

Neteracy in Nova Scotia – Themes from the 2009 CALL/ACBD Conference

Abstract: John Furlong attended the Annual Conference of the Canadian Association of Law Librarians (CALL/ACBD) and was particularly interested in the sessions involving the way in which clients are now taught about legal materials and the importance of teaching internet literacy or “neteracy”.

Keywords: professional organisations; legal research; training; social networking; internet; Canada

Introduction

The CALL Annual Conference took place last May in the historic seafaring city of Halifax, capital of Nova Scotia. The programme was varied. It covered topics as diverse as Shariah Law, Canada’s Immigration policies and the role of libraries in Canadian prisons. With such a wide programme, the Conference planners took the common and prudent step of setting a neutral title, “Revisit, Renew, Reflect” allowing for a very catholic set of plenary and parallel sessions.

That said, whether consciously or otherwise, the 2009 Conference sessions continually brought up two principal themes. Firstly, the examination of the way in which clients are taught about, and presented with, legal resources and materials and secondly, the need to identify the type of audience or client to which these resources and materials are provided.

In one of the main plenary sessions “The Technology of Law”¹ Professor Bernard J Hibbits of University of Pittsburgh Law School conducted a wide ranging examination of the teaching of law and the increasing need to deal with what he termed “...the surge of technology”. Professor Hibbits argued that law is inherently technological. He identified two approaches to be taken in parallel:-

- The “functional” approach dealing with the ‘how to’ aspects, teaching students how modern legal technologies work and reaching out beyond proprietary products to use other valid law resources available on the internet; and
- The “conceptual” approach, embracing both practice and theory and providing context and practice in the use and presentation of these resources.

The concept of neteracy

Professor Hibbits suggested that law, or at least the presentation of law and legal materials, involves a series of mechanistic exercises:

- Writing
- Coherence
- Fixed principles
- Standardised and uniform documents and approaches
- Correct use of grammar and syntax.

In his programme “Neteracy for Lawyers” at the University of Pittsburgh, students are taught how to create online legal content for the internet and intranets. It is a particular instance of learning by doing. Professor Hibbits placed this programme against what he saw as US trends in college teaching. These include the use of virtual environments, the use of artificial intelligence, the wider use of internet sources and the need for students to go beyond consumption and address the production of law. This is what technology and its practical use actually means. The Neteracy programme is about providing a set of skills and understanding that allow people to work, think and express themselves effectively in cyberspace.

Professor Hibbits strongly argued that the current student generation may be **net native** but they are not **net literate**. They are reasonably adept at some of the key components in using the internet. He suggested that at a basic level these are reading, writing and thinking. Reading means the ability to look in the right places and to use the correct audio and visual options. As Professor Hibbits suggests, “Law students need to labour in multiple vineyards to collect material via search engines, online encyclopaedias, archives, websites, blogs, social

networks and so on. They should not be afraid to work in multiple languages extending their own linguistic skills with online translators.” Reading includes the ability to filter material and not “to drink from a fire hose”. Navigating is a key element of net reading with hyper linking providing what Professor Hibbits called “golden thread that holds the world wide web together”.

Students, he argued, are improving at their writing ability, including the use of blog ware and the social web. In the United States maybe two-thirds of students now have Facebook pages indicating their keen use of the social web. However, Professor Hibbits suggested that this writing is at a very basic level. It constitutes “writing in crayon” by those who do it, while many potential contributors or writers remain voiceless. He compared the 16th century use of roving scribes to the current 21st century use of IT professionals in relation to legal writing on the internet.

Professor Hibbits identified writing for the internet (or legal writing) as having a number of particular requirements:

- Composition – which recognises the importance of brevity;
- Structuring – with particular reference to linking and design;
- Design – reflecting not just the use of words on a page but the use of colours, shapes and formats to improve the aesthetic quality of the material;
- Construction – providing online entities capable of hosting and communicating large volumes of information.

