

## Conference Reports

# A Report of the AALL Annual meeting, Philadelphia 2011

**Abstract:** Victoria Jannetta describes her experiences at the AALL annual meeting in Philadelphia focusing on various particular sessions given in relation to free speech, Delaware corporation law, company mergers, academic library issues and ebooks.

**Keywords:** law librarians; American Association of Law Libraries; U.S. Supreme Court; companies; academic libraries; ebooks

## Introduction

This year I was lucky enough to receive a bursary from BIALL to attend the American Association of Law Libraries annual meeting in Philadelphia. In return for the award and to show my gratitude to BIALL, I have written this account of my experiences of the event to share with other BIALL members.

This was the third AALL meeting I have attended and I was struck by how much smaller it seemed compared with my memories of the first meeting I attended back in the early '90s. This year it was not so large that you did not regularly bump into people you knew. No doubt it is a sign of the times that less funds are available for people to attend but I actually found the smaller event a more pleasant experience.

Before the conference started I took advantage of a city tour organised for delegates. It proved to be a crash course in US history, much of which I am ashamed to say, I had only a hazy knowledge of. The literal meaning of Philadelphia is the city of brotherly love more dignified than its other association with cream cheese. Philadelphia played an important part in the history of the United States and was where the founding Fathers met to sign the Declaration of Independence in 1776 and the Constitution in 1787.

At a later date, I attended a reception at the National Constitution Center, courtesy of Wolters Kluwer. The museum had some excellent interactive exhibits on the history of the U.S. Constitution including some life size models of each of the founding fathers. These were disturbingly realistic. Visitors took a keen interest in the respective height of each historical figure,



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fittingly George Washington was one, if not the tallest, of them all.

I was pleased I took advantage of these opportunities to see something of the city. Once the conference began nearly all my time was taken up by sessions, visiting the exhibition and a few evening receptions.

Although the conference seemed smaller this year there were still a large number of sessions to choose between. On average there are six sessions running consecutively so if one does not catch your attention, you can easily move on to another. I had no dif-

iculty selecting presentations which were interesting and relevant.

Here are my summaries of the most interesting sessions I attended.

## Opening general session – the US supreme court and free speech

Dahlia Lithwick, a court reporter of the US Supreme Court gave this opening general session. Lithwick was both entertaining and well informed and the topicality of her talk added interest. The right to free speech is enshrined in the First Amendment to the US Constitution but according to Lithwick, advances in technology have blurred the boundaries between public and private communication and could be the reason why the justices of the Supreme Court are showing more caution about opening the courts to the press, or indeed expressing their own views. Lithwick referred to several recent

US cases on free speech in which individuals and companies have attempted to use the first amendment to defend, what many others would consider, unacceptable behaviour or practices. In the case of *Brown v Entertainment Merchants Association* the court revoked a law passed in California banning the sale of certain violent video games to minors in a 7–2 decision. Significantly, the justices did not decide along party or ideological lines but according to their own attitudes to free speech and technology. Lithwick's presentation threw up more points to consider than explanations but the impression I gained was that what is permissible under the First Amendment is becoming increasingly confused.

### Delaware corporation law

Anyone who has ever had to obtain filings for a Delaware registered corporation will know how little information is available on corporations registered in this state. A session on *Delaware; the first state for corporation law* provided some interesting insights into why companies choose to incorporate in Delaware. Apparently more than 50 per cent of the publicly traded and Fortune 500 corporations are incorporated there. The legal system is organised to ensure corporations can conduct their business with maximum efficiency. This is reflected in the way the court system is organised. There is no intermediate appeal court between the Court of Chancery and the Delaware Supreme Court which means trials move quickly and decisions are given within 42 days. The U.S. Supreme Court has ruled that the internal affairs of corporations are determined by state law so the Delaware Supreme Court decision is final. The Delaware judiciary rather than being elected are selected by the governor for their reliability and experience. The judiciary are extremely consumer orientated and will give up free time to attend more than one trial in a day.

