

BIALL'S 50TH ANNIVERSARY: A CELEBRATION

Are We Still Needed? Reflections on the Profession in BIALL's Fiftieth Anniversary Year

Abstract: In this article Dunstan Speight, President of BIALL 2018–2019, provides a short overview of current challenges and opportunities facing the profession. In addition to trends affecting all types of law libraries, the article discusses some of the main issues facing the three main types of information service: academic, law firm and chambers, and professional bodies. The article concludes with a discussion of how core skills and experience are still relevant in the fast-changing world of legal information.

Keyword: academic law libraries; law firm libraries; law librarianship; law librarians; legal information managers; BIALL

THE LEGAL INFORMATION PROFESSION

The legal profession, legal education, legal research and librarianship have all experienced unimaginable transformations over the past half century. Few would have been rash enough fifty years ago to predict the speed with which changes in technology have enabled lawyers to carry out research across a virtual law library with materials unsurpassed in a physical location from a small hand-held device whilst on their daily commute. This goes a long way to explain a very common reaction from people who meet law librarians. 'Law libraries – surely no-one needs them. Everything is all online isn't it?'

This reaction, although a misconception of what librarians and other legal information professionals do, is, in a perverse way, rather cheering. It is a testament to the ability of law librarians to respond to their changing environment and to continue to provide relevant services to support their library users. At the same time, it makes plain the persistence of the lazy stereotype of the librarian whose intellectual boundaries are the stamping of books and the intermittent hushing of noisy readers. As many people are unaware of what librarians contribute in this brave new world, it is up to us to promote and demonstrate this.

BIALL AT 50

BIALL's fiftieth anniversary offers an opportunity to take stock of the profession and to look at future challenges and opportunities. The first problem which confronts this is the diversity of roles encompassed by BIALL's membership. This is not simply due to the divisions of

the main types of library which our members serve. Within each sector, the information professional's role will be conceived very differently by different organisations. This is often a reflection of how people who remain in one organisation are given additional responsibilities and end up with a unique job description. Despite this, however, there are broad trends which can provide a useful precedent for colleagues in similar organisations who are looking to maintain or increase their own role.

CHALLENGES AND OPPORTUNITIES

In this article, I will consider the different sectors within the profession, looking at how they have responded to challenges and opportunities of recent years and looking at issues ahead in the next few years. Before considering factors which are particularly relevant to individual sectors, there are two huge challenges facing virtually every library: budget and space.

Budgets have proved a major issue for at least the past fifteen years. Budget cuts have been a feature of life for many institutions at various points. Even where organisations have not demanded budget cuts, the cost of legal publications and databases have often increased dramatically beyond the rate of inflation. The problem can be further compounded by the need to subscribe to additional resources to support changing business needs (such as higher numbers of students in university libraries or new practice areas in law firms). Librarians have been obliged to make unenviable choices regarding resources and sometimes staff. A depressing picture in many ways, but necessity has forced many librarians to develop

financial management and contract negotiation skills which were previously not a major requirement for most roles.

Space has also become an issue for law libraries across all the sectors. It is especially an issue for law firms in the south east of the country, where the increasing costs of commercial property have prompted firms to restrict office space for fee earners and support departments. In an era when fee earners may no longer have their own office and most current legal resources are available online, it is becoming an ever greater struggle to justify space devoted to library books and journals. Other sectors are not immune, as organisations look to convert library space to increase office space or for other purposes. The conflict between maintaining the existing library space at Inner Temple and the desire to increase the number of advocacy training rooms demonstrated how powerless libraries can be when faced with organisations intent on using their space for other purposes. The fact that the library at Inner Temple is hugely respected and heavily used failed to win the argument. For this reason, pressures on space can be the most serious threat to law libraries, as there may be very little option for negotiation.

If space and budget issues are ubiquitous, other threats and opportunities are more specific. Some will be unique to an organisation, but there are issues shared by many organisations in each of the main types of law library: academic libraries, law firms and barristers' chambers, and professional bodies.

ACADEMIC LAW LIBRARIES

This was traditionally the most dominant sector of law librarianship and many of BIALL's founder members were academic librarians. There are still many academic law libraries (119 academic members of BIALL and 90 academic libraries participated in the 2016/17 SLS/BIALL Academic Law Library Survey – the most recent to have been published).

