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## Service Within and Beyond Our Walls

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## Service Within and Beyond Our Walls\*

Mary Whisner\*\*

*With the growth of the Internet, the typical patron base that reference librarians serve has increased to a much wider group of people who use various electronic means of communication to seek assistance. Ms. Whisner examines how technology has expanded these service borders and discusses the ramifications for the modern reference librarian.*

¶1 Who are the people we serve? It varies. It can be the person in front of you, the collection of students in your school or attorneys in your firm, or even a much larger group. Time, money, resources, technology, conflicts of interest, and confidentiality can all play roles in defining the scope of service—or answering the question “Who’s my patron?”<sup>1</sup>

¶2 In my library (as is no doubt typical), our definitions of patron groups mesh with our mission. Our primary purpose is to serve the curricular and research needs of the law school we are a part of, so our primary patrons are the faculty, students, and staff of the school. We also serve our university and the public, so our secondary patrons are faculty, students, and staff of the university; legal professionals; students from neighboring schools; and anyone else who chooses to come in. We provide a higher level of service to our primary patrons, and within the primary patrons, we provide a higher level of service to faculty and staff than to law students. For example, reference librarians do research projects for faculty but teach law students how to conduct research themselves. We help public patrons find and use appropriate resources, but we do not offer them all the services we give law students. I imagine that most libraries have some service groupings like these. A court library probably will do much more for judges than it will for visiting attorneys. A law firm library might do more for the firm’s partners than its paralegals (and nothing at all for a member of the public).

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1. Even when I was in library school, thirty years ago, there was talk about changing labels. “Patron” may sound snooty if you think of “opera patrons” or “patrons of the arts.” But not everyone who uses a library is a “reader” or a “borrower”; “customer” sounds too commercial, “client” doesn’t fit our relationship. Maybe “user” sounds better now than it did a few decades ago when people thought first of drug users—now at least we’re used to computer users, user interfaces, and the like—but I’m still not sold on it. I still use “patron,” even though I am not altogether happy with the term. How many people who use our libraries think of themselves as “patrons”?

¶3 This framework was developed when most library services depended on researchers coming to the building. We did serve some people over the telephone, sometimes taking orders for copies to be delivered by mail or fax, but the physical library was central in our sense of service. Technology has shaken up the expectation that researchers come to the library, but service categories have largely persisted. Our law students do not have to come here to have access to the full range of premium databases that we subscribe to for their benefit. On the other hand, we explain to local attorneys and members of the public who ask whether they can use databases from home that our licenses will not permit that. (Maybe Checkpoint or Hein would negotiate licenses that would allow any of our secondary patrons to search from their homes and offices—but they would probably charge a lot more than we would choose to spend for these secondary patrons.)

¶4 It used to be rare to provide much service beyond the building. Back around 1989, one of our professors who was on sabbatical in Germany filled an aérogramme with reference questions and sent it to us. I photocopied a few pages from the *Statistical Abstract of the United States* and mailed him a response. The exchange—Germany to Seattle and back—probably took at least a week. That seems quaint now, as we routinely correspond via e-mail with our far-flung faculty (and sometimes students).

¶5 Because of technology, we now get some questions from very distant patrons. Maybe they have found our library's website through a Google search and saw our "Ask Us!" link. Maybe they haven't even thought about where we are (besides "on the web"). But because we don't have all the time in the world, we've decided to give priority to questions from Washington State or about Washington State law. Sure, I could probably fish around and find something about Kentucky or California law, but I would rather refer them to a law library in their state. Years ago, those distant researchers would never have come to our library. They probably would not even have telephoned because long-distance calls were expensive.

¶6 We are seeing fewer members of the public than we used to, probably because they can find much more of what they need online. But some patrons who don't come to us physically do ask questions on our web form, and so we give them leads to useful websites. This shift in access, from print to online, benefits patrons who are far away. The statutes and regulations are equally available to someone in a small town two hundred miles from here as they are to the person down the street. Yet there is still a big advantage to being close to a physical law library because the free sites on the web don't provide everything researchers need. In some of our online answers, we explain the advantages of using an annotated code, a treatise, or practice materials, and encourage patrons to visit a law library. Our largest counties have county law libraries with good collections and services, but people in many rural areas do not have easy access, so geography does still matter.

¶7 So far, I have been talking about reference interactions that are initiated by the patron, someone coming in, calling, or writing with a question that we librarians respond to. Now let's turn to services that are not sparked by individual questions from patrons: providing guides and resources and sending current awareness alerts.

¶8 Once, our research guides were typed and photocopied.<sup>2</sup> Users needed to pick them up in the library—but that was not a big deal since the guides referred only to print material that would be used in the library. As we built our website, our guides became available not only to people in the library but also to anyone online. We could still create them with our primary patrons in mind, but we might also consider that others would use them.

