

Evolving Technology and Law Library Planning

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EVOLVING TECHNOLOGY AND LAW LIBRARY PLANNING

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INTRODUCTION

As I sat at the computer gathering my thoughts for today's presentation, I searched for a way to be certain that I would compliment and not repeat the previous speakers' comments. How does one do that? How does a law firm librarian predict what three academic librarians are going to say on any topic, much less technology and law library planning? Do librarians ever see things the same? I believe I have answered my own questions, and will continue hoping to be as informative as those before me have been.

I. EVOLVING TECHNOLOGY & LAW LIBRARY PLANNING: A LAW FIRM PERSPECTIVE

The key to successful planning in any library is understanding your users, which is not an easy task. One must determine what they want, what their skills are, what will be needed to meet their demands, and how to get the resources necessary to meet these demands. We must look to the current and evolving technology to assist in this endeavor. Whether our users are lawyers, faculty, students, or administrators, or whether we are dealing with vendors, publishers, or our own MIS departments,¹

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¹ The Management Information Systems (MIS) department in a law firm consists of automated equipment and the staff and resources necessary for the proper operation of that equipment. When a network is installed in a firm, the MIS responsibilities typically include conducting long range planning and budgeting of automation costs, analyzing and designing systems for the uses of new technology such as those discussed in this speech, securing the firm's data, providing for maintenance, back-up, and archival of online data, and assuming responsibility for telecommunications and information services. FROM YELLOW PADS TO COMPUTERS 194

technology and information are the ever-changing constants.

What do we have to do as information professionals? How do we plan for the future of our libraries? What shape will our information centers of the future take? One thing is certain, our users will hold the answers.

What are we doing at Sullivan & Cromwell² to find these answers? We are bringing choices to the lawyers' desktops, including networking CD-ROM's,³ investigating firm-wide access to the Internet,⁴ migrating to a new library automation system, upgrading our work-product database, and testing value-added information products which turn data into maps, charts, and reports.

In order to make these advancements and keep pace with the users' demands, the library will play an important role in long range planning for the firm. We began our planning by looking at services, staffing, space, and lastly, budgeting for change. At Sullivan & Cromwell, we are developing tools to measure how currently provided services will be impacted by technology. For example, once our full menu of CD-ROM products is networked to all nine of our offices world-wide, we must determine if each satellite library will require an onsite library collection of redundant sources. How CD-ROM technology will

(Kathryn M. Braeman & Fran Shellenberger eds., 1991).

² Sullivan & Cromwell is a large law firm with offices throughout the world, specializing in complex corporate finance transactions and litigation. DIRECTORY OF LEGAL EMPLOYERS 852 (National Association for Law Placement ed., 1995).

³ Short for "Compact Disc, Read Only Memory," CD-ROM is a form of information storage which uses laser optics to read data. The use of laser optics allows for instant retrieval of documents with the input of key words or phrases. Because each CD can store over 250,000 typewritten pages, they are increasingly being used to retain large data files such as entire collections of law books and case law. See CD-ROM, MICROSOFT ENCARTA (Microsoft Corporation 1994); MARY ANN MASON & ROBERT HARRIS, USING COMPUTERS IN THE LAW 228 (3rd ed. 1994). See also FROM YELLOW PADS TO COMPUTERS, *supra* note 1, at 299; Barry D. Bayer & Benjamin H. Cohen, *A Fifty Dollar Court Database on CD-ROM*, LAW OFFICE TECH. REV., Apr. 5, 1995, available in WESTLAW, 1995 WL 224104.

⁴ Known as the electronic information superhighway, the Internet is a communications network designed to transmit information over communication lines. The internet is comprised of a collection of millions of computers, tens of thousands of networks, millions of users, cables, phone lines, satellite transmissions, standards, and protocols. NANCY R. JOHN & EDWARD J. VALAUSLAS, THE INTERNET TROUBLESHOOTER 135 (1994). It is used in online searching to and from the computer of the commercial search service and the searcher's own computer terminal. HENRY H. PERRITT, JR., HOW TO PRACTICE LAW WITH COMPUTERS, 377-78 (1992). See also BENNET FALK, THE INTERNET ROADMAP (1994). The Internet offers information access and also a fast, inexpensive means of communicating with the general public. *Id.* at 4.

change the way our lawyers do business is a fundamental question yet to be answered. As the use of these products increase, will our dependency on print or online resources⁵ diminish? As librarians and information professionals, we have a responsibility to our users to run parallel systems, whether they be print and online, print and CD-ROM, or CD-ROM and online, until our users feel comfortable with the most cost-effective and comprehensive combination. A one system approach will never be acceptable. Once an information resource has proven acceptable to our users, we will have the data necessary to make informed decisions as to which materials are no longer required in print or online. We are currently looking at *Shepard's*,⁶ CCH's,⁷ reporters,⁸ and second sets of major treatises as prime candidates to be

