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DESIGNING FEEDS TO MEET USERS' NEEDS: RSS AND THE ACADEMIC LAW LIBRARY

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I. INTRODUCTION

Current awareness is a classic "with all its imperfections we can't live without it."[1] In the last decade, the volume of electronic information available has simply exploded.[2] The development of topical alerts, table of contents subscriptions, and other online current awareness services initially presented an attractive answer to the problem of staying current, offering timely access to quality information.[3] Unfortunately, many first-generation online current awareness services were cumbersome and unwieldy, often resulting in information overload and user frustration.[4] Users today want just enough, nothing more, nothing less.[5]

RSS feeds have the potential to improve upon past electronic current awareness services by offering users the power to choose and select content based on their needs.[6] Although RSS has gained widespread popularity amongst technology and information professionals, few academic libraries have jumped on the bandwagon.[7] Some are possibly still recovering from the effects of first-generation services, as they say...once bitten, twice shy. Others note that few of their users have heard of RSS technology, and none have installed aggregators needed to utilize it.[8] Finally, although feeds may work very well in specific subject areas, it may not be practical for colleges and universities with users with diverse interests.[9]

By examining the changing needs of the legal community and the available current awareness tools, this article seeks to illustrate the ways that an academic law library might use RSS to better serve its users. Part II considers the

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[1] Ulla de Stricker, *"Keep Me Posted ... But Not Too Much": Challenges and Opportunities for STM Current Awareness Providers*, SEARCHER, Jan. 2002, at 52, 52.

[2] UNIVERSITY OF CALIFORNIA, BERKELEY, SCHOOL OF INFORMATION MANAGEMENT AND SYSTEMS, HOW MUCH INFORMATION? 1-2 (Oct. 27, 2003), http://www2.sims.berkeley.edu/research/projects/how-much-info-2003/printable_report.pdf

[3] Robin Good, *The Future of RSS – Is E-mail Publishing Dead? RSS-based Information and News Feeds: Pros and Cons for Content Distribution Through RSS*, LLRX, Sept. 29, 2003, http://www.llrx.com/features/rss.htm.

[4] de Stricker, *supra* note 1, at 52.

[5] *Id.* at 57.

[6] Ryan Singel, *Aggregators Attack Info Overload*, WIRED NEWS, Aug. 18, 2003, http://www.wired.com/techbiz/it/news/2003/08/60053.

[7] Dorothy Barr, *Staying Alert: The Wide New World of Current Awareness Services*, C. & RESEARCH LIBR. NEWS, Jan. 2006, at 14, 16, *available at* http://escholarship.umassmed.edu/cgi/viewcontent.cgi?article=1005&context=lib_articles; Gillian Byrne, *RSS and libraries: Fad or the future?*, FELICITER, 2005, no. 2, at 62, 62-63.

[8] Kevin Broun, *New dog, old trick: Alerts for RSS feeds*, LIBR. J., July 2004, at 18, 18, *available at* http://www.libraryjournal.com/article/ca435260.html.

[9] *Id.*

changing role of academic law libraries in providing current awareness. Part III explores the role of RSS feeds for the information professional, assessing the benefits and potential drawbacks of this new technology. Part IV proposes that effective use of RSS feeds in an academic law library must be based on an understanding of user needs, expectations, and capabilities. This paper concludes that law libraries should concentrate not only on providing current awareness sources that users are familiar with, but also introducing new technology such as RSS feeds that will play an increasing role in changing the standard of current awareness.

II. ACADEMIC LAW LIBRARIES AS CURRENT AWARENESS PROVIDERS

The goal of current awareness in libraries is simple enough: provide a variety of tools to keep users informed of the latest news and developments in their fields. For academic law libraries, this typically meant subscribing to looseleaf services, legal newsletters, journal indexes, or any combination thereof. New legal publications arrived every few weeks and were promptly flagged and routed to staff and faculty for reading at their leisure.[10] Non-faculty users (e.g. students or public users) were not included in the flagging and routing process but often had access to these current awareness resources within the library.[11]

In the last decade many current awareness providers began to introduce electronic alert services, taking advantage of the speed and convenience of the Internet.[12] Unfortunately, the sheer volume and often imprecise results of these newer, faster, better electronic services often ended up overwhelming users.[13] The advent of the Web has inexorably changed the way that librarians perform their jobs and the methods they use to keep current.[14] Librarians need to be able to help our users choose and use the current awareness tools that will be most useful for them, and if we are not comfortable with technologies, we cannot help our users choose them effectively. This section evaluates how print and electronic current awareness tools have evolved over the years and how the role of the academic law library must now change to accommodate these developments.

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[10] Barr, *supra* note 7, at 14.

[11] Juris Dilevko & Elizabeth Dolan, *Reference Work and the Value of Reading Newspapers: An Unobtrusive Study of Telephone Reference Service*, 39 REF. & USER SERVICES Q. 71 (1999). For example, articles that are not explicitly legal may still be of interest to doing general research or students fishing for paper topics.

[12] *Id.* at 14-15.

[13] de Stricker, *supra* note 1, at 52.

[14] STEVEN M. COHEN, KEEPING CURRENT: ADVANCED STRATEGIES TO MEET LIBRARIAN AND PATRON NEEDS 1 (2003).

