



Law Library Lights

Teaching Legal Research on the New “Google-style” Platforms: Academic and Law Firm Perspectives

Kristin Geiss

It’s been a couple of years now that academic and firm librarians have been teaching the new “Google-style” research platforms: WestlawNext, Lexis Advance, and Bloomberg Law. These new platforms have the potential to change the way we teach electronic legal research - dramatically - and some might say that they already have.

In the following piece, three academic law librarians, two private firm librarians, and an associate from a large, D.C. firm discuss over email the challenges and opportunities that these new platforms bring when training new researchers. Here we talk about choices made when we have the opportunity to teach four to five platforms, how we structure and roll out training plans, how we work with vendors to assist in training, the strengths (and inevitability) of the new single-box search and the fate of Boolean searching, some pitfalls that the new platforms present, and some thoughts on the future of electronic legal research.

What are the main takeaways? Each person in the conversation has worked closely with vendors to introduce these new products to their users – but not everyone has been satisfied with the rollout of

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Lexis Advance, and some have felt conflicted about introducing a potentially exciting product before it was really ready. Also, while we've been impressed with the new search capabilities and simplified pricing, there's a nagging concern that these new platforms might discourage thoughtful and structured legal research.

To that end, everyone agrees that librarians have an important role not only in teaching these new platforms, but also in reinforcing student and novice researchers' education about the structure of the law and how to evaluate citable materials.

Leslie Ashbrook

Research Librarian, University of Virginia School of Law

I am a research librarian at the University of Virginia and teach advanced legal research. It is a two-credit graded course that maxes out every year (we teach four sections total) and I have only had 3Ls the past two years. It is not a mandatory class.

Andrew Christensen

Reference Librarian, Georgetown University Law Library

I'm just starting my third year as a reference librarian at Georgetown Law. Immediately before this position I was in the MLIS program at the University of Washington in Seattle, and prior to that I was earning my JD at the University of Virginia (I graduated the spring before Leslie got there). I'm currently our library's vendor liaison to Lexis, Westlaw, and Bloomberg Law, so I keep abreast of new developments plus acute and ongoing issues with these platforms. Perhaps also worth noting here, I was a Westlaw student rep during my second and third years of law school.

Kristin Geiss

Law Firm Librarian

I've been working in private firm libraries for about 7 years as a library assistant, reference

librarian, training librarian, and now as a manager of a branch library of a firm with approximately 500 attorneys. As a firm librarian, I've worked on a project to push out WestlawNext to about 400 attorneys that initially did not go well (this was about 2 years ago when it first came out.) In my current position, I've been doggedly trying to get our researchers to use Lexis Advance – and I see that the new platform is beginning to catch on. I expect the product to start being used heavily by associates soon. I also use Bloomberg Law daily for my own research, but have not seen the value in pushing this product out to our partners.

Jason Hall

Associate, McKenna Long & Aldridge LLP

I am a litigation associate and have been keenly interested in the development of the new single-box search engines from Westlaw and Lexis. Generally speaking, I prefer the new style of search and see its potential for reducing costs and time spent on electronic research. My firm's librarians have been proactive about introducing WestlawNext to legal researchers at my firm, and they report that approximately 50% of our usage is on this new platform. Recently, I asked a Westlaw representative to present WestlawNext at a monthly firm-wide litigation department meeting to expand awareness of this product.

Melanie Knapp

Head of Reference and Instructional Services, George Mason University Law Library

I've been a law librarian for 5 years, and I've been teaching legal research (1L, advanced, and subject specialized classes) for 6 years. Not to mention, I was a TA in law school and taught research to the 1Ls. I feel like I've been in this business for a pretty long time. I've been at George Mason for 2 years, and am going into my 3rd academic year. Here, our students take 4 semesters of required legal research, writing, and analysis. I coordinate teaching all of the research within these "LRWA" classes during the students' first two years of law



school. We don't offer any optional, "advanced," or subject specific legal research classes outside of our LRWA program. We librarians also conduct all of the initial training on our vendors' platforms, leaving vendor representatives to offer optional trainings to upperclassmen throughout the year. These optional sessions are typically not very well attended.

Anonymous Firm Librarian

Manager of large private law firm

The Conversation

Evaluating the New Platforms, Vendor Rollout, and Training Plans

Leslie Ashbrook:

I treat my advance legal research class as a process class and not a bibliographic class. I don't feel that it is my responsibility to make students experts on every platform (and we have them all, including Bloomberg Law), but I do feel responsible for making sure they can take techniques and apply them in different settings. Because of the academic setting, I can use platforms indiscriminately, so in class I tend to demonstrate on the platform I believe does a research task the best or that I rely on. If there are major differences in the platforms, I try to point them out, and I encourage students to get to know the librarians in their firms so that they can find out the firm's preferences and take advantage of platform-specific trainings offered. I also try to encourage them to take advantage of the trainings on campus, but I am not sure how well these are attended.

I do think the number of platforms for our students may be a bit overwhelming, and they are definitely not relying on them all. WestlawNext is currently the preferred platform by students. We were one of the schools with Lexis Advance Beta,

and I think we were disappointed in the initial rollout and I am struggling to motivate myself to learn to use it efficiently. I do mention it to my students and we do show it in class, but I actually rely more on the original Lexis. As for Bloomberg Law, I used it some with my students last year (mainly for business research and docket work), but it is definitely not widely used by the students. Again, I don't feel obligated to teach them these platforms, but to teach them techniques that are universal to legal research.

The Google-type research databases are here for now – until an even user-friendlier product arrives (WestlawNext has now been around long enough that many of the new lawyers will only have been exposed to it if they somehow needed some of the items that haven't migrated, and I doubt very many of them use those items in law school). I am hoping that by teaching students how to think about research – being thoughtful about source selection, using advance search features, taking advantage of human resources, learning to be efficient with secondary sources, understanding how cases/laws/regs are made and where they can be found – that they can take those skills into any research platform and do well.

Melanie Knapp:

Last year was my most challenging and difficult year of teaching legal research because of the release of Advance, Next, and BLaw. I struggled to keep up with the new systems and with what and how much to teach my students. I tried to teach all platforms – 2 "classics," Next, Advance, and BLaw. It was a failure. Students were absolutely overwhelmed and could not focus on learning the important substance or process of legal research. The main question on my mind in recent months is how will I approach legal research instruction this year?

Unlike Leslie, who teaches advanced legal research, I am responsible for teaching our stu-



dents the basics, including the basics of the systems they will use in practice. I agree with Leslie's approach of teaching only the best platform or tool for the task in advanced classes. But I feel like I have to show the students every platform so that they are not completely caught off guard going

"We do, however, force [Bloomberg Law] into the 1L curriculum because it is the only one of the big three platforms that allows our students to use it for any purpose – even work – and during the summer months."

to an employer that has a platform they've never seen. I foresee a time in the very near future when we won't have to teach the "classic" platforms at all, but I don't think we are quite there yet. I know that many of my students, for example, will clerk for Virginia and Maryland state judges, who are by-and-large still using only Lexis.com. But I have to find a way to balance teaching platforms with teaching meaningful research techniques and processes, which I didn't do well last year.

I was very dissatisfied with the piecemeal releases of Lexis Advance last year and some aspects of the search engine performance and platform functionality. I considered eliminating Lexis from our fall 1L curriculum altogether this year. I rejected that, though, because of serious push-back from the vendor and because I realized that teaching citators without teaching Shepard's doesn't make much sense. On top of that, Virginia's legal encyclopedia (Michie's Jurisprudence) is on Lexis and not Westlaw. I don't want to teach 1Ls to research secondary sources without considering Michie's on Lexis. My approach this year will be to focus primarily on Next and Advance in fall 1L classes. We will use BCite, though, for the citators class. We will use BLaw more in spring, and I will

sprinkle in a little of the "classics" here and there to help students understand the legacy platforms, in case they work somewhere where they have to use it. We have the luxury of having an opportunity in the 2L classes to use Bloomberg Law extensively for business due diligence research and example transactional documents. We also use BLaw one-on-one with students primarily when they are doing docket research. We still promote our BNA materials on BNA's stand-alone platform, rather than on the BLaw platform.