Delaware company cases rarely make it on to Lexis or Westlaw because opinions are circulated informally between the parties involved. A corporation law counsel meets regularly to discuss potential changes to the law but the conservative nature of the members means changes are rarely made which is why there is so little legislature history available from Delaware. What changes are made, are published in the form of brief synopses to the Corporation Act and to find out the background to any change, requires further research into the records of the counsel's meetings. A two thirds majority vote is required to change the Delaware Corporate Statute which also helps retain a stable legal system.

The talk by a representative from the Corporation Service Company in Delaware outlined further reasons why incorporating in Delaware is so popular. This service is very customer focused. The office is staffed from 8 am to midnight, and Corporations are offered an expedited service enabling them to file within two hours. Compare this with the working hours of Companies House in the

UK, where any request received after 4 pm has to wait until the following working day. This talk gave the best indication of why so little information is available on Delaware incorporated companies. The most popular form of incorporation is a limited liability company (LLC), which is used by 70% of the corporations filing in Delaware. This form of incorporation requires just the company's name to be listed. There were concerns that this lack of transparency could be attractive to corporations involved in fraud or money laundering so Delaware passed a law that required that a named individual was also listed in the incorporation document. However, in practice, the individual is usually an agent acting on behalf of the corporation and the information does not have to be made available in the publicly available company record. At question time some librarians queried Delaware's lack of transparency regarding corporation records but these concerns were brushed aside by the Delaware officials on the panel. It was clear that Delaware's priority is the corporations which bring so much business to this small state.

### The Supersized law firm

I was interested to attend this session for two reasons. One, I work for a global firm so was interested to hear how other such firms operate, and two, one of the speakers was Kay Hart of Hogan Lovells International LLP in London. Kay, and fellow speaker Rhonda Fisch of Reed Smith LLP, spoke of their experiences of being involved in their firms' transatlantic mergers; Kay's firm Lovells merged with Hogan & Hartson in 2010 and Reed Smith merged with former London firm, Richards Butler in 2006.

First, a representative from Hildebrandt, an organisation which tracks law firm mergers provided some context. Figures show that there is a growing trend amongst law firms to seek cross border merger opportunities in order to increase their global presence and extend their practice expertise. So for any law librarian working for a firm, there is a strong possibility that they could be involved in merging two separate library services.

Both Kay and Rhonda were positive about the mergers they had been involved in. They provided advice on how to manage a library team through the process and how to merge two separate services. Both speakers agreed that once a firm has made the decision to merge with another firm, service departments such as the library have no choice but to face the changes head on.

Communication within your team is vital but knowing what you can communicate and when is, according to Kay, key to successful proceedings. The task of merging two library functions is full of challenges but a tip from both speakers was to prioritise the major tasks. There will be many differences between how each service operates but not everything has to be changed immediately. For Hogan Lovells, merging the respective library

management systems was less important than ensuring that the new IP addresses of the newly-merged firm were working from day one.

Working for a US law firm, I had a personal interest in the speakers' experiences of dealing with the cultural differences between a US and UK firm. The way they deal with the differences in English spoken either side of the Atlantic, resonated for me. The term 'treatise' has more gravitas than 'book' but would your London lawyers recognise this term? Kay queried whether you should use English or American spelling; for example do you refer to 'inquiries' or 'enquiries'?

Ensuring staff remain motivated during a period of change is vital, as going through a merger can be emotionally challenging. Hogan Lovells had used an inter-office buddy system to help team members from both libraries work more closely together. Staff are likely to be anxious about their futures in the newly merged firm, but positively, both Kay and Rhonda spoke about the new opportunities which can arise when two teams with varying functions merge. The talk did not focus on the opportunities and challenges of working in a global firm; perhaps this should be the topic of another talk.

### Cutting beyond the bone

This session took the form of a role play based on a management meeting at an imaginary academic library. The three speakers were senior librarians from the College of William & Mary and Cornell University. I was rather dubious about the format but the three 'players' were actually very convincing, perhaps helped by the fact that the two of them were real life colleagues and seemed to be replaying a recent staff meeting. Not surprisingly, considering the theme, the session was well attended. The ensuing discussion centred on the ideas which a 'new', quite progressive librarian was pitching to her more traditional boss, to promote the service. The new librarian's ideas were based on prioritising workload and finding cost-effective ways to promote the library. They included;

- abandoning time-consuming library blogs which are rarely accessed, in favour of a Facebook presence to reach students via their preferred means of communication;
- deciding not to spend time systematically correcting bibliographic records on the library catalogue but making corrections as and when they are noticed;
- rationalising journal collections by setting up reciprocal lending arrangements with neighbouring institutions.