A. A TRADITIONAL APPROACH – PRINT RESOURCES

Information professionals have utilized print current awareness tools since the first scientific publications of 17th century Europe.[15] Abstracting services and cumulative indices soon followed as a way to notify people of recent publications and provide a method of searching the existing literature.[16] In 1913, Commerce Clearing House published the first looseleaf service as a response to topical current awareness needs.[17] Today, looseleafs, trade newsletters, and journal indexes continue to thrive as current awareness tools. Many of the more well known publications come from reputable sources that have been in this business for a long period of time. This section offers a short sampling of several tried and true legal current awareness tools.

Looseleaf services and legal newsletters were once one of the most popular ways for practicioners to stay current on recent developments in rapidly changing areas of the law.[18] The editorial commentaries in looseleafs combine statutes, regulations, agency decision, and case law for one-stop legal research.[19] Some examples of subject specific looseleafs include BNA Environment Reporter, CCH Standard Federal Tax Reporter, and CCH Labor Law Reports. Like looseleaf services, legal newsletters are also excellent current awareness tools and cover a wide variety of topics. Newsletters are weekly or monthly publications that contain case abstracts, notes on pending legislation, and commentary on significant developments in the field. Legal newsletters are published on a wide variety of subjects and can range from free newsletters published by a government agency to current awareness services from commercial publishers costing several thousands of dollars.[20]

Journal articles have always been an important resource for tracking current trends and print journal indexes have typically been the method of choice for locating articles of interest. Two of the more well known journal indexes are H.W. Wilson Company's *Index to Legal Periodicals and Books* and Thomson-Gale's *Current Law Index*. These cumulative indexes retrieve backfiles of scholarly journals, some of which date back to the 1800s. The problem with both of these indexes is that they are only released on a monthly basis. To address the problem of timeliness, in 1948 the Gallagher Law Library at the University of

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[15] Barr, *supra* note 7, at 14 ("Current awareness …has always been a concern for professionals. The development of modern methods is often traced to the 17th century, with the first scholarly societies and their publications, such as the Royal Society of London.").

[16] *Id.*

[17] About CCH, http://www.cch.com/About/ (last visited May 21, 2007).

[18] Randy Diamond, *Advancing Public Interest Practitioner Research Skills in Legal Education*, 7 N.C. J. L. & TECH. 67, 84-87.

[19] *Id.* at 85.

[20] KENT C. OLSEN, LEGAL INFORMATION, HOW TO FIND IT, HOW TO USE IT 32 (1999).

Washington began producing their weekly Current Index to Legal Periodicals (CILP).[21] CILP does not keep a backfile and is for current awareness only. CILP is a weekly publication prepared by the law librarians and staff at Marion Gould Gallagher Law Library. CILP provides topical access to over 500 law reviews and legal journals.[22]

       The main drawback with print current awareness tools is simply the currency factor. The professional print industry, with even monthly or weekly publications, simply cannot keep up with the proliferation of instantaneously available information on the Internet. Of course, print publications will always have their place in the library. In some instances print media is still the only option for reading articles in lesser-known and local publications. However, the impact of the Web on our profession should not be discounted.

B. THE DIGITAL "EVOLUTION": E-MAIL ALERTS AND LISTSERVS

       The rapid surge of information and technology in the early 1990s spurred what I will call the digital "evolution" of current awareness tools, utilizing the speed and convenience of the Internet. The Internet can provide the most current information available and it is easy enough to access that information in your office, at home, or even at the local coffee shop. The digital evolution has produced a surprising number of new current awareness tools in just a few years time. In particular, the introduction of e-mail alert services offered many librarians a quick and easy way to monitor multiple resources by setting up a search to run automatically, and return the results as an e-mail alert directly to the user's inbox.[23] Listservs rose to popularity in the early nineties as an invaluable resource for staying up to date with issues not addressed by more traditional legal resources (e.g. tough reference stumpers or general hot topics in librarianship).[24] Like e-mail alerts, you simply had check your e-mail box for new messages and updates from other listserv members from around the world.

       Besides the marked increase in speed of communication, e-mail alerts were appealing to many because they were often coupled with existing current awareness publishers. For example, BNA and CCH both offer their newsletters in full text on the Web with e-mail alerts. Both H.W. Wilson's Index to Legal Periodicals and Thomson Gale's LegalTrac (electronic version of the Current Law

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[21] CILP & SmartCILP 2006-2007 Price Schedule, http://lib.law.washington.edu/cilp/pricing.html (last visited May 21, 2007).

[22] Periodicals Information, http://lib.law.washington.edu/cilp/period.html (last visited April29, 2007) (listing all publications covered as of April 9, 2007).

[23] Jason Eisman, *Using RSS to Create and Enhance Current Awareness Services*, LLRX, Nov. 22, 2006, http://www.llrx.com/features/rss.htm.

[24] COHEN, *supra* note 14, at xiii.

