

The Legal Information Landscape: Change is the New Normal

Abstract: The legal information landscape has always been one of instability and change. The rate of these changes seems to be speeding up as societal and technological changes interact and impact our lives. In the face of this volatility, we should remain constant by being the human factor between information and our clients. We are the interface between new technology and the changing information usage behaviours of our clients. We must understand both aspects to ensure the best outcomes. Our client centric attitude positions us perfectly to be leaders when exploring, and perhaps even creating, new solutions. We are best placed to bring them back to our institutions and provide the human touch to ensure they are implemented in a way that will succeed and add value. It is important to embrace this constant state of flux and find our value in being supportive change agents, while also ensuring that we can ensure, and advocate for, the importance of safeguarding legal information for generations to come.

Keywords: legal information management; legal information managers; law librarians

INTRODUCTION

Legal information and the myriad of associated professions has been in a state of flux since I entered the world of law libraries in 2011. The clearest thread that has run through my reflections on each year is the change that the year has engendered. This has ranged from large-scale changes such as those changes in information seeking behaviours of new law graduates and the changing emphasis from hardcopy and electronic resources, to more specific issues such as the upcoming replacement of the Legal Practice Course (LPC) with the Solicitors Qualifying Examination (SQE) scheme.

The change from LPC to SQE presents both opportunities and risks for law librarians working in firms, as well as those working in law schools. It presents the opportunity to examine the way we teach lawyers legal research skills and whether the current approach remains fit for purpose. With the proposed lack of structure, it will most likely be up to the firms to work out which students are the most desirable to hire. For law schools, this will mean working with firms to equip their graduates with the skills to fit the workplace. It will be important for law librarians currently working in firms to work together with those in law schools to lobby the heads of our institutions and remind them of the importance of good legal research skills and how they contribute directly to the bottom line of the firm. There is a great opportunity to build even closer ties between firm and academic librarians to improve the legal research skills of a generation of lawyers. The risk however, is allowing legal research to be lost in the clamour of legal

skills that need to be taught to aspiring solicitors, leaving society with a generation of deskilled lawyers that may not have the requisite skills, or the nous, to appreciate the joy of legal research and the skills of law librarians.

PROFESSIONAL DIVERSITY AND PATHWAYS

Realistically, the rate of change is only increasing and the only way to inure ourselves to it, is to embrace it. As a profession, we need to remain united, collaborate and communicate wherever possible and always keep our client's best interests at heart because fortunately, what is best for our clients is almost always what's best for us. As individuals, we need to be flexible, curious and take charge of our professional development. We need to encourage each other and offer advice among our peers when helpful. The British and Irish Association of Law Librarians (BIALL) has the opportunity to be leaders in this field. There is the opportunity to partner with other knowledge and library associations to share insights and make it easy to move between sectors (for instance health and law librarianship have plenty of similarities around the necessary soft skills and attitudes) with little stigma. The Special Libraries Association (SLA) and the Chartered Institute of Library and Information Professionals (CILIP) could be good partners to help facilitate this. I think we need to find better ways to make the profession more inclusive to those that are not currently represented in the profession. Part of this, I believe will be finding ways to build alternative pathways into the profession and increase awareness among people earlier. Targeting school leavers and

employment fairs may plant the seed for many and increase breadth of diversity in the profession.

Building more pathways into the profession, strengthening ties between professional organisations and making it easier to change sectors would be a great way of increasing the resilience of the profession. Of course, specialised skills and knowledge are crucial (such as systematic reviews in health or tracing the obscure history of a section of legislation in law) for efficient and accurate work, they are generally based on a shared skills base that should make it very possible for people to transfer between sectors. I think fluidity between the sectors would only increase the resilience of librarianship as a whole. On this note, it is great to see BIALL welcoming knowledge management professionals as a natural fit and I think that they are leading the way in this area.

We need to welcome other associated professions into the umbrella and approach things from a client-focussed perspective. This means collaborating with whoever we can to improve the client outcomes, whether in a commercial, governmental or educational setting. This can range from legal technologists to academic and digital skills specialists depending on the context. Bringing professionals from a non-library background into the library helps us gain a broader perspective and base of skills. In many organisations, the library is a hub that can connect people and ideas. We need to leverage this to help our colleagues make the best connections among themselves. As facilitators of information, we can help knowledge flow through both formal and informal channels. This can help our parent organisations achieve their goals in the most efficient way possible. This is already happening in many organisations which is excellent.

We will continue to make it clear that the value of a law library has little to do with the physical footprint and everything to do with making legal information efficiently accessible in the appropriate format for the situation. This clarification of our value will continue to be important as the legal information landscape grows and changes, and financial pressures continue to increase. One thing that I think law libraries do especially well is align themselves with the goals of their parent organisation and make sure that they are working toward the same goals. Helping those we report to understand the library's contribution to the mission of the organisation has often become second nature and I think these are very useful lessons that we can share with the wider LIS profession.

