# Professional Support Lawyers and their Role in Legal Information Provision

**Abstract:** Mark Stanley and Tamara Eisenschitz examine the relationship between professional support lawyers and information professionals in law firms of varying sizes. The results broadly support the hypothesis that tensions in larger firms between the two groups are less apparent. More importantly tensions are reduced where each group is doing clearly delineated work, irrespective of the firm's size. Tensions between the two groups are no longer the issue they once were, but these could reignite, especially if information professionals with legal qualifications and PSLs without fee earning experience vye for similar work. This paper recommends that to avoid frictions it is essential for law firm managers to get to grips with the nature and capabilities of these two groups and utilise them appropriately.

**Keywords:**   Professional support lawyers; Information professionals

## Introduction

As lawyers themselves are often too busy with client matters, many people are engaged to assist with the large quantity of information law firms consume, handle and produce. Included amongst these are qualified information professionals (IPs) and other information workers. Considering the age of the legal profession, and even as compared with legal librarians, the Professional Support Lawyer (PSL) is a relatively new character on the scene. Wanting to better comprehend how PSLs fit into the legal information spectrum led to the piece of research on which this paper is based. It aimed to identify what aspects of legal information work PSLs are responsible for, including how they operate alongside IPs and other information workers in supplying and managing information for the benefit of their employing law firms. Futhermore it attempted a comparison of the PSL/IP role in firms of different sizes and between law firms and in-house legal departments.

The initial hypothesis was that the larger the firm the less likelihood there would be for tensions between PSLs and IPs owing to overlapping duties. A theory was that larger firms would have sufficient budget to afford a clear delineation in 'information' functions. It was felt that the most appropriate research orientation and culture for these issues would be to conduct case studies. Accordingly, interviews were held with PSLs and IPs at a large and medium sized firm and at an in-house department. Supplementary to this a fee earner was interviewed and anecdotal information was also gathered from other PSLs – a second PSL in the same medium-sized firm and another at a second in-house department.

*The principal objectives of the research were to:*

- Compare and contrast the roles of PSLs and IPs by identifying the different information roles in the legal arena, including the people who carry them out;

- Explore the history of PSLs and describe their position in providing legal information;

- Examine the differences, if any, between legal information roles in differently sized practices.

It was found that some aspects of the PSL role had led to an overlap with functions performed by information professionals. Indeed, the type of work PSLs and IPs do was found to have a strong bearing on tensions between them. Additionally it appears that the size of the legal practice does have an impact. It directly influences the kinds of jobs PSLs and IPs are expected to perform.

131

**Mark Stanley, Tamara Eisenschitz**

### Definition of characters

The principal characters in the arena of legal information have already been mentioned but they deserve further elaboration. In this paper the labels "information professional" and "information specialist" are used interchangeably. These refer to individuals holding informatics qualifications. By contrast, the label "information workers", which includes those performing similar work, is reserved for those without such qualifications.

### Information professionals

What has sustained the recruitment of IPs into law firms is the sheer quantity of information to be handled from all sorts of sources, in particular electronic information.

Even before the advent of email and the web, lawyers were suffering from information overload. Coupled with increasingly demanding clients, lawyers needed help with all aspects of external information processing. Added to this was the realisation that the knowledge in lawyer's heads also needed capturing. Know how systems and databases had arrived and the need for more information specialists increased accordingly. Libraries were transformed into information units.

### Professional support lawyers

Relatively recently, lawyers seeking a better work/life balance, often to start a family, agreed a less arduous regime with their bosses (Humphries, 2006). They and their principals saw a gap which would allow them to perform a function *supporting* their fee-earning colleagues. There was a call for the knowledge of a practitioner to be linked to the manipulation of information in, say, creating a checklist for drafting an agreement or a precedent. Here PSLs would handle information in a way that an information professional could not.

Lawyers traditionally advised clients on the meaning and application of the law, quite distinct from information type work. Now a new type of lawyer arrived on the scene, involved also in sifting information and who saw the development of know-how databanks, taxonomies and similar as their domain.