Index) are available online. SmartCILP is the electronic, customizable version of CILP. It allows you to select those subjects and law review table of contents in which you are interested and receive a weekly e-mail message that includes a list of the articles that match your profile. WestClip and Eclipse, offered by Westlaw and Lexis Nexis respectively, automatically track news and legal developments. You can create alerts on Lexis and Westlaw, and ask for notification of new materials that meet your search criteria. These services work by periodically running a user-specified search in a selected database and sending the results to the user via e-mail. In addition, some libraries use e-mail alerts to update users on extended library services.[25]

Listservs are another great resource for finding out what is new in any particular practice area, ask research questions, and get candid opinions about new products and services.[26] There are hundreds of listservs dedicated to every area of law and the legal profession.[27] Legal listservs have become a very important source for lawyers with similar interests to communicate and obtain answers to their questions.[28] Some consider listservs to be "so nineties"[29] but the listserv remains one of the easiest and cheapest current awareness tools available today.[30]

The most obvious benefits of using current awareness tools on the Web are currency and accessibility. With e-mail alerts, not only would you get the must current updated information, but you could also have it sent to different users at different locations. Like any new development though these first-generation tools were not without their fair share of problems. Many early e-mail and auto alert systems ended up overwhelming users with imprecise or irrelevant results repeated daily or even hourly.[31] Alert services often require multiple subscriptions and extensive customization to be effective and no one has the time to do something complicated every day in order to keep current.[32]

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[25] For example, at Rutgers Law Library, an e-mail notification is sent to faculty members alerting them that a new list of titles has been published. Current Awareness Services for Faculty, http://law-library.rutgers.edu/presentations/current_awareness_resources.pdf (last visited May 21, 2007). The Marian Gould Gallagher Law Library at the University of Washington provides a similar service compiling an e-mail list of new acquisitions and a second e-mail containing faculty research tips and suggested websites of interest.

[26] COHEN, *supra* note 14, at xiii.

[27] A comprehensive list of law-related lists can be found at www.lib.uchicago.edu/-llou/lawlists/info.html.

[28] Leslie C. Levin, *Lawyers in Cyberspace: The Impact of Legal Listservs on the Professional Development and Ethical Decisionmaking of Lawyers*, 37 ARIZ. ST. L.J. 589 (2005).

[29] Lawrence B. Solum, *Download it While It's Hot: Open Access and Legal Scholarship*, 10 LEWIS & CLARK L. REV. 841 (2006).

[30] COHEN, *supra* note 14, at 4.

[31] de Stricker, *supra* note 1, at 52.

[32] *Id.* at 57

C. The Changing Role of Academic Law Libraries

As current awareness providers, the role of the academic law library has clearly shifted in light of the digital evolution. The numerous topical current awareness materials and alerting services can easily end up inundating users with far too much information, making it impossible to find and evaluate all the potentially useful information.[33] Law librarians have gone from merely organizing and monitoring a few print sources to using technology to managing hundreds of current awareness tools. Indeed, keeping up with the ever-changing Internet has been compared to "a library where all the books are mixed together on the floor – what you're looking for may be there, but good luck finding it."[34]

Current awareness services are dynamic, and librarians need to stay abreast of new resources and technologies to properly serve our users. For "[i]f we are to be information experts, we must be as familiar with all of these [resources] as possible."[35] Librarians have long been the go-to people for satisfying information needs.[36] However, the development of the Web has resulted in a fundamental shift in the use, organization and content of academic law libraries.[37] The future of academic law libraries depends on the assumption that "[t]he skill set for librarians will continue to evolve in response to the needs and expectations of the changing populations (students and faculty) that they serve."[38] Librarians and libraries that can change to meet the new needs of users and can manage the new forms of information cost effectively will survive.[39] Those that fail to change will become little more than reminders of a time long past.[40] With that dramatic perspective in mind, it is essential that academic law

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[33] Debbi Mack, *Law Librarians: The Solution to Info-Overload*, MD. B. J., March/April 2006, at 64, 64.

[34] *Id.* at 64.

[35] Rachel Wadham, *Rich site summary (RSS)*, LIBR. MOSAICS, Jan./Feb. 2005, at 25, 25.

[36] James R. King, *The Future of the Special Library: One Person's Perspective*, 30 SERIALS REVIEW 171, 175 (2004)

[37] Michael Chiorazzi, *Books, Bytes, Bricks and Bodies: Thinking About Collection Use in Academic Law Libraries*, LEGAL REFERENCE SERVICES Q., 2002, no. 2/3, at 1, 24.

[38] In March of 2007, the Association of College and Research Libraries (ACRL) Research Committee unveiled its top ten assumptions for the future of academic libraries. Several of those assumptions are directly relevant to our discussion on the changing role of academic law libraries in response the development of the Internet. ACRL announces the Top Ten Assumptions for the future of academic libraries, http://www.ala.org/ala/pressreleases2007/march2007/acrlfl07.htm (last visited May 21, 2007).

[39] King, *supra* note 36, at 175.

[40] Chiorazzi, *supra* note 37, at 24.

libraries plan for an increasingly digital future and take a more proactive approach in supporting user research.[41]

It is quite likely that "[s]tudents and faculty will increasingly demand faster and greater access to services."[42] Failure to meet those demands may facilitate the dismal end to law librarianship as painted by Richard Jarvis. Jarvis famously predicted that "librarians will have an increasingly difficult time justifying themselves, their staffs, and their physical space to their deans and university presidents, especially now that so many academic institutions are putting so much emphasis on the bottom line."[43] Academic law libraries must support user research and current awareness objectives to remain competitive, valuable information centers. In this world of shrinking budgets and increasing cutbacks, ensuring library user satisfaction may provide that much needed edge in justifying other library services. Indeed, some academic law libraries are already embracing new ways to proactively deliver library services to users either by regular electronic newsletter or through the library website.[44]

Of course, asking law libraries to play a more active role in providing current awareness is no small order. Every day, librarians must find time to serve users at the reference desk, attend committee meetings, create legal research presentations, participate in professional development, and maintain the library collection.[45] And although current awareness services have come a long way in just a few years, information overload is still a major concern.[46] It would be nice if there was a single service that did kept you posted on everything you needed to know and nothing more but that hasn't happened yet and isn't likely to happen soon.[47] Until then, librarians should focus on using a combination of different tools and approaches to find the resources that best meet their needs. One emerging option discussed in this next section is that of RSS feeds.

