

# An Exploration into the Information Searching Behaviours of Young Barristers in Ireland

**Abstract:** Barristers need information. They need it to defend their clients by presenting their case in court. Some of the information they need is to be found in a book; some is to be found on a database. Choices made by the barristers and the rationale for these choices form the basis for what is to follow, as Ruth Fay explains. In this piece of research, a lack of a control group meant that no firm conclusions could be drawn. However, some interesting findings emerged in terms of how the library was used. A number of recommendations were proposed. For the most part, they centred on practical and immediate rethinks with encouragement towards the ushering in of a new culture.

**Keywords:** barristers; legal research; Ireland

## BACKGROUND TO THE RESEARCH

This piece of research aims to explore how young barristers search for information in their professional lives. A number of interviews were conducted. The sample of participants were 'young'; a subjective term, but meaning under 30 in this case.

The Bar of Ireland is the representative body for the profession of barrister in Ireland and is governed by the Constitution of The Bar of Ireland. The key roles of the body is to consider, report upon and make representations as it considers necessary in all matters related to the overall profession, to control and regulate the professional conduct of the members of the Bar and to secure and protect the interests of the profession.

The Bar of Ireland provides a wide range of services to its members including a modern, comprehensive library and information service, known as The Law Library. Established in 1816 by a group of practicing barristers, The Law Library is located in The Four Courts complex, Inns Quay, Dublin 7 as well as three other locations in the vicinity of The Four Courts, Dublin and in Cork. It serves the 2,200 practicing barristers who are members of The Bar of Ireland. It was awarded the Lexis Library Award for Best Legal Information Service (non-commercial sector) in 2015 and is highly rated by its members in all user surveys and member feedback opportunities.

It is headed by Nuala Byrne and employs a staff of approximately 30 people on a full-time and part-time basis. The design of the research is two-pronged.

## Observation

Observational methods were employed for a fixed period time on a date in late May at the issue desk of the Law Library, The Four Courts, Dublin 7.

Actions recorded included, but were not restricted to, non-verbal behaviors, extra-verbal behaviours (modality of voice, speed and tone of speech etc) and non-query specific interaction ('banter').

Six specific user interactions provided the source of the data.

## Semi-structured interview

A number of barristers who regularly use the services of the library and who are aged between 23 and 30 were asked to participate in a semi-structured interview. The purpose of the interview was to contextualize the findings of the observation exercise. It also sought to ascertain the self-perception of the barristers as 'Google Generation' members, thus providing an important underlay to the study. The results were aggregated and mined for common emergent themes.

## COMPARATIVE INVESTIGATIONS

The purpose of this literature review is to anchor the research within a particular framework of comparative research.

## The Effect of attitude in information searching

How users approach their search for information may have significant outcomes in the success or otherwise of their endeavours. Ren found that 'students with more positive attitudes will be more motivated and more likely to feel self-efficacious in performing the search tasks'.<sup>1</sup>

Although not students, this point nevertheless can be applied to the legal professional. Negative emotions, found Ren, are counterproductive. In addition to attitudinal outlook, repeat task performance facilitates future positive outcomes. A barrister who has had several fruitful hits on Justis, say, will approach his next search in buoyant mood and in high expectation of achievement. The converse, writes Ren, also holds true.

Lopatovska<sup>2</sup> broadly accepts these findings. In a more in depth study, he traverses the breadth of human emotion and looks at its knock-on effect on the information search. Borrowing from HCI research, the paper makes a study of the minutiae of facial muscle changes as digital interface users sought particular information.

### The Librarian: gatekeeper or teacher?

Gallacher<sup>3</sup> sees the librarian's role as being capable of stretching to a point that is beyond that of early career lawyers in terms of understanding legal terminology and of maneuvering through the sometimes-complex electronic databases.

This research also touches upon the point of the librarian as teacher of research methods. The traditional, 'gate-keeping' role of the librarian is now almost completely defunct. Empey concurs.

Her analysis entailed an observational type matrix, similar to the one that was used for this study.<sup>4</sup>

Yet Sturges, writing not long after the beginning of the internet revolution, addresses the issue of the possibility of the redundancy of the librarian. He stops short, however, of passing a death sentence. His stance is a moderate one: 'although the end-user took a more central position in the information-finding process, the librarian was certainly not excluded from it'.<sup>5</sup> Sturges anticipated that the librarian's role in the brave new world of information overload would be that of intermediary: a bridge between user and information. At what point on that bridge the two meets is the only factor up for debate.

### Human-computer interaction

Rowlands et al note 'young people have a poor understanding of their information needs'.<sup>6</sup> This lack of purposeful searching abilities may have negative knock-on consequences when critical thinking skills need to be applied to the information search. Thornton<sup>7</sup> questions whether or not youngsters actually know what the internet is: an aggregate of indexed sources and resources. Someone saying that they 'found it on the internet' is the same as saying that they do not know where they found it.

The relationship of the 'Google Generation' (defined arbitrarily for the purposes of this paper as those between 23 and 30 years) with social media is something that is widely researched also. Caputo writes 'social media has worked to make every information consumer

believe they are search experts'.<sup>8</sup> Disintermediation (cutting out the middle-man – booking your own holiday etc.) has exacerbated this mindset. It has huge and possibly serious implications for legal database users and their relationship to the librarian. It is difficult to teach someone who believes that they know it all already.

