

ORALL NEWSLETTER

OHIO REGIONAL ASSOCIATION OF LAW LIBRARIES

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President's Column – Suzanne Young

“What in the World *Do* They Know?” Part 2

In my previous column, I addressed the topic of "What in the World do they Know?", in which I mentioned a program with that title (Program C-6), which was to be presented at the AALL Annual Meeting in Boston. The AALL Preliminary Program stated that "many incoming law students, who should have had prior research experience, do not have a foundational understanding of how to conduct research. Therefore, they are not only facing the challenge of learning legal research, but of any research."

Program C-6 was the culmination of a project funded by Aspen/AALL which was titled *Assessing Information Literacy Among First Year Students: A Survey to Measure Research Experiences and Perceptions*. The Final Program for the Annual Meeting described the actual presentation as follows: "The speakers will explain what information literacy skills are, discuss the creation and administration of the survey, share the survey results, provide tips for creating a similar survey, and

offer guidance on integrating the survey results into legal research instruction programs and training."

I was really looking forward to this program, but I couldn't help feeling disappointed. Maybe my expectations were too high, but I expected more guidance about integrating the results into research instruction, and much less about the methodology of conducting the survey. Putting the emphasis on methodology aside, I think the outcome of the survey raised some interesting ideas.

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Profile

ORALL is a 4-state chapter of the American Association of Law Libraries [Ohio, Indiana, Kentucky, Michigan]. It was formed in 1949 "to further the development and usefulness of law libraries and to stimulate a spirit of mutual helpfulness among law libraries of this region." An annual conference is held each fall. ORALL publishes or sponsors the following publications: *Core Legal Collection* [bibliographies for Ohio, Indiana, Kentucky, Michigan], ORALL Membership Directory, ORALL Newsletter, Ohio Legal Resources Annotated Bibliography & Guide 3rd.

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Here are some of the main points that I noted during the presentation:
(The handout distributed at the program was a list of related web-links, but the authors have since provided a Final Product Report at: <http://www.bu.edu/lawlibrary/working/stephanie/surveyresults.htm>).

- Students fail to take legal research seriously and don't treat it as seriously as other first-year courses.
- They feel that they are already great researchers and have nothing more to learn (71% rated their abilities as "good" or better.)
- 66.8% expected to use Lexis/Westlaw "very often" but only 12% expected to use print sources "very often."
- 40% could not identify what information was contained in a library catalog.
- We (librarians/instructors) assume that entering students have had more experience with library tasks/awareness than they actually possess.
- They don't know how to choose sources. Over 70% would be somewhat likely or very likely to use "the internet" to search for scholarly articles.

As far as internet use was concerned, the level of prior experience for most students was socializing or surfing the web. They were found to be lacking skills in the areas of choosing sources and evaluating the authority of a given source. They definitely expect to have "one-stop shopping" when it comes to their research tasks.

Here is the concluding paragraph from the Final Report:
"Although the survey data paints a bleak picture, it does provide a starting point for revisiting and revising the legal research curriculum in law school. Based on the survey data, it appears that we need to start with some foundational research skills rather than jumping into digests, statutes and treatises. If we meet students at their

entry point, rather than 10 steps down the road, it is very likely that students will be more successful learning legal research skills and then subsequently applying them in the 'real world.' At the same time, librarians and legal research instructors will be less frustrated by their students' apparent lack of understanding or appreciation for legal research. In this case, identifying and documenting the problem provides us with a roadmap to improve the future of legal research instruction."

I would bet that none of us are surprised by the survey responses bulleted above. The question is, how do we address the challenges that have been described by the presenters? How do we break down the students' perceptions that they already know everything that they will need to know about research skills without alienating them? How do we differentiate between research skills and retrieval skills? How do we teach students to distinguish between different types of searches, search engines or search features?

Since my last column, I've been paying particular attention to any articles that have crossed my desk or computer screen on the "what do they know?" theme. If you haven't already read it, check out the results of a survey by Cindy Carlson, reported on LLRX.com in her column titled "Free Gift (with Purchase)."