The boom in higher education in the UK and Ireland over the past two decades has resulted in a huge increase in the number of students studying law. In the 1997-8 academic year there were 42,100 law students in the UK. Twenty years later this figure had risen to 92,165.¹ Law is a very popular degree course and the reputation of UK and Irish universities attracts a large number of overseas students. The uncertainties over Brexit are a major cause of concern for this sector, although the number of overseas applicants (for all courses) for higher education courses for the 2019–2020 academic year has increased. Even the number of applicants from the European Union has increased by 1% to 43,890. There are a record number of applicants from outside the EU – 63,690 have applied to study in the UK, an increase of 9%.²

The popularity of law as a degree course means that many law schools have significant influence on their universities and are in a good position to ensure that their teaching courses have the requisite resources. It has been

encouraging to see major building projects in this sector with the Squire Law Library (at Cambridge) receiving a new building in 1995, and much more recently with the Bodleian Law Library (at Oxford) and the Institute of Advanced Legal Studies (IALS, at London) both undergoing major refurbishments.

If the outlook is broadly positive for law schools and law libraries what of their librarians? This is something of a mixed picture. Encouragingly, the most recent SLS/BIALL survey found that the importance of employing professional librarians is recognised in the sector, with all but two of the 74 law libraries which responded being staffed by professional librarians.³

Equally encouraging is the recognition of the value which librarians provide in legal research training. This is part of the role for all but two of the respondents to the survey. The amount of training each institution provides varies dramatically from 1 hour to 425 hours (on training, excluding preparation). The most recent survey suggested a small decrease in the amount of training being provided by law librarians to students. The survey does not indicate why this should be, although it is likely to be the age-old issue of librarians being required to provide more services with fewer staff and resources.

A further noticeable trend in the academic sector has been the merging of subject responsibilities. Budgetary pressures in higher education have had an impact on law collections. In some universities the approach has been for dedicated law collections to cease in their own right in favour of being combined with other subject areas overseen by library specialists who cover a range of disciplines, law being just one of several. This can work well in an inter-disciplinary context but the specialism of law librarianship has been in danger of being eroded as a consequence. Competing budgetary needs have not helped matters and the need to balance print and online resources has been challenging.

The joint SLS (Society of Legal Scholars)/BIALL survey distinguishes between librarians who spend more than 50% of their time on law and those who spend less. Sixteen of the 90 respondents spend less than 50% of their time looking after law. This must be a major source of frustration and makes it difficult to develop the role.

A more recent trend has been moving away from subject responsibilities entirely to task-based roles. This is particularly regrettable for law libraries, as there is so much more to law librarianship than providing resources. The ability to provide good legal research training and answer enquiries satisfactorily is dependent on an in-depth knowledge of legal sources and how they are used.

Where the larger academic law libraries are concerned such as the Bodleian Law Library, the Squire Law Library, and the Institute of Advanced Legal Studies, substantial international and comparative law research collections are still maintained, both in terms of print and electronic resources. It is in these libraries that there are dedicated foreign and international law librarians who

specialise in these areas of provision, a particular branch of the profession that complements the other roles associated with legal research and teaching support.

In the bigger picture of university library business, subject librarians, such as law librarians and those associated with law-related collections, are often increasingly becoming concerned with wider issues, such as providing support to their institutions in respect of the forthcoming REF (Research Excellence Framework) which is the evaluation process that assesses the quality of the research of higher education institutions in the UK. The growing Open Access agenda and the potential impact of 'Plan S' are also issues that law librarians need to keep abreast of (Plan S being the initiative relating to Open Access publishing that is supported by cOAlition S, an international consortium of research funders).

LAW FIRM LIBRARIES

This sector has seen major changes and in some firms the role of law librarian has changed out of all recognition. Many traditional elements of librarianship remain, but often appear in new guises and under new names.

The fortunes of law firms can be surprisingly volatile, partly as today's competitive climate can pressurise firms into expanding too rapidly. The speed with which some respected City names have been dissolved has been shocking and the aftermath of the 2008 financial crisis saw many legal information teams hit hard. When faced with making redundancies, most law firms will try and limit the loss of lawyers, often at the expense of business service staff. In law firms, there is rarely much sentimental attachment to libraries, librarians and books and so legal information professional roles can be vulnerable.

Related threats include trends like outsourcing. This was a major concern about ten years ago, when many law firms pursued a bewildering array of outsourcing models for their information services - outsourcing, off-shoring, near-shoring, in-shoring. At one point, it looked as though all the big firms would make their library teams redundant and outsource. In the event, most retained their libraries in-house. The outsourcing phenomenon is symptomatic of the predilection of some firms to tinker with their organisation's structure, often with little discernible benefit. Indeed, a number of law firms have carried out multiple staffing reviews and redundancies in the past decade, scarcely giving a new model chance to establish itself before recruiting more consultants to begin the process again.

