

“We Gotta Serve Somebody”

Abstract: This article by Alvin M. Podboy of Baker Hostetler in Cleveland, Ohio, examines the future of 21st Century law librarianship from an American perspective. It reviews developing legal information trends as they affect our profession. The article melds our historical and philosophic law library foundation to our continuing professional evolution.

Keywords: legal information; United States; law librarians

Introduction

This article will explore the topic “21st Century Legal Information in the United States”. I love the topic but approach it with a fair amount of trepidation and fear. Trying to predict the future in any regard is a fool’s errand. I, however, have never shied away from such foolishness. I will not try to opine on how technology will continue to evolve as we dive deeper into this century. Nor will I hazard a guess as to the exact tools that will comprise legal information. Rather, I will “roll the die” and enunciate the trends that I see affecting our profession, law librarianship, from my side of the pond. I settled on a discussion of our law librarian profession because I firmly believe that we will continue to be the masters of legal information.

As the masters of legal information, law librarians will remain robust and important members of the legal professional team. We will remain so, however, only if we are willing to be realists and accept the continuing challenge of our professional evolution. Friends often accuse me of viewing the world through “rose-colored glasses” and being somewhat “Pollyannaish.” In reply, I must admit to being an optimist at heart - for me the glass is always half-full. For those of you with a somewhat different world view, the following may be a bumpy ride. I arrived at the above title by borrowing from a song by one of my favorite musicians, Bob Dylan, entitled “Gotta Serve Somebody.” In 1979, he sang:

You may be an ambassador to England or France,
You may like to gamble, you may like to dance,
You may be the heavyweight champion of the world,
You may be a socialite with a long string of pearls



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But you’re gonna have to serve somebody,
yes indeed
You’re gonna have to serve somebody,
Well, it might be the devil or it might be
the Lord
But you’re gonna have to serve somebody.

We are at our very soul a service profession and to thrive and succeed, we must serve. I have often advised young law librarians that, if they do not want to serve somebody, law librarianship is not for them. I recognize that all professions or businesses are at their heart members of the service industry. However, many of us fail to appreciate and recognize that importance. We, as law librarians, “serve” every day. It is the most important aspect of our being.

When I took my first legal research course at Case Western Reserve University Law School, my professor and future mentor, Simon Goren, taught us, as one of his earliest lessons, to approach every research project using the old journalist maxim of “5Ws and an H” or “who, what, when, where, why, and how.” I have over the years grown to realise the wisdom of this approach. I will use the same model here when looking at the future of our profession.

Although looking at the future, it is also useful to study our recent past. In an article published in 1916, Arthur C. Pulling discussed the law library of the future (Pulling, 1916). He talked about the growth of legal literature, the need for adequate space, costs and access to our legal information tools. But that was the last century; in this century, rather than the library, the law librarian is the future. In this century, while brick and mortar libraries may not disappear, our professional future is obviously entwined with “virtual” collections and facilities. This should not bother us. We law librarians have long recognized that the format of the information which

we deliver is not important. Whether our tools are hard copy, micrographic, or electronic does not matter to us. What matters is that we get necessary and accurate legal information to our patrons. In this regard, we in the North American library community can learn from you. If we simply look at the names of our respective professional associations, we will immediately see a huge difference in emphasis. I am a member of the American Association of Law Libraries. My peers to the north are members of the Canadian Association of Law Libraries, whereas you are members of the British and Irish Association of Law Librarians. Our peers in Australia also recognize the importance of the librarian in the title of their association with the name the Australian Law Librarians Association. As we all know, words do matter. It seems that we in North America have misplaced our emphasis on the library rather than the librarian. In this century, the emphasis must be placed on the professional law librarian, rather than the law library facility.

We have all witnessed the discussions about the adequacy of the descriptive words “library” and/or “librarian.” We constantly debate that our profession is much more than what is described as a library or what is meant by librarian. It is argued that our world of information and the breadth of our experience is not completely covered in the term “library” or “librarian.” This is really just a question of semantics. How do you define a library? What does the word mean to you? Is the word “library” constricting or expanding? It is all in your view and definition. A library is much more than a collection of books, microfilm or databases. It is, in fact, the world of information in all its depth and richness. Similarly, a librarian is more than a keeper of books. A law librarian is a master of legal information. We are specialists and command a world of legal information resources. If we feel that the words “law library” and “law librarian” are too restrictive, we should simply expand our definition. The terms not only honour our history but hold the key to our future.