(<http://www.llrx.com/columns/notes72.htm>). Cindy is the Electronic Services librarian with a D.C. law firm, and she surveyed her incoming summer associates on the topic of Lexis/Westlaw cost awareness. I found this statement to be particularly interesting: "The tricky thing is to make them concerned enough about pricing that they are careful, but not so concerned that they are paralyzed by fear. Somebody always seems to go too far in the other direction, searching for fruitless hours using a free source on the Web, for instance, when they could easily have retrieved what they needed from Westlaw or Lexis at minimal expense." She

asked the incoming students to give an estimate of the costs involved in using a large database and a small database. The response? "Out of our response group, top students from great schools, about one third guessed that searches in either size database would cost under \$5.00. One extreme optimist in that group guessed that a search in a small database would cost about fifteen cents and in a large database about seventy-five cents. A little less than a third estimated costs fairly accurately or a little high, and the bulk in the middle ranged anywhere from the \$5.00 mark up to accurate." I guess this should not surprise me as much as it does. Maybe growing up with peer-to-peer file sharing creates an expectation that everything is available for free or at low cost on the internet. After all, Apple's iTunes Music Store offers songs for 99 cents each!

Stephen Abram and July Luther addressed ways to deal with the "next generation" of library users in their article, "Born with the Chip" in the May 2004 issue of Library Journal (at p. 34). They make the statement: "We must prepare this generation for the real issues of the world they will live through, not the one we encountered." I couldn't help thinking that this is starting to sound familiar! And yet I contrast their predictions with the musings of Scott P. Stolley in "The Corruption of Legal Research" in For the Defense, April 2004 at p.39, in which the author, a partner in a Dallas law firm, states "I have found that our computer-educated law graduates generally lack basic research skills."

What do we take away from these different perspectives? If students take law classes where they used a closed universe of materials (whether in print or online), then they never experience legal research as part of the process. It seems obvious that we need to integrate research into the

curriculum, and that we need to start teaching legal research instruction from scratch, without talking down to students or making assumptions about what they know or don't know. If it's so important to use print in particular situations, we need to give the reasons why it's more appropriate than an online search when faced with this type of question. Sometimes there are many possible ways to reach the same answer — assuming that both methods reach the correct result, they should know how to determine which is faster? Which is cheaper? If there's a free source and a paid source for the same information, when would you use each? It used to be possible to state with some certainty that the age of the material dictated what was available online, but an increasing amount of older material is now available electronically. If you're going to search for information online, how do you judge the reliability and authority of the source? These are all determinations that new lawyers should be able to make with confidence when they transition from school to practice.

The ORALL Annual Meeting program for this October will include a presentation by Michael Whiteman, Mary Lynn Wagner and Marcus Hochstetler on *Bridging the Private/Academic Gap: Collaborating to Train the Next Generation of Legal Researchers*. I hope you will attend and that you will find practical ideas that you can use in providing training, whether in the academic, law firm, or county library setting.

This is my last column, so I'd like to add that it's been an honor to serve as the President of ORALL this year, and I thank you for the opportunity!

* * *

ORALL EXECUTIVE BOARD 2004-2005

The Nominations Committee is pleased to announce the following members will be joining the ORALL Executive Board starting at the close of the 2004 Annual Meeting at Covington, Ky., October 15-16, 2004. The Committee wishes to thank these members for their enthusiasm and willingness to serve. All of us appreciate their current and future commitment of their time and talent to our Chapter.

Vice President/President-Elect: Kyle Passmore

Current position: Associate Law Librarian, University of Akron, Akron, Ohio. Kyle has been a law librarian for over twenty-seven years. In addition to holding a variety of assistant law librarian positions at The University of Akron, she also was the Library Manager for Thompson Hine for seven years. Kyle served as the ORALL Treasurer from 1995 – 1998. She has also served on a number ORALL committees during her career as a law librarian.

Executive Board Member: Susan Hersch

Current position: Director of Library Services, Hahn Loeser & Parks, 1989-present. Susan is an experienced law firm librarian. She is a member of ORALL, AALL and the SLA Legal Division. Susan was a presenter at ORALL in Cleveland, 1992, "Getting Along with the MIS Staff" and at Maumee Bay, 2000, "Evaluating Law Dot Coms."

Secretary: Maureen Anderson

Current Position: Assistant Professor and Reference Librarian, Zimmerman Law Library, University of Dayton School of Law, Dayton, Ohio. Maureen has been a law librarian since January 2004. Before becoming a law librarian, she worked for seven years at LexisNexis, most recently as a senior legal editor. Maureen is a new member of ORALL and looks forward to serving as ORALL Secretary.

I would like to extend my appreciation to the members of the Nominations Committee for all their hard work. Committee members include Tom Hanley and Don Arndt.

For uncontested elections, pursuant to ByLaw XI, section 2, "the Secretary need not mail a ballot but shall notify the membership of the results of the nomination process in the ORALL Newsletter."