We are grateful to have BLaw for our 2L students, but we've had a difficult time using it in the 1L curriculum. I don't think BLaw is going to be useful in the 1L setting until its post-search filters are more robust, especially being able to filter by jurisdiction – the number one way that first years need to filter. Our 2Ls really like its look and feel for due diligence and transactional resources. We do, however, force it into the 1L curriculum because it is the only one of the big 3 platforms that allows our students to use it for any purpose – even work – and during the summer months. This is an enormous benefit to our students that we want them to know about before summer.

Kristin Geiss:

I am currently at a Lexis preferred firm where my researchers only have access to Lexis.com and Lexis Advance. When Lexis Advance first arrived, I was faced with the same piecemeal approach and initially held back on promoting it to my office for a few months. But once the product was ready, we held an open house, where our super Lexis rep demonstrated the new platform in a classroom-style session. Normally, I don't care for these types of training sessions. They're not well attended, and I'm not sure that people learn much from classroom-style group sessions. I prefer one-on-one trainings, or sessions with small practice groups or selected users with similar work responsibilities. This one, however, was well attended by our associates: 80% came. I asked



some of our partners to send emails to the associates they work with requesting that they go, and I went office to office pitching the product. So, I know this “marketing” helped. I also generally don’t like to rely solely on our vendors to train on any database; their concept of efficient and cost-effective training is far from mine. But for this situation, I didn’t feel that I had had enough experience using and evaluating the product to train any better than our rep, who thankfully is very good at what she does.

After some initial interest in Lexis Advance, response to the product has waned. I’ve demonstrated it twice at an all-attorneys luncheon in the past twelve months and continue to talk it up to our researchers. But people are still holding back on making the switch. This is largely because, even with a supposedly “easier” product, researchers have told me that they just don’t want to learn a new platform. With that said, I do think that interest is increasing. I’ve set up small group trainings with our Lexis rep for our new associates and our new associates actually want to attend and learn about the new platform. Also, our newest law clerks and fall associates have all been using WestlawNext or Lexis Advance in law school. So, when they get here, they’re expecting to see it – and importantly – are comfortable using it. I do worry about their level of understanding the costs of the products,

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but that’s nothing new. It’s important to point out, too, that Lexis Advance cannot meet as many of our researchers’ needs as Lexis.com; it lacks robust

coverage in IP and Government Contracts and has some filtering insufficiencies (notably, the lack of ability to search by a specific court) that our researchers need for their practice.

Jason Hall:

My firm’s law librarians have been providing training sessions on WestlawNext since it was introduced at my firm about a year ago. They’ve used a lot of the same strategies that Kristin discusses for getting attorneys to migrate over to the new platform. I’m glad to hear from both Kristin and Leslie that new attorneys are learning how to research on the new Westlaw and Lexis platforms, but are also being taught to approach research as a process. The challenge will be to get senior associates and partners to start using the new platforms because they contain important improvements with how research can be shared in a firm environment.

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I’ve switched over mainly to using WestlawNext and, generally speaking, I like the new format. When pricing was tied to selected databases, I always felt pressured to find the smallest bucket to search in and to invent the most convoluted linguistic Venn diagram to stuff into that bucket. I once had the Westlaw 1-800 number on speed dial. They always knew some special category database to search in, every variation of the word “violation,” and clever ideas for placing asterisks in terms so they’d mean up to five different things. Now that pricing is focused more on reviewed documents, I can run a natural language search and use the filtering tools to reduce my options.



My move over to this type of researching has been relatively easy since I learned how to filter information using case management tools like LexisNexis CaseMap before I was ever introduced to WestlawNext.

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Firm Librarian X:

We rolled out WestlawNext last spring and offered a series of in-person and WebEx trainings (working with the local account managers to make sure all of our offices had in-person training opportunities) – with incentives like free 1-week passwords, entry for raffle prizes, and refreshments. Attendance was pretty good, and though adoption is still in progress, I’ve heard very positive feedback from those attorneys that have tried and are now using WestlawNext. In particular, they really like the folder-sharing features, the single search box, and the ability to annotate cases and keep track of what they’ve viewed. I expected the newer attorneys would be the ones to embrace WestlawNext right away, but have seen several partners demonstrate an interest in WestlawNext as well as the accompanying iPad app. We have not introduced Lexis Advance at this time, but may do so in the future. I have heard and anticipate hearing even more from new associates that they are using only the new platforms in school.

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Andrew Christensen:

At Georgetown, we have the largest entering 1L class in the country: 578 new JD students for fall 2012. For the first time this year, each of them received passwords for Bloomberg Law, Lexis Advance, and WestlawNext at orientation, plus required in-class training on the two latter platforms in the first week of classes.

What do I, as a legal information professional and instructor, think of WestlawNext and Lexis Advance? Leslie and Melanie did a great job of covering the bases when it comes to most academics’ assessments and concerns, and I honestly don’t disagree with anything they said. The rollout of Lexis Advance for law schools, from the beta version onward, has seemed uncoordinated and rather disappointing, and there are relatively major glitches, gaps, and sticking points that we’re still discovering. The good news is that Lexis, as well as Westlaw, is generally responsive in their customer service for the new platforms and seems especially eager to hear the feedback that librarians have to give; they’ve implemented at least a couple improvements (perhaps coincidentally) that my colleagues or I have suggested.

WestlawNext and Lexis Advance strike me as much more similar to each other than the previous competing platforms in the ways that matter to students, so I predict that we’ll see an increase in Lexis use over the next few years – especially because we’ve now got an exceptional



Lexis rep who's focused and great with students, and our faculty is hearing about Lexis' Blackboard-based Web Courses from her for the first time. It'll also be interesting to see how much ground Lexis gains once Westlaw pulls free printing from all law schools, scheduled for June 2013 – several folks at Lexis have assured me that they don't have any plans to follow suit at this point.

Overall, I'd say we've embraced the new platforms pretty warmly at Georgetown. Apart from teaching, we updated all of our catalog links to point to WestlawNext sometime last spring, and are steadily replacing Westlaw Classic and Lexis.com links in our research guides, coinciding with

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the new look of our website. We also just signed an agreement for campus-wide rollout of Bloomberg Law at Georgetown late this past summer, at least a semester after other major law schools like UVA and Harvard. The delay was due in part to revising language in their standard contract, which would have allowed the company broader access to the school's computer systems for account security purposes than some faculty were comfortable with. Perhaps not surprisingly, Bloomberg's business model and tactics seem aggressive and ambitious (e.g., their billion-dollar buyout of BNA), but I don't see that as a bad thing at this time in the legal research platforms market.

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potential. They might only be going up in the long run, but BLaw currently lacks much of the content and many of the features that law students need: annotated statutes, solid headnotes and citator, extensive journals and treatises. In our evaluation with the LRW faculty at Georgetown this summer, we found that BLaw isn't yet a one-stop research platform to present on par with any version of Westlaw or Lexis to first-year students. We'll likely include it in optional research classes later this year, and we're currently coordinating with BLaw to send training reps to teach classes on the product.