Apprenticeships and other on-the-job-based learning will continue to disseminate through the workforce, opening up access to the legal profession for those that have been shut out by the traditional pathways into law. This will most likely blur the line between work and study, meaning that libraries supporting law students and practicing lawyers will have to work together to support those going through the programs in a coherent, scaffolded way. This means understanding the learner's journey and making sure that they are being adequately challenged and supported, but also understanding that they will be expected to use the skills immediately. Close relationships

between law librarians working in universities and those working in firms will allow us to make sure we are not duplicating our efforts around training and resourcing, but also give the student a consistent experience. This will result in greater efficiency and a better client experience.

As a profession and as individuals, we need to actively work toward building a welcoming and inclusive environment to encourage diversity in our profession at all levels. Whether this means working with the HR departments of our organisation, or going out of our way to encourage applications from a diverse range of backgrounds, I believe it is the responsibility of both the collective profession and individuals to encourage diversity in the sector. Finding on-the-ground solutions will differ depending on the policies and procedures of all of our parent organisations, but it's up to us to ask the questions and to drive organisational change if necessary. Just to begin, this can involve anonymising applications, making sure that everyone involved in the hiring process has undergone unconscious bias recognition training, or writing job adverts and position descriptions with cultural understanding, making sure it is clear to all backgrounds. We also must make sure our profession is accessible and open to those with disabilities and make it clear that our organisations will work with individuals to remove barriers.

In order to thrive for the next 50 years, we as a profession must welcome and encourage a diverse talent pool and it is up to us to take action! It is not enough to agree in principle, this takes active work, but this is a crucial investment in building a representative, fair and relevant profession.

HUMANISING TECHNOLOGY

One way in which we can continue to add value to our organisations is to humanise the technology that is transforming the legal information sector. We need to use our deep knowledge of the institutions that we work for to consult on how best to bring various technologies in and to implement them most effectively. Often, we have deep insight into how people interact with and use information systems realistically (often in ways they are not designed to be used). Having this insight, combined with our information systems training, makes us very useful when negotiating contracts and evaluating new information solutions. Working closely with IT and procurement departments can only help our institutions make smarter decisions.

We need to remain thought leaders in our institutions, bringing our clients along with us and certainly not hold onto our traditional roles, no matter how tempting that may be. As a profession, we have already made leaps and bounds away from the role of gatekeeper and toward information and knowledge facilitator. Our specialist knowledge will serve us when advising on innovative tools to adopt and how these tools might actually be used by our clients. For academic law librarians, our professional networks allow us to easily plug into the tools and work practices being used by the places our clients are hoping to work. This will help them fit seamlessly into their new workplace

and this is a very helpful, if occasionally overlooked, function that we can provide.

A large scale change that the legal profession is undergoing is the rise of legal technology and the innovation that can either drive, or stem from, these technologies. With the swiftness in change inherent in this shift, it is absolutely crucial that we work out how best to harness legal tech for the benefit of our clients. From a law school perspective, this can mean working with academics to help students learn those soft skills around how to identify and use the right legal tech tool for the outcome they wish to achieve. Part of this will be reinforcing the message that it's of more use to learn the attitudes than to learn the individual skills associated with specific technologies that may themselves be swiftly replaced¹.

It is important to balance leadership in the technology space, making the most of efficiencies and reach that innovative technological solutions can bring us, with the human-driven skills that underpin our profession. The most successful approach will be to combine the two and always make sure they are the most appropriate solutions for our clients and parent organisation. Practically, this is difficult. Success seems to have come from partnering with a growing professional group of legal technologists. Many of these have been either librarians or lawyers, or both, and can be great allies. As the professional group with the strongest legal research abilities, it remains our responsibility to assist our clients to navigate through this challenging environment. While our skills have traditionally revolved around finding information, they are increasingly moving toward efficiently sifting through the huge volume of information available. We should be the experts at leveraging technology to do this in the best way possible, and explaining the pros and cons to our clients, who should not have to be experts.

Our relationships with suppliers and our knowledge of our clients' needs make us invaluable when it comes to evaluating new information products and improving existing ones. The role of 'critical friend' that law librarians have when working with suppliers to create and improve information products that will be of the greatest benefit to our clients cannot be underestimated. I think this role has the potential to enlarge as the difference between publishing houses and technology companies become indistinguishable and continue to evolve toward a more client-centric business model. Law librarians' deep knowledge of our users' information seeking and usage, combined with a thorough understanding of the tools, can benefit both clients and vendors by consulting on new products and services.

For the New South Wales Law Courts, the library partnered with the courts and the Judicial Commission to assist the Judiciary in making the most out of a move toward using electronic resources, especially in the form of court practices (*Ritchie's Uniform Civil Procedure Rules* being the primary resource in NSW). This was a move especially geared toward the magistrates of the Local Courts dotted around the state. It was welcomed in principle by the magistrates as they would no longer have to

carry around the multi-volume loose-leaf service on circuit, it would remove the need for services to be updated and there were cost efficiencies to be found in the switch in format. What the library could do was use its knowledge of the product (in this case Lexis Nexis Red) and its knowledge of the way its clients use the information to easily help clients transition seamlessly from hardcopy to electronic. Extensive knowledge of their clients' needs allowed the librarians to show the magistrates how they could replicate their information seeking and usage behaviours, and how they could adopt new and different ones if they wished to.