In 1931, S.R. Ranganathan enumerated his “The Five Laws of Library Science.” These five laws were recently and succinctly restated in Richard A. Leiter’s article (Leiter, 2003). Professor Leiter restates the five laws as:

1. Books are for use.
2. Every reader his or her book.
3. Every book its reader.
4. Save the time of the reader.
5. The library is a growing organism.

Leiter then discusses each of the five laws and how they have always applied to libraries and to librarians. The five laws remain at the heart of our profession, but are no longer limited to the world of “books.” We law librarians still follow Ranganathan’s five laws. We still match our information to our reader and our readers to their information. Our goal also remains to save the time of the reader and, last, we recognize that the “library” is a rapidly growing organism albeit often virtually, rather than as a structure of brick and mortar. As with anything

enduring and true, Ranganathan’s observations are beautiful in their simplicity. Conveniently, the five laws also parallel the journalist’s maxim of 5Ws and an H. Ranganathan simply stated the maxim in a different manner. If we continue to be guided by the five laws, our profession will continue to flourish.

Books are for use

Ranganathan’s first law states that “Books are for use.” This is at the heart of what we continue to do. Today, our readers are inundated with a barrage of information. We law librarians have always tried to maximize the use of our varied resources. We, as masters of our legal information, are trained to get to the heart of our reader’s need. Our skill at developing the “reference question,” our catalogues and our indexes are all skills aimed at maximizing the use of our resources. These skills remain important in this age of information overload and search engines. Anyone can get a superficial answer via the internet. However, those simple answers rarely suffice in the world of law and commerce. The simple, straightforward answer has never been the real province of our profession. We thrive on our reader’s most complex question and need.

Every reader his or her book

Ranganathan’s second law reads “Every reader his or her book.” This dovetails nicely with the journalists’ “who.” Who are our readers? One group includes ourselves. Law librarians are avaricious readers. We hunt and gather information at a prodigious rate. We read constantly. We also know that almost any bit of random knowledge will some day come in handy for one of our readers. The makeup of our other readers depends on the type of law library that we master. In an academic library, they will be our faculty, students, staff or public users. In a governmental library, they will be judges, clerks, prosecutors, various other governmental officials and often the public. In a private law firm, they are our partners, associates, law clerks, legal assistants, clients, marketing department, human resources department, administrators, records department and staff. In corporations, our readers will be the legal department, the corporation’s officers, executives and its employees.

All of these various readers are rapidly changing. Some question whether they are really “readers” at all. Law is a reading profession. However our readers now want much more than “text.” They want not only traditional hard copy text but also digital, audio, video or any other current format. Does the information’s format change the description of the reader? Do the readers’ needs for varied information make them any less a reader as defined by Ranganathan? Some contemporary observers believe that literature is the only true form of

“reading.” Is that true? In most cases we, as law librarians, rarely read anything even close to literature but we are nonetheless readers.

What do our readers look like? Do our many different reader generations matter? Critics often lament that the older generations are the last of the true readers. Is that true? Based on simple observation, I don't believe so. All of our readers read. It depends on how you define the word read. Reading depends on the reader. The reader is reading whether he is slowly savouring a “good” book or if he is quickly surfing the past weekend's football results. Many of my most sophisticated electronic resource users are my retired partners. They appreciate the format's convenience and speed. Similarly, many of my best hard copy treatise and digest users are younger partners. They like the different tools' ability to broaden their thinking. These reader differences open many librarian training opportunities, both one on one and in the classroom. Whereas older generations were often taught by their educational institution how to use reference tools such as encyclopedias, digests, catalogs and indices, today's younger users are often simply pointed to the internet search engines and various databases. This is a huge opportunity for those of us in the library profession.