User Preferences

Melanie Knapp:

Our students strongly prefer WestlawNext. By survey, we found that 9/10 1Ls preferred WestlawNext, and 83% of all our students preferred WestlawNext. No matter what we think of WestlawNext, we have to teach it because our students will use it so long as they can. I like the platform, though I still use Westlaw Classic, Lexis.com, BLaw, and other resources for many of my own research tasks. What I found last year is that when I tried to teach WestlawNext alongside Westlaw Classic, I did not adequately or effectively teach WestlawNext. There are enough unique features of the new Google-like platforms that we have to teach these platforms individually and effectively. For example, researchers (including librarians in a study we conducted in the spring) are not aware of how to conduct a Terms & Connectors search in WestlawNext. Thomson Reuters hasn't been clear in its documentation about this, so I understand the confusion. Yet, I think it's important to teach researchers how to accomplish any task they need to on the new platforms. Like Jason's research instructors, I heavily favor teaching Terms & Connectors (Boolean searching). My rationale is that millennial students have no problem throwing search terms in a search bar, but if they want to understand Boolean searching and ever use it, they need instruction.



Andrew Christensen:

As I see it, law students like to get and stay a step ahead, so it would be unnecessarily confusing and fundamentally futile to spend part of the first legal research lecture to the Class of 2015 introducing yesteryear’s systems of discrete, codenamed databases and strategies for query-string formulation. When we trained 1Ls exclusively on the classic platforms last fall, most students explored WestlawNext on their own and developed a preference for it anyway, which was a big factor in our decision to start out with Next and Advance this year.

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Like Melanie said of George Mason, we at Georgetown have usually seen around 80 to 90% Westlaw preference among our students for at least the past five years. In my view, it’s partly due to shortcomings in customer service and instructional opportunities offered by previous Lexis account reps, and perhaps due to a less intuitive interface and inferior visual appeal, feel, and function compared to Westlaw, but mostly because many of our professors use TWEN courseware for their first-year classes, which leads students to register their Westlaw password and start using that brand right away.

Boolean v. Natural Language Search

Jason Hall:

I graduated law school over 5 years ago, so my

training on online legal research databases was focused solely on the traditional Westlaw and Lexis formats. My instructors focused on the Boolean search aspects of the databases. Putting aside the (assumed) fact that natural language searching technology has improved dramatically, I think there are two main reasons why natural language searching took a backseat to Boolean searching when I was in law school.

First, Boolean searching carries with it a sense of professionalism and exclusiveness. Because legal argument is based (at least some of the time) on logic, it was only logical to turn to logic-oriented search engines once legal research went online. A Boolean search, with its emphasis on terms and connectors, makes a researcher feel in control of the end result—he or she chooses precise words that should result in precise results. This is probably one of the reasons why more senior attorneys might scoff at the new platforms—only an amateur would conduct a Google-style search for legal materials.

Second, emphasizing Boolean searching over natural language searching served an important pedagogical purpose. Setting new law students loose on natural language searches would be like allowing third-graders to begin sentences with conjunctions. Things would get bad. And then they’d get worse. And worse. When I attended law school, there was a near prohibition on natural language searching. It was something we would do only late at night when searching things outside of normal law school curriculum.

Melanie Knapp:

In most cases, I see the new platforms making the research task easier and faster for law students and young attorneys, at least for day-to-day kinds of tasks. I find Jason’s points about his “linguistic Venn diagram” searching fascinating. I’m glad that the new platforms help attorneys avoid these complicated and stressful mental gymnastics. I know very little about the pricing of the



databases, and I think his point is that there is some welcome improvement with the new systems. Students still need to be taught that not everything is on Westlaw or Lexis or BLaw. As Leslie mentioned, good research instruction will inform them about taking advantage of their offices' specific resources – human resources, print resources, and specialty electronic resources.

Andrew Christensen:

I like, and can relate to, Jason's nostalgic sentiments about the high-octane cerebral exercise of constructing the perfect search in the narrowest database, and the associated sense of professionalism and valuable reasoning skills this develops. Already as 1Ls, law students appreciate logic and efficiency more than most, but that's also why there's little chance they'll attempt to scale the learning curve of traditional Westlaw and Lexis when the "simple" single-search box of Next or Advance is staring them in the face. And the chance they'll ever need to is shrinking as well, as firms' subscriptions to the classic platforms start going the way of their print collections. (For what it's worth, I caught myself at least twice last week in front of a 1L intro class starting sentences with "Back in my day...". I graduated in 2008.)

Of course, we law school librarians as well as our Lexis and Westlaw reps will still offer ample opportunities to learn about Boolean-type searching and the legacy platforms. At Georgetown, we're mindful that some students will find themselves in employment situations without access to the new natural language, global-search-for-free products, and that some always want to know more about the tools and techniques of the trade. In this sense, our optional single-session classes, open to all students, on Westlaw Classic and Lexis.com will be similar to those we offer on free and low-cost legal research, where we present alternative online services like Fastcase, LII, and Google Scholar. The classic-platform training will likely be in addition to the classes on Terms and Connectors searching that

our librarians teach, which have historically been well attended and even required for several 1L sections (~50 students each) by their LRW professors.

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Resource Selection and Search Techniques

Kristin Geiss:

I think we all agree that there is a lot of potential with these new platforms, but I still have some concerns about conducting legal research this way. I'm not disappointed to see Boolean search disappear, and I don't know if researchers necessarily need to choose a database for the search to be effective. But, I do think that for novice and expert researchers this broad, indiscriminate style of searching can pull great information from unknown sources. My concern lies in how members of a new generation of researchers are going to think about what they are doing – and how that is going to continue to be impacted by what format and content of information vendors are pushing out to researchers. We can't forget what these platforms are designed to do: full-text search of the limited amount of information they contain in their databases. They lean heavily towards case law research and do not help clarify the structure of the law, help researchers differentiate between common law, statutory law, and administrative law, and they don't necessarily highlight secondary materials and practice guides. I wonder if these simplified interfaces might influence researchers to think that electronic



research is nothing more than throwing a dart at a wall – that you can get the best answer for your client with a research strategy that is nothing more than asking a question (and not necessarily a well thought out question) and letting a machine answer it for you.

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Melanie Knapp:

I agree with Leslie and Kristin that the new Google-like platforms are here to stay. I disagree with the commentators out there who think that the new platforms will make lawyers less adept at research or unable to find obscure resources. We only need modify how we teach legal research process and bibliography. Our students often fall into a trap of citing any document they find on WestlawNext. For example, we see them citing other attorneys’ briefs in their class briefs. It’s our job to make sure they understand that because a legal document comes up in a search, it doesn’t mean it’s the best authority to cite or that it can be cited at all. We still need to teach students about how our government’s systems function, what documents are produced during the course of government business, and what documents carry enough weight to be cited effectively.

Kristin Geiss:

I’m not at all surprised to hear Melanie point out that students need help identifying appropriate materials to cite that are produced by these new

interfaces. People who are new to legal research need specialized training to learn about legal documents. Each year, I give several library “orientations” – these short visits with new associates and staff are designed to showcase library services – but I also sneak in a tour through our primary materials in print, taking the time to talk about statutes and regulations and how those documents are promulgated by our government. Although I get some eye-rolling, I know that this is one of the few times that our researchers are asked to think about these bodies of information without stressing out about finding the right answer for an assignment. I think that private firm librarians should think about taking on a larger role of this type of reinforcement training, perhaps even more now that the preference of legal research will be to search now, and decide what you are actually searching later.

Leslie Ashbrook:

I think you (all) raise an interesting and relevant issue – the thoughtfulness of research and source selection. I use an in-class exercise that pits a team of book statutory researchers against computer statutory researchers. The computer folks get to use whatever resource they want, including Google, but to “answer” the question correctly you need an answer and a statutory citation. While an efficient search on an online platform will generally get the answer first, the books often get to the answer more efficiently. The learning curve on the online platform can be noticeable. The students first try Google, which often gets them an answer, but no citation. They would then go to their platform of choice (usually WestNext) and immediately key word search in the box. No advanced searches and no limiting to a specific resource. Eventually they would find their way to searching the specific state code and the index. In contrast, the book students immediately start with the index because it seems like the only manageable tool when dealing with paper codes, and because of this I think they often have more straightforward search experiences that they can



translate to the electronic platform (i.e. they are searching a discrete resource and using a tool for finding relevant sections).