Bauder and Lange explore a graphical rather than list-based interface, to see if that makes it easier for users to filter results. These researchers make the point that even after thirty years of online catalogues, many users still struggle to narrow results and to filter unwanted ones. They note that although the findings proved inconclusive, catalogue designers ought to be more enterprising in their design strategies.<sup>9</sup>

A further study examined in some depth the affective component of information seeking. Recruits were asked to manoeuvre a crane on a Samsung Galaxy Tablet. (While this task is clearly different from a professionally based information search, HCI parallels may be drawn). The 'being in control' was highlighted as being important.<sup>10</sup> The novelty of the task caused some distress, thus confirming Ren's findings on repeat task performance. It has also been found that absolutely no correlation exists between digital familiarity and skills in information literacy.<sup>11</sup>

### Information searching theory

Kuhlthau found that lawyers prefer printed texts to computer databases because the databases lacked focus unless they are being searched properly, by a trained information professional.<sup>12</sup>

Sense making, as a method of interpretation, has become a part of the fabric of many industries and fields of study. Its champion in the realm of library science is Brenda Dervin. Dervin first began to use 'knowledging' as a verb. She recognises that the major problem for seekers of information is to try and fill the gaps in information deficit, which vary across time and context for each individual searcher. Her central metaphor, that of a time-space continuum of seeking is one that will be revisited later on, but perhaps more crucially, Dervin notes that successful negotiation of the knowledge gap relates not so much to personality, mood or age but to the conceptualization of said gap.<sup>13</sup> Certainly, this conceptualization is in turn informed by many affective factors, but her core argument is that the knowledge vacuum exists on a separate plane to the aforementioned variables.

Bruce et al defines informed learning as that which is 'made possible through evolving and transferable capacity to use information to learn'.<sup>14</sup> People ought to be more inclined to engage with information rather than just finding it. In a workplace scenario, it means being in constant and reflective awareness of one's field of interest, be it the law or be it librarianship. Bruce's work is helpful in that it places emphasis on the outcome of an information search and by extension, the deliverables of that outcome, all of which is relevant to what is to follow.

## HOW THE RESEARCH WAS APPROACHED

### Ethics

#### *The Observation Study*

The most well known case of the actual act of being observed exerting an influence over behaviour is found in the experiments that took place at Western Electric's factory at Hawthorne, Chicago in the 1930s. The so-called Hawthorne Effect can be described as changes that occur in behaviour, at a conscious and/or a subconscious level, due entirely to the fact that the person is aware that he is being observed.

The challenge for this piece of research was to legitimately minimize the Hawthorne Effect by maintaining a low-key unobtrusive presence, yet without any element of subterfuge.

#### *The Semi-Structured Interview*

The act of asking questions, even anonymously, raises some interesting ethical queries. Evans et al explore some of these, albeit in a medically based scenario.

They show how 'real and active an intervention the simple asking of questions can become'.<sup>15</sup> Clearly, the library information science interview schedule does not raise the same type of potentially sensitive and emotive topics that a medical interview might, yet the following questions were kept to the forefront in the design of the interview:

- Should the researcher be the advocate for one side or the other? How is neutrality maintained?
- If the interview exposes gross incompetency and dissatisfaction with the library service, what is the researcher's role/responsibility?
- Should the researcher be informed of a verbal altercation between a library user and a library staff member, will confidentially be preserved?
- Finally, the researcher should endeavour not to create or perpetuate any worry or anxiety on the part of the interviewee.

Suffice to say, the confidentiality and anonymity assured in the interview protocol supersedes all concerns regarding the above issues. That is to say, nothing that was mentioned in the interview was passed to any third party.

### Analysis

#### *Analysis of the Observations*

##### *Limitations*

- Interactions were often conducted rapidly. This may have affected the exactitude of the recording of every single verbal utterance and nuance.

- Despite the best efforts of the researcher, the presence of a note-taker may have influenced behaviour in immeasurable ways.
- The small scale of the study was a research-wide limitation.

##### *Reliability*

- "What you see is what you get" – there is no barrier between the action in the field and the recording of it. This indicates a high level of reliability.
- Reliability also involves elements of consistency. While this may not be workable in certain ethnographic contexts, there is no reason why broadly similar observational results could not emit from observing the Law Library on a different day or at a different time, once other situational factors remain consistent. Repeatability is the "gold standard" of solid research.
- Ensuring maximum level of reliability would involve use of a number of different and independent observers. Time and resource restraints precluded this option.

##### *Validity*

- For the observation to be valid, it must measure what it purports to measure. If the constraints or the limitations become overpowering, the observation may become invalid. This is likely to occur if people became self-consciously aware of the observer to the extent that it affected their behaviour. The observations may be accurate but the behaviour may be contrived.
- Not every minutiae of behaviour is measurable. This study focused on some specific behaviour, which it was felt would best inform the research question.
- All behaviour is subject to interpretation, in spite of all and any controls guarding against this. The interpretative focus of a lone observer inevitably places some constraint on the validity of the findings.

#### *Analysis of the Semi-Structured Interview*

##### *Limitations*

- Much ad hoc conversation developed in most of the interviews. However, the structure of the questions was fixed. These patently influenced the direction of the unstructured conversation, meaning that a substantial onus was placed on the penetrability of the prepared interview schedule.
- A small number of the interviews were unable to develop very far due to extreme time constraints on the part of the interviewee.
- Any interview, notwithstanding extensive coding, is a subjective method of research, especially so with a solo researcher. This limitation was mitigated to the extent of endeavouring to practice neutrality and

objectivity to a high degree when note-taking and analyzing.

