From Pages to Clicks

Margie Jones, from medium-sized law firm Lester Aldridge, has documented her experiences in incorporating online legal information into the firm's Library and Information Service (LIS). This article covers general issues in the print v electronic debate and subsequent issues of LIM will cover other aspects.

Introduction

Traditionally information has been stored in books, journals, documents, letters and all manner of written and printed paper forms. The only skills needed to use them were the ability to read and a suitable level of education to comprehend the subject matter. Written information stored thus has been with us for many centuries. Obtaining information from a book or documents formed the basis of modern education, research, business, entertainment and much more.

Over the last century wireless, television and latterly the internet, have evolved and information has become available in many formats other than just on paper. Today, most young people are adept at finding information from a variety of sources, media, and formats because of the massive technological progress experienced since the 1930s. Producing and developing legal information online started in the late 80s early 90s[1].

This article looks at the changes in a medium sized law firm which has gradually introduced online legal information services as an addition to the traditional hard copy resources used by the solicitors and trainee solicitors. It briefly considers why the firm opted for some online services, when and how they introduced the services, and what pitfalls and advantages they encountered on the way.

The electronic revolution

The current generation of lawyers have been the first to experience the electronic revolution. Traditionally the tools of the trade have been books including case reports and volumes of statutes, digests, journals, encyclopaedias, and documents and letters. The introduction of information online has not been a natural progression for many of them, particularly the older amongst them. They may question the authority of the information they have received electronically. They have questions about tracing previous authorities and precedents in a case or whether they have the current version of a particular

piece of legislation. Other issues revolve around the cost of the information, its availability and portability. Whether it will be accepted in court, how to access it and how to print it or save it may all give rise to questions.

Skills needed for reading versus using online resources

Reading written or printed words is a skill usually learned very young. Books have been the earliest receptacles of words, stories and information - to unlock them only requires two or three steps - namely the ability to read, the ability to understand the written word and the book itself. Books have been available to many, many people all over the world. They are portable, easy to store, easy to borrow or lend, follow a traditionally accepted format of having pages, contents, index, diagrams, illustrations, argument, instruction and reference. No expensive and complicated electronic equipment is needed to read a book. Once a child has learned to read books, magazines, newspapers, the written and printed word in many guises are generally to hand all through his or her life.

Online services require users to learn a new skill; the first of which is the ability to navigate a website. Each service has a slightly differently presented website, just as books are all individual and different but this, in addition to the numerous points mentioned above, makes moving to online information in a law firm a slow and daunting operation.

Why choose to find legal information through online resources?

This leads to the question as to why any law firm would consider adapting to using online information at all? Such a question may be considered to be completely beyond the pale in a large law firm which has been an early adopter of electronic resources, but this is not

necessarily the case in smaller provincial and high street practices where the "Why change what's not broke" syndrome may hold sway amongst the more traditional users of hardcopy resources. It also gives rise to the questions that, if lawyers do decide to use online resources, when and how should they do this? I will consider these questions individually from the experiences I have gained from coming in to a middle-sized law firm, whose fee earners did not previously use online services.

There are many reasons why this firm decided to move to using online legal information. Several of the reasons combined at the right time to indicate that the move would be in the best interests of the firm. These reasons can be summarised as follows:-

- Offices in various distant locations

- A big rise in general information being available electronically – email, intranet and internet, broadband – all being realistically priced for both business and home use

- A need to modernise our image

- To assist LIS staffing by keeping staff numbers to an absolute minimum

- Online services are available 24/7 and can often be accessed from home for those with broadband

- From the LIS point of view, it would help with some of our information management tasks

- Moving to online services would increase the experiences of the LIS professionals and keep us abreast of developments in the online and LIS worlds

Starting the process

The move to online services gradually began to have more appeal as the firm became conscious of wanting to modernise its corporate image. It was seen as being an asset which was needed to offer clients cutting-edge expertise and to ensure that fee earners were kept abreast of legal developments. New joiners to the firm, especially those recently out of university and those joining from more progressive firms, seemed to expect the recognised online legal information services to be available as a matter of course.

When new offices opened at some distance from the main office, the use of online services was considered to be an easy and efficient way to supply information from a distance. The information could also be viewed by many users simultaneously.

Other reasons why moving to online services became attractive were the fact that they would reduce some of the manual updating of hardcopy works, reduce some of the physical shelf space needed for books and eliminate some of the loose-leaf titles.

When should a firm consider introducing online information resources?