I think that providing context, like providing a primer on primary resources, is incredibly useful and asks researchers to think about why they would rely on a source. It seems natural to me that if I were asked to find a statutory provision that sets forth the rules for posting no hunting signs on private land that I would search for a state code section to cite; however, I don't think this is necessarily intuitive to students who have never been asked to think about the source. And, I think Kristin and Melanie are on to something when suggesting that the new platforms' interfaces may confuse the question. The broad selection of results one gets from a general search in these sources can be very useful if you already understand authoritative sources, etc., but they put a lot of responsibility on the researcher to be selective in what they choose to use.

The Future of Search

Andrew Christensen:

Regarding next-gen feature highlights, I'm particularly intrigued by a couple of the new toys on Lexis Advance that don't have counterparts on WestlawNext (and no, not the confounding color-coded Shepard's grid or the derivative, oddly juvenile front-page carousel). By my investigation, the Topic Summaries and Legal Issue Trail that are now integrated into most case law opinions are useful tools that can help researchers, and especially students, gain valuable context and an overview of the legal landscape in just a few clicks (look for them in the "About this Document" box at the top of an opinion).

To wrap up, I'd like to echo Leslie's apt statements on teaching students universal basics that allow them to do thoughtful, thorough legal research in any platform, format, or library. This necessarily

entails exposing them to multiple resources and means of accessing information, but ideally avoids the point-and-click "this is how you do it on "Westlaw/Lexis/IntelliConnect/Fastcase" method – basically the modern equivalent of conveying rote bibliographic knowledge. It gets them to consult with librarians and to question us intelligently, not to rely on us to show them the steps to get something "done." It's a challenging task, but one that I think we'll see ultimately lightened by the more accessible and inclusive new platforms of Lexis Advance, BLaw, and WestlawNext.

Firm Librarian X:

I know that there is very limited time given to academic law librarians to teach students about the many research tools/platforms in school, and furthermore that it's impossible to know where every student will end up in practice, what resources will be available to them, etc. I would echo Leslie's point – that the key is to teach the students techniques that are universal to legal research and to "be thoughtful about source selection, using advance search features, taking advantage of human resources, learning to be efficient with secondary sources, understanding how cases/laws/regs are made and where they can be found – that they can take those skills into any research platform and do well."

I definitely think Google-like research is here to stay. Who knows – some not-so-distant future iPhone may feature a version of Siri that can answer legal research questions. The reality is that we're in a dynamic environment – legal resources change, technology evolves, and the legal market and legal publishing industry seem to be in an almost constant state of flux. Again, I think the key is to teach researchers those universal legal research skills – to think carefully about the issue at hand, the facts (players, jurisdiction, time frame, etc.) in play, to critically evaluate the available resources and select the best tool for the task, and to analyze the results to make sure they are comprehensive, current, and accurate. ■



From the Editor

Winds of Change in the Season of Mystery

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Greetings! I'm pleased to be on board as the Editor of this year's issues of *Lights*. I had a terrible fear that I would not receive articles for the Fall issue. I am so happy to be wrong. Once again, the LLSDC membership came through with really fantastic ideas and pieces for *Lights*. It is exciting to be a part of a law librarian chapter that is active and competent. Speaking of being active and competent, several members volunteered to be Assistant Editor for the year. Ann Baum, who works at Anne Arundel County Public Law Library, will be the Assistant Editor. I appreciate all the applicants' skills and their willingness to serve. Please don't be discouraged from applying again next year.

This issue's theme is *From Academe to Practice: What Do Young Attorneys Know and Not Know for Competent Practice?* My hope for this issue and upcoming issues is that we can have robust discussion among the different kinds of law librarians in our chapter: firm, academic, court, agency, legislative, corporate, special, and everyone else. In this issue, we have as our featured article a Conversation piece among three academic librarians, two law firm librarians, and an associate about how the release of new "Google-like" research platforms such as WestlawNext, Lexis Advance, and Bloomberg Law, are affecting our work and trainings. We have a wonderful piece by Sue Ann Orsini about how new associates in the DC area need training in legislative and regulatory history when they arrive to their firms. Jean O'Grady contributed a piece about teaching cost-effective legal research. She originally wrote the piece in May 2011. Her ideas are profound and thought-provoking, and they are as important now as they were in May 2011. I'm grateful for her updated introduction to the piece, and I hope that her piece and the Conversation piece help us think clearly and carefully about what is good legal research and how best to support our students and attorneys to do good legal research.



Submission Information

If you would like to write for *Law Library Lights*, contact Melanie Knapp at moberlin@gmu.edu. For information regarding submission deadlines and issue themes, visit the LLSDC website at www.llsdc.org.



From the Editor, Continued

Our regular columns this issue are fun. President Scott Bailey introduces himself with a story about the exhilaration of not knowing what is next and finding great professional satisfaction in the mystery. Scott briefly outlines his plans for LLSDC this year, and he highlights one upcoming activity in particular: the Outreach Exhibit Hall on November 8th at the law firm of Pepper Hamilton. Dawn Bohls mines HeinOnline for material for her book review. She finds an entertaining, century-old piece about the attributes of a great court room litigator. Roger Skalbeck is back for his column of Tech Talk after last year's "sabbatical" as the LLSDC president.

We have plenty of great member news. We also have a short piece by Laurie Green explaining an important new LLSDC initiative: the Global Giving Focus Group. The Global Giving Focus Group was born of the desire of LLSDC librarians to give back to the community locally and globally. The Global Giving Focus Group has

already made meaningful contributions and will continue to be active. If you are interested in participating directly with the group, you can contact Laurie directly.

Lastly, we round out the issue with a couple pictures from the LLSDC Closing Reception held in May on the lovely rooftop deck of Squires Sanders and the Opening Reception held September 18 at the law offices of Bryan Cave.

Looking ahead, our winter theme will be *Foreign, International, and Comparative Law; How Do the Experts Do It; How Do the Generalists Manage?* Our spring theme will be about librarians as advocates, in their own organizations, locally, regionally, and at the state and federal levels. Begin thinking about your contributions. I hope to receive submissions from librarians practicing in many settings. Enjoy this issue of *Lights!* ■

The Global Giving Focus Group

Laurie Green

Manager of Library and Research Services, Bryan Cave, LLP, laura.green@bryancave.com



LLSDC has added a new goal to our mission. In an effort to give back to the community, the LLSDC Executive Board created the Global Giving focus group with Laurie Green as its coordinator. The goal is to create and enhance opportunities for the LLSDC community to volunteer time and money to causes adopted by the Board, both locally and globally. The newly formed focus group began last April when the PLL hosted a happy hour during National Library Week to benefit the Lubuto Library Project (www.lubuto.org), an organization that builds libraries for street children in Africa. We hope to strengthen that relationship as well as build ones with other organizations in the DC area. Plans include simple initiatives such as collecting donations at LLSDC events as well as more involved projects. We are open to all suggestions. If you have one to share, or if you are interested in joining the focus group, please contact Laurie Green at laura.green@bryancave.com or 202-508-6055.



The Myth and the Madness of Cost Effective Lexis and Westlaw Research Training

Jean O'Grady

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Twitter: @jogdc and Blog: <http://deweybstrategic.blogspot.com>

In May 2011, I published a controversial blog post called “The Myth and the Madness of Cost Effective Research Training.” The post focused on the challenges that academic and firm librarians face in preparing law students and associates to conduct cost effective online research. I fear that some readers misread my post as disparaging legal research training in general. Nothing could be farther from the truth.

Nothing helps a lawyer control the cost of online research more than having a deep understanding of traditional legal research documents and research processes. This ideal paradigm is becoming increasingly elusive as a generation of “born digital” lawyers enters law school and the practice of law. The Google generation of lawyers wants quick and easy results. They are surprised that while search engines continue to improve they are still required to read and assess results and then update and cross-check those results through citation services, annotations, and related legal materials from a myriad of statutory or regulatory authorities and secondary sources.