⁵ Online refers to direct interactive communications between a user and a computer through the use of a modem, which allows transmission of information over telephone lines. GREG BYERLY, *ON LINE SEARCHING* 79 (1983). Online services are used by lawyers and other legal personnel to conduct computer-assisted legal research (CALR). Technically, CALR refers both to the public, commercially available legal databases such as WESTLAW and LEXIS, and the private collection of documents that each law firm gathers to prepare for litigation, or to maintain reference. MASON, *supra* note 2, at 228.

The most commonly used online services for CALR are LEXIS and WESTLAW. LEXIS services are the leading full-text computer-assisted legal research services. WESTLAW is a computer assisted legal research service provided by West Publishing Company. These services contain, among other things, the full text of reported cases, federal and state statutes and administrative and regulatory materials, a large collection of secondary legal authority, and citation programs. See STEVEN L. EMANUEL, *LEXIS FOR LAW STUDENTS* (1994); ANNE LARSEN OLSTAD & GARY F. PETER, *DISCOVERING WESTLAW: THE ESSENTIAL GUIDE* (1994).

⁶ *Shepard's* is a "system of citations that allows users to determine the precedential value of caselaw and the ongoing validity of constitutions, statutes, codes, court rules, and other authorities." 4 SHEPARD'S UNITED STATES CITATIONS V (7th ed. 1994). Using the written volumes, *Shepard's Citations* requires a process known as shepardizing, which consists of looking in the proper book and proper division of that book which corresponds to the reporter in which that case was published, then referring to the volume and page number of the case. *Id.* The citations following that page number represent instances in which the case has been cited in subsequent decisions. *Id.* To locate all such subsequent citations, it is necessary to examine all bound and soft-covered supplements to the *Shepard's* book being used. *Id.* This complicated process is archived on WESTLAW or LEXIS and can be completed simply by pressing the "Shepardize" button.

⁷ Commerce Clearing House Inc., publishers of topical law reports.

⁸ Reporters are published volumes of judicial case decisions by a particular court or group of courts. BLACK'S LAW DICTIONARY 1300 (6th ed. 1990). Examples of official reporters include the United States Reporter, the New York Reporter, and the California Reporter. Unofficial reporters, published by West Publishing Company, include the Supreme Court Reporter, The Northeast Reporter, and The Pacific Reporter. See THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (15th ed. 1991).

replaced by CD-ROM, should the medium prove to be a success on our network. At present, however, we have had strong resistance to a CD-ROM only approach to collection development. It is therefore difficult to predict what library services will look like in the next five years.

It is not impossible, however, to determine how the online sources at the lawyers' desktops have impacted the growth of new print and electronic products. Even when our lawyers have every conceivable resource available at their desktops, the library will continue to support these sophisticated "cyberlawyers" in the search for new answers. The Internet, for example, is a vast collection of networks containing more information than we will ever know what to do with. At Sullivan & Cromwell, we are investigating firm-wide access to the Internet, with E-Mail⁹ as the lawyers' first exposure to this technology. Meanwhile, the library staff at Sullivan & Cromwell is working on designing menus and gophers¹⁰ specific to our research, thereby creating our own custom "Sullivan & Cromwell Internet in a Box."

II. STAFFING

Training lawyers to use new information products is a critical responsibility that should not be taken lightly. We must retrain our staffs to be the experts, increasing our visibility within the firm. As our users become more adept at gathering informa-

⁹ Short for electronic mail, E-Mail is a method of sending files, such as letters, to another computer or terminal. "Since different computers and terminals normally cannot understand one another, a translator program lets them communicate by passing through a central controller." FROM YELLOW PADS TO COMPUTERS, *supra* note 1, at 299. The American Bar Association has set up an electronic communications network, called ABA/net, to serve as an electronic post-office and conference center. MASON, *supra* note 2, at 24. There are two basic types of E-Mail in wide use today: in-house systems on the Local Area Network (LAN), and those that are outside services such as ABA/net, Internet, or CompuServe Information Services. *Id.* at 15.

E-Mail is useful in the law office because one can avoid telephone tag by leaving written messages on the electronic switchboard while sending documents faster than with any other form of communication without printing a hard copy. *Id.* at 24. For an interesting transcript of a conference on E-Mail in law practice, see I. TROTTER HARDY, THE EFFECTS OF ELECTRONIC MAIL ON LAW PRACTICE AND LAW TEACHING (1994).

