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**PERSPECTIVES: CHANGES IN REFERENCE
ASSISTANCE AND COLLECTION
DEVELOPMENT IN THE DIGITAL AGE**

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Submitted to Professor Penny A. Hazelton to fulfill course requirements for Current Issues in Law Librarianship, LIS 595, and to fulfill the graduation requirement of the Culminating Experience Project for MLIS University of Washington Information School Seattle, Washington

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INTRODUCTION

I recently spent two years working at a small county law library in California in a full-time capacity as a Library Assistant.¹ It was during this time that I became increasingly interested in the “digital divide”² and how law libraries remained effective in ensuring access to users with less computer literacy in an efficient manner that would not monopolize the law librarian’s time.

Unsurprisingly, I was often instructing patrons on the use of the available electronic resources. Some patrons, including attorneys, were quite limited in their computer literacy. Thus, when giving reference assistance, I tended to start with print resources because they were logistically easier to work with than working with someone at a computer station, and I would rather assume a lack of computer literacy than vice versa. For example, it was easy to show someone an index in the back of a book and then demonstrate pagination of the resource so they could continue to use that resource with little further assistance. I would then inform the patron if we had electronic access to that resource to gauge their interest and upsell the advantages of using the resource electronically, e.g. email sections for free versus paying for physical copies.

Like most every other law library, the County Law Library consistently evaluated reducing the print collection due to budget tightening. The Library had a policy with a variety of factors to consider, such as cost of the resource in question, the use of the resource, and whether duplicate material existed on the subject. One tool we used to decide whether or not to retain a physical resource was whether the resource was available electronically or whether there was a product available electronically that would cover the same material that was covered in the print resource in question. If there was an electronic counterpart to the print material, then that would naturally reduce the need to maintain the resource in print.

During these deliberations, I would often think about how the decision would impact our various patrons, as well as myself. If a resource became exclusively available electronically, then I knew that I would have to guide an interested future patron on the use of that resource in its electronic form. This meant more time would be necessary working with the user to ensure they could use the resource effectively, as well as variety of potential tech-related follow-up issues. I further recognized that many of our users simply did not have the computer literacy to be able to adequately use any electronic resource and that teaching them basic computer skills was just not a possibility given my limited time. However, tough decisions had to be made, and legal materials in print were cut.

It was because of my struggles with a user population that was at times on the wrong side of the digital divide and the reduction of our physical collection with a corresponding increase in dependence on electronic resources that I became interested in whether other law librarians had similar issues. How have other law librarians reacted to the shift to electronic resources in the way they deliver reference assistance? Do other law libraries have to consider whether or not users with limited computer literacy can access the materials, and are they able to afford to give such consideration due weight during a time of belt-tightening? How is the mission of the law library relevant to difficult print collection decisions? All the while, I couldn’t help but spiral

¹ Stanislaus County Law Library (2012-2014).

² See THE OXFORD ENGLISH DICTIONARY, Defined as: the gulf between those who have ready access to current digital technology (esp. computers and the Internet) and those who do not; (also) social or educational inequality resulting from this, *available at* <http://www.oed.com/view/Entry/52611?redirectedFrom=digital+divide#eid6776543> (last visited May 10, 2015).

into dark thoughts regarding the current state of affairs, a time when it remains increasingly difficult to maintain two forms of a collection. If a user is not able to keep up, then they are going to be unable to access legal resources without a great deal of intervention at the computer station from a law librarian.

With this in mind, I will highlight some from the abundance of literature to demonstrate how reference assistance and library collections are changing in this transition to electronic resources. Also, I submitted an open-ended questionnaire to law librarians to gather first-hand accounts about how the profession has reacted to these issues. The bulk of this paper will highlight some of the responses to the questionnaire I believe to be of interest for law librarians studying the trend towards electronic resources and its impact on reference assistance for users with lower technological abilities.

LITERATURE OVERVIEW

Students and most faculty will insist that the future be increasingly electronic; changes will have to be made in the way our collections are structured. It will not be possible or logical to have most legal sources in both print and electronic forms. - James L. Hoover (1991)³

By 1991, an electronic revolution in the way legal research is conducted was already underway. Hoover mentions three *stages* of computer use from those in legal scholarship: 1) no use of electronic tools, 2) modest use of electronic resources for word processing and limited database searching, and 3) electronic access to most legal information and information sources beyond law, new ways of viewing legal information such as hypertext access within documents, and even searches facilitated by artificial intelligence with tools like relevance ranking.⁴

Hoover speaks of these stages from the perspective of faculty and students researching at an academic institution primarily to facilitate legal scholarship. However, these three giant steps of electronic usage pattern are easily applied to other types of law libraries and other types of library users. Hoover suggests that in 1991, only the rare scholar was yet at the third step of computer use.⁵ Today, it is quite rare to find a member of the faculty or a student who makes no use of electronic tools. In fact, various state bar associations and the American Bar Association (ABA) have incorporated electronic competency in some form.⁶ Moreover, electronic competency is required under the Principles and Standards for Legal Research Competency by the American Association of Law Libraries (AALL).⁷

It can be safely stated that most of academia is at least at the second of Hoover's stages, and that many of both the student body and faculty are at the third stage. Law library staff are aware that most of these users expect virtual access to virtually all legal resources.

³ James L. Hoover, *Legal Scholarship and the Electronic Revolution*, 83 LAW. LIBR. J. 643, 648 (1991).

⁴ *Id.* at 643-44.

⁵ *Id.* at 643.

⁶ *See e.g.*, 19 State Bar of California, Formal Opinion Interim No. 11-0004 (March 21, 2014), *available at* http://www.calbar.ca.gov/Portals/0/documents/publicComment/2014/2014_11-0004ESI03-21-14.pdf (last visited May 10, 2015) & Model Rules of Prof'l Conduct R. 1.1 cmt. 8 (2013), *available at* http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence/comment_on_rule_1_1.html (last visited May 10, 2015).

⁷ *See, e.g.*, AMERICAN ASSOCIATION OF LAW LIBRARIES, PRINCIPLES AND STANDARDS FOR LEGAL RESEARCH COMPETENCY: PRINCIPLE II, STANDARD A, COMPETENCY 3 (July 11, 2013), *available at* <http://www.aallnet.org/Documents/Leadership-Governance/Policies/policy-legalrescompetency.pdf> (last visited May 10, 2015).

Unsurprisingly, the rest of the population has generally adapted to electronic dependence in beat with academia.⁸ However, there remain populations that, for varied reasons, do not have the level of electronic competence seen in academia. If, as according to the Census Bureau, 85% of the population has access to a computer in their home, there remains 15% that do not.⁹ This 15% may need to come to the law library, and they will be at a disadvantage.

Many law libraries serve users outside of legal academia.¹⁰ A law librarian must be able to connect a variety of users to a variety of resources. Some of these users may be computer literate, but have no legal research experience, let alone experience with electronic legal resources and databases. Even more problematic are the patrons that have no legal research background and only basic computer literacy. In both of these circumstances the law librarian is given extra tasks beyond the traditional task of pointing out the location and demonstrating the use of print resources. The task may then be trifold – introducing legal research, introducing electronic resources, and even introducing electronic tools such as word processing and basic internet usage.

