

Current Topics

Some reflections on the American Association of Law Libraries (AALL) “Summit” 2010: Mapping Our Future

Abstract: David Wills describes his experiences at the AALL summit with particular emphasis on the sessions on legal education, digital ephemera preservation, disaster planning and the rights of indigenous people.

Keywords: law librarians; American Association of Law Libraries; legal education; disaster planning; digital media; preservation

Introduction

In July 2010, in my capacity as President of the British and Irish Association of Law Librarians, I was privileged to attend the AALL Annual Meeting and Conference in Denver, Colorado (known as the ‘Mile High City’) east of the Rocky Mountains.

Diverse programme

The Conference programme was typically wide-ranging with challenging and exciting papers and discussions covering the interests of all sectors whether academic, law firm, government, solo-operators and other areas of the legal information business. An extensive trade exhibition also accompanied the Conference which largely took place at the modern Colorado Convention Center. The Conference schedule offered sessions tackling inter alia faculty support services, archival best practices, digital collection development policy, e-book readers, technical services issues, bibliographic matters, using Pecha Kucha (to enhance presentational skills) and detailed research techniques and guidance for areas such as oil and tax law, water law, bankruptcy law and treaties. Among several eye-catching and entertaining presentation titles there were “Digging” *Colorado legal history: Alfred Packer – the man, the myths, the cannibal and Glass half full? Explore techniques for putting optimism to work as a management tool in difficult times*. The challenge was to pick and choose the most interesting and relevant sessions to attend and below are details of just a few of the presentations and highlights that caught my imagination.



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Keynote address

With a lively and charismatic performance, keynote speaker Dr. R. David Lankes¹ kicked off the Conference’s official programme by declaring, “the best days of librarianship are ahead of us” and that he foresaw a world in which there would be fewer libraries but more librarians – a theme that drew a comment from one participant at the Members Open Forum suggesting that consideration be given to renaming the Association as the American Association of Law Librarians. Professor Lankes,

Director of the Information Institute of Syracuse, who is an impassioned advocate of libraries and their place in today’s world, told the audience that, “the mission of librarians is to improve society through facilitating knowledge creation in their communities”. It was a motivating and inspiring message for an audience acutely aware of the pressures facing our industry, including the current global economic crisis and the consequences for the organisations which they serve.

Legal education

Of particular interest, as a law librarian working in the academic sector, was the session entitled *The Boulder Statement: Creating a Signature Pedagogy for Legal Research Education*. It focussed on the development of the Statement (issued in 2009) based on the model proposed by the Carnegie Foundation’s *Educating Lawyers: Preparation for the Profession of Law* (2007) calling for a

systematic revision of legal education in the U.S. The Carnegie Report identified three key competencies for effective legal education: practical, cognitive or intellectual, and identity and purpose. By taking this approach as a model, the law student would be guided towards exploring all aspects of legal problem-solving and would be provided with an opportunity for effective feedback. “The Statement expresses a comprehensive approach to legal research instruction which aims to significantly improve the preparation of law students for their careers.” It reads:

“Legal research education teaches the resolution of legal problems through an iterative and analytical process. Students will experience a practical apprenticeship of identifying significant facts; determining legal issues and problems; and locating, evaluating, and manipulating research authorities.

Students will experience a cognitive apprenticeship by learning the importance of understanding the legal system in which their question arises and evaluating available legal resources. Through this apprenticeship the student will synthesize information about legal systems and resources to identify the best research plan for a given question. The students will also learn to continually re-evaluate their progress and results to arrive at the optimal answer to the legal problem.

Throughout the process, students will learn to apply the professional and ethical norms implicated by their research, which will reinforce their apprenticeship of identity and purpose. For legal research instruction, this includes an ongoing examination of professional standards including the identification of ethical responsibilities, the avoidance of plagiarism, and the fulfilment of the ethical duty to conduct adequate and thorough research”.²

It was a useful reflection on the ways in which law schools and their libraries have co-operated to offer a cohesive direction where instruction in legal research is concerned. Such a co-ordinated approach is not evident in the UK and there may be some lessons to be learned, and issues to be addressed, within legal education this side of the Atlantic.