Once the decision had been reached that the firm wanted to start introducing online legal information services, the next question was when would this be appropriate? Some of the indicators that we considered were whether we had a suitably advanced IT system and staff in place to enable it to be possible. It sounds strange to mention that one of the major 'when' factors was, for us, when we had a broadband and not a dial-up service available. We also considered how much we might have been affected by the 'millennium bug' and decided not to take on anything too extravagant until the scare of all the Y2K stories were over! We considered it would be counter-productive to have online information available but inaccessible because of a breakdown in the IT area either in the staffing or in the technology.

Expansion of firm

The other major influencing factor to help us decide when to start using online legal information was the fact that we had expanded and needed to supply information to other offices that were some distance from our central library.

Budgets

The last deciding factor to the 'when' question is obvious. When there are sufficient funds in the budget to make such a move. This required demonstrating how useful the services could be and where we could make other cuts to our budget. It also required a carefully worded motivation to present the partners with enough confidence to allocate the not inconsiderable finance for the project.

How should a firm consider introducing online information resources?

Our move to online services was gradual because the services were not particularly necessary for us before 1996. I view the migration to online services to have been in its frontier pioneering days thus far. This has dictated the pace of our migration and that has probably been the case for other firms. We did not initially have a detailed timetable and plan on 'how-to' introduce online services. They "just growed, like Topsy".

Service providers such as Lawtel, Westlaw, and Butterworths continually promoted their services by

visiting and giving demonstrations and free trials. In 2002 we signed up to a Lawtel subscription on the strength that, as the firm had expanded and the library staff had not, it was considered as one possible way to ease the workload the library staff were trying to manage. I believe that it may have been tempting to the partners on the basis that it would be less expensive than employing another person. The library and information staff regarded the solution more as a device that would save them time in their daily tasks rather than as a device not to acquire an extra member of staff, as they felt the latter was needed in any case. After our introduction to Lawtel we formed a more structured approach to introducing online services.

Intranet

The next stage was the introduction of the intranet, which was driven by our IT Department rather than the Library and Information Team for a variety of reasons. The IT Department had adequate staff and expertise to introduce a firm-wide intranet. We indicated what information we wanted displayed on our Library and Information pages only. I consider that it would be difficult to introduce online services to a firm without an intranet, as the intranet goes a long way towards encouraging staff to become familiar and confident in using their screen as a channel for finding information.

Westlaw UK

Westlaw were very persistent in their encouragement for us to accept their service but we did not do this for a considerable time. We trialled the product several times, each time coming to the conclusion that the content was generally excellent, but the intimidating navigation system (for lawyers who are reluctant to spend time experimenting or learning how to navigate), and the cost combined to prevent us subscribing. Eventually Westlaw suggested that they demonstrate their intranet solution for us, which simplified the search and navigation facilities on the site. This combined with firm growth provided the right catalyst for us to sign up for a subscription. The time spent from the point of first seeing Westlaw to introducing it firm-wide was a period of four years. We also had a selection of online services from Butterworths. Westlaw was shortly followed by a limited version of the new LexisNexis platform which replaced our previous Butterworths online service.

Training for online services

This introduction to online services had to be supported by firm-wide training so that users would not become frustrated trying to find the information they were accustomed to finding in books, or by asking the library and information staff. We made a point of encouraging users to direct their queries to the intranet in the first place. They were also requested to accept training on the services and the CPD points offered by the vendors went some way to encourage them to train, as did the fact that they realised that the information they needed was only available online, without an option to revert to a book. We continue to encourage, promote and advise the lawyers to have training and to attend refresher training from time to time. We automatically offer training to any new joiners as part of their induction programme. Although many of the training sessions have been less than 100% full we continue to have demand for training as lawyers find they need to access the information themselves to be sure that they have all the correct facts.

Currently we are considering introducing Webex training so that small numbers of lawyers can train on the services without having to inconvenience either themselves or the trainer with complicated timetables, venues or travel arrangements. We believe that if we can eliminate the protests that the lawyer cannot co-ordinate his or her time for training we will have better success rates in use of the services. I suspect, from recounted anecdotes, that many lawyers are asking their PAs, trainee or library and information staff to find the relevant information they require quite regularly.

Library and Information Services staff

We have ensured that our Library and Information staff and our professional support lawyer (PSL) have every chance to train and to have refresher training on any of the online services to which we subscribe. This includes not only the main services such as Westlaw, Lawtel and LexisNexis but PLC, Companies House, EGi, Justis and any other specific sites that we have subscriptions to. The reason for promoting training for these "power users" is obvious - we are continually expected to be able to deliver the answers whenever there is a problem. We have found that the service helplines are usually a second choice and we are asked to help first with any difficulty that may be experienced.