¶9 Some of our projects have been aimed at a larger audience from the start. For example, our site with material on the history of the Washington State Constitution<sup>3</sup> was inspired by a professor's vision that a lawyer in Omak should be able to brief constitutional arguments even without visiting Seattle, Olympia, or Spokane.<sup>4</sup> Our law students can use all the PDFs we've posted—but they could have read the books in the library too, so the site is especially useful to distant researchers.

¶10 After the 2016 election, two of our professors created a new course for winter 2017, Executive Power and Its Limits. It filled up and developed a waiting list almost as soon as it was announced. And there was strong interest from outside the law school. People from other university departments and the outside community asked whether they could sit in or get a copy of the readings. There was not room to accommodate auditors, but the professors asked the library to create a website that would give outsiders access to their readings and other materials. I threw myself into the project, creating a LibGuide on presidential power (<http://guides.lib.uw.edu/law/prespower>). Copying the reading assignments from their class website was straightforward, although once in a while I added a citation or used a free online source instead of the document the faculty posted. I also added content: links to research guides, a list of books on presidential power, links to relevant videos, and so on. When *Washington v. Trump*<sup>5</sup> heated up, I uploaded copies of pleadings and briefs. I created a page with links to resources on topics that weren't explicitly addressed in the class because readers might want to see something about the Emoluments Clause or the Dakota Access Pipeline. It would be an overwhelming task to track everything, but I offered some basics.

¶11 This project serves many constituencies. It serves the two professors who requested it because it gives them an easy way to respond to e-mail messages asking them for their readings. It could serve the students in the class if they want to look at the supplemental resources. (Frankly, I expect that most of them have enough reading to do as it is.) It also serves the students who aren't in the class but want to look beyond the headlines. It serves other faculty who are interested in these issues.

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2. When our budget was especially tight, we laminated them so that patrons could copy the guides themselves, on their own dime. The people who once might have picked up one of every guide from the rack thought harder about which ones they really needed.

3. *Washington State Constitution: History*, GALLAGHER LAW LIBRARY (updated Jan. 24, 2017), <https://lib.law.washington.edu/content/guides/waconst> [<https://perma.cc/7PA5-2RHW>]; see Mary Whisner, *Fifty More Constitutions*, 104 LAW LIBR. J. 331, 338–39, 2012 LAW LIBR. J. 24, ¶¶ 14–15.

4. The city of Omak has a population of 4835. CITY OF OMAK, <http://www.omakcity.com/> [<https://perma.cc/V5E6-PCR8>]. It is 141.4 miles from Seattle, 110.7 miles from Spokane, and 183 miles from Olympia. Distances found by searching Wolfram|Alpha (<https://www.wolframalpha.com/>).

5. See *Washington v. Trump*, 855 F.3d 984 (9th Cir. 2017) (declining to stay temporary restraining order); *Washington v. Trump*, No. C17-0141JLR, 2017 WL 462040 (W.D. Wash. Feb. 3, 2017) (TRO). There have been a dizzying number of amicus briefs and other filings. By the time this is published, I imagine there will be more—as well as more court orders and decisions.

(Some are more than merely “interested” and have assisted with briefs, commented to the press, or spoken to groups.) And it serves all the people outside the law school who want to learn more about the scope of executive power. I have enjoyed working on it, and it has given me a good reason to follow news that I would want to follow anyway.<sup>6</sup>

¶12 My library took the lead on current awareness service decades before I joined the staff. The *Current Index to Legal Periodicals* (CILP) began in the 1930s as a service for only the school’s own faculty, indexing articles from selected law journals before the *Index to Legal Periodicals* supplements were published. In the 1940s, it moved outside the school’s walls. Many law libraries wanted to tell their faculty about the same articles in the same journals, so it made sense for them to subscribe to our index rather than creating something similar from scratch. Over the years, CILP has responded to technological changes by adding online subscriptions, a tailored alert (*SmartCILP*), and access via Westlaw and HeinOnline. We still are serving our own faculty—but also many other researchers around the country (and some in other countries as well!).

¶13 Current awareness does not have to be as comprehensive as CILP (all the substantive articles in hundreds of journals). It can be general or specific, aimed at many people or one. Again, reminiscing about the pre-Internet period, I think about the articles we used to clip from the *New York Times* and the *Wall Street Journal* to post on a bulletin board near the reference office. We weren’t thinking about any particular person who would want to know about Michael Milken’s securities fraud case,<sup>7</sup> the Iran-Contra scandal,<sup>8</sup> or news related to law practice<sup>9</sup>—we just figured *someone* might be interested enough to pause at the bulletin board as they walked from the elevator to the computer room, the reference stacks, or the restrooms. This scattershot information sharing has been totally transformed by technology. When we want to share an interesting news item or resource, we can tweet out a link or write a blog post. The audience—potential and actual—has changed dramatically as well. Nobody has to visit the library to see an item, and those who do visit the library might not see an item unless they look at our homepage and see the most recent blog post. Someone who sees a blog post or tweet could as easily be around the world as a current member of our law school community.