### Reliability

- The interviews were deemed to be a reliable indicator of the “state of the art” in the manner of how barristers search for information and in their liaison with the reference desks. No incentive existed for them to “dress things up” or be untruthful. Gift vouchers worth ten euro for *Eddie Rocket’s* restaurant were offered after the interview had finished. All of the interviews emerged from a phatic framework into an easy rapport. The structure of the interviews meant that some of the closed questions (and answers) were revisited towards the end.
- Some barristers, for reasons unexplained, were reticent at first. After reassuring them of anonymity and confidentiality, they opened up. Researcher judgment decreed what answers were followed up on. On this plane, reliability of data collected was high.
- Gomm reported on what he termed ‘demand characteristics’.<sup>16</sup> This means that there is a likelihood that respondents will try to please the interviewer. Knowledge of this helped to diffuse the possibility of it compromising the reliability of the interviews.

### Validity

- The function of the interviews was largely to gather data on thoughts, feelings and opinions. Measurability can be difficult, but is possible once the ‘snapshot’ of interviews is treated scientifically. Clarification of this will be apparent in the *Results* section.
- Coding validity was kept as precise as was feasible by close adherence to the protocol. This prevented straying into irrelevant territory.
- Qualitative validity standards are often viewed as the poor relation to the quantitative standard, but this does not have to be the case. Yes, one is battling a solipsist model and the ‘truth’ of any situation is oftentimes a sociological construction. Kuzmanic defines an interview as ‘interactions between two... usually previously unacquainted individuals, who through a long series of communicative acts together construct meaning’.<sup>17</sup>

The interviews conducted in the Bar of Ireland constructed much meaningful data that contributed plenty to addressing the primary research question.

## FINDINGS THAT EMERGED

### Coding of the Observations

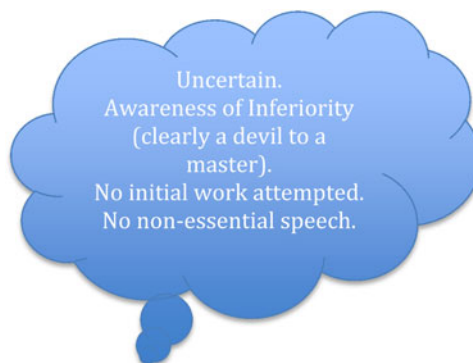
First level coding took the form of brief notes taken in the course of the observation. These were initially taken in short hand and then later made more lucid. The

‘blue bubble’ call-outs that can be seen are in effect the level two codes. The six observations took place at the Issue Desk, which is situated in the Four Courts Building.

#### Observation 1:

2.25 pm.

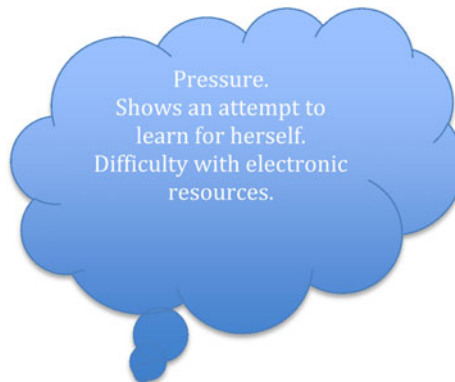
Young male - hands on counter. ‘I need a book on...’ Then says ‘I better get it right’. Expresses his belief that there is a later edition than the one he has been handed. Librarian has a look at the catalogue. There is no further edition. Library member accepts this. Leaves.



#### Observation 2:

2.45 pm.

Female – appears to be under some pressure. Tries to peer over the counter at the computer screen. Explains that she is trying to access a case via Justis but she cannot locate it. The librarian tries to find the case using his staff log in. He succeeds and agrees to e-mail the pdf of the case to the member.



#### Observation 3:

2.48 pm. (At another computer terminal).

Male patron requests a print-out of the list of electronic books available via Barrister’s Desktop. Uses the words, ‘do we have...?’ He is backing away as he asks – friendly demeanour – only wants it if it is not too much hassle. Librarian advises that it is on the O-Drive (a shared staff computer folder) but the member cannot wait. He decides to photocopy what he has.

More like a social interaction despite lack of small talk.  
No attempt at work done for himself.

choices. Tone of voice is hesitant. Asks if he has selected the 'right' books for his query. Librarian checks. He has the earlier editions of all three. Librarian goes to find him the latest ones. Thanks her effusively.

Uncertainty.  
Gratitude.  
Difficulty with finding appropriate hardcopy material.

**Observation 4:**

3.20 pm.

Male – noteworthy for expansive spatial behavior – stands well back from counter – rocks on heels – arms gesticulating. Begins query (mock tone) – “I’m very distressed...” Needs a case from Lexis Library – cannot access it. The librarian - ‘what are you like (name)?’ Retrieves the case without any glitches and e-mails the pdf to member’s Law Library address.

**Observation 6:**

4.10 pm.

Female user – needs an Act of the Oireachtas but not sure if it has proceeded from Bill status yet. Cannot find on Justis but says ‘it could be me’ (searching incorrectly). Librarian checks the e-Statute Book. The commencement S.I. has not been activated yet. Finds the member the Bill – in a filing cabinet on hardcopy. User is please – ‘Thank-you so much’ – Jokes about light bedtime reading.

Social elements to interaction.  
Plenty of banter.  
Difficulty with electronic resources, but attempt made.

Uncertainty dealing with electronic resources.  
Some work attempted.  
Good banter.

**Observation 5:**

3.30 pm.