At these various law libraries decisions must be made to determine how to ensure that populations without electronic legal research abilities are still able to access legal materials in a usable form. Moreover, many library users and librarians prefer or require legal materials in print. Of course, there are many variables that are considered when developing a collection, e.g. budgetary constraints and space.

Ultimately, print collections are dwindling. From the perspective of the academic law library, the trend in collection development is summarized well here: “We are no longer building print collections, and our users primarily rely upon our electronic collections. User emphasis is on access; few faculty and even fewer students are interested in whether the information that they use is licensed rather than owned by the library.”¹¹

The State of Reference

Generally speaking, reference transactions in academic law libraries are not as common as they once were. From 1995-2006 reference transactions at law libraries part of the Association of Research Libraries went down 33%, from 811K to 540K.¹² This number has further plummeted to 317K in 2012-13.¹³ So, at academic law libraries, at least, in-person reference transactions have decreased significantly. This reduction in reference transactions has meant that librarians must rebrand their forms of reference assistance to include the way their users find

⁸ See, e.g., THOM FILE & CAMILLE RYAN, UNITED STATES CENSUS BUREAU, COMPUTER AND INTERNET USE IN THE UNITED STATES: 2013, AMERICAN COMMUNITY SURVEY REPORTS, ACS-28 (November 2014), available at <http://www.census.gov/content/dam/Census/library/publications/2014/acs/acs-28.pdf> (last visited May 10, 2015). According to the Census Bureau, about 75% of US household have high speed internet access and 85% of households own a computer.

⁹ *Id.*

¹⁰ E.g., Academic law libraries open to the public; county & state law libraries; court law libraries; miscellaneous governmental agency libraries; firm libraries; and other libraries that contain access to legal materials.

¹¹ Taylor Fitchett, James Hambleton, Penny Hazelton, Anne Klinefelter, and Judith Wright, *Law Library Budgets in Hard Times*, 103 LAW LIBR. J. 91, 94 (2011).

¹² Charles Martell, *The Absent User: Physical Use of Academic Library Collections and Services Continues to Decline 1995–2006*, 34(5) J. OF ACAD. LIBR. 400, Table 8 at 404 (2008).

¹³ ASSOCIATION OF RESEARCH LIBRARIES, ARL ACADEMIC LAW LIBRARY STATISTICS 2012-2013, PERSONNEL AND PUBLIC SERVICES SUMMARY TABLE, available at <http://publications.arl.org/ARL-Academic-Law-Library-Statistics-2012-2013/29> (last visited May 10, 2015).

information, such as a website, blog, research guides and other tools to reach out to their patrons before their patrons rely solely on Google.¹⁴

Law librarians are aware of the changing state of reference and often engage in some form of digital reference assistance to extend services, such as a chat service or an online question submission. For example, at the County Law Library where I worked, I would staff an “Ask A Law Librarian” statewide chat service for an hour a week.¹⁵ Whereas at the University of Washington’s Gallagher Law Library, we use an “AskUS” ask and answer service, which is akin to an email submission of a question.¹⁶ Both of these services are organized by OCLC’s QuestionPoint.¹⁷ Of these two methods, I prefer Gallagher’s because I can contemplate the question for a prolonged period, while a chat method is instantaneous and reactive. These services are useful for ready reference type questions, such as library hours or book availability. However, both of these methods are difficult to use for detailed, research oriented questions.

Lesley Moyo, from Penn State University Libraries, clarified some of the issues with virtual reference assistance: “There are no visual cues, therefore, it is difficult to judge when a reference question has been fulfilled. There is usually a prolonged dialog back and forth before the question is clarified (reference interview), and another back-and-forth dialog to verify that the user is satisfied. This makes the transactions long and less efficient than face to face, even though the actual electronic communication is faster.”¹⁸

Joseph Janes, from the University of Washington’s Information School, reported similar findings in his 2002 study reflecting librarians’ attitudes about digital reference.¹⁹ Janes reported that only 4.8% of respondents to his survey agreed that users with ready reference questions “would be *poorly* served by digital reference services,” while 80% agreed that these users “would be *well* served by digital reference services.”²⁰ The remaining percentage were indifferent or had no opinion.²¹ For users with “detailed, research questions,” 46% of librarians stated that these users would be poorly served.²² Interestingly, 39% of the librarians reached the opposite conclusion.²³ An important limitation when applying this study to law libraries is that the participants in this study all types of librarians from both academic and public institutions.²⁴ These librarians do not as often need to consider the unauthorized practice of law when crafting responses to digital reference questions, so they can be fairly liberal in their responses. Yet, notwithstanding this limitation, many librarians responding to this survey were still skeptical of the effectiveness of electronic reference assistance. Janes also observed that experience with

¹⁴ Jo Henry, *Death of Reference or Birth of a New Marketing Age?*, 7 PUB. SERV. Q. 87, 91 (2011).

¹⁵ Ask a Law Librarian, “This “Ask a Law Librarian” service lets you chat live with a California Law Librarian to ask questions and get legal information,” *available at* <http://www.questionpoint.org/crs/servlet/org.oclc.admin.BuildForm?&page=frame&institution=11341&type=2&language=1> (last visited May 10, 2015).

¹⁶ Ask Us, “The reference librarians of the University of Washington Gallagher Law Library will respond to your question or comment within two working days.” Gallagher Law Library, University of Washington, *available at* <http://lib.law.washington.edu/questions.html> (last visited May 10, 2015).

¹⁷ OCLC QUESTIONPOINT, *available at* <http://www.questionpoint.org/> (last visited May 10, 2015).

¹⁸ Lesley M. Moyo, *Electronic Libraries and the Emergence of New Service Paradigms*, 22(3) ELEC. LIBR. 220, 225 (2004).

¹⁹ Joseph Janes, *Digital Reference: Reference Librarians’ Experiences and Attitudes*, 53 (7) J. OF THE AM. SOC’Y FOR INFO. SCI. & TECH. 549 (2002).

²⁰ *Id.* at 559, Table 16.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.* at 551.

electronic reference was an indicator of the librarians' attitudes and opinions; those with more experience in digital reference were more likely to be positive about it as a tool.²⁵

As was mentioned above, there are a variety of tools that are often implemented to assist in research in an increasingly digital library. Some common tools include: digital reference services (chat or e-mail); searchable FAQ (frequently asked questions) databases; and online tutorials.²⁶ However, Moyo pointed out that one-on-one interactions remain integral to effective reference assistance - "In the new electronic library environment, the need for personalized one-on-one assistance to users has not diminished. On the contrary, it has increased due to the disparate technology skill levels of patrons, and the need to provide assistance to them at their individual levels."²⁷ She further commented about the effectiveness of voluntary library instruction sessions - she lamented that students are not likely to attend these sessions unless an instructor provides some impetus for attending.²⁸ Because of the need for one-on-one interaction and the questionable effectiveness of other research tools, Penn State started an initiative "designed to address issues of very specific, one-on-one instruction to students, particularly those with special needs, such as returning adults, transfer, and international students who needed personalized assistance in accessing and navigating the numerous electronic resources."²⁹

Many library users have become dependent on electronic materials for their research. One observer, when discussing the research habits of undergraduate students, noted that "On several occasions, students have requested assistance in changing the focus of their research to a topic that could be searched using only electronic sources. This trend toward using electronic resources exclusively should be cause for concern about the direction of scholarship if it now focuses exclusively on data available online. A wealth of research material is not now - and may never be - available in electronic formats."³⁰ This observation comes from 2001, so it is scary to imagine how much greater dependence on electronic materials has become. For an academic law library, it is important to consider how much scholarly work comes in a treatise or monograph available at the library in print. If college graduates remain in the habit of looking for exclusively digital resources while in law school, then they may omit many important works from their research.