Brexit is, of course, an unknown quantity, but any threat to the primacy of the City in Europe's financial services industry is likely to reduce business for London law firms, with a likely impact on all business service roles. At the same time, the migration of some City business to Ireland could benefit the Irish legal profession and lead to additional law library opportunities in Dublin and other cities.

The last ten years are far from being a tale of doom and gloom and there have been areas where librarians have been able to enhance their role.

Many information services are now able to charge their research time to client files. Although this is unlikely to cover the service's overheads, let alone turn a profit, it can have a symbolic importance in demonstrating that the service is attuned to the need to operate as efficiently as possible. Many law firm libraries have also taken on a greater role in business research, filling what was a surprising gap in many firms in terms of detailed knowledge about potential clients or business sectors. This has often given librarians more direct contact with partners and senior decision makers in a firm - a useful way of increasing the department's profile and an appreciation of the value it can bring to the firm.

Many librarians have also become more aware of the need to demonstrate the value they add in other areas. Virtually all libraries have increased the amount of training they provide to fee-earners, partly as a way of promoting library services. Many libraries have experimented with basing at least some staff in legal departments and have found this beneficial in increasing library enquiries and in deepening librarians' understanding of the firm and its business. This in turn can improve the service offered.

Knowledge management ('KM') has been a key focus of many legal practices in the past twenty years. KM has been something of an elastic concept, particularly in its early years when many law firms were keen to claim their own KM functions. The recognition on the part of law firms that the ability to organise and exploit their in-house knowledge is the most important key to their business efficiency should have been good news for legal information professionals. In the event, it took many firms a long time to realise that librarians' ability to structure and organise information was something which would complement the activities of their professional support lawyers in effective KM. In many firms KM became exclusively the remit of lawyers and there is still a need to develop professional standards relating to the organisation of information. BIALL was also tardy in helping members exploit this exciting new field of activity, but this has been rectified in recent years by the KM special interest group. The group does valuable work in helping members legal information professionals build up the technical knowledge required for a career in KM.

PROFESSIONAL BODIES

In many ways the libraries of legal professional bodies in the UK and Ireland are among the most traditional of law libraries. Most are based in historic buildings with traditional layouts and considerable print holdings. Many have items of great historic interest. These institutions may also be involved in education and have large numbers of student users.

Examples include the four English Inns of Court, King's Inns in Dublin, the Advocates Library in Scotland,

the Bar Library in Belfast, the Royal Faculty of Procurators in Glasgow and the Law Societies of each jurisdiction.

The role of librarians in these institutions combines elements of the work carried out in law firms and in academic libraries. There are also substantial differences, including work with special collections.

Key challenges include large and disparate memberships and, for most of these organisations, the difficulties of providing a service to members outside their home city. The English Inns of Court for instance have many thousands of members, the majority outside London. Members based in London have direct access to a huge range of resources, both printed and online. It is difficult to bridge the gap in resources available to members within and outside London, although most provide a range of services such as document supply, telephone or email enquiries and, in some cases, training via services such as Go To Meeting.

The size of these organisations' memberships poses particular problems when negotiating online resources. Most publishers will limit online access to computers in a physical location. This means that there are few databases to which these libraries can offer remote access, thus lacking the ability to support members working from home as well as those based outside London.

The digital revolution has provided opportunities as well as challenges for these organisations. The breadth of their collections means that they hold many publications not generally available. Lawyers requiring resources reflecting the law in force on a historic date or material relating to other jurisdictions need these libraries as much as ever. (As pressures on space force reductions in practitioners' own libraries, they are arguably needed more than ever). There are also the opportunities afforded by the digital revolution in making historical and other material more widely available via digitisation. Projects include working with public legal information providers, such as BAILII, in making primary resources available or digitising rare items to ensure a surrogate copy. (Projects such as this make considerable demands on staff time and resources, so may not be suitable for cash-strapped organisations, but offer a valuable pro bono opportunity).

As most members will have access to their own resources, via their firm or chambers, libraries of professional organisations face a challenge in ensuring that members are aware of their services and use them. Training courses are a valuable way of indirectly advertising the libraries' resources and providing a showcase for the expertise of their staff. There may also be opportunities to exploit heritage collections to create interest in and maintain the profile of the Library, although such exercises also need to emphasise the Library's dual role as historical collection and resource for today's practitioners. As with other sectors promoting the information service is now an absolute prerequisite for librarians working in this sector.

NEW SKILLS FOR NEW CHALLENGES

Today's legal information professionals work in challenging and rapidly changing times. The skills required for different roles and sectors will vary, but the following will be required by most legal information professionals.