Male enters library, stops and takes in the room. Wanders around and browses. Arrives at desk 5–6 minutes later with three books. Appears unsure of his

The chart below represents a graphical interpretation of some specific behaviour displayed during the observations. It will be scrutinised in some depth in the Discussion part of the paper.

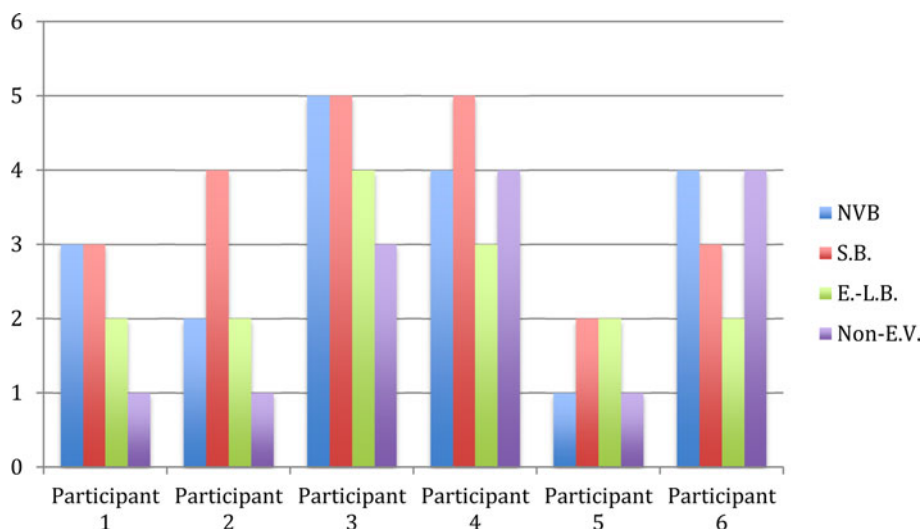


Figure 1. Displays of behaviour.

The legend is as follows:

- NVB: Non-verbal behaviour. In other words, body language.
- S.B.: Spatial behaviour.
- E.-L.B.: Extra-linguistic behaviour.
- Non-E.V.: Non-essential vocabulary.

## DISPLAYS POSITIVE ATTRIBUTES OF THE BEHAVIOUR

### Displays negative or non-existent attributes of the behaviour

### Coding of the Semi-Structured Interview

The interviews gleaned much interesting and diverse data. Several common themes emanated, which will now be examined.

#### *The 'Google' Generation.*

15% of the respondents professed, 'not to be a huge fan' of Google. One person used it four or five months ago to look at a restaurant menu. When asked why use was so infrequent, he stated that he disliked the way in which information was indexed. He felt that search optimization was something that had to be paid for and recoiled at this 'big business' aspect to Google. No one mentioned other commercial search engines such as Yahoo or Bing, although they were given an opportunity to do so.

This left a sizeable 85% of respondents who were enthusiasts of Google, both in their work life and their private life. From a legal research perspective, it was often used as a launch pad for a query. Google Scholar was mentioned also as being a rich source of U.S. case law.

There was no sense palpable in the interviews of the term 'Google Generation' being a pejorative one, or one that implied laziness or lack of search focus. Even the non-enthusiasts conceded its usefulness. None had a principle-based stance against it, despite the commercialisation misgivings.

For the purposes of addressing the central research question, possession of this attitudinal data is vital because it indicates how users may approach the database search for material. Interestingly, all of the participants (even those who decried Google) used Justis, Westlaw or LexisNexis as a first port of call in their query. The only time a book would be favoured in the initialization process would be to clarify a point of law. Otherwise, it would be at a stage well into the research when some court procedural information was needed or to investigate the state of play in a particular area.

#### *Electronic material versus hardcopy material*

Notwithstanding the above, the overwhelming finding to emerge from this part of the study was that all respondents strongly preferred to read large chunks of text on hardcopy rather than on a screen. This has significance for our research colleagues in the field of HCI, yet it is also a relevant finding for information science in that it brings into question the whole point of providing electronic versions of material that is available in hardcopy.

After the legal databases, books were the favoured source of information, with the proviso that they were up-to-date. Journal articles were read mostly during recreational time and as a matter of interest, as opposed to progressing a query. They would only be used to back-up research if no other substantive primary material existed.

The most sought after books, usually the procedural texts, are available on Westlaw. However, this facility is used very much as a last resort because of firstly, the misgivings mentioned heretofore regarding "on-screen" reading and secondly, because the text is only accessible in the library building.

No consensus was evident of a push either way (electronic or hardcopy) from the staff side of the library desk. Almost an equal number of interviewees reported feeling like they were being steered towards the latest book on a topic and its electronic equivalent, where available. One person reported that as a very new barrister, he perceived that he was being encouraged to use electronic material more by library staff. Speculatively, this may be viewed as the librarian carrying assumptions on preferred information format based on age.

Another respondent spoke of a sense of frustration when, after considerable searching for a title (on the part of the librarian, often entailing phone calls to other library buildings within the complex) it was 'casually' mentioned that the resource was available on Bloomsbury. The library user, whilst opting most of the time for the hardcopy version, felt that it was an inefficient use of library resources and was an inadequate response to an urgent request.

#### *The relationship between the library and the library user*

The research indicated that library members approached the librarian as far into their query as possible. Some of the adjectives used to describe the library service of the Bar of Ireland were as follows: 'excellent', 'helpful' and 'enthusiastic'. Several staff members were identified by name as being particularly efficient and accommodating. Some noted the informality of the service.