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[41] Mark de Jong, *A Response to a "Modest Proposal"*, 97 LAW LIBR. J. 193, 193 (2005).

[42] *Id.*; *see also* Barbara Bintliff, *What can the Faculty Expect from the Library of the Twenty-First Century*, 96 LAW LIBR. J. 507, 509 (2004) ("Faculty members can expect more research assistance from the library. Faculty will find it important to consult and collaborate with librarians as databases and the Internet increase in content and as the print collection continues to grow."); Susan Prager, *Law Libraries and the Scholarly Mission*, 96 LAW LIBR. J. 513, 516 (2004) ("For most of us on the faculty, as the digital environment continues to become more complex, our professional library mix of strengths will become more and more important to the quality and reach of faculty research.").

[43] Robert M. Jarvis, *What Law Professors Will Want from Law Librarians in the Twenty-first Century*, 96 LAW LIBR. J. 503, 505 (2004),
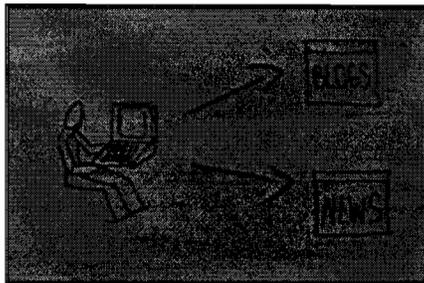
[44] Mack, *supra* note 33, at 64.

[45] Frank G. Houdek, comp., *"A Day in My Law Library Life," Circa 1997*, 89 LAW LIBR. J. 157 (1997).

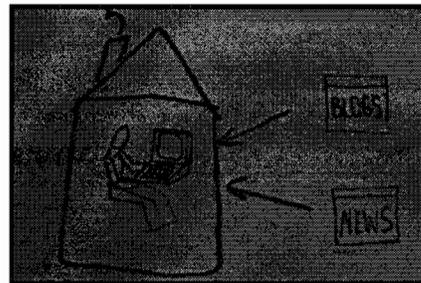[46] de Stricker, *supra* note 1, at 52.

[47] Barr, *supra* note 7, at 14.

III. RSS Feeds: The Good, The Bad, The Ugly

Many law librarians already monitor a large number of information sources, either for professional current awareness or to watch for information of interest to library users.[48] RSS feeds are simply one technological tool to get your online information in a way that is more centralized, accessible, and timely. Instead of scouring websites at random, RSS feeds send information to a central place where you go to read all your feeds at your leisure.[49] Thus, the most obvious thing that RSS feeds can do for an academic law library is to help librarians monitor electronic current awareness sites with less time wasted checking individual websites.[50] It is simply the difference between going *out* and looking for information versus having the information come *in* to you. RSS technology uses a single website that becomes your home for reading all the new stuff that is coming from your favorite websites.

Before RSS[51]

After RSS[52]

Besides functioning as a personal monitoring tool, RSS can also be used to communicate those monitored resources to wider audiences. For example, libraries can use RSS to actively publicize resources monitored by the library by publishing received feeds on the library's homepage. With new RSS creators, libraries can even go beyond using existing feeds and publish their own feeds for users to subscribe to. This section offers a brief overview of how RSS feeds operate, including an evaluation of the anticipated benefits and potential shortcomings of using RSS in academic law libraries.

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[48] Mary Whisner, *Keeping Up is Hard to Do*, 92 LAW LIBR. J. 225 (2000).

[49] Barr, *supra* note 7, at 15.

[50] Diane Murley, *Using Feeds to Serve Law Library Patrons*, THE ALL-SIS NEWSLETTER, Spring 2006, http://www.aallnet.org/sis/allsis/newsletter/25_2/RSSFeeds.htm.

[51] Video: RSS in Plain English, http://www.commoncraft.com/rss_plain_english (last visited May 21, 2007).

[52] *Id.*

A. WHAT IS RSS?

RSS stands for Really Simple Syndication.[53] While the name itself is slightly perplexing, 'syndication' simply has to do with managing the flow of online information you receive.[54] The key word here is *online* information. RSS technology can be a great time management tool for those who already surf the web on a regular basis to meet their information needs. For those individuals that derive their daily knowledge mainly from other media (print, radio, or television), RSS will have a markedly reduced effect. Still librarians should be aware of this new and innovative technology especially as the role of the academic law library has shifted in light of the digital evolution.