In addition, with the job market for law grads remaining extremely tight, it has become increasingly likely that students will become solo practitioners. These “start-up” lawyers will need increased training in research best practices using free web resources. They will need an increased awareness of information literacy and risk assessment in using the open web. A larger number of law students needs to be aware of free resources like Cornell’s Legal Information Institute

or Fastcase, which is a benefit provided to many bar association members.

Over the past two years, the legal research landscape has continued to evolve. Lexis and Westlaw have both introduced simplified billing for LexisAdvance and WestlawNext. Bloomberg Law has entered the market as a “no cost recovery” competitor. But the bulk of the market share in both academic and firm libraries remains with the classic Westlaw and Lexis, and we academic and firm librarians are still faced with the classic systems and classic pricing models, too. Thus, it is worth reiterating the original themes stated my May 2011 blog post because academic and firm librarians are still faced with the same challenges I outlined in that post.

The Myth and the Madness of Cost Effective Lexis and Westlaw Research Training

Reprinted from the DeweyBStrategic blog, <http://deweybstrategic.blogspot.com>

It’s that time of year again. All across the country academic and firm librarians are flocking to “bridge the gap” programs where they engage in their annual “hand wringing ritual” while trying to develop the right formula for preparing associates to perform cost effective online research in the “real world.”

Since most law firms have a unique menu of “included” content, unique pricing plans, and



unique billing policies for the identical content – academic librarians are faced with the impossible challenge of training students for a universe in which there is likely 100% inconsistency in the pricing and billing policies across the firms where students will be summer associates.

Cost Effective Legal Research Training has become the “Bleak House” of every lawyer-training program. It is unsustainably complex, groaning under the weight of its unending convolutions and permutations. It is a “doom loop” of confusion, errors and omissions.

Cost effective research training is a hopeless exercise. Think Prometheus - no matter how much you try to develop a set of cost-effective rules, there are simply too many price points, too many exceptions to any rule, and too much transience in

“[W]ith the job market for law grads remaining extremely tight, it has become increasingly likely that students will become solo practitioners. These “start-up” lawyers will need increased training in research best practices using free web resources.”

pricing. New complications will grow back tomorrow. There is no “still point” in this turning world. Cost effective legal research training is counter-productive. Since there are an infinite number of invisible variables and undisclosed price variations, a lawyer attempting to conduct “cost effective” research is distracted from focusing on substantive legal research. Subscribing to the myth of cost effective research training keeps the focus off the true culprits and keeps us from demanding a real solutions. There is probably no other disbursement that confounds and perplexes law firm partners or causes more embarrassment when posted on a client bill than online research charges.

Partners blame librarians for providing insufficient research training, librarians blame associates for not absorbing cost-effective research parameters, and associates blame their law schools for failing to prepare them to practice in the real world. Let’s all pivot in unison and point to the true culprits: Lexis and Westlaw.

1. Why Cost Effective Online Research Cannot Be Taught

Between them, Lexis and Westlaw have over 100,000 separately priced data files. Each of these 100,000 files has at least five different price points associated with it, including: hourly, transactional, cite checking, find and print, document printing, line printing and image printing. Some files have special charges if they generate reports or have an expandable table of contents. Overlay this toxic brew with the pricing variations generated by “flat rate” contracts which trigger a special discount for some but not all content. This requires an associate to engage in an additional computation to account for a “firm specific” discount off of the undisclosed price points. Do the math: We have been expecting associates to be able to predict and control of costs of a system that involves about half a million undisclosed, possible price points. Handing an associate a Lexis or Westlaw password and asking them to be “cost effective,” is like handing someone a credit card and sending them into a store in which none of the merchandise is priced and then berating them when the bill comes in exceeding your budget. No consumer affairs department would allow a retailer to perpetrate this kind of thing on the public. How is it that almost every law firm in the US has put up with this for the past three decades?

2. Why Cost Effective Research Training is Counter-productive

The obsession with being “cost effective” distracts the associate from focusing on the real goal— finding the right answer. Here comes the brain theory. Effective legal research requires deep focus



and concentration, yet “the myth of cost effective research” requires an associate to engage half of her attention on a collateral and competing analysis of factors which have nothing to do with the substance of the law. (“Am I in hourly or transactional mode? Is this content included or excluded? Should I print or read online? Should I execute a new search or will that cost too much? Have I selected the cheapest file? Is it cheaper to print by the line or print a page or print a document or should I email the results to myself?”)

What about getting a good result for a client? Let me cut to the chase. The truly sinister part of the obsession with “cost effective legal research” training is that it subverts and derails the real purpose of online research: getting to the legal precedents and factual data that impact advocacy for the client. Associates who take the “cost effective gospel” to heart are often paralyzed and confused. They prefer to “Google for precedents” or engage in other outlandish inefficiencies to avoid using the premium research tools altogether.

3. Subscribing to the Myth of Cost Effective Research Training Keeps the Focus Off the True Culprits and Keeps Us From Demanding Real Solutions

The bottom line is that if Lexis and Westlaw cared about cost effective legal research, they would have developed simplified and transparent billing systems. I have participated in countless librarian panels and advisory groups sponsored by both Lexis and Westlaw over the past 25 years. We have delivered a consistent demand for simplified and transparent billing systems. Instead of responding to this demand, Lexis and Westlaw have stood back and let us expend countless hours on hopeless training initiatives which were doomed from the start.

Lexis and Westlaw have the power but not the will to make their very complex billing systems open and transparent. When you select a file, the systems could display the cost, but they do not.

When you are online conducting a research session, they could run a ticker showing how much your session has cost, but they do not. They could have a limited number of price points, but they do not.

Killing the Golden Goose

I do not dispute that there is special value in being able to search databases with the breadth and editorial quality provided by Lexis and Westlaw. An executive at Westlaw recently told me that Westlaw now contains over two billion documents (six billion if you include public records). It is truly awesome to be able to execute a search across thousands of data sources and get a virtually instantaneous result. I still value the precision and control offered by fielded searching, proximity connectors, and Boolean logic which is not available from the “Google-ized” search alternatives.

Premium content combined with premium editorial enhancements is something that clients might be willing to pay for if the costs could be calibrated to the value delivered. I do not begrudge Lexis and Westlaw a fair return for their investment, but after thirty years of unchecked expansion in complexity, their billing systems have reached an unsustainable tipping point. They have in effect killed the “golden goose” of cost recovery or at least put it on life support.

One clearly unintended consequence of escalating costs and complexity has been to expand the ranks of partners and clients who currently refuse to pay for something that, if rationally priced, would be demanded as a justifiable cost, delivering both value and efficiency.

When Lexis and Westlaw deliver simplified and rational billing systems, we can actually develop cost-effective legal research methods and classes that prepare associates to perform cost-effective research while remaining focused on the real goal: delivering the best result to their client. ■

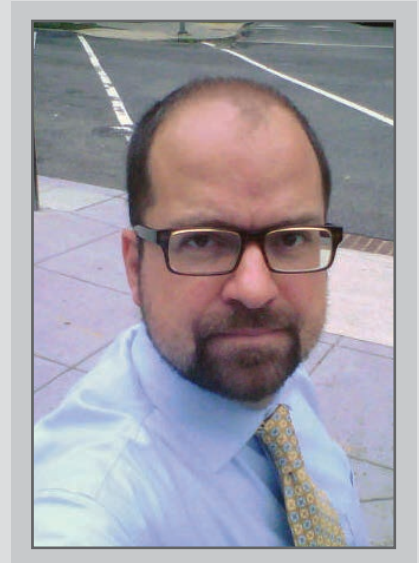


President's Column

What's in the Box?