'Tenacity' was another characteristic identified by more than one interviewee. The library staff pursued queries that had been more or less abandoned by the researching barrister. The word 'doggedly' was used. Librarians were praised for taking ownership of the queries.

Some frustrations were aired. Whilst these were not involving any of the human resources of the library, they

point towards some systemic shortcomings. First amongst these is the weekend service provided by the Legal Research Centre. Based on an honour system, this section of the library remains open throughout the night and at weekends. Books that are not electronically checked out of the catalogue are untraceable once they have left the shelf. They contain no radio frequency identification inserts. (R.F.I.D.). As one person termed it, these items are 'de facto quasi stolen'. This is clearly an issue of fundamental importance to the library management.

Secondly, the disconnection between the library catalogue and the actual contents of the shelf was pinpointed as being an irritation. This happens because books circulate constantly between all of the locations; there is naturally a short time lapse between books being checked back into the catalogue and them physically being re-shelved.

Negative feedback regarding library policy also surfaced with regard to the 'same-day' loan rule imposed on the most sought after texts. Much legal research occurs after hours; this policy precludes much of this from taking place, according to one respondent.

### Self-efficacy

Each interviewee was asked if, when a search for information fails to yield results, they blamed themselves. Half did and half did not. For all, it represented a prompt to approach the librarian. One respondent singled out Justis as being 'annoying'. This person had attended one training session in the library on how to get the most from this resource, but felt that more training would be beneficial.

Not surprisingly, the barristers that qualified over five years ago were more confident in their searching and therefore more proficient.

### Miscellaneous

Several other random yet salient points emerged from the interview data. The interface of the Law Library catalogue was discussed. Attitudes towards it were largely, but not wholly, positive. The word 'clunky' was used as a descriptor more than once. Non-professional and professional use of social media also arose. 20% of respondents were members of Facebook, and used it primarily to look up others, particularly solicitors. If posting on the forum themselves, they tended to use a pseudonym on the grounds of professionalism. Roughly half of the respondents held a LinkedIn membership. Of those who did not, the reasons were that it was 'difficult to use' and that 'it wasn't worth the hassle'.

## WHAT NOW?

### The Library Users

The good rapport between staff and users is one that is difficult to measure but invaluable in holistic service delivery. It goes a long way towards smoothing out the more

technical shortcomings. The observations were telling in this regard. One person used the word 'we' in the context of a request for material. (Anecdotally, most library users from other sectors would ask 'Do you have...?') The informality of *Observation No. 4* was striking too in how the library desk is an approachable place. *Figure 1* indicates positive levels of spatial behaviour. Broad and expansive limb gestures, leaning over the desk and reading material in front of the librarian for medium stretches at a time all point towards a solidly collegiate relationship between staff and users at the Law Library.

Relatively low levels of positive non-essential vocabulary are perhaps a little surprising in light of the above. It implies some incidents of 'Get me...' or a lack of basic manners. (Please and thank you....) Yet the positive levels of extra-linguistic speech appear to be fairly consistently high. This means that there was plenty of friendly chat, banter and mutually amusing rejoinders.

Kalbach had some interesting thoughts on the emotional aspect to the information search. Drawing in turn on Kuhlthau's classic ISP model, he notes that the affective paradigm is one that is noteworthy in how the Kuhlthau gap is filled.<sup>18</sup> Her holistic reading reflects how the legal search is alive with the possibilities of success and failure and how this is due, in large part, to the emotional baggage brought by the user. Self-efficacy has been mentioned. If the searchers hold a strong belief that the outcome of their actions is due solely to these actions and due to no external agent or actor, well then their results will be quite different than if this belief was absent. Each one of the observations noted recorded emotion; affective considerations ought to be placed on a high level of priority in any proactive analysis of information searching behaviours.

### The Catalogue Interface

Notwithstanding an individual's proclivity towards screen versus paper material, the search of the library contents can only be performed through looking at a computer. This leaves a large responsibility with the design of the 'public face' of the catalogue. The following is a screenshot of the first ten hits on a page that appears when 'family law' is typed into the search box, with the limiter 'book' attached. The default setting is an advanced search.

316 titles appear in total. Limiting this is likely to be tricky for a non-information professional. It will entail knowing the author and/or the title of the book. Browsability is limited.

Compare this user interface to the one of the National Library of Ireland. Here is a screenshot of the page when 'Women in Irish History' is typed into the search box:

767 titles appear. Applying the limiter 'book' limits the results to 430 titles. Further suggestions to narrow the search are displayed on the right hand side. Browseable menu labels include categories such as subject, author, collection, language, genre and era. Despite the critical

1.	<input type="checkbox"/> Keep	<a href="#">Irish family law handbook 5th ed</a> Kennedy Deirdre N170.C5 2016 6 copies available Copies on order
2.	<input type="checkbox"/> Keep	<a href="#">Compromise in family law: law and practice</a> Horton Michael XX(154860.1) 2016 No copies currently available. Copies on order
3.	<input type="checkbox"/> Keep	<a href="#">Law Reports Chancery &amp; Family Divisions 2014</a> XX(151940.1) 2 copies available
4.	<input type="checkbox"/> Keep	<a href="#">Relocation a practical guide 2nd ed</a> George Rob N173.8 2015 1 copy available in Distillery
5.	<input type="checkbox"/> Keep	<a href="#">Children held hostage: identifying brainwashed children, presenting a case, and crafting solutions 2nd edition</a> Clawar Stanley S. N176.4 2013 1 copy available in Issue desk
6.	<input type="checkbox"/> Keep	<a href="#">Children and family relationships law in Ireland: practice and procedure</a> Shannon Geoffrey XX(151391.1) 2015 No copies currently available. Copies on order
7.	<input type="checkbox"/> Keep	<a href="#">Family law reports 2015</a> VOL 1 1 copy available in Cage
8.	<input type="checkbox"/> Keep	<a href="#">International issues in family law: the 1996 Hague convention and Brussels IIa</a> Gratton Michael W128.2 2015 2 copies available
9.	<input type="checkbox"/> Keep	<a href="#">Irish journal of family law 2014</a> XX(150482.1) 2 copies available
10.	<input type="checkbox"/> Keep	<a href="#">The international family law practice 2015-2016 4th ed</a> Hodson David N170 2015 No copies currently available. (Estimated wait is 3 days)