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6. I even made my public radio debut because of the guide. See (or hear) Paula Wissel, *Questions About Presidential Powers? This UW Law School Website Has Answers*, KNKX (Feb. 1, 2017), <http://knkx.org/post/questions-about-presidential-powers-uw-law-school-website-has-answers> [https://perma.cc/4PJX-PG7E].

7. Michael Milken, famous for “junk bonds,” pleaded guilty to six counts of securities and tax violations in April 1990. Kurt Eichenwald, *Milken Defends “Junk Bonds” as He Enters His Guilty Plea*, N.Y. TIMES, Apr. 25, 1990, at A1.

8. If you were not following the news then, I can assure you there were a good many articles to choose from when we had our scissors and thumb tacks out. Searching the *New York Times* in Lexis Advance for **iran-contra and length(>700) and date(<1994)**, I found 2461 articles (search performed Mar. 2, 2017).

9. See, e.g., James Bennet, *Thieving Lawyers Draining Client Security Funds*, N.Y. TIMES, Dec. 27, 1991, at B16; Elizabeth M. Fowler, *Careers: Difficulties for Women Lawyers*, N.Y. TIMES, Jan. 24, 1989, at D18; David Margolick, *At the Bar: How Three Missing Zeros Brought Red Faces and Cost Millions of Dollars*, N.Y. TIMES, Oct. 4, 1991, at B16; Jacques Steinberg, *Lawyers Now Learning Basics of Business*, N.Y. TIMES, Nov. 14, 1991, at D1.

¶14 At the other end of the spectrum, we often send notes to professors (or others) who we are pretty sure will be interested. For example, I sent a professor a link about immigrants and entrepreneurship a few weeks after she asked for information about immigrants getting business licenses.<sup>10</sup> Someone else had already answered her question, and I didn't know what project she was working on, but when I came across the site, it seemed likely that she'd be interested. (She was.)

¶15 In between the scattershot ("Hey, anybody, here's something I thought was interesting.") and the very specific (one item likely relevant to one person working on one project), I find occasion for sending notes to handfuls of people. Our criminal law faculty might be interested in this news item about the death penalty in Alabama,<sup>11</sup> our IP faculty might be interested in this item about Trump trademarks in China,<sup>12</sup> and so on. Several years ago, I created some group e-mail lists in my personal Outlook so I didn't have to think so hard to remember who taught professional responsibility, who taught criminal law and criminal procedure, and so on. That made it easier for me, but it didn't help my fellow reference librarians, who didn't have my Outlook address book. It didn't even help me when I was sending a message from my iPad or from the reference office e-mail account. So in the last year, I have set up a number of listservs. It's a simple matter to send a story about Zika to GallagherFYI-HealthLaw or a resource about climate change initiatives to GallagherFYI-EnvirLaw. Having the "FYI" items come from listservs also helps recipients triage their e-mail: they can see right away that a message is just for their information and they can delete it, shove it in a folder, or read it, as they choose. The listservs also help expand the people served by these current-awareness messages. Students, staff, and even people outside the law school can subscribe to the lists, and it is no harder for us to send them alerts than to send to the few faculty members we might have thought to include. I am pleased that some local attorneys, especially from public interest organizations, subscribe to our social justice list. I like sharing information, of course, but it is also a good, easy way for us to serve the community.<sup>13</sup>

¶16 As technology changes, researchers have changed how they use libraries, from physically coming in to remotely asking questions and using guides and databases. In an effort to match them, we have changed how we provide services. We could still photocopy guides and post newspaper articles with thumbtacks, but we don't. The users' habits and ours influence one another. Our showing classes our online guides encourages the students to use them, while students' preference for online resources leads us to try to reach them online. The core activities on both sides remain the same: researchers need to find information and we librarians want to help them. During my career, though, I've seen both sides changing techniques. I'm not much of a seer, but I expect that the changes will continue. Yet I think that the core activities will remain the same, too: researchers will still need to find information and we librarians will continue to help them.

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10. *Immigrant Entrepreneurship*, EWING MARION KAUFFMAN FOUND., <http://www.kauffman.org/key-issues/immigrant-entrepreneurs> [<https://perma.cc/Z7WU-223L>]. I had seen a link to this page in an e-mail alert from Kauffman dated Oct. 6, 2016.

11. Gigi Douban, *Alabama Lawmakers Move to Abolish Judicial Override*, NPR (Mar. 2, 2017), <http://www.npr.org/2017/03/02/518197090/alabama-lawmakers-move-to-abolish-judicial-override>.

12. Simon Denyer, *Chinese Rush to Trademark "Ivanka"*, WASH. POST, Mar. 9, 2017, at A10.

13. For more on Gallagher FYI lists, see <http://guides.lib.uw.edu/law/staying-current/GallagherFYI>, a page within our *Staying Current* guide. *Staying Current*, GALLAGHER LAW LIBRARY, <http://guides.lib.uw.edu/law/staying-current> (last visited Mar. 19, 2017).