Scott Bailey

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J.J. Abrams, the creator of the mysteriously addictive TV show *Lost*, was talking to an audience in 2008 (Ted Talks) about a “mystery box” that captivated him as a teenager. Fascinated by the art and engineering of print and print materials, Abrams approached this box in a magic store in awe. The box was elegantly printed and constructed, and its contents were billed as “\$50 worth of Magic for \$15.” A bargain, it seemed. But what did that mean? How do we value magic? Beyond the mystery of that question, there was also the possibility of what the box contained. What does the box contain and how can its “magic” be quantified or measured? Abrams found these questions so compelling that he purchased the mystery box and took it home. His next step, however, might surprise you. He did not open it. Not just for a day or a month or a year to delay gratification, he did not open it ever. He was so interested in the latent possibility of the box and the mystery of its contents that he has not opened it for decades. In his words, it helped to explain his sense of storytelling. The thrill of never knowing what is in the box and never knowing what is next is somehow preserved by not divulging the contents. Once the box is opened, the magic would no longer be magic. Or, at least, it would be significantly reduced by blatant discovery and quantification.

Abrams's explanation of his fascination with mystery and possibility struck me as similar to the way in which a lot of librarians describe why they love what they do. I've heard more than one research professional say they love their jobs because they don't know what's next. The idea of the next question, the next request, the steps leading to next steps in a process yet to be discovered keep them fascinated and invigorated. The opportunity for lifelong learning that librarianship offers, the treasure hunt, the intellectual adventure keep librarians going. We could say the same thing about the future of the profession itself. Our national conference speaker, Richard Susskind, the author of *The End of Lawyers*, reminded us of the actual and potential radical change in our professional context. What is next for law and law librarianship?

Embracing the increasing pace of change as the new normal is well-trodden ground, and perhaps we can see change as fascinating in the way that the young Abrams saw that box. I approach my term as LLSDC president in much the same way—not knowing what is next, but remaining fascinated by the possibilities. So far in the 2012 season, LLSDC has granted three \$1,000 scholarship requests for area students studying law librarianship; established a charitable giving initiative, the Global Giving focus group; and held several interesting educational and networking events. Next? We are hosting an outreach exhibit hall on November 8th at the law firm of Pepper Hamilton, where we will be proving our strategic value to law firm administrators and managers. What will that lead to? I'm excited to find out. ■



Member Spotlight

Amy Taylor & Adeen Postar

Amy Taylor was named Associate Law Librarian and Access Services Librarian and Adeen Postar was promoted to Law Librarian at the Pence Law Library of American University Washington College of Law.

Jean O'Grady

Jean O'Grady, Director of Research Services at DLA Piper, has been elected as the AALL Private Law Libraries SIS Board vice chair/chair-elect.

Anna Cole

In July, Anna Cole retired from Miles & Stockbridge P.C. She will miss her DC colleagues. She plans to spend her time reading and traveling.

Nicholas Stark

In July, Nicholas Stark joined the staff of The George Washington University Law Library as a reference librarian.

Cameron Gowan

Cameron Gowan, Library Services Manager at Jones Day, has been elected to the AALL Private Law Libraries SIS Board.

Emily Kasprak

Emily Kasprak has been promoted to the position of Research Librarian at Troutman Sanders.

Kurt Carroll

In July, Kurt Carroll was appointed Chief of the Collection Services Division at the Law Library of Congress. He was a collection development librarian at the Law Library since 2007 and was the Law Librarian for the Senate Judiciary Committee from 2001-2007.

Louis Abramovitz

Louis Abramovitz presented a session at the 2012 SLA Annual Conference in Chicago, "Librarian as Entrepreneur: Contributing to Your Organization's Bottom Line Through Marketing Initiatives," in which he outlined non-traditional, strategically focused roles for librarians. The session was sponsored by the SLA Legal and Solo Divisions, with support from Wolters Kluwer Law & Business.

Andrew Martin

In August, Andrew Martin was promoted to the position of Chief Librarian at the National Labor Relations Board. Before the promotion, Andrew served the NLRB for three years as the Law Librarian.



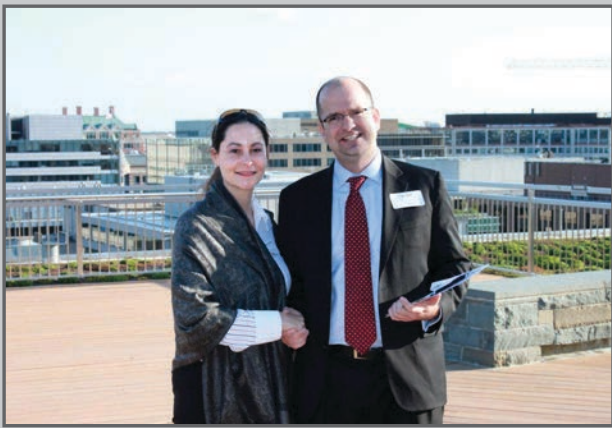
Member Spotlight, Continued



At the Closing Reception in May 2012, President Scott Bailey (center) thanks Christine Ciambella, Elaine Gregg, Wendy Maines (Westlaw), and Laurie Green for their service to the LLSDC.



At the Closing Reception, Laurie Green talks about the Global Giving Initiative while Scott, Wendy, and Elaine listen.



Cameron Gowan and Scott Bailey at the Closing Reception in May held on the rooftop of Squires Sanders.



Scott Bailey addresses the fun and lively crowd at the Opening Banquet in September at the law offices of Bryan Cave.



LLSDC members enjoy the Opening Banquet at Bryan Cave.



LLSDC members enjoy the Opening Banquet at Bryan Cave.

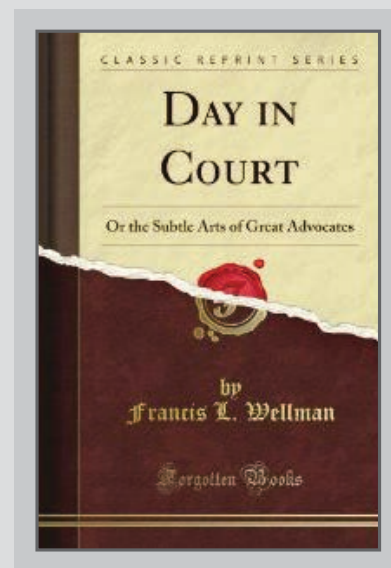


Book Review

Francis L. Wellman, **Day in Court: Or the Subtle Arts of Great Advocates** (New York: The Macmillan Company, 1910)

Dawn Bohls

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HeinOnline has a really cool database of Legal Classics that, over the years, has proven a lifesaver to me on several requests seeking old books on obscure legal topics. I thought it would be great to take advantage of this resource for a book review at some point, and I decided that now was the time. Attorneys and librarians like to complain about how unprepared new associates are for the real world of law firm practice. I'm a big believer in the adage that "the more things change, the more they remain the same," so I thought I'd mine HeinOnline's Legal Classics library for a century-or-so-old work analyzing our country's legal education structure and see how the criticisms from that time still hold true today.¹

The most relevant work for my purposes seemed to be a 1921 study on training for the legal profession sponsored by the Carnegie Foundation for the Advancement of Teaching, so that's the one I chose (in spite of being somewhat daunted by its 400+-page length).² Alas, I was so bored after the first 20 pages that I thought better of my selection and decided on another book, this one focused on the qualities that made for a top litigator in 1910. It may not have been quite so relevant to the topic of this quarter's issue of *Law Library Lights*, but I must say that *Day in Court* was a far more entertaining read!

The author is Francis L. Wellman (1854-1942), a very successful New York litigator of the late 19th and early 20th centuries whose classic 1903 work *The Art of Cross-Examination* is still in print. Wellman's writing (probably much like his legal argumentation) is so memorable in large part because he's not worried about who he might insult or alienate with his outrageous assertions. He begins *Day in Court* with a not-very-flattering comparison of the personality traits of "advocates" (litigators) with those of

Book Review, Continued

“office lawyers” (the equivalent of today’s corporate lawyers):

How can one expect to combine, for example, the rapidity of thought, the promptitude of decision, the large knowledge of the world required of the advocate, with the slow judgment, the patient study of the books and of the statutes, the laborious plodding over papers and accounts, and tedious attention to detail that is required of the office lawyer? . . . [N]ature forbids the same man to play the two roles successfully. (p. 14-15)

Summary:

Litigator = glamorous, exciting;
Corporate Lawyer = dull, boring.