Thinking in terms of the internet is all about an approach which must be non-linear and holistic (ie verbal and non-verbal). It must be interactive and collaborative, intuitive and adaptable. Is it the case, as Professor Hibbits argued, that the future belongs to those who are “right-brained” and possess a greater balance of the intuitive as opposed to the left-brained who are more logically minded?

The issue of “net literacy” or to give it a racier name “neteracy”² is an issue which has been examined over recent years as we come to terms with the first generation of digital natives and seek to teach legal research to those who look on the internet as the primary medium or source of legal materials³. One criticism of this generation would appear to be the deficit of literacy. Users may know how to conduct a general search, but are not sure of where they should look or the context of what they find. Added to the potential lack of authoritative source and context is a possible inability to present legal research in a clear and concise manner.

There is no doubt that many legal research teaching programmes try to identify the “literacy” issues – context, source, evaluation of material and presentation/

communication as much as dealing with the mechanics of internet searching. What Professor Hibbits appeared to say was that all of the components must be given the same priority.

The Jurist website as a teaching environment

In practical terms, Professor Hibbits referenced the use of the Jurist website as a learning tool for students. Founded in 1996, Jurist is a web-based legal news and real time legal research service provided by a team of student reporters, editors and web developers, all led by Professor Hibbits. It claims for itself the title of the world’s only law school based comprehensive legal news and research service. Hosted at and supported by the University of Pittsburgh, the Jurist website (<http://jurist.law.pitt.edu>) provides a comprehensive news service where students are required to seek, find and evaluate material. Professor Hibbits suggested that the experience provided through Jurist was different to normal legal writing, as students must follow a defined format, drawing on previous content with no use of legalese allowed and a requirement to write in short sharp sentences. Seventeen different blogs are synthesised into one service and the students work with a professional editor. The key learning element of the Jurist website is understanding the importance of accuracy and giving it public accessibility. As Professor Hibbits stated “the result is a unique form of engagement that law students generally lack in other pedagogical environments”.

In a sense there is an analogy between the old concept of Law Reviews and the Neteracy/Jurist publishing model. Jurist also expands horizons to be open to the legitimacy of legal materials in non-written format (for example video streaming). Certainly, in terms of look and feel, the Jurist website has a polished professional confident look. News, commentaries and recently published documents are all presented through a well laid out and easy to navigate website. Not surprisingly there is a US bias and dominance in the materials, but that does not take away from the concept.

The International News Home page on Jurist

Jurist provides access to information and resources in a number of innovative and interesting ways. Non-US based users may choose to display the “International edition” although this still appears to retain a US bias. As well as legal news and related current awareness in text form, the site provides video streams of relevant legal events. It also includes access to a range of legal documents heavily related to international and human rights law. The documents are displayed using the .docstoc document storage and display system providing an instant facsimile display of the document

on the user's screen. As is the case with many legal websites, Jurist provides options for use of social networking tools such as RSS and Twitter feeds. (Figure 1)

The display of documents using . docstoc on Jurist

Jurist suggests possibilities for the training of law students in the practical art of net writing and publishing, as well as the more general experience of succinct, clear and authoritative legal writing. (Figure 2)

A number of the technological features within the Jurist web materials are worth noting. Hyperlinking in news articles allow the viewer to access background content, other websites or earlier stories on the same topic.

The generational aspect of teaching legal research

If Professor Hibbits dealt with how we teach and the need to address the ways to teach today's new generation of would-be lawyers, a number of other sessions asked if we really know who our client or audience base

actually is. Is there a generational difference in the receptiveness of students, lawyers and others to the way of teaching? This issue is one that may be particularly relevant to the teaching of, and use of, internet resources. Do different generations really approach the use of the internet differently? Is there a true internet generational divide?