GUARDIANS OF ENDURING ACCESS

We need to promote our role in ensuring continued access to legal materials. As format changes move toward digital resources with all of their advantages, it is important to remember that these formats usually make it more difficult to share them cross-institutionally as a result of the way contracts are negotiated. This makes it much more difficult for practitioners and the public to gain access to a large segment of legal information. While recent case law and legislation is usually freely available thanks to the courts publishing their own decisions and the good work of organisations like the LILs (beginning with AustLIL), texts and commentary usually remain trapped behind a pay wall. This poses issues for smaller practices that may be working in areas that they might not need to purchase a title but can not borrow it from another institution if it's a digital copy. A move from the publishers toward on-demand or rental licencing may help solve this issue.

Another pressing issue that is often forgotten is the lack of guaranteed historical versions of texts. With the shift toward digital resources and access rather than ownership contracts, there is no guarantee of future access to historical texts. These can be absolutely crucial in both academic and practical legal research. Even in pricing models that offer ownership over texts, it is important that they are collected in a format that is not dependant on the existence of a particular platform, in case of insolvency. While these issues can (and often are) negotiated, it is important to note that collecting these historical texts often isn't a core part of most institutional collection development policies. There are of course a few exceptions in the UK, such as IALS, but these concentrates the risk, in the case of changing priorities for the future. In Australia, some court libraries fill this role, but increasing budgetary pressure makes it difficult. Maintaining this record of historical legal information is important and I think there will be an increased role for some institutions to take on the role of living archive for their jurisdictions. It is not an easy role though, with a high toll on budgets, for little short-term gain. Perhaps where this proves difficult, legal deposit libraries could fill this role, or at least work with specialised libraries to gather and donate material. Partnerships between national and court libraries would be a natural fit. The

Bodleian, Cambridge and Trinity libraries could also be strong contenders for this role in the UK. Ideally, a collection network could be set up throughout the common law world to guarantee the continued accessibility of this information in each jurisdiction.

Another way we can, and should, be of service to society (as well as the institutions that employ us) is through the donation of our time to assist the general public understand the complexities of the legal information world in a way that is relevant to them. While of course, we can not offer legal advice, we can provide person assistance to litigants with finding relevant cases, legislation and commentary. This could be done through a partnership between our parent institutions and public libraries. It would allow these litigants to access expensive databases and resources in person (though of course we would have to include this use in our contracts with our suppliers) that would otherwise be unavailable through under-resourced public libraries while also assisting our employers with meeting their pro bono commitments, providing an important service and helping to support our public library colleagues. It will also have the added bonus of exposing librarians to areas of legal research that they may not otherwise have much exposure to. It's also a great way for non-reference librarians to get exposure to this area and round out their professional skill base. This would of course require some

training, possibly through a mentorship arrangement, as it is still important to prioritise the needs of the client and provide the best possible service. Hale-Janeke and Blackburn provide an interesting, though slightly dated model, for this in the U.S.² It is of course important to note that volunteering does involve privilege for people that can afford to donate their time, so it is important to remember that this type of volunteering should not be viewed as a mandatory part of professional development.

CONCLUSION

Librarianship in general is a set of skills and a state of mind. The skills evolve only as a result of the mindset. We need that mindset to be open, curious, kind and inclusive. We need to remain partners with our clients and keep the objectives of our parent organisations at the forefront of our mind. This can mean finding non-traditional partners such as innovation managers and teams that we can share knowledge with. An agile and adaptive approach will mean that our skills will continue to be of use to our clients. It is up to us to demonstrate this to our clients and to society at large. By strengthening our relationships with other professional bodies, we can work together to increase our profile as information professionals and create a more diverse profession.

Footnotes

¹ Baranow VE, (2008) 'Reflections in the Fishbowl: the Changing Role of Law Librarians in the Mix of an Evolving Legal Profession' 18 *Legal Information Management* 147.

² Hale-Janeke, A.; Blackburn, S. (2008) 'Law Librarians and the Self-represented Litigant'. 27(1) *Legal Reference Services Quarterly* 65–88.

Biography

Holger Aman is a passionate library manager with eight years of experience in the profession, spanning both Australia and the UK, as well as the special and academic sectors, mainly focussed on reference librarianship and library management. He began his career as a reference librarian for the NSW Judiciary in Australia working for the Law Courts Library (NSW Department of Justice). From there he moved into legal education as the Holborn Campus Library Manager for BPP University in London while also working as a sessional academic in the Library Masters' degree at Charles Sturt University, and the Queensland University of Technology. He is currently the Coordinator, Learning and Teaching for Griffith University Library and Learning Services in Australia. He highly values professional organisations and has been a keen committee and conference participant of BIALL, CLIG, CILIP, ALLA, ALIA as well as others. In 2015, he was the proud recipient of the ALIA national Metcalfe award for high achievement in the first five years of professional practice.