Ellen Quinn, Nominations Committee Chair

Tech Talk
AALL BOSTON

By Deborah Dennison, Case Western Reserve University School of Law

I'm not certain how many of our members attended AALL Boston, but a good number of us met socially at the evening ORALL reception at Vinnie T's. Boston, always exciting, was revving up for the following week's Democratic National Convention, so all of us shared the specially charged atmosphere of this vibrant urban center. As I have said elsewhere, before a conference I often have second thoughts about attending – I'm too busy, it's too expensive, are there really going to be good programs? But unfailingly; there are good programs; I hear new ideas; and colleagues share creative approaches to common situations: professionally I find it a very positive experience.

I felt a renewed sense of pride for our organization when I attended the general business meeting. One of the items on the agenda was a vote on a resolution opposing proposed federal or state constitutional amendments defining marriage as only between a man and a woman. The resolution was put to a vote among AALL members attending the business meeting, and subsequently passed. Regardless of one's particular political position on this issue, it's positive to be part of an organization that not only keeps abreast of current affairs, but debates and takes positions on issues as well.

Although my primary focus was the Technical Services programming, I attended presentations on other areas of librarianship, participated in professional development focus groups and committee meetings, and networked at social affairs as well. What follows is a brief highlight of meetings I attended.¹ Should you want further content information, program hand-outs continue to be available at AALLNET, along with CDs and tapes for purchase.

For catalogers, two programs were especially relevant. One program focused on upcoming changes to the Anglo American Cataloging Rules (AACR); another program discussed using extensible markup language (XML) (and other formats) as alternatives to MARC for storing and retrieving information in online catalogs.² A new edition of AACR – AACR3 – is expected in 2006. The AACR program included a brief history of cataloging principles as a lead-in to specific changes in AACR3; explained what areas in AACR would be affected and when; and how FRBR (Functional Requirements for Bibliographic Records) applied to AACR. The XML program was (surprisingly!) interesting. The speaker, Kevin Clarke (Stanford), clearly articulated XML concepts, its importance, and how XML might integrate with AACR and MARC data. Nonetheless, these metadata/cataloging relationships are complex. As Kevin pointed out, although many of the enhancements would occur at the systems level, it is a good idea for catalogers to begin familiarizing themselves with these concepts.

¹ These are shorter summaries of program reviews I have included in the upcoming *Technical Services Law Librarian* issue.

² New Horizons: the future of AACR (F5); XML & MARC: should we remodel or build anew? (H3).

One of the more entertaining programs was presented in the form of a play in which a new Head of Technical Services walks into her first day on the job to find the library is facing a ten percent (and continued) budget cut.³ The dialogue is between the new hire and the director, and together they explored ways the library might adapt to these leaner economic times. The program offered practical solutions and stressed the importance of long term planning as well. The “actors” discussed identifying one’s clientele and prioritizing resources accordingly, developing stronger relationships among intra-campus libraries, and promoting the library through the annual report. The latter is an often overlooked opportunity of promoting services. With changes in accounting and automation, it is becoming most important for managers to understand the work flow in the library and fully detail staff functions in order to utilize staff resources effectively. For long term planning, the panelists discussed using the “SWOT” analysis (internal factors: strength, weakness; external factors: opportunity, threat) as a way to think clearly about an organization’s direction. Although this scenario was built around a Technical Services department, the issues discussed were applicable to the entire library operation.

A forum on statistics⁴ drew an audience composed of those interested in the philosophical basis of why we collect statistics as well as those struggling with the hands-on practicalities of collecting and reporting statistics. Leonette Williams (U of Southern Ca.) proposed a tongue-in-cheek multiple choice questionnaire to directors with questions such as, “in your library any good?”, and “number of non-book titles (“over 10,000” as one answer). The panel went on to seriously address problematic areas, such as accounting for electronic resources. Discussions centered about the *use* of statistics and how other qualifiers (than those currently measured) might better indicate a library’s “value”. For example, an alternative to “number of volumes” might be to use expenditure ratios (e.g., resources spent on faculty, students). Obviously there continue to be many questions; for that reason, AALL intends to continue this (statistics topic) as an annual forum.

Typically there are several smaller sessions that members can participate in; these include a myriad of subjects and facilitate direct communication with one’s colleagues. I attended one session covering the topic of “how to get published.” The session included a few informal speakers after which the group asked questions, shared experiences, and received suggestions on everything from contacting specific publishers to scheduling work/personal time for professional writing.

Overall, this year’s programming reflected a good balance between theoretical and practical concerns, and made a strong effort to include the variant types of libraries and librarianship that make up our organization.