Figure 2. The catalogue interface.

(The Bar of Ireland, 2016)

mass of the national collection, delineations such as those listed would go a long way towards streamlining the Law Library's catalogue. Whether or not our 'twenty-something' user cohort are Google aficionados, the general push towards faceted, natural language and/or keyword searching is an undeniable feature of modern library catalogues. Indeed, UCD's own OneSearch initiative is a prime example of this.

It operates from a Google-like approach in that it reaches into all of its indexed sources based on what is entered into the box. Some may argue that it is a blunt instrument. Others may see it as possessing lowest common denominator appeal. Nevertheless, it appears to be what users want.

### *The Modern Librarian: Gatekeeper or Teacher?*

Librarians are unique in the professional world in that they are very keen to give away their skillset. Imagine a world where accountants, doctors or pilots spent much of their working day showing others how to do their job.

It is unthinkable. Yet this is what librarians do. *Librarian as teacher* is now a mantra in library culture. Unlike a conventional teacher of history say, or science, the skills that librarians wish to teach are, by and large, information retrieval skills, in other words, one of the core competencies of a librarian. It is as if a collective and unvoiced decision was made at the start of the information revolution that, for librarians to remain relevant, they faced a choice. Either 'batten down the hatches' and assume a gatekeeper role or go the other way and add a didactic function to their repertoire of skills. For the most part, the latter decision was taken.

In the Law Library, a number of staff members are devoted entirely to training barristers and other staff members on how to maximize library resources. Most of this training involves use of the vendor databases. Barristers are encouraged to attend by receiving a number of CPD points in exchange for participation in the course. The last training session (at time of writing) was held on the 12th of May. Ten staff members and two barristers were present.



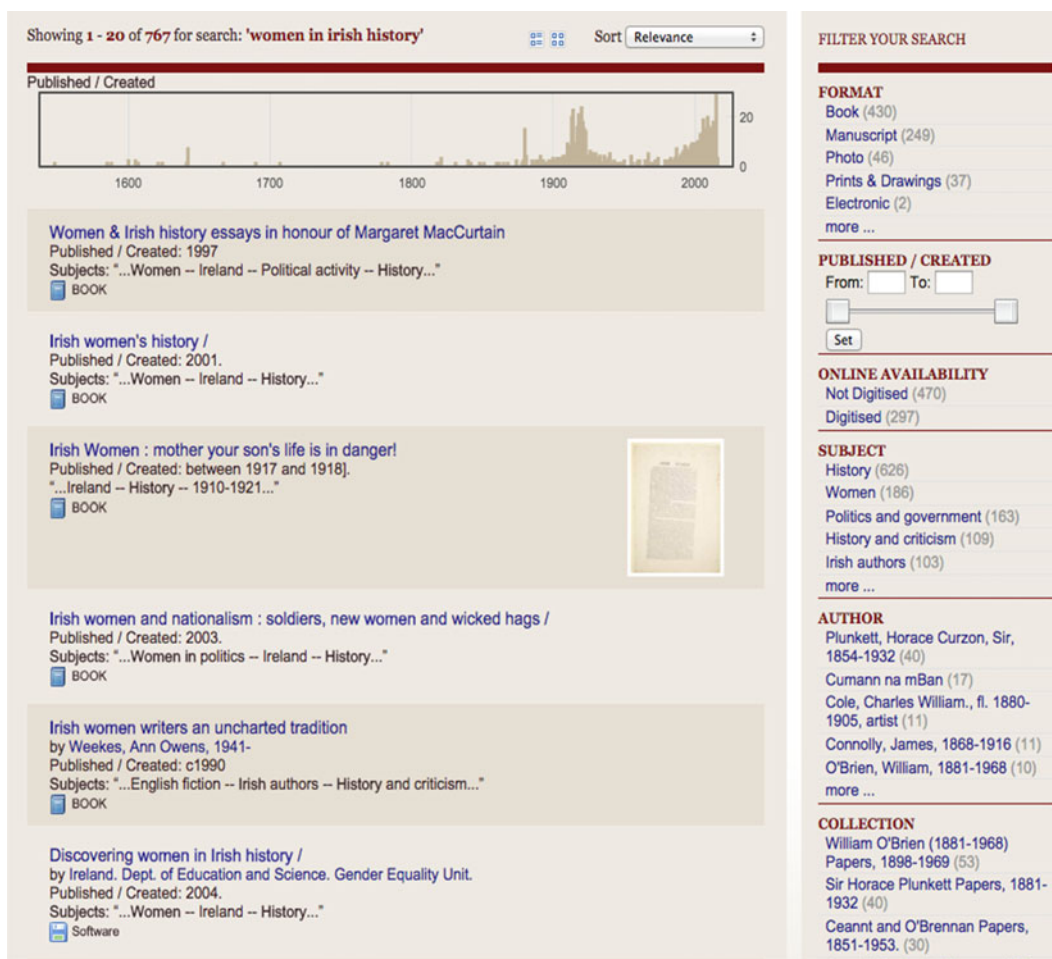


Figure 3. User interface at the National Library of Ireland.