Preserving born-digital ephemera

Another interesting session focused on the preservation of born-digital ephemera such as YouTube material, Tweets etc. This discussion came to few conclusions on the day but was entertaining. It featured a panel which included representatives from Library of Congress, William G. LeFurgy and Berkeley Electronic Press, Jean-Gabriel Bankier, and Jason Eiseman of Yale Law School. It

was chaired by Richard A Leiter, University of Nebraska. The issues concerning digital archiving of certain new types of internet data are challenging and demand effective systems to maintain into the future a record of current social activity, communication trends and developments. The recent emergence of Twitter, for instance, has created major archival problems. As of June 2010, some 65 million were being posted each day (amounting to 750 tweets sent each second)³. The Conference session reminded the audience that tweets disappear from Twitter’s search within a week and a half of posting. These items of “transient digital content” are without archive and preservation plans for the future. William G. LeFurgy explained that the Library of Congress (LC) had negotiated with Twitter Inc. over archiving issues whilst recognising the inevitable privacy issues that arise. LC had subsequently (in April 2010) received the entire tweet archive as a donation from Twitter.⁴ Nevertheless, the preservation of other born-digital ephemera remains vulnerable and, where cultural heritage needs to be archived for future generations, we can only hope that institutions like LC, and other national libraries, can effectively engage with the creators and then acquire and resource the collections for the benefit of researchers in the future.

Disaster planning

These days, we are all familiar with the concepts of disaster management, contingency planning, and risk assessment and on Monday 12 July the AALL Tweetchat entry urged that, “every librarian should create a “*personal* disaster plan” so that work doesn’t pile up if you have an unexpected absence”. The entry arose from the session *The Solo Librarian – Emergency Planning* but was a message that resonates both with solos and those operating within a team. While contingency planning is often applied to the organisation as a whole, the operational plans of the individual are equally significant where continuity of service is critical.

Foreign, comparative and international law presentations

Of particular interest to those working in the areas of comparative and international law were the programs arranged by AALL’s Foreign, Comparative & International Law Special Interest Sector (FCIL-SIS)⁵. Two of these programs related to Nigerian law and indigenous peoples.

Nigerian law

Ms Ufuoma Lamikanra, Readers’ Services Librarian from the Nigerian Institute of Advanced Legal Studies⁶ at the University of Lagos and the 2010 recipient of the FCIL

Schaffer Grant for Foreign Law Librarians, gave an informative lecture entitled *Conflict of Laws in a Federation: the Nigerian Experience*. She provided an excellent overview and description of the complex situation that has evolved in Nigeria, where a number of legal ideologies currently operate in a juxtapositional way. Common law (English law), customary law and, since the late 1990s, Sharia law all vie for a share in the country's legal system, which often results in inter-state conflict. A typical example of this clash exists in family law where the Marriage Act, under the Nigerian Constitution, states that women can be married at 18 years old. Under customary law the age varies and under Sharia law it is between 11 and 13 years. This type of variance creates enormous problems for the administration of justice in Nigeria. Equally revealing was the position regarding learning and education in law where access to material for students and researchers was often extremely limited. This stemmed from a legal publishing industry that has faced many challenges, including issues such as book privacy, low purchasing power by libraries, a lack of authors, the exorbitant cost of production and high bank loan interest rates. The Nigerian legal system clearly faces many challenges to its constitution, in its judicial decision-making processes, within legal education and legal publishing.

Rights of indigenous peoples

Professor Glenn T. Morris of the University of Colorado gave a talk on behalf of the Indigenous Peoples Interest Group and the Native Peoples Law Caucus, entitled, *The Rights of Indigenous Peoples*. This was a particularly interesting presentation from a UK perspective because of the particularly North American issues of which we are not necessarily aware.

Professor Morris, of Shawnee descent, is an activist and political scientist. His talk focused on the issues that led to the U.N.'s Declaration on the Rights of Indigenous Peoples, adopted by General Assembly Resolution 61/295 on 13 September 2007⁷. The declaration was a landmark moment for indigenous peoples throughout the world (which number an estimated 370 million) and their right to self-determination under international law following decades of campaigning. The Declaration, which is not legally binding, identifies the individual and collective rights of indigenous peoples. It emphasises the rights of indigenous peoples to maintain and strengthen their own institutions, cultures and traditions and to pursue their development in keeping with their own needs and aspirations. The Declaration was approved with 143 Member States voting in favour, 11 abstaining but with four, Australia, Canada, New Zealand and the United States, which each have substantial indigenous populations, voting against the text. Amongst many reasons for this was the opinion expressed by the United States, that the declaration failed to offer a clear definition regarding the term “indigenous peoples.”