To teach our readers, we will need to be great teachers. One approach to cross-generational training is to learn Howard Gardner's tools on multiple learning and intelligences. In his book, *Intelligence Reframed* (Basic Books 1999), Mr. Gardner listed nine intelligences that we must recognize when teaching any learner/reader. No matter the generation, we all have different “hot button” intelligences. He lists these intelligences as (1) Verbal-linguistic, (2) Mathematical-logical, (3) Musical, (4) Visual spatial, (5) Bodily-kinesthetic, (6) Interpersonal, (7) Intrapersonal, (8) Naturalist, and (9) Existential. Gardner, in his book, describes in detail each of these nine intelligences. Most important, he tells us how to capture or reach a learner/reader. To reach our readers, we must hit or target their specific learning intelligence. Thus, if we want to reach verbal-linguistic learners, we must target their verbal skills and use the meaning of words. They learn best from a typical lecture format. Visual spatial readers will require images and pictures to reach them. These readers love our typical PowerPoint slide presentation. A person targeting interpersonal readers will be aware of others in the group. These readers like activities. They appreciate assignments and being physically involved. Readers responding to their naturalist intelligence will appreciate a class held outdoors or utilizing aromatherapy. If we want to harness our teaching opportunities, we will need to bring all of these different intelligences into our teaching repertoire.

Every book its reader

Ranganathan's third law “every book its reader” deals specifically with our information resources. Historically,

our information resources dealt with legal information primary material: case law, constitution, statutes, administrative rules and regulations. That was our basic legal research arsenal. It was joined by secondary materials such as law reviews, digests, citators, indexes, treatises and some non-legal material. While many of these resources are still retained in hard copy, most are available in digital format.

This basic legal research material is now recognized as nothing more than the tip of the legal information iceberg. Although I was first introduced to this visualization of the legal information iceberg at a Thomson/West program in Eagan, Minnesota, I have now adopted it as my own. I apologize for this conversion to the original presenter. As we know, icebergs have most of their mass and volume below the waterline. What we see as the tip exposed above the water is just a small portion of an iceberg's mass. Likewise, in legal research, much of the information that we need for the modern practice of law is below the waterline and out of sight. Thankfully, most of the hidden information is available in digital format. Beyond historical/traditional research, we now must also find information about clients or potential clients. We must perform competitive market research of not only our competitors but in the industries and regarding the competition of our clients. Legal research now includes statistics, facts, court and governmental documents and filings. It includes not only the world of law but the world of medicine, business, marketing and news. All of these resources are available in many different media and formats. All need to be accessible. They all need skilled researchers to search and sift through them. Not only do the formats often change, but these resources can be very expensive. Our readers often need and benefit from the skilled guidance of a master of legal information.

Added to the explosion of a constantly expanding legal information universe, our authors are starting to add and make available their own authored texts. They are becoming their own publishers. They and the publishing world have learned that they can sell direct to our readers. Where it once was cost-effective for us to deal with one large information vendor, authors and independent publishers are starting to spin free and avoid the middlemen. This adds yet another challenging level to legal information resource management. This development requires the expertise of a master of legal information.

Today, “Every book its reader” also includes information from around the world. American astronaut and fellow Ohioan John Glenn, the first American to orbit the earth in 1962, looked down from his vantage point in space and observed, “There are no nations, no boundaries separating one enemy from another. In fact, that is one of the most startling sights from a distance: there are no differences among people at all.” As quoted by Connie Schultz in her column “John Glenn's picture of peace” in the *Plain Dealer* December 23, 2007 (<http://www.cleveland.com>), Glenn's observation reminds us that ours is a very, very small planet. Any divisions amongst us are truly artificial. Technology has made us all neighbours.

We are all fellow travellers. We can communicate instantaneously with anyone anywhere. Our multinational clients and customers demand that we have a global outlook. This adds yet another level of expertise to the demands of our law librarian profession. Although we remain often a local profession, we must think globally. We need to be able to access legal information from anywhere around our globe. At one time, Anglo-American jurisprudence was all any of us needed. We shared a similar common jurisprudence. Now, we must be aware of the laws of every jurisdiction. We need to be able to access information regardless of language and borders.

Not only do we need to be aware of the laws of different jurisdictions we, as masters of legal information, need to be actively encouraging the development of electronic access to law in every jurisdiction. The rule of law demands the right and ability of all citizens to access their laws. The development of worldwide legal information access to the law will benefit not only the citizens of the country where it is opened, but also benefit those of us in sister nations by encouraging commerce.