There are a variety of reasons library users opt for print over electronic materials. Some reasons include: the discomfort of reading from a screen, the ability to browse a resource in print, and the convenient access print can sometimes afford.³¹ In an academic law library, another issue arises with databases such as Lexis and Westlaw that only offer access to law students, as opposed to attorneys, the general public, or other university students.³² In small or solo law firms, print and electronic legal materials are both often used.³³ Lawson reports that 46% of these attorneys that responded to his survey frequently or very frequently use print resources, 49% frequently or very frequently use free electronic resources (e.g. Google or Casemaker), and a

²⁵ *Id.* at 560.

²⁶ Moyo, *supra* note 18 at 224.

²⁷ *Id.* at 226.

²⁸ *Id.* at 225.

²⁹ *Id.* at 226.

³⁰ Bradley L. Schaffner, *Electronic Resources: A Wolf in Sheep's Clothing?*, 62(3) COLL. & RESEARCH LIBRS. 239, 242 (2001).

³¹ CAROL TENOPIR, USE AND USERS OF ELECTRONIC LIBRARY RESOURCES: AN OVERVIEW AND ANALYSIS OF RECENT RESEARCH STUDIES, COUNCIL ON LIBRARY AND INFORMATION RESOURCES 37 (2003).

³² Paul Hellyer, *Reference 2.0*, 13 AALL SPECTRUM 24 (2008-2009).

³³ Joseph D. Lawson, *What About the Majority? Considering the Legal Research Practices of Solo and Small Firm Attorneys*, 106 LAW LIBR. J. 377 (2014).

surprisingly small 31% frequently or very frequently use fee-based resources (e.g. Westlaw or Lexis).³⁴

Moreover, there are many users that are simply not adept at using electronic materials. In the law library setting, one might incorrectly assume that such a problem would only exist with pro se litigants. However, law librarian Suzanne Minor pointed that as much as one-third of college students suffer from “technophobia.”³⁵ Further, while Minor recognized that many younger students are comfortable using computers, they often need reference assistance on the efficient and effective use of available databases.³⁶ Minor pointed out the myriad of library users that enter her library, and they embody the wide variety of law library users generally – law students, law faculty, attorneys, non-law students (university or community college), non-law faculty, law firm staff, and pro se litigants.³⁷ One can imagine the diverse technological capabilities such a diverse population represents. Some of the factors Minor says that affects users’ confidence include whether they own a computer, their socioeconomic status, their age, and their learning style.³⁸

Minor then crafted a list of tips to assist those struggling with technology. She suggested that reference librarians can assist these users in the following ways: 1) be reassuring; 2) give patrons hands-on experience; 3) avoid technical jargon; 4) upsell the helpfulness of a database; 5) inform patrons about the limitations and differences between electronic resources; 6) welcome patrons back to the desk for follow-up questions; 7) anticipate difficulties; 8) use law students at the desk to encourage other students to ask questions; and 9) continue working with avid users to evolve their strategies.³⁹ Because of the diverse background of users that Minor is accustomed to working with, many of these strategies should be employed in law libraries with all types of users as well. The importance of varied reference strategies to assist users with electronic legal materials is amplified because law libraries are less often able to accumulate collections with materials in both print and electronic form. The next section will elaborate upon how print collections are changing in law libraries.

The State of Print Collections

While much of the literature comes from the perspective of the academic law library, many of the collection development issues present in an academic law library are relatable to law libraries of all varieties. Naturally, it is difficult to sustain two forms of the same collection in good times, and with law schools seemingly in a state of constant flux, it is not surprising that reducing the print collection has become the status quo.⁴⁰ Due to increasing costs and flat or decreased revenue, sustaining two forms of the same collection is impossible.⁴¹ Academic law library budgets have been predictable in that the budget to acquire resources is either flat or

³⁴ *Id.* Table 2 at 382.

³⁵ Suzanne Minor, *Success at the Reference Desk: Helping Patrons Overcome Computer Anxiety*, 19 LRSQ 95, 96 (2001).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* at 97-99.

³⁹ *Id.* at 99-101.

⁴⁰ Dorothy A. Brown, *Law Schools are in a Death Spiral. Maybe Now They’ll Finally Change*, Washington Post, (March 9, 2015), available at <http://www.washingtonpost.com/posteverything/wp/2015/03/09/law-schools-are-in-a-death-spiral-maybe-now-theyll-finally-change/> (last visited May 10, 2015).

⁴¹ Rita Reusch, *By the Book: Thoughts on the Future of Our Print Collections*, 100 LAW LIBR. J. 555, 556 (2008).

declining.⁴² According to Michael Whiteman, by 2024, academic law library collections will be 95% digital.⁴³

Another predictable aspect of collecting materials in print is that the prices for such resources has consistently risen over the years. For example, from 1973 to 1996, the price of legal serials increased at a 95% higher rate than the Consumer Price Index's inflation rate for the overall economy.⁴⁴ Whiteman provides a specific example of a reporter that rose from \$131 per volume in 2009 to \$325 per volume in 2013, which is an increase of about 150%.⁴⁵ Whiteman further pointed out that the opinions in those volumes can be found online in six paid databases and several free sources, such as Google Scholar and the Court's website.⁴⁶

Because reporters and other primary sources are so expensive, take up a lot of space, and are readily duplicated online, they have been at the top of many institution's chopping block.⁴⁷ A 2009 study demonstrated that a significant number of libraries that responded have already cancelled various state and national reporters and codes.⁴⁸ Related to these primary resources are the multi-volume encyclopedias and digests, which have received similar treatment to reporters and codes for the same reasons including the duplication on a database.⁴⁹

Periodicals have also been readily axed at many law libraries. The County Law Library where I was employed maintained only one local law school's journal collection in print, where there was at one time several journals maintained in print. In a 2009 report, it was observed that Richard Spinelli from HeinOnline stated that half of HeinOnline subscribers have cancelled print subscriptions to periodicals due to their electronic availability, and 70% have cancelled because of budget cuts even when the materials are not accessible electronically.⁵⁰ Now, many law journals offer free access online to at least some of their volumes.⁵¹

On the other hand, monographs and treatises remain integral parts of print collections, particularly at academic law libraries.⁵² When discussing the availability of treatises available online, Whiteman noted that of the 500 new titles in the 2011 edition of *Recommended Publications for Legal Research*⁵³, less than 5% of them were accessible through a major database.⁵⁴ As academic libraries strive to maintain a role in supporting scholarship, it is integral to retain monographs and treatises unavailable online.⁵⁵

Practice oriented materials are a further complication to a collection. In a 2010 study, researchers noted that academic law libraries may be eliminating practice oriented print materials

⁴² Michael Whiteman, *Book Burning in the Twenty-First Century: ABA Standard 606 and the Future of Academic Law Libraries as the Smoke Clears*, 106 LAW LIBR. J. 11, 20 (2014).