¹⁰ A gopher is a resource retrieval tool, developed in 1991 at the University of Minnesota and named after the School mascot, which will search online services or your computer hard drive for an online area or a particular document. JOHN, *supra* note 4, at 134. See also FALK, *supra* note 4, at 152.

tion on their own, the library staff will become more involved with the processing of information into finished products. We will become "information consultants" to our clients, the "information consumers."

At Sullivan & Cromwell, the Library is currently involved in every stage of our pre-packaged bank merger cases. We provide our lawyers with demographic and market data in reports that are uploaded directly into the Federal Reserve Board submissions.¹¹ We are also experimenting with downloading bank branch data into mapping software which will create charts or maps representing each bank's market for antitrust analysis. This high level of exposure to a particular research assignment will result in added staffing in the library, sometimes replacing some junior associates and paralegals.

As a result, we plan to add experts with technical backgrounds or interests in areas such as desk-top publishing or graphics design. The lines between litigation support, practice development, computer support and the library staffs will inevitably begin to overlap. We must, however, be prepared for these requests or risk being left out of the information loop.

III. SPACE

Even in the age of the "virtual library," we should always plan for a physical place where people can go to have questions answered and services provided. As traditional sources become available electronically, however, cost savings can be realized by reducing the number of printed copies and the space that they occupy. During our five year plan at Sullivan & Cromwell, we project that during a three year parallel test we will target redundant sources and monitor usage of both print and electronic materials. Over the next two years, as our lawyers become comfortable with the technology and as the stability of the firm's technological infrastructure improves, we will gradually reduce the number of printed sources. As fewer lawyers require library research space, it becomes unnecessary to devote such a high

¹¹ Federal Reserve Board submissions are required to obtain approval for transactions subject to the Holding Company Act, Control Act and Merger Act. Edward D. Herlihy et al., *Bank Mergers and Acquisitions: Arriving At A Successful Deal*, in *BANK MERGERS AND ACQUISITIONS 1993: A YEAR OF INCREASING FRANCHISE CONSOLIDATION*, at 371 (PLI Corp. L. and Practice Course Handbook Series No. B4-7078, 1994) available in WESTLAW 858 PLI/CORP 363.

ratio of seats per lawyer in the library. The library would then reallocate this space for added personnel and information technology.

IV. BUDGETING

Lastly, we turn to dollars and planning. As I have explained, we must run parallel systems while we move toward the use of evolving technology. This will result in duplicate spending and additional costs for testing new technologies.

At Sullivan & Cromwell, we are currently addressing the important cost considerations inherent in implementing our plans. Included in these considerations are site licenses/concurrent users, print pricing mentality/duplication, and personnel.

1. Site licenses/concurrent users: How are the vendors pricing their CD-ROMs, especially when used in a network system? We must convince vendors to base their structure on concurrent users and to view the firm as an entity and not as separate and distinct entities before we can seriously consider adding their products to our network of users.

2. Print pricing mentality/duplication: Information should be priced the same regardless of which medium is purchased and discounts should apply for buying any combination of print or electronic media.

3. Personnel: Whether we will need a larger or smaller support staff in our "virtual library" remains to be seen. We have planned for additional personnel to staff the library 24 hours a day so that we can offer expert assistance to all users, regardless of their time zone. We are currently testing flexible staff time and telecommuting¹² as cost-effective solutions to staffing budgets.

CONCLUSION

Our challenge is to make informed decisions in these and

¹² Telecommuting is the use of LAN, E-Mail, and online services from one's personal computer. It can be used from the lawyer's home, connected to the telephone line, to allow communication with computers anywhere. The lawyer can access needed information from his law office's electronic files and LEXIS or WESTLAW, and electronically relay the results of his search to his client or to his office for printing and filing. This can all be achieved without moving from the computer terminal. MASON, *supra* note 3, at 21-23.

many other areas. Who is better equipped to offer this support to our institutions than the Information Center? We need to let our publishers and vendors know of the impact we make in our institutions. Therefore, they need to listen to our suggestions as we take a proactive approach in planning our libraries. Our challenge is to let the suppliers know what we need and convince them that providing us with the best choices for our users will also be good for them.

In every phase of planning for our library's future I find that persistence is critical. I leave you, therefore, with this: "PERSISTENCE: The act of persisting. The quality of being persistent; perseverance; tenacity."¹³ And in the words of Winston Churchill, "[Y]ou have only to endure to conquer."¹⁴

¹³ AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE 978 (1969).

¹⁴ WINSTON S. CHURCHILL, HIS COMPLETE SPEECHES, 1892-1963, Vol. III (Robert Rhodes James ed., 1974).

