profession, and will perhaps alter the list of traits and characteristics considered most desirable for persons wishing to work as law librarians. The report lists eight elements essential to the knowledge base of the profession. To be effective, law librarians must:

- have a solid grounding in the liberal arts
- understand the legal system and legal profession
- be well-informed about information and library science theory
- be knowledgeable about legal resources and legal research
- be well-informed about commercial, governmental, and non-profit information providers, including Internet sources
- be knowledgeable about information technologies
- be well-versed in the culture and likely future of the organisation in which they work
- be well-versed in management and administration.

In addition to their base of knowledge, effective law librarians will need to be able to work successfully in a changing information environment. The report notes that some of the traits needed to be successful in the future may have been considered less important in the past: law librarians will need to be versatile, creative, adaptable, flexible, and comfortable with change. More than in the past, they will also need to be skilled and articulate instructors in order to assist information seekers faced with complex environments, able to work collaboratively within both the library and their larger organisation, and able to show equanimity in the face of the frustrations of a rapidly changing work environment. Indeed, as the report puts it, the overarching characteristic of the model law librarian in the information age will be "revelling in change".

Librarians and Information Technologists

Librarians, of course, are not the only professional group that serves the needs of legal information users. As more and more legal information is published primarily or exclusively in digital formats and made accessible through networks at desktop computers, the law librarian's role could become less important than the role of computing specialists who provide the means for delivering the information through the network to individual users. Will the librarian's work become more like that of information technologists, or will information technologists simply supplant law librarians in delivering current information to the legal profession, leaving only a few librarians to serve as caretakers of little-used dusty collections of books?

In the past, it may have been easy to differentiate the work of librarians from the work of computer specialists or information technologists. It is increasingly less easy today. A traditional distinction is based on perceived differences between the content of information (the domain of librarians) and the technologies used to communicate or provide access to information (the domain of technologists). The

distinction, though, is increasingly hard to maintain in a networked information environment where it is difficult to establish clear boundaries between information content and the technologies that provide access to the content and make it useable. And information professionals in both areas are uneasy with the distinction because of its potential limitations on their activities.

The evolving relationships between librarians and information technologists are complex, and they have common problems (which is not surprising if they are both parts of a larger grouping of information professions). A columnist writing for business and technology managers notes: "Many [librarians] like books more than people, just as some of us prefer computers to humans. Studies ... suggest that bosses of corporate librarians don't have a good understanding of what librarians do. IS types also have that problem. Both librarians and IS people are somewhat passive, waiting for someone to ask for the information they provide". He could have noted as well the apparent vulnerability of some segments of each group to having their services outsourced by their parent organisation.

It is instructive to consider the interprofessional relationships of librarians and computing professionals from the perspective of the literature of the professions. Some students of the professions hold that the central reality of professional life is competition among professions for control of tasks in the workplace. Of the traditional professions, lawyers use the mechanism of licensing to support their claim of jurisdiction and control entry into the field of law, as do physicians in medicine. Within each of those fields, there is also an established division of labour: in law between the work of lawyers and paralegals and others; in medicine between the work of doctors and nurses and other specialists.

In the information field, neither librarians nor information technologists have subordinated other professions, nor in many institutions have they established formal and stable divisions of labour. Neither has either profession established intellectual jurisdiction over the information area. Rather, there seems to be in place a relationship in which the boundaries of the established jurisdictions of each profession are growing increasingly indistinct, leading perhaps to increasing numbers of conflicts of jurisdiction. As played out in the workplace, this may manifest itself in requests for improved communications, consultations, and coordination, made either directly to the other group, or to higher authority in the workplace. Herbert White has pointed out that these kinds of strategies might be particularly attractive to librarians. In a *Library Journal* column, White noted that a recent Special Libraries Association conference featured a programme on getting along with computer systems people, then asked: "Does anyone think that computer systems people, or teachers, or professors, purchasing agents, or government officials have meetings on how to get

along better with librarians?"

Such unstable workplace relationships also often involve what is known as "treatment substitution", which is when one group accepts the diagnoses and perhaps treatments of the other, but claims to be able to carry them out either faster or more effectively. In his book, *The System of Professions: An Essay on the Division of Expert Labor*, Andrew Abbott sees treatment substitution as the essence of the competition between librarians and computing specialists, with computer specialists arguing that "since computers can carry out information retrieval much faster than can the other technologies, specialists in the computer area should dominate the information area". Yet, as distributed networks make technology more and more accessible to both users and intermediaries, librarians can easily make the same claim.