Retention of paper sources

We considered whether we should stop any paper copies of information we subscribed to through online services. Do we keep a set of *Halsbury's Laws*? Do we keep *Palmer's Company Law* up to date? Finally the answer was determined through the cost of keeping subscriptions to both the online and the hardcopy. There were insufficient funds to maintain both. Not only the initial costs of the subscriptions have to be taken into account,

but also the cost of staff time to update any hardcopy. The combination of the extra cost in time and money meant that we decided to stop our hardcopy subscriptions and to remove the sets of books from access. This decision was considered radical by our lawyers, many of whom were unhappy with it because they wanted a familiar source of information, they did not want to be pressurised into training on a new service or product, and they did not trust the online service to be reliable[2]. There is something psychological about a paper copy as if the very tangibility of it confirms its authority. It should be noted that we did, and we do, retain and maintain our specialist practice areas books and journals in the hardcopy format. The cost and availability of special texts is prohibitive to change from hardcopy to online, and most texts are not available in their full annotated form online. We have only removed the general legislation books from our bookshelves.

Our library and information staff is small therefore we avoided considering having a one-user access or a LIS-only access to online services, as we could not afford the time to continually search for and send legislation and cases to our lawyers.

Other considerations

The move to online services gives rise to some related questions. What should be done with the sets of encyclopaedias that are up-to-date but removed from the library bookshelves? How should library users be encouraged to use the online services instead of seeking the information through hardcopies? How should the costs of the services be kept within the budget? (That question alone is worthy of an expanded explanation in another article). How do we manage the growing number of passwords and user-names?

These questions highlight some of the ways our traditional library and information tasks have changed since we have moved to online information. They are worth mentioning because we have had to arrange our day-to-day tasks and our information management structure around them to provide adequate answers. It is encouraging to note that our traditional structure of managing hardcopy information largely adapts to managing online services. Perhaps this is a positive reflection of the analytical and logical thinking of centuries of storing information on the part of information professionals?

Disposal of paper?

What can be done with the sets of encyclopaedias that are no longer required in the paper format? Sets of encyclopaedias lose their value if they are not kept up-to-date. They will be worthless on the second-hand market. We found a buyer and made sure we kept our sets current until the time of despatch. Removing

sets of encyclopaedias from the shelf we dealt with as a project which we out-sourced to university students as a holiday job. This avoided too much extra work for our regular staff but the task has to be carefully supervised, as students are often unaware of the structure of information management and it is possible they might omit part of the process of removing information from the catalogue or from the shelf.

Encouraging usage of online

How did we encourage traditionalists to actually use the service? Because of their cost, online services are only valuable if they are used. We encouraged use of the services through extensive trials, training, promotion, one-to-one help and tuition, help-lines, and by removing the hardcopies completely. We found that until we did this the take up and use of the online service was low. We believe that this is because this firm has a percentage of older lawyers who were used to, and comfortable with, the books and therefore saw no necessity to change.

Budgeting and costs

One of the most confusing aspects of the decision to move to online services was their cost. It appears that the services vary from provider to provider in how their costs are structured. Initially providers were keen to offer considerable discounts to persuade us to use the service. Sometimes extra services would be included in the costing at a greatly reduced amount. This topic is so wide that it cannot be comprehensively covered here and will be considered in a later article. We took the approach that we had to estimate the cost according to the regular price, and not the vastly discounted price, for a realistic estimation of what the service would actually cost us. We also cut out any hardcopies of the same product, as keeping multiple sets of hardcopy encyclopaedias up to date as well as having an online service is duplicating information at vast extra cost. The costs of the print versions of information seem to have increased enormously over the last 3–5 years.

Access to services

Online services usually require user-name and password authentication before they can be accessed. In some cases we have arranged for there to be seamless access[3] to the general area of the sites through the intranet. Should the user wish to set up any current awareness alerts he or she will be obliged to access the site by using his or her own identification. User-names and passwords are one of the additional tasks that online services spawn. Many of our users would like us to

manage their online identification and, while we are careful to keep meticulous control of usernames and passwords for products that are cost driven by the number of user licences, we are unwilling to take responsibility for creating a database of the user-name and password for all of our information users. Their identification is primarily their responsibility and we do not have the resources to devote to a task that is potentially time consuming.