Gail Lynn Nelson of Lexis Nexis provided a number of examples of the ways in which the 'net generation' deal with problem solving. Have you heard for example of the concept of "Nintendo learning" where trial and error is used as a way to solving problems and the related notion that losing is the fastest way to mastering the game? Ms. Lynn Nelson suggested that there may be a divide to be considered when teaching the use of internet resources. In particular, she drew attention to the generational training issues that may arise using the studies of Strauss and Howe (1991)⁴ in their determination of a 20-year span per generation. Nelson reminded us of the generational structure set out in their writings:

- Silent – 1925–1942
- Baby boomers – 1943–1960



Figure 1: Jurist home page

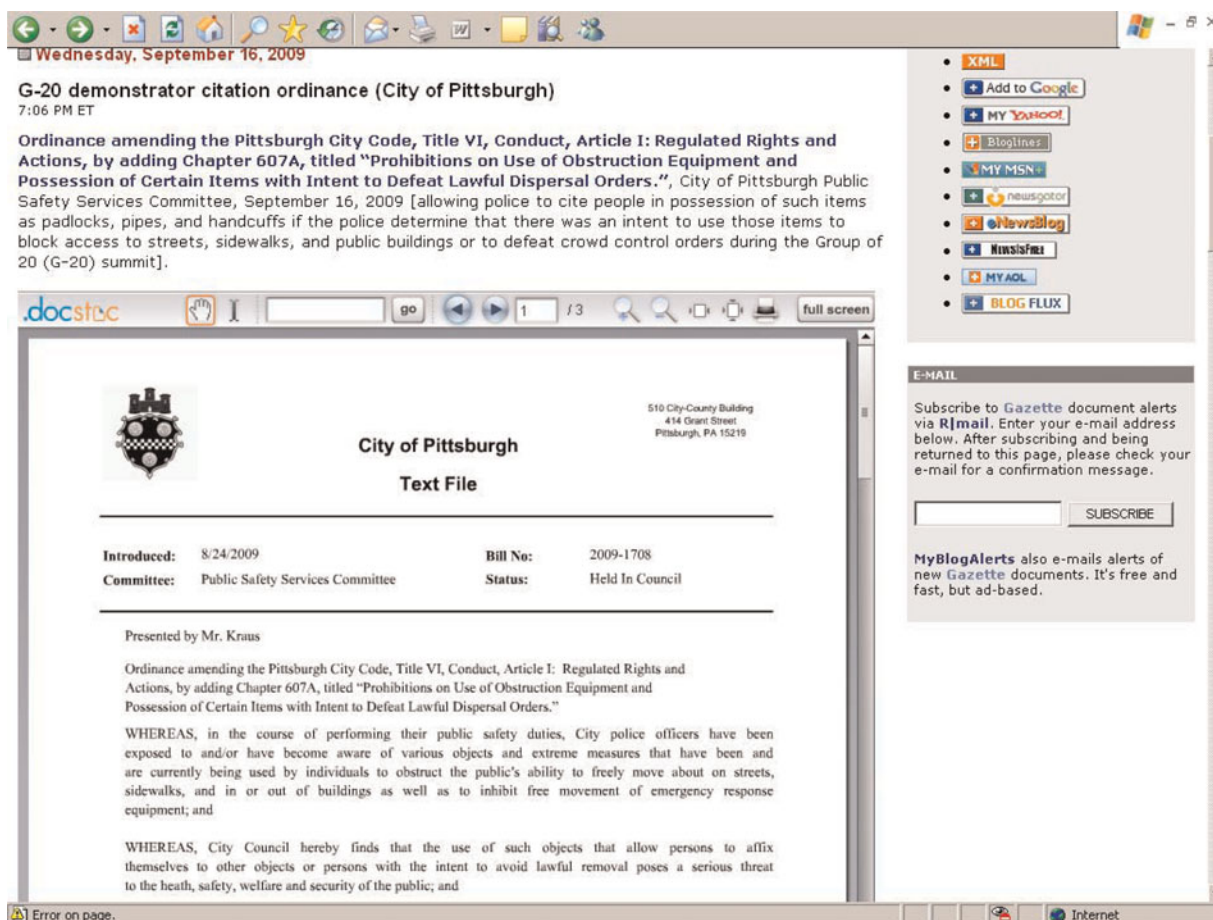


Figure 2: Jurist facility to encourage the practical arts of netwriting and publishing