The Organisation of knowledge and information

This is the calling card of all legal information professionals. The ability to assess material for acquisition or disposal and to catalogue, classify and index items are easily taken for granted. Described as such, they are not glamorous skills. In a world of OCR scanning and the ability to search millions of documents in full text, they also sound, superficially, increasingly anachronistic. In practice, however, catalogues, library management systems and KM databases require considerable experience and understanding if they are to be structured in a way which answers the needs of their users. They also require rigour when removing outdated material. Good databases combine a logical structure with an understanding of the information needs of their users. Knowing what metadata to include in a database or when to bend the rules of AACR2 is an art as much as a science.

Research skills

Although librarians do not have the in-depth legal knowledge of most of their users they will often have a much wider and deeper knowledge of how to access information. This knowledge is invaluable in many circumstances: assisting junior lawyers with limited research experience, demonstrating how to search databases most effectively, assisting with research outside the scope of a lawyer's everyday practice area or locating documents from another jurisdiction.

Collection management

Individual users of an information service will often have very detailed knowledge of one or two databases and the primary and secondary sources relating to certain areas of law. Librarians, by contrast, should have a sound knowledge of their organisation's resources and the knowledge of how to locate material not held by their organisation.

This knowledge is important not only in assisting enquirers who are researching a point beyond the scope of their usual practice, but also means librarians can make informed decisions about acquisitions and disposals. When faced with budget cuts for instance, it is crucial that a librarian understands the impact of deciding to cut one resource instead of another.

A sound knowledge of an organisation's resources also means librarians can be more rigorous when

reviewing new databases or services. It also places them in a stronger position when negotiating contracts. Sound negotiation relies on an understanding of what you are buying, how it is used, the available alternatives and the implications of not subscribing. Library users or managers elsewhere in an organisation often will not have this detailed knowledge.

Negotiation skills

Years of difficult budgets have given many librarians a lot of practice at contract negotiation. This, allied to understanding of how resources are used, means many in the profession have developed strong negotiation skills. These are likely to remain essential skills for the future.

Presentation skills

Training is now seen as a key element of most librarians' jobs, but this is only one aspect of the importance of good presentation skills. Librarians need to be aware of opportunities to promote their service whenever these arise. Presentation of research is equally important. As lawyers are usually working to tight deadlines, researchers who ensure that their work is as relevant and well-presented as possible help foster an appreciation of the calibre of the information team.

Networking skills

Law librarians are a fairly gregarious bunch, with a number of professional associations supporting them. Networking may sound a trivial activity, compared with other items above, but offers considerable advantages.

Not only does it enable professionals to keep abreast of trends with databases, suppliers and the profession, it also means librarians have informal networks of colleagues to approach for guidance and advice – and as a source of obtaining esoteric material.

ARE WE STILL NEEDED?

Ill-informed assumptions about the ability of the internet to provide a timely and accurate solution to any legal or business research request at the click of a button mean that legal information professionals work in the face of a fairly pervasive mis-understanding of why they are still needed. The key to maintaining and demonstrating our continued relevance in a changing legal world must surely lie in understanding how the profession's core skills can be applied in new contexts and developing new skills to supplement these.

Skills such as research skills or the ability to organise large amounts of data lie at the core of the profession and are as relevant now as they ever were. They complement the skills and experience of others in an organisation - whether practitioners, students or academics. So long as legal information professionals learn and develop these skills, are confident in the contribution they provide to their organisation and can communicate their value, then the need for law librarians should remain as strong as ever.

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Footnotes

¹ Figures 1997/98 taken from *Student Enrolments on Higher Education Courses at Publicly Funded Higher Education Institutions in the United Kingdom for the Academic Year 2001/02*. (HESA, 2002) <https://www.hesa.ac.uk/news/22-04-2002/sfr56-student-enrolments>
Figures for 2017–18 taken from *What do HE Students Study* (available from the HESA website) <https://www.hesa.ac.uk/data-and-analysis/students/what-study>

² First Rise in University Applications for Three Years (UCAS press release 7th February 2019) <https://www.ucas.com/corporate/news-and-key-documents/news/first-rise-university-applications-three-years>

³ David Gee, 'SLS/BIALL Academic Law Library Survey 2016/17', (2018) 18 *Legal Information Management* 183.

Biography

Dunstan Speight has been the Librarian of the Honourable Society of Lincoln's Inn since 2016. Prior to this, he worked in the libraries of City firms Baker & McKenzie and Berwin Leighton Paisner, the Law Society and the Honourable Society of the Middle Temple. He has served on the Committees of BIALL and the City Legal Information Group and was BIALL President for 2018–19.