The next few chapters address the requisite physical and mental endowments of the trial lawyer. Presumably all the qualities that Wellman propounds are ones that he possessed himself, and he must have been quite the paragon indeed (and his tone certainly suggests that he was). Physically, robust health is essential:

Have you the healthy frame capable of enduring the long-continued exertion of mind and body, the confinement of study, the excitement of public speaking, the long day of labor, the work by night, the excited, broken sleep that follows a prolonged trial in a stifling court room? It is almost impossible to exaggerate the physical strain of court

work. Without these strong physical endowments, therefore, abandon all idea of becoming a successful advocate, and choose for yourself the less strenuous and more placid work of the office lawyer. (p. 26)

Along with superb general health, the potential litigator must have “the requisite voice,” for “[i]t is difficult not to associate a small voice with a feeble intellect” (p. 26). Additionally, “an attractive personality” is critical, as “[m]ost great advocates have been noted for some marked physical attraction or personal magnetism” (p. 28). In terms of mental qualities, besides perception, judgment, imagination, and “sincere emotion,” “[a]n advocate needs also undaunted courage and resolute energy in attack or defense. He needs self-confidence and unflinching firmness. He needs the ability to concentrate his whole mind of the matter immediately before him, and above all, he needs the power of clearness and simplicity of expression” (p. 37).

In this book review, I have to give so many direct quotes because paraphrasing simply can’t begin to convey Wellstone’s obnoxious certitude as to the superiority of his caste. When I reached the chapter on educational qualifications, I thought he would have to be more objective, but I was wrong. Apparently, “the duties of the advocate require a greater intelligence and a broader knowledge, especially of men and things, and the actual business of life, than any other profession” (p. 45).

Once Wellman gets to the chapters in which he addresses the actual business of litigating, his



Book Review, Continued

tone changes dramatically. Wellman is no longer an egotistical blowhard; suddenly he's absolutely fascinating. He's an expert in his field and he clearly and engagingly addresses the various facets of trial preparation and courtroom strategy. He stresses that each client deserves the advocate's best efforts and hard work. He provides relevant anecdotes and offers practical tips throughout. For example, when interviewing and preparing witnesses, he recommends having each witness "write out his story himself, in his own phraseology, in his own way, and in his own handwriting, and then sign and swear to it" (p. 80). He advises young lawyers to make friends with everyone connected with the court: "A lawyer who has become friendly with all the court attachés starts with no inconsiderable advantage. Their manner toward him is quickly observed by the jury and cannot fail to make an impression upon him, as well as upon his witnesses" (p. 104). In making one's opening argument, "[t]he facts should be stated in clear, concise language without argument, eloquence, embellishment, or feeling" (p. 134).

Not surprisingly, as a product of his time, Wellman holds a number of prejudices and stereotypes. Throughout the book, any references to women are purely incidental; women simply were not a part of Wellman's professional world view. Apparently, women were not even allowed on juries at that time, and if there were any female lawyers, Wellman certainly doesn't acknowledge their existence. Furthermore, he makes broad generalizations about various groups of people. In discussing the attributes

of potential jurors, he asserts that "Germans are stubborn, but generous. Hebrews, as a rule, make fine jurors, except where they are prejudiced" (p. 125). I read a lot of Victorian fiction, so I'm fairly accustomed to authors who hold assumptions of this nature, but even I found some of Wellman's statements gasp-worthy.

So how does *Day in Court* hold up a century later as a litigator's guide for new or aspiring lawyers? I gave Thomas A. Mauet's modern classic *Trial Techniques* a good skim for comparison purposes. I have to say that I definitely would not recommend *Day in Court* over *Trial Techniques*. Too much has changed in the past century in terms of court procedure, rules, filings, and technology for a litigator to rely on such a dated work as a definitive text. On the other hand, human nature has changed very little since 1910, and Wellman remains relevant for his astute observations on how people behave in the confines of the courtroom. If my book review accomplishes nothing else, I hope it will at least encourage you to take a look at the HeinOnline Legal Classics library and explore a few for yourself. ■

Notes

¹ I just want to note here that our license agreement with HeinOnline (and probably yours as well) doesn't allow full books to be downloaded. I read several chapters online (rather than printed out) to comply with the license.

² Alfred Zantinger Reed, *Training for the Public Profession of the Law: Historical development and Principal Contemporary Problems of Legal Education in the United States with Some Account of Conditions in England and Canada* (New York: Charles Scribner's Sons, 1921).



“I’m Just a Bill”: Teaching Lawyers How Laws and Regulations Are Made

Sue Ann Orsini

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Each year, new fall associates arrive at the firm. They are wide-eyed, overwhelmed, and eager to prove their mettle. They have all come from top law schools, with top grades and, most likely, a summer associate session under their belt. They are smart and talented, and they have been researching the law already for at least three years. Yet, each year I will have at least half of them come to me with a variation on this question: “How do I find out where this law came from?”

Unfortunately, once we all have our basic civics course in the seventh grade, a discussion of how laws are created in our democracy never seems to surface again. Law students are taught how to think like a lawyer, but not necessarily how the law works. For the most part, they come out of law school without an understanding of how laws are created, who creates them, or how they are implemented through the labyrinth of government regulations. The only first year associates I meet who know anything about the legislative process usually have prior Capitol Hill experience. Even fewer of them understand the regulatory process.

What does this lack of knowledge mean? How does it impact a young lawyer’s transition from academia to practice? How important is it that young associates are trained in legislative or

regulatory research? What does it mean for us law librarians?

The lack of knowledge can mean a lot to a first year litigation associate, for most legislative/regulatory research tasks fall to the newest lawyer in the firm. Thus, right out of the gate, new associates are often faced with a question they have no idea how to answer.

“[T]he fact that we work in DC means that young lawyers who come here probably require more exposure to the federal legislative and regulatory processes than lawyers in other geographical locations.”

This can lead to fruitless and expensive searches on Westlaw and/or Lexis, despite the prevalence of other, more suitable avenues for locating materials. The lack of research experience can then translate into additional costs that may or may not be accepted by clients. Even with the price changes on WestlawNext and Lexis Advance, pulling legislative documents from compiled legislative histories can balloon costs and result in angry clients and partners.



New associates without an understanding of legislative and regulatory materials may also make costly mistakes in their research. Pressed for time in the evenings after regular Library hours, a new associate may rely on out-of-date versions of regulations because they do not know to check the Federal Register's List of Sections Affected before emailing a partner the previous year's entry in the Code of Federal Regulations. These kinds of mistakes can be embarrassing and also dangerous, especially from a client's perspective.

The lack of knowledge can impact a new associate's transition into practice in several ways. Westlaw and Lexis, as they are available to law firms, do not contain the most useful and contextual legislative and regulatory information. Moving away from these behemoths requires a transition period. There are so many other databases for legislative information that new associates may become overwhelmed. Also, because of the infrequent or erratic nature of

“The lack of academic training in the legislative and regulatory processes gives law librarians a tremendous opportunity to emphasize our own knowledge and the importance of the library itself.”

legislative or regulatory research, new associates may need to be reminded again and again how the process works and where they need to go to find that information.

For many, it might not seem important to expose new lawyers to the legislative and regulatory processes. After all, the intent of Congress or of a particular agency in drafting laws and regulations may not be as important to a legal practice as the

language of the law or regulation itself, or even case law precedent. Also, legislative and regulatory research questions may not arise in day-to-day practice. Valuable time might be wasted on learning skills that are only infrequently required. I would argue, however, that those who interpret and advise regarding the law should be expected to know the process by which it is created and implemented. It should be a duty of all lawyers to know not only how the legal system works, but to understand the foundations of that system.