Citations

We have noticed that the online services do not always seem to have a consistent approach to which cases are cited or available in various paper copies of the same journal. Sometimes online versions of cases are not all cited, sometimes there appears to be a delay between the citing of cases online compared to the paper copy. This lack of consistency makes it difficult when deciding which cases to omit or include when we cite and cross reference cases on our own electronic Library and Information catalogue. Ideally we would advise that each Library and Information Centre catalogue every mention of every case and article of relevance and of note to the particular practice of the firm. We have insufficient cataloguers or staff with time to dedicate to cataloguing in such detail. We rely on the services to have each case and article cited and, when appropriate, available in full online. (See also Footnote 2)

The obstacles

We experienced various obstacles in moving to online services and some were more difficult to overcome than others. To summarise them:-

- Users do not want to switch to online services and some of them can be persistent in their insistence that the service is inferior to print.

- Education is time consuming and often viewed as unnecessary until the user has no option but to use the service.

- Some sites are very complicated to navigate.

- Online services increase library tasks by adding organising training and password management to our already busy schedule.

- Ongoing cost is something that has to be constantly monitored so that we have cost efficient information for the firm. This continual reviewing, research and comparison is very time consuming.

- User licences are more restrictive than lending a book or journal.

- Breakdown in technology or power failure halts business.

We have also identified some advantages in moving to online services. To summarise them:-

- Information can be shared by many viewers at the same time and from various offices some distance from each other.

- Generally speaking, users find that it is easy to include online information, such as that covered by forms and precedents, in their own documents when necessary.

- Books are more likely to go missing, get lost or delayed in the post.

- We use less staff to keep information up-to-date, looseleafing is reduced.

- We have more storage space on the bookshelves.

In house survey

I conducted a very small in-house survey to get some feedback on how our move to online services had been received and used. The results may be of interest to readers.

Comparison of books and online information

The following opinions reflect the results.

Online information is useful in that it can be viewed simultaneously from anywhere by anyone with password and identification authentication.

It is easy to distribute by email, by copying and pasting into a document and by downloading.

The disadvantages of online information were that it was not ideal for in-depth or at length reading on the screen. It is also much slower to read than the same information in print form.

Print information is easy to read in long passages with complicated content so it is much preferred by all users for in-depth research and users find it easier to assimilate different opinions or versions when the information is in hardcopy print. They are more adept at using indexing and traditional referencing to build a research trail than using online links.

The disadvantage is that a book or journal can only be used by one person at a time; there may be delays in accessing the information when a book or journal has to be physically transported from one office to another.

The Information Manager's Perspective

As an Information Manager I believe additional strengths of online information are that it is easier to keep up-to-date, it takes up less shelf room, it can be shared among many users without difficulty. The strengths of printed material are that it is relatively cheap and can be shared and borrowed from person to person without adding extra user-names and passwords, and it can be read anywhere without specialist equipment so delays are not experienced through IT or power cuts.

I found that most users had no comprehension of the cost of either online services or print information. This is not surprising as it is an area of constant change and I believe information managers themselves find it difficult to keep abreast of the most cost-efficient combination of online and print for their information users. This creates some difficulty when proposing annual budgets and when motivating for a specific product. Copyright regulations continue to increase the workload of information managers, as there appear to be changes in policy by some publishers as to what can or cannot be copied, and how and where to apply for any permission or exemptions.

Conclusion

Online information has grown and solicitors and information specialists alike accept that this is part of their stock of tools, along with the books and journals. It has altered our way of managing information. We have had to adapt to new skills. We find that many of the queries now being directed to us in the LIS include how and where to access online information. LIS tasks have changed so that we have time to devote to such queries as well as manage passwords, arrange training on the services, research the cost structures of various forms of information so that the LIS has reliable and cost-efficient information available for the users. In my opinion the services do not reduce the expenditure involved in managing a LIS, nor do they reduce the number of staff hours required to maintain LIS services at an acceptable professional standard. However, they do alter the flow of information and the methods of managing information. They should be incorporated into the system carefully in order not to imbalance the equilibrium of information maintenance and circulation.

Editor's Note

We are currently collating the results of a questionnaire regarding some of the issues raised by this article – if you have not already completed it and would like to add your contribution please contact Janice Edwards (see pg 74 for contact details).

Biography

Margaret Jones is from Kenya originally and lived in East, Central and Southern Africa for many years. She holds British citizenship and came to this country in 1997 where she obtained a job as a library assistant at Lester Aldridge and obtained her English qualifications. She became Librarian on the retirement of her predecessor.

References

[1] Lexis arrived in this country in 1980 when the first demonstration was given in London to a group of sceptical lawyers who asked for a search on "reservation of title" which was a hot topic at the time, only to receive lots of results on Indian reservations. Times have moved on.

[2] We have some examples taken from both Westlaw and LexisNexis where information has been either incorrect or missing. I wonder if this is because it is very difficult to proof-read a screen.

[3] Silent authentication.