Another development is the adoption or potential adoption of foreign legal materials as binding precedents in other nations. The upcoming Joint Study Institute sponsored by AALL, CALL/ACBD, BIALL, ALLA and NZLLA will be discussing this process. The program “Harmonization and Confrontation: Integrating Foreign and International Law into the American Legal System” is the theme of the 2008 Joint Study Institute scheduled for June 25-28 in Washington, D.C. This institute will explore the history of international law in the United States, Supreme Court jurisprudence and the appropriateness of using international rules and norms in U.S. judicial rulemaking. However, the United States Supreme Court has recently ruled to limit the application of international law, rules and norms in American constitutional jurisprudence. This is just one of the first forays into this arena. As our world continues to shrink, it is clear that we will need to provide our readers with the legal information that they need wherever it arises.

Save the time of the reader

Ranganathan’s fourth law is “Save the time of the reader.” Saving time has always been a premier role of the law library. After all, “time is money.” Our goal is always to get our readers their information as quickly and as cost-effectively as possible. This is one of the primary reasons that the American law library community was among the first to embrace the development and extensive use of online databases. Starting in the late 1960s, it was the beginning of the change in law library legal collections. These databases were the first examples of the new paradigm of desktop access to legal information. For the first time, our readers did not need to go to a physical law library. The law library existed in their office. Most of our readers enjoyed this change.

These basic and primitive law libraries in a box served as an example of what our world could become. As databases evolved and expanded, visionaries thought of linking individual personal computers together in a worldwide system. This linked community of personal computers then evolved into our worldwide web, the internet. Today we can enjoy a huge law library without walls. We can also foresee a workplace without a physical office - a workplace where its headquarters exist only in cyberspace. The potential is enormous, both in lifestyle change and environmental impact.

Not only do our readers not require a physical library, workplace or headquarters, they can also collaborate electronically with their information professionals and peers anywhere in the world in a 24/7/365-day environment. Our modern law library need not close. The library has become a huge collection without walls and with 24/7/365 activity. Technology also allows us the opportunity to initiate further cost savings by offshoring our legal information services to less costly venues. With the advent of legal process outsourcing, we have the ability to reduce the cost of our legal research by using less expensive but talented foreign lawyers, librarians and legal assistants to prepare drafts of trial motions, trial briefs, appellate briefs and corporate documents.

The library is a growing organism

Ranganathan’s fifth law, “The library is a growing organism” is still true. However, this again depends on how we define “library.” The traditional law library continues to evolve. Our current developing law library model is to maintain necessary hard copy resources but to also limit the law library’s footprint and to combine department functions. The new law library is more than having a nice lounge, a coffee service and wireless connectivity. The new law library often combines library, records, and marketing resources all within a common area. Even this solution may prove to be short term. If these legal information resources do in fact need physical storage space, do they require anything more than a typical warehouse? Space where the hard copy legal resource material can be quickly retrieved and then either forwarded via electronic or overnight means? While our information legal resources continue to grow, much of that growth is below the waterline of our electronic iceberg. Legal research is much more than the cases, statutes, administrative rules and regulations that we found in our traditional library. Our electronic law library is many times larger than what we can house within bricks and mortar. However, the skills involved in locating and sifting through the wealth of information are more and more specialised and complex. The skills required are well beyond the expertise of our typical law library readers, who are well versed in finding cases and statutes. Our readers can easily find electronic access to law reviews and citators.

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They can use the vendor-created links to treatises and other resources. However, is difficult and detailed searching the best use of their time? This is especially true when we get beyond the realm of typical “legal” research. When we get below the iceberg’s waterline, we are getting into a whole new world of information. That world will only continue to grow. When we start exploring the “deep” web, the search becomes still more difficult.

Single search functionality will continue to expand. It will allow our readers to go beyond primary source material into specific treatises, restatements, practice forms, all with a single search. The next level of single search development will be searches that combine both materials available on the “free” internet and across various “pay-per-view” vendor support legal databases. This searching functionality will again save time for our readers and grow our libraries. It will, however, inundate them with yet more information.

Conclusion

What do all of these needs and opportunities mean for us as librarians? We will continue to perform our traditional role as master/facilitators to legal research. We will continue to teach our readers. We will know their needs. Knowing our readers is one of our core functionalities. We will continue to be team members. We will stay ahead of our readers’ knowledge of current tools and developments. We will commit to lifelong learning and stay on the cutting edge of technology. We will be willing to risk and experiment. We will not fail. In this century we, as law librarians, will constantly address the changes that come to our profession and evolve. As we stay ahead of the curve, we will next be examining law librarianship in the 22nd Century. Most important, we will continue to serve somebody.

References

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Biography

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