(The National Library of Ireland, 2016)

This statistic indicates that although librarians are zealous in their need to pass on their expertise, perhaps the would-be recipients of this expertise are not so keen. Gatekeeping need not be defensive, tactical and exclusionary. It has the potential to deliver an excellent service to young legal professionals who, whilst superficially familiar with the Internet and its (perceived but inaccurate) synonym, Google, would appreciate the utterly divergent skillset of a librarian over a barrister.

## SUGGESTIONS TO THINK ABOUT

Some specific and concrete recommendations can be proposed to tailor fit the Law Library. These are informed by all that has gone before, but make no claim to address each and every piece of information that surfaced or that was discussed.

### Introduction of R.F.I.D.

Radio Frequency Identification is not a new phenomenon. It has been common in libraries since the 1990s, having been in development since the 1970s. Large public libraries find it useful in keeping track of the volume of

material that passes through its doors. Some commentators use the word 'revolutionary'<sup>19</sup> in describing its impact on library management.

Were the Law Library to tender for an R.F.I.D. contract and subsequently invest, the following benefits would likely ensue:

- The problem of 'missing books' would be effectively eradicated.
- Books that are caught in transit or in "no man's land" may be tracked and found, resulting in better service delivery outcomes.
- A clear message of the primacy of hardcopy books over other forms of library material would be sent.

This recommendation reflects the quite clear preference for a book over a screen from the participant cohort. Despite a large initial outlay, fiscal benefits could be achieved within a relatively short period of time.

### Organisational Attitudinal Changes

Although a strong focus ought to remain concerning the delivery of training needs for law library users, this paper



Figure 4. OneSearch at UCD.

(UCD, 2016)

recommends a somewhat radical shift of concentration from teaching barristers how to search for material to encouraging staff to be more mindful and possessive of its skill base. Almost 80% of library staff is qualified librarians, at least up to Graduate Diploma level. They know about Carol Kuhlthau's Information Search Processing model. Kuhlthau et al addressed the question as to whether the ISP model, developed in the 1980s and refined throughout the 90s, remained relevant. They found, overwhelmingly, that it did. The basic tenet of Kuhlthau's model is knowledge construction. This is recognition that a search for information is a step-by-step event, consisting often of frustrations and minor setbacks along the way. The affective paradigm is given due attention also and rightly so, as the emotional impact of stalled or stymied searches can be considerable.<sup>20</sup>

The function of the librarian should move from a teaching and supportive role to one which recognises the limitations of the barrister and the superiority of the librarian. In

a real world scenario, the librarian should step in at least at the point of exploration and perhaps frustration, but there is no reason why a barrister has to endure any of this. The librarian, while not a legal researcher, needs to take on more of the information retrieval work, thus relieving the onus of duty (which the barrister undoubtedly feels based on all the CPD library training courses promoted via Barrister's Desktop) on said barrister. The librarian is reported as taking ownership of queries at the moment, for sure, but it is almost a last ditch effort on the part of the barrister. This need not be the case.

Those librarians in the Law Library who are tasked with training barristers how to search better may refocus their efforts to training their colleagues and to ensuring that their skills remain sharp and up-to-date. Gradually, an acumination of the roles between researching barrister and professional librarian will occur. In the medium to long term, this will benefit both professions. It is not quite gatekeeping, but rather an acknowledgment of the

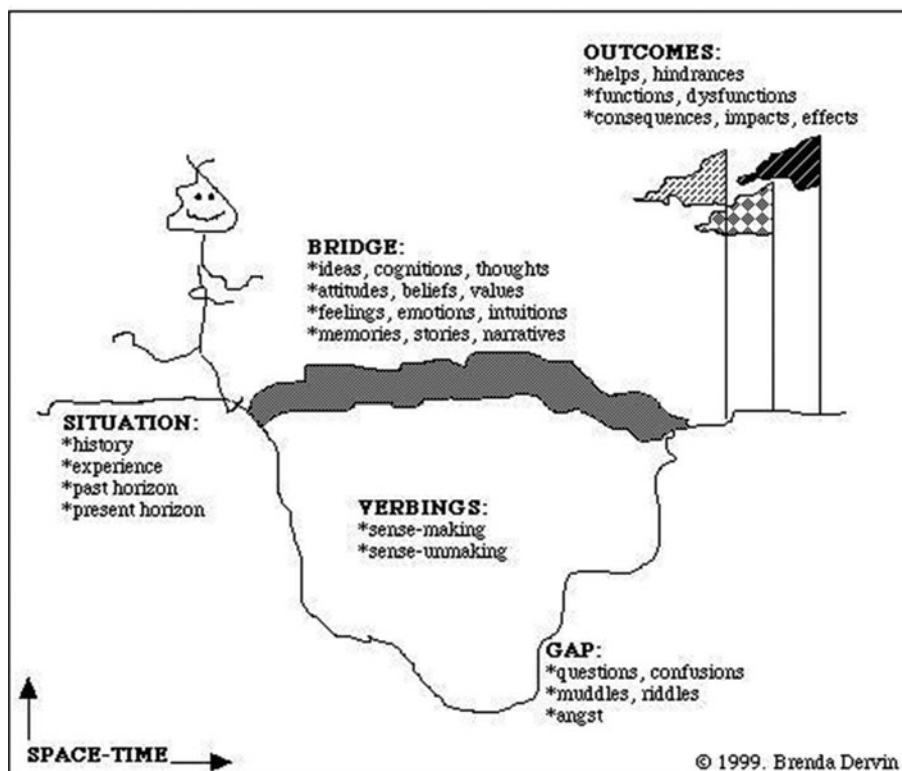


Figure 5. Dr. Dervin's original artwork of the sense-making metaphor, (1999) Retrieved June 9<sup>th</sup>, 2016 from <http://www.en.wikipedia.org/wiki/BrendaDervin/media/File:P269fig5.jpg>

mutual, interlocking but ultimately divergent interests of each profession.