⁴³ *Id.* at 33, note 136.

⁴⁴ Amanda M. Runyon, *The Effect of Economics and Electronic Resources on the Traditional Law Library Print Collection*, 101 LAW LIBR. J. 177 (2009).

⁴⁵ Whiteman, *supra* note 42, at 21.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ Runyon, *supra* note 15, Table 6 at 189.

⁴⁹ *Id.*

⁵⁰ Emily Phillips & Wilmer Hale, *Here Today, Gone Tomorrow? The Future of Print Periodicals in Law Libraries*, 35 (1) TECH. SERV. LAW LIB. 35, 36 (2009).

⁵¹ For two examples of online journals see, *Washington Law Review available at* <https://www.law.uw.edu/wlr/online-edition/> or the *Oregon Law Review available at* <http://olr.uoregon.edu/olr/online/> (last visited May 10, 2015).

⁵² Reusch, *supra* note 13, at 557.

⁵³ MARY F. MILLER, *RECOMMENDED PUBLICATIONS FOR LEGAL RESEARCH 2011* (2012).

⁵⁴ Whiteman, *supra* note 14, at 30.

⁵⁵ *Id.* at 32.

from their collection that firm libraries may want to keep.⁵⁶ Many of the firm librarians in that study observed that overall, they were “dissatisfied with new associates’ training and exposure to practitioner-oriented materials and secondary sources prior to joining their firms.”⁵⁷ The authors of this paper recommend that academic law libraries ensure a collection of print secondary and practitioner materials based on their clinics and their jurisdiction, further they recommend discussing cancellations with local firm librarians to see if their associates should be trained on those resources.⁵⁸

There are many other factors present in deciding which print materials to collect and maintain. Some of the other factors include the mission of the law library itself. The collection policy of a law library should reflect the format selection of legal materials.⁵⁹ Another factor is the preference of the patrons at the library.⁶⁰ If a faculty member or partner at a firm relies heavily on a print resource, it may reflect poorly on the library to cut that resource without at least consulting with that stakeholder.⁶¹ Further, a law library may feel compelled to maintain an item in print due to a regulation.⁶² In 2005, Michelle Wu discussed a long list of reasons why print resources are valuable such as stability, ownership, archiving, ease-of-use, and instruction, among others.⁶³

The space in law libraries to house a collection is also threatened. As reported by Fitchett et al, over 50% of directors that responded in an informal poll said that their library space has been repurposed to meet other law school needs.⁶⁴ There are a myriad of reasons that one library may keep some materials in print and not others. However the major trends are that budgets to acquire materials are flat or declining, access to legal materials cost more than ever, some resources are more likely to get cut than others, and some libraries maintain materials in print due to their libraries mission, stakeholders, and any governing standards that may influence their decisions.

Print collections are shrinking, and selectors of legal materials in print have less resources to craft a print collection. How much of the library budget is required in order to ensure access to all users, and what are some of the factors libraries consider when maintaining these print resources?

The next section will examine responses submitted by law librarians and will provide a look at the ways the field has responded to this trend by focusing on their reference/instruction & their collections. Lastly, I will reflect upon the responses and literature and make suggestions for law librarians struggling with reference assistance and collection development in the digital age.

⁵⁶ Amanda M. Runyon & Leslie A. Street, *Finding Middle Ground in Collection Development: How Academic Libraries Can Shape Their Collections in Response to the Call for More Practice-Oriented Legal Education*, 102 LAW LIBR. J. 399, 428 (2010).

⁵⁷ *Id.* at 418.

⁵⁸ *Id.* at 430-31.

⁵⁹ Jonathan A. Franklin, *One Piece of the Collection Development Puzzle: Issues in Drafting Format Selection Guidelines*, 86 LAW LIBR. J. 753, 763 (1994).

⁶⁰ Whiteman, *supra* note 14, at 38.

⁶¹ *Id.*

⁶² See e.g., 15 CCR § 3124, while format flexible, this California regulation mandates that institutions maintain law libraries with certain materials in print and/or via an "Electronic Law Library Delivery System."

⁶³ See generally, Michelle M. Wu, *Why Print and Electronic Resources Are Essential to the Academic Law Library*, 97 LAW LIBR. J. 233 (2005).

⁶⁴ Fitchett, *supra* note 11, at 95.

QUESTIONNAIRE

In order to gather law librarians' reactions to the issues presented in this paper, an open-ended questionnaire⁶⁵ was published to the main AALL listserv⁶⁶. The instructions asked that participants respond within a week of the posting. The questionnaire had four questions in total. Although, the fourth question was of the two-part variety. Each of the questions are included in the paper below. Uncertain how many would respond to a questionnaire in this format, I was pleasantly surprised to have received 13 total responses. Of these responses, three were from law firm librarians, six were from academic law libraries, and four were from some governmental body library such as a court or a state agency.

While this is not a statistically significant representation of the profession, the rich, qualitative responses allows for a deep pool of material to discuss with the reader. In the following section of the paper, each question from the questionnaire is reported and the ensuing discussion will highlight selected responses this author considered noteworthy, as well as broader themes found in the responses. After each brief discussion, the selected responses will be listed. Each response will guide the reader to the type of institution the response stems from – the libraries will be listed as academic, firm, or government (referring to court, county, agency etc.).

Reference Assistance

1. What tools do you use to assist users that are conducting electronic legal research, e.g. research guides or a one-on-one walkthrough? Please describe the effectiveness (or ineffectiveness) of any of the tools you use.⁶⁷

There was significant overlap in the responses to this question; many types of libraries use similar tools to assist users with electronic legal research. However, not every respondent agreed on the efficacy of these tools. Several commonly used tools include one-on-one interactions, e.g. face-to-face or on the phone; group or classroom presentations; library guides; or demonstrating the use of the resource in print in order to provide context for the user. One tool consistently employed is commonly well-regarded by the respondents – one-on-one interactions. Further, several responses pointed out two necessities that persist for any successful interaction: flexibility by the librarian and a willingness to embrace these tools by the users.

a. One-on-one Walkthroughs

It is clear that one-on-one interactions are measured as an effective tool for assisting users even in a world of electronic resources. Moreover, in-person, one-on-one interactions are cited several times by respondents as an important tool to assist with electronic research. All but two respondents emphasized that one-on-one reference was an important tool for assisting users. In fact, one respondent pointed out that the users at their law library expressed a preference in a survey to individual research assistance over other types of reference assistance. The form of one-on-one assistance can at times vary. For example, librarians pointed out that they employed online question service, email, phone calls, webcams, sharing computer screens, and face-to-face

⁶⁵ See Appendix 1 – Questionnaire.

⁶⁶ See Appendix 2 – AALL Listserv Posting.