## Literature and methodology

The literature is scant on the evolving range of PSL duties and the impact these have had on legal information in general and information professionals in particular. Two useful references are given at the end. There remains a question about the occasionally difficult working relationship between PSLs and information professionals and whether this might be affected by the size or type of their workplace. No journal or book has suggested the kinds of work being done may directly impact on tensions between the two groups.

Interviews were preferred as a data gathering methodology as they facilitate open, wide ranging discussion.

These were semi-structured, allowing questions to be used as springboards for discussion. This is the most effective method where sensitive issues are being discussed. A schedule of questions was selected, following a preliminary pilot study, and a checklist of jobs PSL and IP functions perform was prepared for the interviewees. The firms were chosen on the broad size categorisation provided by the Legal 500 and the in-house practices on the basis of the few that could be found employing PSLs. At one of the in-house practices the PSL was the sole information worker. At the medium-sized practice two PSLs and a fee earner were willing to participate in the study.

## Results and discussion

Interview questions were grouped into broad themes. These were picked on the basis of identifying possible tensions between IPs and PSLs; the roles the two groups fulfil; and the functions each group performs within the law firm. They were: self-identified tensions between PSLs and IPs; tensions in actuality due to work conflicts/overlap; general perception of value of self/role; what the characters actually do and their rationale for entering the profession. In these results the themes are ranked in importance in relation to the aims and objectives of the project, being sorted in descending order from most to least important. Discussion will be more helpful combined with the results and a concluding section will bring it all together.

### The sample

|  | PSLs | IPs | Fee Earners |
|---|---|---|---|
| Large firm (1) | 1 | 1 | - |
| Medium firm (1) | 2 | 1 | 1 |
| In house (2) (small firm) | 2 | 1 | - |

The reasons for the differences in the sample were pragmatic. The two PSLs in the medium-sized firm worked in different practice areas while all the IP work was centralised. In-house, in one firm there was a generalist PSL and an IP; in the other there was one PSL covering everything. The in-house workers covered our need for a representative of small firms. We wanted to interview one fee earner in each category, but none were available in the large and in-house firms.

### Self identified tensions between PSLs and IPs

Interviewees were asked whether they felt tensions existed between the two functions; whether they felt

132

they were being paid appropriately; and whether they felt their firm could function as well without the other group.

All IPs and most PSLs felt no tensions in normal working. For the pair working in-house this was because close physical proximity allowed problems to be diffused at once. This was backed up by one PSL at the medium-sized firm who identified tensions with the Director of Information. In this instance there was no physical proximity and she felt excluded from certain initiatives begun in the information department, which might have been cured with better communication. The IP in the large firm felt that when usual practice was varied and the IPs had to work under PSLs hived off from their autonomous, centralised information units, tensions arose.

Harvey refers to PSLs as the biggest threat to the traditional information professional in law firms and that there is a general perception by PSLs of information professionals being 'second class citizens' (Harvey, 2003). It is logical to surmise tensions would arise in any situation where this view is held.

All were happy with their pay. Most felt they could neither do, nor would want to do, the full extent of the work of the other group. Some felt they would do it, if forced to, but that this would not be satisfactory in the long term.

### Tensions in actuality due to work conflicts/work overlap between PSLs and IPs

In this section, getting to the heart of this theme required asking interviewees such questions as: "Do you feel you already perform functions that should be performed by the other group?"; "Do you feel that you should perform functions performed by the other group?". "What are your thoughts about being hived off to a particular practice area in the firm even if for only a small time?" We also asked whether interviewees felt the tasks performed by IPs and PSLs were clearly delineated in their firm and whether there had been a policy discussion on their roles.

We were looking for triggers for tension in practice, such as both doing the same job. Overlaps occurred in enquiry work with PSLs finding cases and so forth and IPs occasionally being invited to give legal opinions. Another area of overlap occurred in intranet-related work. Examples of overlaps were given by all interviewees, but seemed to be mainly on the "fringes" of the work, if the "correct" worker was absent from their desk.

Policy from the firms was mainly non-existent. One PSL had her role outlined on employment and this was reviewed by a working group every three years. The fee earner stated he was intending to implement a policy in his firm in this regard.

Where IPs were hived off to work in a practice area in the large firm, one IP said she would miss the flow of enquiries she dealt with at present.