Finally, the importance of legislative and regulatory research skills may also be a regional issue. I find that clients enjoy having DC-based attorneys who know something about what might be happening at the federal government level, even if the law firm has no ties to lobbyists. Most regulatory practices are located in DC, even if a law firm's home-office is in New York or another city. In short, the fact that we work in DC means that young lawyers who come here probably require more exposure to the federal legislative and regulatory processes than lawyers in other geographical locations.

What might this mean for law librarians?

In the end, it is unlikely that law schools will devote the necessary time to legislative or regulatory research. The job of a law school is to teach how to think like a lawyer. This means that law librarians will continue to be responsible for initiating new associates into the convoluted world of legislative and regulatory research. It will be up to us to provide them with the best resources, train them in the various processes, and create materials that will help them with their research. The lack of academic training in the legislative and regulatory processes gives law librarians a tremendous opportunity to emphasize our own knowledge and the importance of the library itself. That's a lesson every new associate should learn. ■



Tech Talk

Apps for Justice

Roger V. Skalbeck

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Wouldn't it be great if law schools were teaching students cutting edge technology concepts necessary for modern law practice? Wouldn't it be great if technology could make interacting with our courts easier? As it turns out both of these are happening now in a few law schools across the country. In the near future, hopefully many more schools will follow.

An ongoing initiative called Apps for Justice looks to get law students and legal clinics involved in building systems to solve real world legal problems. Along the way, more people can get access to our courts, and more law students will graduate with practical technology skills. Apps for Justice is an initiative led by Marc Lauritsen, Capstone Practice Systems, and Ron Staudt, Professor of Law and Director of the Center for Access to Justice & Technology at IIT Chicago-Kent College of Law.



For this Tech Talk column, let's look at the A2J Author platform, which is a critical part of the Apps for Justice initiative. It's a software authoring platform developed by the Center for Access to Justice & Technology. Using this authoring platform, participating law students and clinics can build systems and tools to improve access to our justice system.

For a concise overview of the Apps for Justice program, listen to this Ignite talk from Marc Lauritsen, which he gave at an ABA Conference in 2011: <http://www.youtube.com/watch?v=bQ2SMKWTi7c>.

Tech Talk, Continued

A2J Author

A2J Author (www.a2jauthor.org) is a platform for building tools that help with the process of interacting with the courts. Tools built with this platform can be viewed on computers in a court house or directly over the Internet. The platform presents each step in a process in a highly visual view. It displays these as steps along a guided path, with the ultimate goal of a court house at the end of the road.

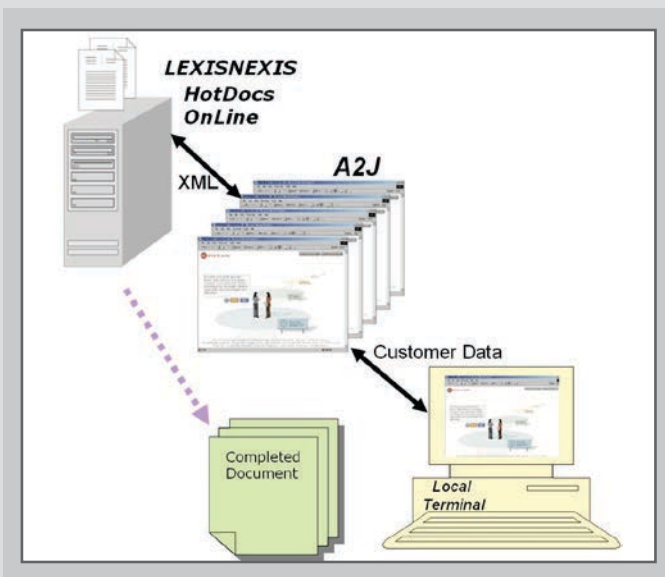
Users interact with these systems by completing a series of questions and filling in details of each interaction. There is logic built into the systems, so outcomes vary depending on how each user completes a given process. For instance, certain qualifications might be required prior to filing a court form or appearing at a hearing. These logical steps are built into a system developed with A2J Author.

When an A2J system is built to complete a court form, the tools assist each user by collecting data to produce documents with HotDocs, typically hosted on a server run by Law Help Interactive.

Version 4.0 of A2J Author tools is only available for Windows, and program output is delivered in Flash video format. For these reasons, there are some limitations to the number of people who can create and use systems on this platform. There are plans to bring the authoring tools to a completely web-based platform, which is expected in 2013. At the same time, output is expected to be available in a format other than Flash.

Some existing uses of systems produced with A2J Author support fairly discrete processes. These include a request for a name change, filing tenant petition forms, or completing other court forms. Often these are processes that produce a high volume of paperwork in a typical court.

At first blush, completing a single page form can seem pretty simple. However, behind even simple forms, there's a degree of logic and decision-making required for correct completion. The more complicated a process becomes, the more complex the logic will be to understand the components of this process. If the logic of a legal process can be distilled into discrete steps, it can be adapted for use in a platform such as A2J Author.



Tech Talk, Continued

Understanding the A2J author system requires a baseline level of technical skill. To build a successful system, the more important skill is learning to identify those processes that can be assisted with technology. It's equally important to understand the law and logic involved with these processes.

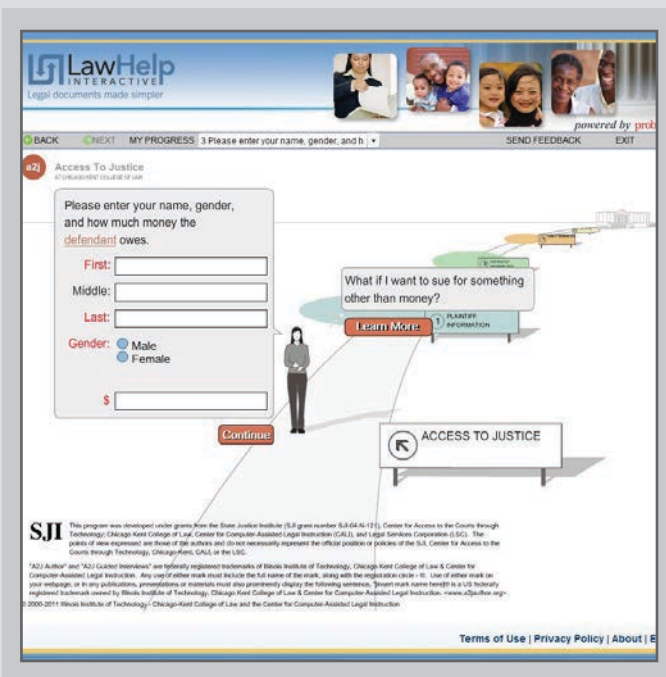
Looking to the Future

At Georgetown each spring, I co-teach a course in law practice innovation. In the course, student groups partner to build systems, tools and apps to try to solve legal problems. With this approach, we think it is more effective to build tools than it is to write research papers about

them. In the course, students have used the A2J Author platform to build tools for use in the real world.

If your firm has a pro bono practice, it's possible that there's a place for A2J Author as a tool for creating apps for courts or Legal Aid societies where your firm practices. If you're at a law school, consider talking to clinics to see if there are ways to automate clinical activities. If you're in a court library, check to see if there are forms or processes where that could benefit from guided interactions.

For competent practice in today's world, lawyers need to know how technology can create efficiencies and assist with legal procedures. A tool like A2J Author forces law students and lawyers to break down a legal process into discrete components. The Apps for Justice initiative promises great potential. In the short term, systems developed with these tools should help more people get access to our courts. In the longer term, people building these systems can develop a way of thinking about the logic and relationships involved in legal processes. ■



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