RSS been around since the late 1990s but has received considerable attention very recently because of the expansion of blogging.[55] Most often blogging sites offered feeds as a way of letting you know when the site has been updated, so you would only have to visit the blog when new material is added. Today, RSS technology is used for any website that gets updated frequently and the term RSS feed is simply an umbrella term for a variety of XML (Extensible Markup Language) files that contain one or more data items.[56]

With RSS technology you can choose to subscribe to information feeds from websites that you want and ignore feeds that you don't. RSS feeds offer an efficient, personalized way of monitoring websites of your choice for any new content that might be posted on those sites. When you subscribe to a feed, RSS automatically repackages any new website content into a list of data items, including a short summary and a link to the content.[57] An aggregator retrieves a list of data items, organizes the material, and displays it for the reader.[58]

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[53] STEVEN HOLZNER, SECRETS OF RSS xi (2006).Since its introduction in the early 90s, RSS has also stood for Rich Site Summary (RSS 0.91) and RDF Site Summary (RSS 0.90 and 1.0). Really Simple Syndication (RSS 2.0) is the phrase most commonly used today. A new format called Atom was offered five years ago as a replacement for RSS. Atom is quite a bit more complicated than RSS and has yet to catch on to the degree that RSS has. *Id.* at 10–12 (2006).

[54] *Id.* at 2.

[55] Eugene Barsky, *Introducing Web 2.0: RSS trends for health librarians*, J. CAN. HEALTH LIBR. ASS'N, Winter 2006, *available at* http://pubs.nrc-cnrc.gc.ca/jchla/jchla27/c06-001.pdf

[56] A working knowledge of XML is not required to merely use RSS feeds. However it can be helpful if you intend to create your own feeds. See HOLZNER, *supra* note 53, at 91–101 for an excellent primer on understanding XML.

[57] Gerry McKiernan, *Rich Site Services: Web Feeds for Extended Information and Library Services*, LLRX, Sept. 20, 2004, http://www.llrx.com/features/richsite.htm.

[58] COHEN, *supra* note 14, at 73.

1. TYPES OF FEEDS

The first step in learning about RSS feeds is recognizing sites that have RSS capabilities. Websites often indicate the availability of RSS feeds by an orange or blue icon button ("RSS" or "XML" for example), or by a hot linked word (e.g., 'Syndicate') or phrase (e.g., 'Syndicate This Page').[59] Feeds exist for just about every aspect of law and the legal profession, from professional to personal, commercial to recreational. More importantly for this paper, many of the existing electronic current awareness services have begun to integrate RSS technology into their resources and numerous individual websites have created RSS feeds. Initially, RSS feeds were used primarily to track legal news and blog updates, but more recent applications include feeds for new journal articles, court decisions, legislative developments, and library announcements. Today there are many thousands of RSS feeds you can subscribe to and this section provides a sampling of feeds for any academic law library.

RSS feed icon buttons[60]

Of course the most common application of RSS feeds has been to legal news sites and law related blogs. Law.com, Findlaw Legal News, and JURIST are examples of legal news sites that have feeds. Several sections of the ABA, including Environment; Energy and Resources; Law Practice Management; Litigation; and the Legal Technology Research Center, also have feeds for their news. These single source monitors are great for getting all the news articles from a single publication or database.[61] Some news feeds like West's IntraClip service

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[59] McKiernan, *supra* note 57.
[60] What Is RSS? News Syndication And Subscription Explained In Simple Words: 3' Min Video, April 26, 2007 (last visited May 21, 2007).
[61] Eisman, *supra* note 23.

allows users to save specific searches as an RSS feed. When new search results match your criteria, they automatically appear in the RSS feed.

Blogs, or Weblogs, are typically made up of short, chronologically arranged postings that run the gamut from general news and current events to personal editorials and private ramblings.[62] Law-related blogs are often referred to as blawgs.[63] Blawgs may cover single practice areas or they may cover broader topics, such as how to start a solo practice or limited liability corporation.[64] Blawgs are often maintained by lawyers who are experts in a particular area of law, but many law librarians also write and maintain their own blawgs.[65] Others are maintained by commercial vendors with a particular area of expertise.[66] There are a number of blogs by law school professors with feeds available at Law Professors Blog.[67] The website Blogwithoutalibrary.net, is a useful resource to track what libraries are doing with blogs and RSS technologies.[68]

The RSS feed "Law Journal Feeds," created by the Washington & Lee School of Law, uses RSS to monitor the tables of contents of more than 500 law journals, providing both a current list of law journal contents as well as notification whenever journals publish new articles.[69] Many other libraries and organizations are beginning to provide RSS feeds that allow subscribers to receive updates for new journal acquisitions. For example, the Legislative Reference Bureaus of Hawaii and Wisconsin provide feeds for selected recent acquisitions, news articles, and law journals table of contents.[70]

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[62] CAROLE A. LEVITT & MARK E. ROSCH, THE LAWYER'S GUIDE TO FACT FINDING ON THE INTERNET 737-39. (3d ed. 2006).

[63] Los Angeles intellectual property and appellate lawyer Denise Howell is generally credited with coining the term on her blawg "Bag & Baggage" at http://bgbg.blogspot.com.

[64] One caveat with using blawgs as current awareness tools is the expertise factor. Blogs and blawgs, like any website, can be run with anyone with Internet access. Anyone might purport to be an expert in a particular field of study so it is always prudent to find out a little background information on the writer. COHEN, *supra* note 14, at 62.