⁶⁷ See Appendix 1 – Questionnaire Question 1.

interactions. Here are some excerpts from the responses that expressed the effectiveness of one-on-one interactions.

“I’ve found that one-on-one walkthroughs are far more effective” - Firm

“I think the most effective [tool] is one-on-one at the desk” - Academic

“In a survey, [users] expressed preference to individual reference assistance” - Academic

“One-on-one walkthroughs at the reference desk...are probably the most common way to demonstrate databases, the online catalog, and websites.” – Academic

“Actual tools vary but include the phone, webinar conferencing software, training rooms, webcams, SnagIt (to provide screenshots via email), Publisher (to make handouts), and PowerPoint slides. Training can be in person, via phone, in a webinar, using video modules or supplying handouts.” - Government

In addition to one-on-one interactions, another tool for librarians use is a group session. However, the results are a bit more mixed regarding the effectiveness of in-person group or class demonstrations. While some librarians express that demonstrations of the electronic resources are also effective, others are not as convinced that this group setting instruction is an effective tool. Unlike the enthusiasm of librarians given to one-on-one interactions, there was more apathy for lectures given to groups or classes by other respondents.

“I think in-person, interactive training is the most effective [tool], whether it’s in a classroom setting or one-on-one.” - Academic

“I think the least effective of the in-person trainings is guest lectures, because generally we don’t get to assess the students afterward.” - Academic

b. Research Guides

Another tool used, or at least considered, by the librarians is some form of library created guide. Like group lectures, these also receive mixed reviews. Some librarians note that these items are heavily used, but their effectiveness cannot be determined by traffic alone. It was also noted that guides are useful for pointing to resources or for specific assignments, but not necessarily for broadly demonstrating how to use them. One librarian noted that it is not only users that can benefit from a research guide - librarians can too.

Library guides are a popular tool for librarians to provide to their users in order to assist users with the use of electronic resources. “LibGuides” is a popular publishing platform for librarians.⁶⁸ This is a tool often used for publishing library guides in academia, but a firm librarian also mentioned that their firm makes use of this resource.

“I think the research guides can be more useful for newer attorneys than experienced attorneys. And the guides are valuable as a reference source for the reference staff – especially when you have so many databases to proficient.” - Firm

“We don’t have the traffic to make research guides.” - Government

“We have developed and are constantly revising/improving LibGuide for each practice group.” - Firm

⁶⁸ See, e.g., SPRINGSHARE, available at <http://springshare.com/libguides/> (last visited May 10, 2015).

“Our LibGuides get a lot of hits, but assessing their “effectiveness” is another thing altogether. In truth, unless someone comes in after using a guide to tell us whether it was helpful, all we can tell from the stats is that people have been looking at them.” - Academic

“The librarians regularly write guide for in-class law school instruction tailored to a particular class and assignment, but these are not useful out of context and therefore are not typically posted on our website.” - Academic

c. Miscellaneous Tools

There are also several miscellaneous tools mentioned in responses that are noteworthy. For example, one response noted that it can be effective to begin with the identical print resource in order to provide context for the electronic resource. Another response pointed out that selecting *the best resource* is most important because a one-on-one walkthrough will then follow whether the resource is in print or electronic. Two librarians made mention of using the vendors’ representatives as a tool for training their users. Another response pointed out the benefit of electronic Q&A or chat because they have been able to build a FAQ database from these questions.

“I find it helpful to explain some print resources so they have a “print” explanation of the electronic resource, and therefore a conceptual framework for understanding.” - Government

“The first thing I do is determine which resource(s) would be the best given the information they need. From there it’s a one-on-one walkthrough of how to use it/them.” - Academic

“Our Lexis educator is available for individual appointments whenever an attorney or paralegal requests one.” & “Westlaw staff offer on-site training classes from time-to-time.” - Firm

“We also subscribe to LibAnswers/LibChat, and therefore have created a large database of frequently asked questions.” - Academic

d. Two Key Components: Flexibility and Willingness

Lastly, flexibility on behalf of the librarian delivering reference assistance and a willingness by the user to embrace these tools are two key components to effective reference assistance. Flexible reference assistance means differing your approach to reference assistance based on the user’s abilities in front of you. A librarian unwilling to change his or her approach to reference assistance based on the user and/or a user unwilling to embrace training for the available electronic resources will not achieve success.

“The most important aspect of training is tailoring it to the learner.” - Government

“It depends on what they want. One size does not fit all.” - Academic

“This sounds trite, but these methods work for the folks who take advantage of them and they are completely useless for those who do not.” - Firm

2. What proportion of your time providing reference has moved from instructing users on the use of print resources to instructing users on the use of electronic resources?⁶⁹

Unsurprisingly, those that responded are generally at a point where they have significantly fewer opportunities to instruct users in print resources due to, say, decreases in print materials or increased use of electronic materials. This trend is quite dramatic in the academic setting, whereas firm responses were a bit more varied. For librarians working in places where members of the public have access, there is still some propensity for instructing users on the use of print resources over electronic resources. The reasons for providing reference assistance for one format over the other vary, but the trend towards instructing users on electronic materials predominates according to the responses submitted.

a. Trending

It was clear by the responses that the dominant amount of time spent on instruction in the use of electronic resources. On average, librarians reported that when instructing on the use legal resources, about 85% of that time is on the use of electronic resources. Moreover, there were several librarians that indicated that 5% or less of their time spent on instructing users was spent on print legal titles. The responses demonstrate that much of the time spent by law librarians on how to conduct legal research is spent on how to conduct electronic legal research.

“Considering I started at zero percent of electronic research, I’d say about 85% is electronic now.” - Government

“80% of the [time] I spend instructing user in reference tasks is in in the use of electronic resources.” - Firm

“90% of my time is instructing users on electronic resources.” - Academic

“Nowadays it’s less than 5% [on print resources].” - Academic

However, for librarians that work at institutions where users include a lot of members from the public, particularly pro se litigants, there was still a lot of instruction on the use of print resources. The following two responses came from such libraries:

“It’s often an even split.” - Government

“[Students at the reference desk] probably instruct about 70% online and 30% print, but these numbers are a little skewed in that there is a high percentage of public patrons, including pro se litigants.” - Academic

b. Reasons for the Trend

Several responses were provided that discuss why there is a trend towards instructing users on the use of electronic resources more than print. The primary consideration is no surprise – money. Law libraries are less able to afford a resource in both print and electronic format. There were also several other reasons afforded, and those are highlighted further below.

⁶⁹ See Appendix 1 – Questionnaire Question 2.

1. Budget Constraints

A common lamentation throughout the responses was some manner of belt-tightening that impacted the print collections. According to several responses, the largest reason that instruction has moved toward electronic resources is because there are simply fewer print resources available at their libraries. Libraries are less and less able to afford both formats, and a digital format is the clear winner.