It is certainly possible, and perhaps desirable, to think of the relationships between librarians and computer professionals in collaborative rather than competitive terms. It is clear, however, that the evolution of the relationships between the two professions will have a defining effect on the future of librarianship as a profession.

The Changing Role of the Library Director

It is clear that law school investments in information technology will grow and that the schools must organise themselves to deal with the issues that arise. Who should have primary responsibility for managing those issues and planning for effective use of the technology? Someone in the school will have to serve (perhaps by default) as the equivalent of the chief information officer (or CIO) in a business organisation. There are a number of possible structures to consider: the responsibilities could be delegated to an existing law school administrator (an assistant or associate dean, the chief of faculty support, the head of the computing staff, the law librarian), or a new position (associate dean for computing?) could be established. Any of these alternatives can be successful in a given institution, but perhaps the key consideration is that the person charged with responsibilities for computing must understand why networking and computing are important to the school. The law school CIO must have a full understanding of the mission of the law school, and be able to develop computing and network strategies (whatever the resources available) to help the school meet its objectives. The importance of the job will depend on how important computing is to the law school.

There is no mandate for the law library director to take on this role, but many are being asked to do so. It is increasingly common for directors to have their job titles changed from law librarian to associate or assistant dean for computing or information services. And, it is easy to understand the logic of this response from the position of the law school: it

avoids the need to establish a new position and in many cases will be the best fit in the existing administrative structure. In many cases, too, the librarian is asked to take on greater responsibilities for computing because of the law librarian's obvious qualifications for those responsibilities. The library director has experience with the applications of information technology in legal research and library systems, with administrative systems, and with providing support for student computing. In addition, the librarian has managerial experience and other administrative skills to bring to the task, and should have the skills for identifying and meeting the disparate information needs of a law school community. Law library directors in American law schools are also almost uniquely positioned in most law schools as both senior administrators and full members of the law faculty. They are, therefore, likely to have the essential characteristic of the CIO: understanding the mission of the law school.

As information technology continues to grow in strategic importance to law schools, more law librarians will have opportunities to put their skills to use in areas beyond the usual boundaries of law library administration. Not all will wish to do so, but increasingly the opportunities will be there for those who do.

Considering the Future

One of the final activities of the AALL Committee on the Renaissance of Law Librarianship was to sponsor a Town Meeting on the subject of "Redefining the Law Librarian's Profession" at the Association's 1996 annual meeting in Indianapolis. The programme was moderated by Harvard Law School Professor Arthur Miller, who facilitated discussion by law librarians from several areas of the profession, a legal publisher, a noted library educator and consultant, and participants from the audience. Using the format and approaches of his television programme, "Miller's Court", Professor Miller conducted what he described as a "bull session", starting off the discussion by asking the panel to suppose that he was a visitor from Mars, who had come to earth because a large number of his fellow Martians wanted to pursue a new profession. His question for the panel: "Should we become law librarians?"

As one would expect, the comments of panel members and participants from the audience brought forth a range of views, both confident and pessimistic, about the future of law librarianship as a career choice for Martians or anyone else. For the most part, the discussion was both informed and stimulating, as Professor Miller used his considerable talents both to elicit the panel members' thoughts and to assist them in thinking together about the future of their profession, facilitating discussion without revealing much about his own views. At the end of the programme, as the panel was being thanked for its work, however, a voice from the

audience asked Miller to express his own thoughts on a question he had asked the panel: "what should law librarians be when they grow up?"

Professor Miller's answer included both a challenge and a warning, and is worth consideration by anyone concerned about the future of the profession. He noted that the information universe is not contracting, but expanding, resulting in enormous needs for librarians to be facilitators, screening and evaluating information for users, to seize control over the education of law students in legal research and to control the technologies of information retrieval. Yet, he feared that, in the face of these needs and opportunities, law librarians are too often ceding (to publishers, technologists, paralegals, and others) jurisdiction over territory that librarians are more competent and professionally able to occupy. His conclusion was that it would be law librarians' own fault if they failed to take advantage of the opportunities to apply their skills and talents in an ever-expanding universe of activities.

It is hard to disagree. I recently served as part of a American Bar Association team charged with inspecting a new law school applying for ABA accreditation. At one point during the inspection visit, another member of the team remarked to me and the director of the new law library that these must be scary times to be a law librarian. But, the times are less scary than they are challenging. The present and the future are scary only if we are unprepared. Is information technology transforming law librarianship? Yes. Will it change the nature of what librarians do? Perhaps. But, information technology is also creating the challenges and opportunities that make the future exciting in many fields, none more so than law librarianship. It is up to us to take advantage.

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