[65] *See, e.g.*, Law Librarian Blog, http://lawprofessors.typepad.com/law_librarian_blog/ (last visited May 21, 2007); Mary Whisner, Trial Ad Notes, http://trialadnotes.blogspot.com/ (last visited May 21, 2007) (a law librarian maintained blog presenting "news items and resources relating to trial advocacy, with a focus on Washington State").

[66] *See, e.g.*, Tom Mighell, Inter-Alia, http://www.inter-alia.net (last visited May 21, 2007); Ernest Svenson, Ernie the Attorney, http://www.ernietheattorney.net (last visited May 21, 2007).

[67] Law Professor Blogs: Resources, News & Information for Law School Professors, http://www.lawprofessorblogs.com/ (last visited May 21, 2007).

[68] Blogwithoutalibrary.net, http://www.blogwithoutalibrary.net/ (last visited May 21, 2007). This site listed 245 libraries producing Weblogs in April 2005. So, Just How Many Libraries are Blogging Anyway?, http://www.blogwithoutalibrary.net/?m=200504 (Apr. 12, 2005).

[69] Law Journal Feeds, http://law.wlu.edu/library/feeds/ (last visited May 21, 2007).

[70] Legislative Reference Bureau (Hawaii), http://www.hawaii.gov/lrb/reports/libdocs.html (last visited May 21, 2007); Legislative Reference Bureau (Wisconsin), http://www.legis.state.wi.us/lrb/rss/ (last visited May 21, 2007).

RSS feeds can also be used to track Supreme Court decisions and important legislative developments. Cornell's Legal Information Institute has circulated Supreme Court opinions by e-mail from years through its LiiBulletin.[71] Less well known are the LII's RSS feeds for the Court's decisions. It has two: one for Supreme Court decisions issued today, and another, longer listing of the Court's recent decisions.[72] Gov Track from FirstGov, tracks the status of federal legislation, the speeches of the representatives on the House and Senate floors, voting records, campaign contribution summaries and more.[73] Gov Track's RSS feed contains news and announcements, product recalls, proposed regulations, reports, statistics, and other information.[74] Another legislative tracking website, OpenCongress.org (currently in beta testing) "brings together official government information with news and blog coverage to give you the real story behind what's happening in Congress."[75] The site aggregates bills and proposed legislation, representatives and how they vote, and political buzz and delivers the content via RSS.[76]

Some libraries are also beginning to recognize the value of feeds for extending conventional library news and services.[77] WebPAC Pro, an online public access platform available with the 2006 Millennium release, makes it even easier for libraries using the Innovative system to offer RSS feeds.[78] WebPAC Pro takes advantage of advanced RSS tools that make the library a publisher and increase patron convenience.[79] The Feed Builder tool allows libraries to send RSS feeds based on any Boolean query of the Millennium database. Libraries can create a feed for any saved or review query of the Millenium catalog records. Queries can be tailored specifically for "new books at the ABC law library" or

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[71] Legal Information Institution, liibulletin, http://www.law.cornell.edu/bulletin/ (last visited May 21, 2007).

[72] Decisions of the US Supreme Court for Today, feed://www.law.cornell.edu/supct/rss/supct_today.rss (last visited May 21, 2007); Recent Decisions of the US Supreme Court, feed://www.law.cornell.edu/supct/rss/supct_recent.rss (last visited May 21, 2007).

[73] GovTrack.us, http://www.govtrack.us/ (last visited May 21, 2007).

[74] Monitor Congress with GovTrack, http://www.govtrack.us/users/aboutmonitors.xpd (last visited May 21, 2007) (allowing users to select RSS or Atom to "monitor" persons, bills, subject terms, or committees).

[75] About Open Congress, http://www.opencongress.org/about (last visited May 21, 2007).

[76] OpenCongress (beta), http://www.opencongress.org/ (last visited May 21, 2007).

[77] McKiernan, *supra* note 57.

[78] WebPAC Pro was offered as an option to all Millennium customers free of charge as part of the 2006 Millennium Release. Press Release, Innovative to Launch WebPAC Pro, http://www.iii.com/news/pr_template.php?id=268 (last visited May 21, 2006).

[79] *Id.*

"local authors."[80] In addition, the My Record Feeds tool allows libraries to create personalized feeds of patron record information (e.g. holds placed or available items), in real time.[81] Yale Law School's Lillian Goldman Library currently utilizes both RSS tools.[82]

B. USING FEEDS

There are many ways you can use RSS feeds but three of the most common are aggregation, republication, and creation. The simplest way is to use an individual RSS aggregator to read all of your RSS feeds in one place. Aggregators, also known as Readers, are programs or software applications that aggregate all your RSS feeds in one place.[83] There are a number of aggregators out there, but the basic function of any reader is simply to check RSS-enabled websites for the user, and display any updated articles that it finds. [84]

A second way to use RSS is known as republication. In republication, an intermediary takes the additional step of taking existing RSS feeds and repurposing them for broader distribution.[85] Republication is a great a way to make aggregated RSS feeds available to people who don't usually read RSS. With republication, you have the added capability of disseminating that content via a blog, intranet, or other website.

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[80] Dinah Sanders, WebPAC Pro: WebPAC Development Update, Presentation at the Twelfth Annual Northwest Innovative Users Group Conference, University of Portland (Oct. 18, 2006) (slides on file with author).