"...due to budget cuts over the last decade or so, we've been less able to afford both print and online resources." - Government

"Reflecting the firm's purposeful move from print to electronic resources..." - Firm

"Because of the costs, we have a lot fewer print options." - Firm

2. Miscellaneous Reasons for the Trend

Librarians included several other reasons that they tend to instruct users more and more on the use of electronic resources over print materials. Some of the librarians that responded pointed out that students do not opt for print. One interesting response pointed out that the utility of the database can make a difference for which format is initially preferred for reference assistance. This librarian specifically criticized the "current iteration of Lexis Advance," and observed that researchers using materials published on this platform may instead turn to the print counterpart. Finally, one librarian pointed out that the manner of instruction largely depends on where the best resources exist in a subject matter, so a researcher involved in historical statutory research may be using print materials whether they like it or not.

"Nowadays print research seems almost like it's been relegated to a last-resort corner, as far as students are concerned." - Academic

"Many of our associates express they want to use print instead of the current iteration of Lexis Advance. Treatises on WestlawNext are more accepted, but many want the hard copy." - Firm

"The percentage of time involved in instructing users on print versus electronic resources is driven more by the percentage of resources that exist in a given subject area." - Academic

c. Bucking the Trend

Librarians do still provide instruction on the use of legal print materials. Some librarians work with public patrons, particularly pro se litigants, and these patrons may not be able to use electronic resources effectively. Also, one librarian pointed out that some attorneys prefer treatises in print (even if they are no longer updated). Another librarian stated that instruction on the use of legal print materials is actually more time-consuming because in a digital age users are often new to conducting legal research using print materials. This final response highlights just how far-reaching the digital age has come. It is becoming a common reality that many types of law library users receive no training, and feel no need to be trained, on the use of legal print materials.

“...there is a high percentage of public patrons, including pro se litigants, who either do not have access to certain of our electronic resources, or are not as comfortable with electronic format.” - Academic

“I do still use the print, primarily for those who don’t have access to Lexis/Westlaw/Bloomberg, or those who refuse to use computers.” - Academic

“...attorney’s still use [treatises] (and prefer them to) the electronic versions, despite my warnings about the risk of using out-of-date material; they prefer to hold and read a book and are confident they can do any updating.” - Government

“Most users don’t know how to use the print resources so that takes a larger portion of time training-wise.” – Government

3. What adjustments do you make when providing reference assistance to users with lower technological abilities? For example, do you turn to the print collection or a tutorial?⁷⁰

While some librarians make adjustments for their patrons based on their technological abilities, others do not because it is not part of the culture at their employer’s library. Other librarians prioritize information over format, so they will look to the resource that is most valuable in terms of content and leave little room for patron preference. For many librarians the best tool is flexibility, particularly for users that want or need to use resources in print. These librarians are elastic in their approach to assisting users with lower technological abilities. They may turn immediately to print materials while upselling the benefits of electronic resources, or spend a lot of time working with a user on an electronic resource. These librarians often work with public patrons regularly, so they are compelled to cater reference assistance in a way that allows patrons to access the information most efficiently.

Some librarians offered a different take on the current state of their users. They noted that the issue simply is not as important because ease-of-search has improved alongside users’ technological ability. However, one librarian pointed out that because of the “Google-fied” universe law students come from, they are unable to research effectively with advanced searching tools.

a. Culture

Some of the librarians observed that the environment they work in does not allow for, or require many, adjustments for users with lower technological abilities. A firm librarian pointed out that they no longer have the time “for dumbing-down” the collection. That firm has made an affirmative step to go in one format direction and force employees conducting legal research to keep up. This approach may not be as draconian as it first appears - two librarians pointed out that attorneys and the law school community are generally comfortable enough with technology, and so they do not serve a population that often needs particularized assistance using technology.

“...we are past the time for dumbing-down the reference collection. Those who will not (I do not say cannot) get themselves up to speed depend on their associates and/or librarians to respond to their research requests.” - Firm

⁷⁰ See Appendix 1 – Questionnaire Question 3.

“Attorneys may take the training classes multiple times if needed. Most attorneys are comfortable at this point with technology so this is not a big problem at our library.” - Firm

“I have seen very few library users who aren’t capable of using the technology best suited to the research they’re doing.” - Academic

b. Information

Two academic law librarians pointed out that information trumps format. This perspective vaults the content of the available resources that most applies to the legal research question in front of them over the technological abilities of the user. In a world where more and more valuable resources are best found or exclusively found online, these librarians recognize that some of their best resources are only available electronically.

Admiringly, both of these librarians embody a “teach a man to fish” approach. They both mention that they will sacrifice more energy into assisting the unsophisticated user with the electronic resource because it is a better resource for their question.

“I won’t sacrifice the information due to an inconvenient format. Instead, I’ll spend more time helping the researcher with the format so they get the right answers to their questions.” - Academic

“...for the more in-depth reference consults - it boils down to what the user needs to know and where that information can be had.” - Academic

c. Flexibility

Deciding the best way to help a user on a case-by-case basis is a key means for several librarians to assist users with below average technology skills. Many of the responses contained some nod to individualized, tailored assistance as a vital piece of the toolbox. Interestingly, some of these “flexible” librarians observed that they do not rely on guides or tutorials for assistance in using electronic materials. It is difficult to create a guide that can be effective for users with varying abilities, especially users in need of a lot of assistance. Instead, librarians will tend to cater their assistance to the user in front of them.

“I’ll provide as much assistance as needed, and we’ve had patrons here who have never used a mouse (let alone knowing what “click on the link” means), so there’s a very wide variety of assistance needed.” - Government

“...we do have some [users] who refuse to use computers, and for them I show how to use the print.” - Academic

“If a user prefers print and it is available, we will steer the user in that direction, while pointing out some of the advantages of electronic resources. We do not have tutorials.” - Academic

“[Distinguishing users who need a lot of personal assistance]...directing them to a guide or tutorial would not be fruitful because they are likely to either resist looking at it or think you are being rude.” - Academic

“I only direct people to a guide as a supplement or review tool in addition to personal assistance, when the topic is complex; for example...administrative law.” - Academic

d. Better Technology Creating Dependent Users

Several librarians acknowledged that the resources themselves have become easier to user. One librarian called this development “Google-fied.” Their users have come to expect results one-click away. Unfortunately, a side-effect of electronic resources that encourage searching for everything in the primary search box is that users are no longer compelled to train to search using advanced tools or techniques. With a pleasant look to the future, one firm law librarian stated that the simplified searching habits of unskilled legal researchers, a habit contributable to the more sophisticated software, increases the need for law librarians with a deeper research skill.

“As electronic resources are Google-fied...it becomes less difficult to give users a running start on a database.” - Firm

“The main difficulty is training [users] to research effectively with more advanced tools such as Boolean operators...attorney’s proficiencies with research databases keeps lowering. Though this does increase the importance of law librarians in law firm environments.” - Firm

Collection Development

4. In what important ways does your print collection still serve your user? What materials must be maintained in print to serve your users’ needs?⁷¹

This question garnered a lot of interest from the law librarians, and several themes emerged from the responses. Some librarians expressed that user preferences for print materials, including those of the librarians themselves, remain an important factor when maintaining a print collection. Other factors also play a significant role in the degree and variety of print materials in the library. An important factor is money. The budget does not allow for everything in an electronic and print format.