More generally, tensions will surface with PSLs paid vastly more to do the same work as IPs. Either IPs will feel underpaid, or PSLs will feel insecure, as cost conscious employers probe their value.

The analysis of the issue of overlapping work tended to prove the hypothesis of the research, namely that the larger the firm the more distinct the roles. Whilst the interviews revealed a definite overlap in the in-house department (equating to a small sized law firm) and 'fairly clear demarcations' in the medium-sized firm, there was 'overall…a clear separation in roles' in the large firm. These results reinforce the findings that work needs to be kept distinct and separate for the two groups.

Strikingly, there was no evidence that a policy discussion over the functions of PSLs and IPs had taken place at any of the firms where interviews were conducted. This was especially inexplicable at the large firm, given the size of the information centre and the number of partners tasked with the firm's information and knowledge strategy. Some, but exclusively large, firms do seem to have conducted such a review but are in the minority. Others would profit from doing so.

### Differences by firm/department size:

All IPs, PSLs and the fee earner interviewed were asked if there was a model they knew of which was different to the one used in their firm. The question was aimed at establishing if the research hypothesis (that the larger the firm the lower the likelihood of tensions between IPs and PSLs) was correct.

None of the IPs were aware of a different model at other firms. PSLs who were aware of other models stressed that PSLs did more specialised legal work in those firms, and the IPs typically complimented them.

At the in-house firm a failure was described where the PSLs were centralised and had lost touch with their respective practice areas and, therefore, their areas of expertise. The argument for PSLs being subject specialists in a given area is compelling considering the salaries they command. Partners would likely be keen to avoid their PSLs losing this expert knowledge by being centralised. Therefore, it might be the case that the centralised function will only work well where PSLs are employed as generalists – that is PSLs who are not wedded to a practice area. An example of this, given by the fee earner in the medium-sized firm, involved fee earners being taken out of their role to handle marketing projects, such as preparing a briefing on the Companies Bill (now Act).

### General perception of value of self/role

PSLs and IPs were asked about their ambition, how they felt their firm regards them and how they feel they are regarded by the other group. As far as IPs are concerned, the findings suggested that the larger the firm the less valued IPs will feel, and the seemingly more demoralised they are. Conversely, in the in-house department, the IP

felt the most highly valued of all. Having regard to this issue of ambition and self-perception, the PSL interviews proved size isn't the issue. Whilst the PSLs at the medium-sized firm seemed downbeat about how their firm regarded them, the PSLs in the in-house departments and in the large-sized firm felt very well regarded by both the IPs and the wider firm. The reasons for this, tying in with the subheading on work overlap, might be down to the work they were doing and have little or nothing to do with the size of the practice.

Harvey (Harvey, 2003) suggested that information directors in the main tended to come from the lawyer/PSL pool (as apparently these groups are more ambitious), but both the IPs and PSLs contradicted this. An in-house PSL thought the issue of lawyers/PSLs becoming directors of information could be more to do with their confidence levels being greater.

*Rationale for entering the profession or occupying their current position*

Save for one proto-information professional (so called because she was doing the IP job, but was not yet qualified), both IPs willingly chose to enter their profession. This must be contrasted with the PSLs who, seemingly, rarely think of their job in terms of a career. Indeed, for a lawyer, becoming a PSL was never, and is still not, seen as a typical career, but for many it is an attractive way of balancing a less intensive working regime with a professional career and income. This research suggests that the stereotypical view of lawyers migrating into PSL roles due to family commitments is not always accurate. Yes, the PSL role does typically offer more flexibility and the workload seems lighter, but the fact that lawyers nowadays are working so intensively, fighting over clients and needing more specialised support, is why lawyer's jobs and indeed IP's jobs have become harder too. Out of the middle of this - perhaps as a direct result - PSL roles sprang up and flourished.

The legal market may also be witnessing the emergence of a hybrid, an individual not dissimilar to the in-house PSLs interviewed. That is to say, a window for people with legal (but not information) qualifications to do non-lawyer or purely information work may be opening up. Whilst fee earning is still seen as a prerequisite to becoming a PSL, this is not mandatory for the hybrid. The animosity once universally in evidence between IPs and PSLs, which has subsided in recent years, may resurface should this character become commonplace. A tendency to push down the salaries and, therefore, increase the job insecurity of both IPs and PSLs may become the reason for this. Some firms are now employing PDLs (Practice Development Lawyers) but these appear to be PSLs who are heavily involved with the marketing sections in their firms. As yet there is no official name for the hybrid role described.