- Generation X – 1961–1981
- Millennial – 1982–2001

Judith Seiss also referred to these generational structures in her consideration of the use of ‘embedded librarians’ adding the following to the list:

- Generation Z, Nextgeners or Digital Natives - 2001 –

The old chestnut of who needs librarians was addressed by Ms. Seiss in her paper “Embedded Librarians – Our Future or our Fear?” Ms Seiss argued that libraries were built by Baby Boomers but are being used by the Net Generation and Generation Xers insofar as they are being used at all. What is now required from libraries? Arguably they are no longer needed, as all that is required is access to data and information, with libraries themselves providing only archive facilities. She also emphasised the case that has frequently been raised over many years, that the library must become a business unit.

A lot more besides!

While these were key sessions as far as I was concerned, the conference covered much more ground, including dealing with issues ranging from the use of Sharepoint in a practice environment to the difficulties faced when setting up a social media based website as a training resource in an academic environment⁵. Again many of these sessions stressed the need to know your user and adapt the materials or media accordingly.

The Canadians always run an interesting and friendly Conference and Halifax 2009 was no exception. The diverse programme had something for everyone and, as I hope I have indicated, it contained a strong identifiable theme throughout a number of sessions.

I was very pleased to attend at Halifax as recipient of the BIALL Betty Moys Bursary. I know Betty believed strongly in teaching and communication and I feel she would have been both an interested party and a participant in the development of net literacy in all of its component parts.

Footnotes

¹Professor Hibbits paper is available at <http://www.callacbd.ca/conferences/2009/presentations.html>

²A descriptive term claimed by Professor Hibbits.

³See for example “Google: to use, or not to use. What is the Question?” Natasha Choolhun, *Legal Information Management*, 9 (2009) pp 168–172.

⁴See <http://www.lifecourse.com> for details of their writings.

⁵All of the CALL/ACBD Conference Papers are available at <http://www.ca.acbd.ca/conferences/2009/presentations.html>

Biography

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Subject Resource Guides

Research and Resources for Corporate Taxation

Abstract: Tax, (both corporate and personal tax) is one of the five main departments at City law firm Berwin Leighton Paisner LLP. In the following article, Dunstan Speight, Library Manager, considers the resources needed to support a tax practice and how these relate to the research requirements of tax lawyers.

Keywords: legal research; taxation

Introduction

Over the past three years the tax practice group at Berwin Leighton Paisner has grown considerably and now deals with a wide variety of types of tax law. This has led to an increasing demand for tax materials and a sharp rise in the number of research requests from this team. The following remarks are based on the author's experience of establishing a departmental library and being the first point of contact for tax library enquiries.

General characteristics of tax legal practice

There are three major features of tax legal practice which have a major impact on providing a library service.

Firstly, much tax law work is concerned with the minutiae of statute wording and case law interpretation. This

might sound like a truism for legal practice generally, but it is especially true for tax, where the precise meaning of a statutory provision will determine whether a client is faced with a tax liability or can take advantage of a tax exemption. The financial consequences of this are often considerable.

The second characteristic of tax law is the speed with which it changes. Taxation is not only a highly politicised issue, but frequently illustrates the law of unintended consequences. The practical effects of a legislative provision can differ markedly from the original intention, so government is endlessly fine-tuning existing legislation to maximise revenues and to close loopholes.

Finally, tax is an essential element in many areas of work for the corporate law firm including corporate transactions, business restructuring, finance, employment, pensions and real estate work. This leads to lawyers specialising in particular areas of tax law and has also resulted in a vast array of specialist literature.

These three factors mean that a tax department needs a great many resources both printed and online.