An interesting point which came out of the presentation, which was endorsed by attendees, was that law libraries in all sectors have made significant cuts to their

collections in recent years but if asked to reduce costs further it always seems possible to cut more. The point was also made that library users rarely seem to notice which resources have been cancelled. No one seemed to know what to make of this revelation but perhaps it is a reminder to librarians that the service we offer is more important to our users than the physical collection we manage.

### Ebooks and the future of legal publishing

This was also a very popular session. The speakers were representatives from Thomson Reuters, LexisNexis and a US library consultancy, YBP Library Services. The discussion was primarily focused on stand alone ebooks as opposed to the book content available on Lexis and Westlaw.

According to the speakers, technological advances have blurred the lines between work and leisure thereby raising people's expectations about accessing work related content via portable ereading devices such as the Kindle and iPad. However, legal publishers have recognised the limitations of ereaders which are primarily designed for people who read for leisure not work. The publishers understand that professionals require additional functionality such as content updates and the facility to create bookmarks and footnotes. For this reason Thomson is looking to explore reader apps rather than cater for one particular reading device. The Lexis representative did not comment on this issue.

The YBP representative was optimistic that the popularity of ebooks will increase. Space has now become an issue for many organisations. Lawyers' expectations have changed, younger users expect 24/7 access to content via their own laptops. Apparently some academic institutions are dealing with this new demand by making ebooks available to purchase via the library catalogue.

How to license e-books is a challenge for publishers. Thomson and Lexis are exploring various models for their clients. Options include offering users unlimited access to the content of a title, pay-as-you-go options, and marketing content directly to the end user. For the librarian the challenge is how to lend ebooks; license arrangements can limit the number of users who can access the content thereby forcing you to purchase more copies than would be purchased of the printed version.

Converting a printed book to electronic format presents challenges too. The format of ebooks disposes of the concept of page numbers but without this means of navigation, how can you direct others to a specific part of the work? The inclusion of pictures or diagrams also becomes problematic when converting from print to electronic. Users will also continue to require archived

content; they do not want to purchase content then have it taken away when new content becomes available. One attendee asked if the concept of 'out of print' will vanish once e-publishing becomes widespread. The publishers remained non-committal; presumably consumer demand and costs will still dictate what old content remains available. The advantages of print begin to seem quite compelling.

The publishers are not expecting ebooks to take over from print in the near future. The Lexis Nexis representative does not expect ebooks to make up even half of their business in the next few years but both Lexis and Thomson are optimistic that all their content will become available electronically very soon.

A familiar dilemma for librarians was highlighted; the pressure from management to invest in ebooks to save space and possibly costs when librarians know that the vast majority of their users still require printed books. In fact the situation is advantageous to publishers because they can sell the same content in multiple formats. Currently the publishers are resisting providing discounts for content purchased both in print and electronically but it was felt pressure from clients would force publishers to consider doing this.

This was another session which threw up more questions than answers. The publishers are as confused as their customers as to how e-publishing will develop. Clearly we should be planning for changes but printed books are likely to be with us for a little longer at least.

### Exhibition

The vendor exhibition also seemed smaller this year but all the usual companies were represented. Bloomberg had the most prominent stand perhaps reflecting the company's ambitions for its newly launched Bloomberg Law product. Thomson Reuters were demonstrating the new US Westlaw Next product which seems to have taken the best design features from Westlaw UK to make accessing US legal materials easier than when using Westlaw.com It was nice to see several UK companies present including, Justis, OUP and CUP.

Attending this conference was useful in many ways for me and like all good conferences I returned to work with renewed enthusiasm. I would like to thank BIALL for awarding me the bursary that enabled me to attend this interesting event.

### Biography

Victoria Jannetta is the London Library Manager of the U.S. law firm, White & Case. Victoria has worked for twenty years in a number of different city firms as a law librarian. In the past, she has been a very active member of the British and Irish Association of Law Librarians (BIALL) chairing several committees and organising various training events. In 2004–2005 she was the Chair of BIALL.