## Conclusion

In summary, the findings tend to show that the larger the firm and the greater the resources available, the less likelihood that there will be overlap in the work performed by PSLs and IPs. In the large firm, tensions only arose where IPs were hived off from the centralised information unit or when PSLs were absent. This is becoming a trend. Firms will probably prefer employing costlier PSLs as practice area specialists and they would likely prefer dedicated information professionals to sit within their practice. If this continues to happen, one suggestion might be for the department to put the IP in the same office as the PSL or, where there are numerous PSLs, in the same room as the senior PSL. The information professional's skills can better be demonstrated at close hand and hopefully the PSL will learn to value these and respect the IP's specialist capabilities. The information manager should act as a champion for information professionals, promoting their abilities to the partners. They could highlight how much more cheaply IPs can perform some functions, for which some firms employ costly PSLs.

The research also suggests that the sort of work being done by the respective groups is a more important factor, in many respects, than the firm's size. However, the resources available may determine whether the firm can afford only to employ either information professionals or PSLs. Whilst the view that PSLs are in some way superior to information professionals pervades - the IP 'grunt work' comment profered by a PSL in the pilot study is suggestive that it does - tensions will remain. These won't be as acute as where one's livelihood is under threat, such as where both groups are doing the same job. Firms should give people work suited to their qualifications or their morale will go down, regardless of whether they are PSLs or information professionals.

It is essential that management understand what they're getting with these groups. They need to continually evaluate their firm's information requirements and identify those best able to deliver them. Now that Web 2.0 is such a hot topic in law firms, partners would do well to consider which professional groups and individuals among their IPs and PSLs has the requisite skills to integrate such tools as wikis and blogs. An appropriate utilisation of skills and capabilities would avoid tensions between these two key groups.

## References

Harvey, T. (2003). *The Role of the Legal Information Officer*. Oxford: Chandos.

Humphries, J. (2006). The PSL role: coming of age. *Practical Law Magazine*, 17 (August) pp. 91–92.

## Biography

Mark Stanley works in a London law firm and this paper stems from his master's thesis in Information Science at City University, completed in 2006. He has a law degree and completed pupillage after being called to the Bar. Tamara Eisenschitz is a lecturer in information science at City University specialising in legal information. She acted as supervisor for this project.

# Finding Foreign Law Collections in the UK: the 2007 FLAG Update and Questions it Raises for Future Collection Development Policy in the UK

**Abstract:** The purpose of this article by Peter Clinch and Ruth Bird is to outline the latest findings from the recent review of foreign law holdings in the United Kingdom, and, in Part 4, to raise key questions relating to the future of these potentially endangered resources. The authors invite the legal research community to consider the many issues of concern raised by the results of this latest FLAG survey.

**Keywords:**   inter-library co-operation; international law; comparative law; online services

## Introduction

Since the 1980s the librarians of the five most extensive collections of foreign and international law in the United Kingdom (the Institute of Advanced Legal Studies (IALS) University of London; the School of Oriental and African Studies (SOAS) University of London; the Bodleian Law Library, University of Oxford; the Squire Law Library, University of Cambridge and the British Library), had identified the need for some mechanism which would help them identify the strengths and weaknesses of their collections and allow them to create a coherent collection development strategy. The first step towards these goals would be to map the holdings of the five libraries.

In 1999 the five libraries successfully bid to a government-funded body, the Research Support Libraries Programme (RSLP), and obtained approval and funding for a plan which went further than merely mapping their own holdings. It proposed the development of a national database describing the contents of all major collections of foreign, comparative and international law (FCIL) in universities in the United Kingdom. The database would be the map upon which a national collection development strategy could be traced.

The FLAG database <http://ials.sas.ac.uk/library/flag/flag.htm> was the product of that research into FCIL collections across the UK and was built using data collected between mid-2000 and mid-2002. The FLAG Project Manager (Dr Peter Clinch) visited more than 60 UK