[81] *Id.*

[82] A recent article recounts Yale's ability to implement Millennium's various RSS capabilities to alert patrons to new library information:

> At the Lillian Goldman Library at Yale University Law School, patrons can subscribe to RSS feeds of recent additions to the catalog. The Feed Builder product allows the automatic publication of RSS feeds from Millennium to the online catalog, Web portals like Yahoo, or feed readers. The Library is also using the My Record Feeds feature to alert patrons of time-sensitive events in RSS format. For example, if a book that was requested reaches the hold shelf, an alert is automatically displayed in their feed reader. If that book is due the next day, they'll get the same kind of alert. This gives libraries another way to quickly provide one-on-one notices to patrons. With My Record Feeds, patron-specific alerts such as "materials ready to pick up" can be displayed in feed readers such as Google Reader.

Libraries Implement Innovative RSS Capabilities, INN-Touch (INN-Touch is a newsletter for and about Innovative Interfaces customers), September 2006, http://www.iii.com/pdf/documents/it_2006_09_004.pdf.

[83] Eisman, *supra* note 23.

[84] McKiernan, *supra* note 57.

[85] Eisman, *supra* note 23.

In addition to the two methods posed above, webmasters can also create their own RSS feeds with RSS editors and automatic RSS-creation tools or by writing actual XML from scratch. Working to create RSS directly gives you the power of publishing specifically tailored feeds. All you have to do is enter the data for your new feed and you're set. Once you've published your new feed, subscribers can read it in any RSS reader.

1. AGGREGATION

RSS feeds allow websites to automatically deliver information directly to an individual homepage on a continual basis. Unlike newsletters and other traditional online update services, RSS feeds are not delivered via e-mail. Instead, to receive and read RSS feeds, users need to use specialized tools called "aggregators." These aggregators translate the XML programming language in which the feeds are created to a list of headlines and abstracts for you to read. An RSS aggregator is your primary RSS tool to gather data from various RSS feeds.

There are a number of aggregators out there; some aggregators are free, others require a subscription or a purchase license.[86] Some aggregators work off your desktop while others are online.[87] When deciding on an aggregator, it is important to consider price, ease of use, availability of tech support, newspaper format, software or browser versions, and organization of feeds. This section is not meant to be a comprehensive overview of the many aggregators currently available, there are already a number of published articles that review and compare RSS aggregators to aid you in your selection.[88]

At the most basic level, an aggregator should allow you to easily create and manage folders, subscribe to feeds, and unsubscribe from feeds. Depending on the particular reader, users can subscribe to a Web feed in a variety of ways: by double-clicking the RSS feed icon, or by clicking the icon and copying the Web address (URL) from the displayed site and pasting the address into the reader.[89] The RSS feeds you've subscribed to appear in a window in your aggregator and your aggregator automatically fetches new items periodically. New items are displayed with a title or headline and a short description. If the

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[86] LEVITT & ROSCH, *supra* note 62, at 748–53.

[87] Online readers are generally preferred over the ones you run on your computer since most online aggregators are free and often easier to use. HOLZNER, *supra* note 53, at 36.

[88] *See, e.g.*, Bob Stepano, *News on Demand: Tired of browsing around the Web for timely information? RSS readers deliver exactly the news you need–fast*, PC WORLD, July 2004, *available at* http://www.pcworld.com/article/id,116018-page,1/article.html (providing a general synopsis of aggregator usage and links to an analysis of 18 RSS readers and a detailed features comparison chart for five of the best readers.).

[89] McKiernan, *supra* note 57.

item piques your interest, all you have to do is click on the provided link to access the full text.

2. REPUBLICATION

Republication involves the additional step of taking aggregated RSS feeds and repurposing them for display on a website.[90] When readers click on a republished link for an item, they are redirected to the site associated with that RSS item. In this way, RSS feeds can be used to compile content onto a library blog or homepage displaying details of new cases, legislation, practitioners' texts, websites, and other items of legal information.[91] Because it does not require end users to have RSS aggregators, republishing RSS feeds through a website is a great way to get information out to your users that are unfamiliar with using RSS themselves.

It's easy enough to take RSS feeds and convert them into new websites or incorporate them into existing websites. The first step is converting your feed into a web programming language (e.g. JavaScript or HTML). Online services such as RSS-xpress Lite and RSS-to-JavaScript create JavaScript you can embed in a website.[92] Other services like RSSlib, RSS2HTML, and Magpie use software loaded onto your Web server to convert your RSS feeds directly to HTML pages.[93] Republication can also be used to display feeds in only a section of a website by utilizing applets. Applets, such as the RSS ViewerApplet, are chunks of Java-powered code that work in browsers to display the RSS feed items.[94] In each of the three processes, you'll be handing the RSS feeds entirely by yourself on the backend, providing a seamless display for your site's readers.

A case study offered by a midsize law firm demonstrates one way of using republication via a firm blog.[95] First, the library staff would select relevant stories from feeds from free news services, such as Google and Yahoo News, some free journal feeds, and Westlaw's IntraClip services. A synopsis and link to each story was then posted on Blogger.[96] Republication does not necessarily require

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[90] HOLZNER, *supra* note 53, at 262.

[91] Nick Worthington, *Blogs and RSS for Project-Based Current Awareness: Proof of Concept Using Free, Web-based Services, in* THE LAW LIBRARY 2006: SKILLS, STRATEGIES & SOLUTIONS 61, 63–64 (Practising Law Institute, 2006).