Sense making is an important construct in the field of library science. It can be defined as 'a potentially transitory orientation toward a moment in time-space that could potentially be motivating or inhibiting, helpful or hindering, facilitating or interfering, but always informing to a greater or lesser extent'.<sup>21</sup> This may seem to be a heady concept, but its central message is that the information-seeker is on a journey without any guarantee of a satisfactory arrival.

In the illustration above, the stick-man represents the young researching barrister. He may believe that he has the capability of finding information himself, having been familiar with electronic searching from a young age, yet this somewhat false sense of infallibility may well make his fall into the valley all the more painful. The message that he may like to receive is that he no longer need feel obliged to attempt the jump. His librarian will jump for him.

### *Usability Testing*

User needs and design is a relatively new concept, emerging as a logical step-up from the early days functionality-based approach. Now, well into the second generation of internet usage, websites are moving towards a user-friendly paradigm.

What users want will remain a mystery until such time as they are asked. Users of the Law Library online catalogue need to be mined for a representative sample of both young and old, and to be asked to help with a thoroughly comprehensive testing of the catalogue interface and key pages. This may involve some classic usability testing methods such as cognitive walkthrough, which is essentially a way of facilitating the participant to think aloud as he navigates through the catalogue.

Procurement of this type of primary source research data should prove invaluable in the overhaul of the catalogue. Books that are difficult to locate on the shelf compromise the monetary investment made in their purchase. If books are what users want, the books should be connected as closely as possible and as accurately as possible to their listings. The aim should be to make the search intuitive and to take most of the workload from the searcher. Library bosses would be well placed to approach management systems vendors armed with some facts concerning catalogue navigational needs.

### *A Readjustment of Focus re Material Delivery*

As in most libraries of this size and purpose, roughly equal amounts of money are spent on hardcopy material versus electronic databases subscriptions. (This is not a definitive statistic – the proportion changes year on year). The balance needs to be examined very carefully. The Google myth is maybe just that. This sector of the population appears to actively vilify the electronic over the hardcopy.

Admittedly, there are moves afoot to initiate a move away from the numerous boxes of material that can be seen being wheeled around on trolleys in the environs of

the courts. Mac Cathaigh<sup>22</sup> describes a pilot move to put all this material onto iPads. The success or otherwise of this initiative will be watched closely.

Unreported court judgments that arrive into the library are available as physical items six to eighteen months after the judgment has been delivered. This is a policy decision made with effect from January 2016.

Past judgments are integral to legal research. They can run from a couple of pages to thirty or forty, sometimes more. As it stands, for this period of time (6–18 months) the availability of judgments from the Courts Service is digital only. It would be bordering on the Luddite to suggest an inversion of this scenario (i.e. to favour hardcopy as an alternative to electronic) however lack of simultaneous availability of a palpable document of judgment may prove unpopular.

Digital preservation remains at a developmental stage. Many issues surround it, not least in the areas of obsolescence of platform, inadequate metadata and doubts over the textual stability of the material. For these reasons, it is paramount to hold a synchronous and coexisting copy of the material. The time-lapse in availability is potentially a grave error in preservation terms, in addition to being an unwelcome one from a library user point of view.

Blindly proceeding with an emphasis on electronic information delivery in the face of consumer preference evidence to the contrary is a mistake. So while a majority of barristers appreciate as important electronic resources and may even go to them to initiate some groundwork, their expressed predilection for hardcopies cannot be disregarded. Further research is necessary in order to clarify if the so-called 'digital native' generation of legal professionals prefer only their recreational information to transmit through a screen. A comparative study with other age-group barristers is necessary too, before any solid conclusions can be drawn.

## **GOING FORWARD...**

What can be safely learnt from this scrutiny is that the information-searching habits of young, digitally literate barristers are not as highly technical as common parlance would have one believe. Learnt also is that they try valiantly to progress searches for themselves, but often flounder. This must lead to a fresh way of thinking about how information is made discoverable, the position and duty of the professional librarian and how information is conveyed.

Excellence in service delivery at the Law Library ought to be at the forefront of every single strategic decision-making process. Based on this, decision-makers need to be prepared to work against the general tide of thought and to be radical and courageous.

Efforts have been made to draw library users on board; this strategy would benefit from a much wider and more immersive method of investigation. Other stakeholders could contribute much too. Library science, although a well-established discipline in the academy, is a field that is constantly questioning itself and continually striving to remain relevant. The Law Library, to maximize its impact,

should position itself at the forefront of research, both in practice research and theoretical research.

This exploration may forge a path towards an in depth, quantitative study into how different generations

of barristers prefer to access legal information. The library will then be in a position to really fine-tune its service and cater equally well to all members.

## Footnotes

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## Biography

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