* * *

³ What else do you cut when you are already cut to the core of Technical Services? (B-3)

⁴ ABA statistics: tackling topical suggestion – 2004 update (D5)

AALL Boston

REFERENCE/PUBLIC SERVICES PROGRAMS

By Maureen Anderson, University of Dayton School of Law

At the American Association of Law Libraries Annual Conference held in Boston, Massachusetts July 10-14, there were several programs targeting reference, research and public services. All of the programs were educational, but two presentations proved particularly useful. On Monday afternoon, more than 300 law librarians attended "Negotiating with the Bizarre: Strange Questions at the Reference Desk" presented by Amy Hale Janeke, San Diego Public Law Library and Sharon Blackburn, Texas Tech University School of Law Library. Their presentation was both entertaining and enlightening. The purpose of the program was to help distinguish between misguided patrons and

"patrons of differing outlooks on reality," i.e. the mentally ill. Ms. Janeke explained the "bizarre question" pyramid, which differentiated between a "sane but misguided or uninformed patron" and someone who was "not all there." Some of the actual reference questions received included: "Have you ever been dead?," "Where can I plug in my hair dryer?," and "How can I sue Satan?" No matter what the question, both women agreed that all questions should be addressed seriously and all patrons should be treated with respect.

The second program, "Can I get some help here?: Providing Effective Reference Services While Avoiding the Unauthorized Practice of Law," showcased the talents of four librarians who are well versed on the topic of the unauthorized practice of law at the reference desk. With an increasing number of pro se litigants, the presentation emphasized the importance of providing these patrons with more than access to resources. The panelists all agreed that there is a high level of aggravation, frustration and uncertainty among the self-represented party as they approach the reference desk and ask for help. There was a split among the panelists as to how much help was too much. One panelist believed that librarians can provide effective reference services by explaining certain legal concepts and research methodologies without crossing the line and engaging in the practice of law.

My inaugural AALL meeting was a wonderful educational experience and I am thankful to ORALL for awarding me a grant which supported my attendance at this year's conference.

* * *

AALL Boston

CRIV HOT TOPIC: TRENDS IN LEGAL PUBLISHING

By Teddy Artz, University of Dayton School of Law

Anyone acquiring legal publications will have a general sense of where the industry is heading but may be surprised at some of the actual figures. David Jastrow, senior analyst for Simba information division of R.R. Bowker, provided a detailed picture of U.S. legal publishing. Simba has tracked and reported on the professional publishing market since 1994, focusing on legal, medical, sci/tech, and business.

The U.S. professional and information market is huge: \$15.53 billion in 2003 of which legal publishing accounts for \$5.57 billion of that figure. Legal publishing is the largest professional publishing segment at 35.8%. The largest legal publishers have slimmed down while finding new ways to grow their business.

Books remain the largest medium for legal publishing at \$2.39 billion but online legal services are the fastest growing having increased 6.4% to \$1.52 billion during 2003. Directories and journals showed modest growth while newsletters and looseleafs declined. The four largest global legal publishers in 2003 were Thomson (Thomson West) at \$3.14 billion, Reed Elsevier (LexisNexis) at \$2.43 billion, Wolters Kluwer (CCH) at \$1.41 billion, and Bureau of National Affairs (BNA) at \$242.5 million.

Online revenue growth has shifted with LexisNexis surpassing West by a small margin in 2002 after trailing West in the previous two years. Both companies show lower growth than the highs of the previous two years. Legal publishers seek growth beyond content. The number of legal professionals has leveled off.

Hot trends include knowledge management as a growing market within legal publishing, enhanced online searching, growth in scholarly legal textbooks, small-scale mergers and acquisitions, and going global. Growth markets are Germany, U.K., China, and Russia. Robert Oakley of Georgetown University Law Center talked about how highly concentrated legal publishing has become. Price increases are significant. One library cancelled 20% of their subscriptions but paid 24% more over a three to four year period. Price increases more than offset savings from cancellations. Parent institutions are not willing to support infinite price increases. Small publishers are trying to break in to fill the gap. The shift from print to online can be very costly.

Kay Moller Todd, of Paul Hastings Janofsky & Walker LLP pointed out that libraries are an important part of market growth. Legal publishers are trying to sell more things to the same people. Legal publishers see growth beyond content. Comments during the question period included the disconnect between librarians who believe that prices are too high and the publishers need to make a profit. It is the publishers' responsibility to address the disconnect. One librarian asked if the time has come that we should seek "good enough" over "top of the line." University Presses may step into the breach by publishing what has been priced out of the market by the big publishers. The decision to go electronic should be based on the amount of price increase for information, the cost of space, and user preferences.