Librarians also pointed to outside obligations that impact the print collection. In an academic setting, print collections still serve as educational tools. Almost every response included that print collections are often maintained because some of their primary users could not access the materials any other way. This lack of digital access for the users to those resources necessitates housing the materials in print, and there are a wide variety of sources that end up falling into this category from all the types of libraries.

a. User Preference - “Browsability”

Many librarians wrote that a resource retained in print may be easier to browse than its electronic counterpart. “Browsability,” as one librarian deemed it, is often more efficient in a print format - perhaps it is because a quick answer is sought after or heavy back-and-forth page flipping is necessary. For example, according to an academic librarian, two of the types of legal materials that fit this bill are legal dictionaries and code books. Materials that get a lot of use in print form, and/or are not in an electronic format that is convenient, are more likely to remain accessible in print. Many of the patrons or librarians know these resources so well that it is easier to pluck it off the shelf than to access it online.

⁷¹ See Appendix 1 – Questionnaire Question 4.

*“The most important titles to keep in print are those that are simply easier to browse in print than online.”
- Firm*

“The value of the print collection is in its browsability...Everything looks the same on any given platform...makes it hard for the researcher to distinguish [one] resource from another.” - Government

“Any resource that gets a lot of use and isn’t available in an easy-to-use, economical digital format will be purchased in print.” - Government

“Quick access-grabbing a code or encyclopedia off the shelf and looking up a section is often quicker than finding it online.” - Academic

b. Budgetary Constraints

The budget remains a driving force for the decisions about which legal materials to retain or acquire in print. One governmental agency librarian pointed that budget is the primary driver of collection decisions. Another librarian noted that in an ideal world, users would be the primary force behind collection decisions, but of course we do not live in such a world.

“The budget is driving our collection decisions; users’ needs are no longer a significant part of the equation.” - Government

“In a cost-neutral world, the media is determined by the users.” - Firm

c. Outside Forces

Another pair of librarians pointed to outside forces that drive the decision to retain items in print. For example, one library must follow a state statute that mandates certain items be maintained in print. An academic law librarian remarked that political concerns may also push the decision to retain materials in print. Lastly, two academic librarians remarked that their decision to retain an item in print may be due to the contracts that are in place with publishers.

“We still subscribe to...the [state] Digest (which we are obligated by statute to purchase, otherwise we wouldn’t have that.” - Government

“We have some items in print to satisfy Alumni...” - Academic

“We continue to maintain print subscriptions to some materials that we also receive electronically because of the arrangements with the publisher.” - Academic

“Secondary sources – often only available digitally in expensive databases whose license agreements may not extend to the general public or university (non-law students).” - Academic

d. Instruction

Academic law librarians often instruct students on how to conduct legal research, and two of these librarians reflected that they will turn to print resources in order to put the electronic content into perspective. These librarians contend that it is important to retain a print collection

in order to provide this perspective to users so they can fully understand how legal materials are organized and cited.

“Some materials are easier to understand online if you first understand them in print.” - Academic

“...print materials can help clarify electronic research by comparison...They also help to illustrate the “history” of legal materials. Younger students will normally have no idea why a citation [looks like it does]. The print...set can help them understand how legal materials were once printed.” - Academic

e. Unique Materials

This final catchall category embodies the scattershot of materials that librarians contend are vital to their collection for their users. These include materials that come from their state or materials that for some reason or another are not readily available to them online. Some examples of the types of materials that fit here are archived local codes or court rules and monographic scholarly resources.

1. State Materials

Perhaps the materials that law libraries feel most compelled to retain in print are related to the State where that library is located. Law librarians from all the types of libraries who responded to this questionnaire often mentioned that they still collect certain state materials in print. The exact reasons for collecting these materials vary. For example, some of the state materials are not yet available online, and if they are, are not easy to browse through like a print resource. Other librarians observed that state codes are important to retain in print. In particular, superseded codes can be important for research. Lastly, retaining state materials in print may be an important part of the mission to serve the users of their library.

“We also have a historical collection of resources from our state that you cannot find online.” - Academic

“We have our historical state statutes in printed format and we use them daily...searching multiple pdfs to find the pages you need is not efficient.” - Government

“The full set of the greatest importance to our users is the annotated laws of our state.” - Firm

“Superseded codes – ...they come up a surprising amount of time.” - Academic

“[As] part of our core collection, we continue to purchase most [state]-specific materials in print to serve all our patrons.” - Academic

2. Availability

Some materials simply are not available in an electronic format. These may be historical state materials, like those mentioned above, or they may be other historical materials that are in key subject areas of a firm’s practice or a library’s collection. One academic law librarian observed that many monographs are still not online, and even if they are available online, the e-book remains a work in progress.

“Availability – some sources are still only in print.” - Academic

“We maintain historical print materials in key areas that are not available digitally.” - Firm

“The vast majority of monographic scholarly work for our primary clientele is still published in print, notwithstanding the availability of e-book versions via various platforms.” - Academic

REFLECTION

The final section of this article will briefly reflect on aspects from my experience, the trends I observed from the literature, and the comments from those that responded to the questionnaire. I will look for agreement found between these sources and unique observations from myself or the respondents perhaps not yet reflected in the literature.

As was surmised early in this paper, many users have reached Hoover’s third and final stage of computer use for legal research, particularly in academia, but also many primary users in firm and government libraries. Yet, observed from my own and also the experience of other librarians, there are users that remain in Hoover’s second stage and even those still remaining at the first stage of computer use. Recall the government law librarian who responded to the questionnaire observing, “We’ve had patrons here who have never used a mouse (let alone knowing what “click on the link” means).” Obviously, these patrons are not yet researching “new ways of viewing legal information such as hypertext access within documents, and even searches facilitated by artificial intelligence with tools like relevance ranking.”⁷²

As Moyo suggested in her research, librarians agree that a one-on-one interaction is an effective means of providing reference assistance, preferably in person.⁷³ Law librarians that responded to the survey regarding instruction on the use of electronic resources often said as such, e.g. “I think the most effective [tool] is one-on-one at the desk.” Online chat sessions are not as successful except for ready reference type questions, and Moyo pointed out such transactions are long and less efficient than face to face.⁷⁴ Having participated in a weekly chat service at the County Law Library for an hour a week, I can attest to the limitations of this service. A chat service is not easily employed, but notwithstanding any limitations, the ability to quickly dispense of easy questions or create a “large database of frequently asked questions,” as one academic law librarian reported, demonstrates the viability of a chat service in certain situations.

While not a tool per se, a flexible approach to reference assistance is an effective way for law librarians to assist users with a wide variety of technological abilities. Minor discussed in her piece that as many as 1/3 of library users are “technophobes,” and even law students that are comfortable with computers need assistance with the effective use of electronic resources.⁷⁵ She then made several suggestions to assist such users.⁷⁶ Law librarians should bear in mind that many users may be reluctant to share any deficiencies with technology, or just as likely, are overconfident in their abilities. One of the responding librarians stated that for students, print research has “been relegated to a last-resort corner.” Librarians should offer a variety of tools to introduce electronic resources, such as turning to print “so [users] have a print explanation of the

⁷² Hoover, *supra* note 3, at 643-44.

⁷³ Moyo, *supra* note 18, at 226.

⁷⁴ *Id.*

⁷⁵ Minor, *supra* note 35, at 96.