In his presentation, Professor Morris focused on the classification of indigenous peoples which is currently an issue within the library community as the Library of Congress seeks to re-publish its “KI” classification schedule for works dealing with law and indigenous peoples. The explosion in published material on the subject that has, ironically, emerged in large part from the countries that voted against the Declaration, demands effective and appropriate classification and thus librarians will have a part to play in the perception of indigenous peoples. Inappropriate and insensitive classification of such peoples stems from the original discovery of the Americas by such renowned explorers as Cortez and Columbus, from which Europe's first unfortunate definitions began, with terms such as ‘barbarian’ and ‘pagan’ and later ‘native’ and ‘under-developed’. The post-second world war era saw a period of decolonisation and a gradual movement towards the recognition of indigenous peoples internationally, which finally arrived with the UN Declaration. The definition of indigenous peoples still remains a subject open to dispute and discussion. Such debate inevitably ends up attempting to define the boundaries of the terminology and at this juncture in Professor Morris' lecture some discussion ensued as to how far back into history we should go in order to determine the status of an indigenous population. Defining the term was highly relevant to librarians and their role in classification.⁸

National Indian Law Library⁹

Some 45 minutes away in the neighbouring city of Boulder, home of the University of Colorado, lies an unassuming building, of residential appearance, situated on the outskirts of the University. It is home to the National Indian Law Library (NILL) which was established in 1972 under a grant from the Carnegie Foundation. The NILL is a public library devoted to federal Indian and tribal law and is unique within the USA as a specialist law library. Its role is to serve both the Native American Rights Fund (NARF) and the public, “assisting people with their Indian law-related information needs”. It contains tribal codes, constitutions and intergovernmental agreements as well as briefs, pleadings from Indian law cases and reports. The Librarian, David Seldon, delivered a pre-conference workshop entitled *Researching Native American Tribal Law – the Law of the Third Sovereign*, which addressed the differences between tribal law and federal Indian law and revealed the different sources for tribal law research.

Denver Art Museum¹⁰

At a cultural level, and as if to emphasise the significance of the above issues relating to indigenous peoples, Colorado, as a region of the US, is steeped in Native American history and has been inhabited by Native American Indians for over 13 millennia. Some of this heritage is encapsulated at the Denver Art Museum, housed in spectacular buildings

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designed by Gio Ponti and Daniel Libeskind, where the Museum's collection of American Indian Art contains in excess of 16,000 pieces from over a hundred tribes across North America and, under the direction of Arnold Ronnesbeck (Art Director, 1926–1930) was one of the first art museums in the US to collect American Indian Art. It also holds extensive collections of pre-Columbian history (that of the original peoples and cultures of the Americas prior to the European exploration and colonisation) and also art and artefacts from the Spanish Colonial period, helping to add to the history of the indigenous populations of the Americas.

Official engagements

As President, it was a pleasure to have the opportunity to offer 'greetings' from, and report briefly on current

happenings within, BIALL at the AALL General Business Meeting held on the 12 July. I was very grateful to the President of AALL, Catherine Lemann (now Past President) for her warm welcome and I would also like to thank Joyce Manna Janto, President Elect (and now President), together with her colleagues from the University of Richmond, for her hospitality and kindness during my visit.

Another enjoyable aspect of my attendance was the opportunity to meet colleagues at various events throughout the conference, including the Opening Reception, the VIP reception, the International Registrant Reception and the joint FCIL-SIS and the International Association of Law Librarians (IALL) reception. The Closing Banquet and Reception was a wonderful opportunity to catch-up with friends and colleagues and particularly, Carol and Warren Billings, great friends and life-members of BIALL.

Footnotes

¹R David Lankes' speech was entitled "Turn right at the obelisk". See: <http://quartz.syr.edu/rdlankes/>

²<http://www.colorado.edu/law/events/legalResearchEducation.pdf>

³For recent statistics see: <http://en.wikipedia.org/wiki/Twitter>

⁴The news release for that can be found at: <http://www.loc.gov/today/pr/2010/10-081.html>

⁵<http://www.aallnet.org/isis/fcilsis/>

⁶<http://nials-nigeria.org/>

⁷<http://www.un.org/esa/socdev/unpfii/en/drip.html>

⁸A research guide to the electronic resources for researching indigenous issues, which was distributed at the presentation, can be located at: <http://www.aallnet.org/isis/fcilsis/pastprograms.html>

⁹The website for the National Indian Law Library can be found at: <http://www.narf.org/nill/>

¹⁰<http://denverartmuseum.org/home>

Biography

David Wills is BIALL President and the Squire Law Librarian at the University of Cambridge.