* * *

***County SIG
APRIL MEETING***

By Linda Hostetler, Akron Law Library Association

The County SIG held a meeting on April 28, 2004 at Roscoe Village Ohio. Twenty-seven people attended. After the minutes were read, the SIG voted on designing a new version of the annual survey for county law libraries. Carolyn, Bolin, Rose Brown, Heather Ebert, Marcus Hochstetler, Linda Hostetler and Kathy Sasala volunteered to develop the survey. Julie Koehne said that the Cincinnati Law Library would continue to compile the annual survey on the financial statements of the county law libraries.

Kathy Sasala then talked about the pocket part exchange program that is being adopted by the Akron, Cleveland, Stark County, Lorain County and Wayne County law libraries. Each library agrees to maintain a subscription to certain titles. When the pocket parts are updated, the outdated pocket parts are sent to one of the other libraries that have requested them. This program is expected to save the participating libraries a substantial amount of money.

Keith Blough then spoke on the Ohio State Bar Association Task Force proposal. The Ohio State Bar Association is proposing starting a task force to look into the funding of the county law library system. This is in response to the fact that many county law libraries are having an increasingly difficult time with their finances. The group voted to approve the formation of such a task force.

After lunch, Jane Nabors of Highland Public Relations gave a speech on marketing for law libraries. She had many helpful hints for increasing awareness of our libraries among our potential patrons. This included devising an "elevator speech". An "elevator speech" is what you would give to a potential patron if you were in an elevator with them, a basic 30-second speech summing up why the library is important. She gave suggestions for ways to make mailings stand out. She also gave advice on how to make patrons more aware of our libraries

* * *

***OhioLINK
REFRESHER TRAINING***

Candi Clevenger, Communications Manager, OhioLINK

Dataware and OLinks training will be held on:

Monday, November 1: State Library of Ohio (Columbus)
Wednesday, November 3: Wright State University
Monday, November 15: Bowling Green State University
Tuesday, November 16: NEOUCOM

Dataware training will be from 9:30 a.m. to noon. The training is created by and for OhioLINK-affiliated librarians. It will cover: basic and advanced searching, basic background on the Dataware search engine, saving, search strategies and settings, ins-and-outs of the software,

Thesaurus searching, and retrieving articles and citations. This session is designed for new library staff or those who wish to learn more about the Dataware databases.

Thomas Dowling, OhioLINK's Assistant Director of Library Systems - Client/Server Applications, will conduct the OLinks training session from 1:30 - 3:30 p.m. This session will cover: what OLinks is and what it does; the basics of citation linking into and out of OhioLINK and locally subscribed services; troubleshooting and diagnostic tools; setting up ILL forms and other local options; and an introduction to OLinks customization through site templates. OLinks training is designed for reference and systems librarians who need to understand how OLinks works, or who need to set up the data for their institution.

Dataware and OLinks training is open to all interested librarians and library staff at OhioLINK member libraries. There is no cost to attend. Lunch and refreshments will not be provided. Space is limited and registration is on a first come, first served basis. To register, please send an e-mail to candi@ohiolink.edu with your name, institution, e-mail address, training site and whether you will attend the Dataware training, OLinks training, or both. Confirmations with directions and parking information will be sent 1-2 weeks prior to the training.

See <http://www.ohiolink.edu/ostaff/ref/calendar.html> for additional OhioLINK training opportunities.

* * *

2004 ORALL Conference COLLABORATION: WORKING ACROSS THE BOUNDARIES

The fifty-fifth annual ORALL conference will be held in Covington, Kentucky (the “South Bank” of Cincinnati), Wednesday, October 13, through Friday, October 15, 2004. The theme is Collaboration: Working Across the Boundaries. Programs cover a wide variety of areas, including legal history and change in the ORALL states, trademark law, ethics, the Patriot Act, and – as the theme implies – collaboration in law and legal research.

The conference is being held at the beautiful Radisson Hotel Cincinnati Riverfront (in Covington), and the Local Arrangements Committee has been hard at work on the fun side of the program. There will be Wednesday open houses at a variety of area law libraries (Northern Kentucky University, and University of Cincinnati, Dinsmore & Schohl, Taft Stettinius & Hollister, the Cincinnati Law Library, and the Sixth Circuit Library in Cincinnati), Thursday game night (Scrabble, Trivial Pursuit), and a Friday afternoon tour (registration required) of the recently opened National Underground Freedom Center.

The Opening Reception, 6:30-8:30, Wednesday evening, should be spectacular. It will be at the nationally renowned Newport Aquarium (shuttle busses available), with special shark show, catering by Montgomery Inn (famous for barbecue) and Graeter’s ice cream! **Y’all come!**