⁷⁶ *Id.* at 99-101.

electronic resource,” as one government law librarian stated in their response to the questionnaire.

Many of those that responded may not be able to adopt Minor’s supportive approach to reference assistance for those with lower technological abilities because it is not a part of the culture of their work environment. Several law librarians pointed out their primary users need to keep up or have kept up with electronic legal research, and thus no adaptation is necessary on their part. For example, a firm librarian noted that they are “past the time for dumbing-down the reference collection.” In the firm context, a flexible approach to assisting the user may be counterproductive to the larger goals of the institution.

Law libraries are usually unable to afford materials in both print and electronic form. Runyon stated that the costs of legal print materials continues to outpace the Consumer Price Index.⁷⁷ Reporters, digests, periodicals and multi-volume legal encyclopedias are among the most popular resources to stop updating in print. When I worked at the County Law Library, there were a handful of attorneys that would look for the bankruptcy reporter in print (it had only recently been cancelled when I had arrived). Because it was available online, it was among the types of resources that were axed from the collection. With these attorneys often came a crash course in how to find an opinion using a legal database; they were at best in Hoover’s second stage of computer use. This personal experience is an example of budgetary constraints taking precedence of users’ needs. As one government librarian lamented, “Users’ need are no longer a significant part of the equation.”

While large, money is not the only issue impacting print collections, library space and changing priorities to the culture of the library also impact such a decision. Libraries may opt to utilize their limited space for increased seating or technology hubs, or perhaps their space may be repurposed without their consent by their parent institution.⁷⁸ However, librarians that responded to the survey pointed to a number of ways their print collections remain vital to their libraries’ users.

As Wu observed, there are a number of important reasons to retain legal materials in print.⁷⁹ While that list may now be even briefer, librarians agreed that there are many types of resources that they like to have available in print to assist their users. One responding librarian values the “browsability” of a print resource. It is difficult to replicate the tangible, page-flipping ability that a book offers.

I agree with the librarians that responded to the importance of print materials for instructional purposes. I often turn first to a print resource because I think it is easier to employ with a user. Once a person understands how a resources is set up in its original print form, then it is easier to understand that resource electronically. As one academic law librarian said: “Some materials are easier to understand online if you first understand them in print.”

At times it is other forces that do not have anything to do with library users’ technological abilities of a resource that drives a library to retain materials in print. At the Gallagher Law Library, library users from outside of the law school are not able to access some of the paid subscriptions that would otherwise make electronic research the optimal choice. For those users, it is important to retain heavily used legal materials in print. An academic law librarian shared this same finding stating that certain resources are “only available digitally in expensive databases whose license agreements may not extend to the general public or university

⁷⁷ Runyon, *supra* note 44, at 177.

⁷⁸ Flitchett, *supra* note 11, at 95.

⁷⁹ Wu, *supra* note 63.

(non-law students).” Other outside forces impact the collection as well, such as alumni requests or a regulation that the library is obligated to follow. While political in nature, a librarian would be well advised to retain materials in print that stakeholders would expect to find there. For example, if a board member at my former County Law Library routinely used a certain print resource, I would be reluctant to cut that print resource from the collection regardless of other considerations. Likewise, an academic law librarian responded to the questionnaire by noting that they “have some items in print to satisfy alumni.”

Finally, library users often need certain materials retained in print because they are not readily available electronically. At the County Law Library, we archived local court rules in print because they were otherwise unavailable. Several law librarians responded that they archive their state’s codes for the same reason. Furthermore, it is common for monographs to be unavailable electronically for library users. Whiteman reported that only 5% of the recommended monographs were available on a major database.⁸⁰ An academic law librarian responded to the questionnaire with a similar finding stating: “the vast majority of monographic scholarly work for our primary clientele is still published in print.”

CONCLUSION

There was a lot to process in this undertaking, and I was able to learn a lot about the state of reference and collections in law libraries today. Between my experience in law libraries, the rich literature available, and the qualitative responses to my questions, I was able to discover the obstacles facing librarians today and the trends that many law libraries share. It is apparent that many library users are comfortable with the use of electronic resources, but there are users that need assistance on the effective use of these resources. Notwithstanding such comfort, it remains important for law students to retain familiarity with print materials or other uncommonly used electronic resources because they may not have the access to such resources when they graduate.

A limitation to the results of this research is that many of those that responded serve primary users that are by and large comfortable with electronic research. I suggest to a continuing researcher in this field to attempt to gather additional qualitative discussion by crafting questions that are geared towards law libraries that more commonly serves users with lower technological abilities, perhaps combined with some form of quantitative analysis of the tools or resources librarians have for assisting such users. A great example of this type of research was conducted by Lawson when he investigated the research practices of solo and small firm attorneys in a local jurisdiction.⁸¹ A further study could seek to gather responses from county and state law libraries that have many primary users that remain on the wrong side of the digital divide.

⁸⁰ Whiteman, *supra* note 14, at 30.

⁸¹ Lawson, *supra* note 33.

APPENDIX I

Thank you for taking the time to answer the questions below. Only answer as many questions as your time allows. For any of the questions, if you have an anecdote to share, I would love to hear it.

For some background, I am a University of Washington MLIS law librarianship student writing about how law libraries are adjusting their reference assistance and collections due to an increase in the use of electronic resources alongside a decrease in their print collections. To do this, I am looking at the successes and failures law librarians have come across when assisting users with electronic resources. Also, I am looking at the adjustments librarians have had to make in order to instruct users on the use of electronic resources and whether users have been able to keep up with the transition. Lastly, I am exploring how the usage of print collections has changed during this transition, and which items remain integral to a print collection.

Research and Instruction

- 1) What tools do you use to assist users that are conducting electronic legal research, e.g. research guides or a one-on-one walkthrough? Please describe the effectiveness (or ineffectiveness) of any of the tools you use.
- 2) What proportion of your time providing reference has moved from instructing users on the use of print resources to instructing users on the use of electronic resources?
- 3) What adjustments do you make when providing reference assistance to users with lower technological abilities? For example, do you turn to the print collection or a tutorial?

Collection

- 4) In what important ways does your print collection still serve your user? What materials must be maintained in print to serve your users' needs?

Please submit your responses by Monday, March 2nd to email. Should you decide to include any self-identifying information, I will get back to confirm with you before I include any such information in my paper. If you have any questions, do not hesitate to contact me.

Name
Law Librarianship Intern
University of Washington, M.G. Gallagher Law Library
Seattle, WA
Phone & Email

APPENDIX II

From: Name
To: Members Open Forum
Posted: Feb 23, 2015 12:29 PM
Subject: Questionnaire for research paper
Attachment(s): Questionnaire

Message:

Hello,

I am a law librarianship student (MLIS) writing about the direction of reference assistance, as well as collection development, given the continuing trend toward electronic resources. I am interested in all perspectives, so any responses are much appreciated. Attached to this message is a questionnaire with four questions. Feel free to answer only as many questions as your time allows.

There are further instructions on the questionnaire, but feel free to contact me (email) with any questions.

Thank you,

Name
Law Librarianship Intern
University of Washington
M.G. Gallagher Law Library
Seattle WA
Phone
Email