[92] Other online JavaScript creators include FeedRoll, Jawfish. These online services rely on server side programming and that means you are susceptible to changes on that server.

[93] HOLZNER, *supra* note 53, at 277–78.

[94] *Id.*

[95] WORTHINGTON, *supra* note 91, at 64.

[96] Generally, the staff scanned the RSS reader once a day for pertinent articles, gathered them together, and posted them as one entry. Only the headline and accompanying synopsis was posted. Editing and reformatting was kept to a minimum. Reviewing and posting new material generally

processing and selecting. Some libraries use automated services like Feedroll which allow you to pick and choose news RSS feeds on the net and packages them together for you in one constantly updated RSS feed that displays in a section on your homepage.[97] Libraries may choose a selection of feeds or simply one for general news.[98]

3. CREATION

More and more academic law library websites are offering visitors the option of RSS feeds created by the library and distributed via the library's homepage.[99] Creating your own RSS feed offers the appeal of publishing only the most useful information to your readers. The key advantage with creating feeds is that because people must subscribe to your feed to read it, you don't have to worry that you might be pushing e-mail or browser windows on anyone.

There are numerous RSS editors that let you create RSS feeds and you can always try composing your own feed from scratch.[100] Start composing your RSS document by opening an RSS creator or writing the actual XML for that version of RSS. Give your feed a name, upload it to a website and you're done! It's that easy! Not so fast, RSS creation takes a bit of patience and preferably a working knowledge of XML. There are plenty of books designed to give you all the information you need to handle the technical aspects of RSS creation and I will not attempt to summarize them all here.[101] Once you've created your new feed, you can make it available to anyone who browses your site by uploading the XML file and displaying an RSS or XML icon.

C. THE GOOD, THE BAD AND THE UGLY

Despite the variety of existing manual and electronic filtering tools available, information professionals often still find themselves unable to keep up. With so many current awareness tools already available, why bother reading content via aggregation, especially if one has to setup and learn more tools? RSS

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took anywhere from 30 minute to an hour or more, depending on the amount of new content. WORTHINGTON, *supra* note 91, at 64.

[97] Feedroll Pro is a simple software package for publishers, allowing them to pull information from their sites and bundle into one constant stream for display on any website. Feedroll, http://www.feedroll.com/rssviewer/ (last visited May 21, 2007).

[98] *See, e.g.,* lrc orbit ... the usd research satellite, http://lrc-orbit.typepad.com/ (last visited May 21, 2007) (library blog displaying feeds from JURIST under a section titled "Legal News").

[99] RSS @ UCLA Law, http://www.law.ucla.edu/home/Rss/?subscribe=/home/News/rss.aspx (last visited May 21, 2007).

[100] HOLZNER, *supra* note 53, at 51-144.

[101] *Id.*

may not be the final answer to information overload but information professionals should at least take a closer look at the potential that RSS technology can bring to the profession.

RSS can be a great timesaver for the busy librarian. Many academic law librarians monitor electronic current awareness tools to locate useful resources for their users, periodically checking websites and sometimes subscribing to e-mail alerts.[102] Feeds make it possible for you to stay current with news items and postings from dozens or hundreds of sites without having to visit each of those sites repeatedly to find out if it has been updated. Instead of multiple e-mail alerts with no results or updates in bits and pieces, with RSS you only have to look in one place to see all the updates. By reading all the content in one place, librarians will have more time to serve users.[103] And like the distribution of e-mail alerts, most RSS readers allow you to e-mail individual items to other staff members.[104] With more and more feeds available and improvements in feed technology, RSS is proving itself to be a tool that will only get better and more useful with time.[105] Indeed, singing the praises of RSS feeds as a timesaving tool invokes images of slaying the information overload beast once and for all. But while RSS is "really simple" it is not *that* "simple." As with any tool used for currency, there are negative aspects of RSS that are important to consider.

The first and most obvious limitation with RSS is the fact that not every website has an RSS feed. Some website creators simply do not have the time or the patience to create a feed. Without an RSS feed, librarians must resort once again to e-mail alerts, or any one of the traditional monitoring services discussed in section II. Why bother with setting up and learning how to use RSS if it only applies some of the time? The answer simply is that "[t]here are always positive and negative aspects to any tool used for currency. If there were no positive traits, the tool would not be useful, and if there were no negative traits, it would be the only tool used."[106] Though feeds pose many interesting monitoring possibilities, it is important to recognize that RSS feeds alone are not the final solution.

A second drawback with RSS is that although feeds work really well for keeping up with news and general current awareness, aggregators don't discriminate. Therefore, if you can't efficiently narrow your searches, what you get displayed on your aggregator is every new update that appears on every single

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[102] Murley, *supra* note 50.

[103] COHEN, *supra* note 14, at 83.

[104] Eisman, *supra* note 23.

[105] Aggregator providers are increasing the precision of their results by including collaborative-filtering capabilities. Similar to Amazon.com's automated recommendation system, the aggregator NewsMonster has a relevance and reputation reporting system built into the pay version of the software so a user can rate an item and decide what is important to read. Singel, *supra* note 6.

[106] COHEN, *supra* note 14, at 82.

one of your chosen sites.[107] Many RSS feeds can be added with the simple click of a button so it is no surprise that the number of feeds in your aggregator can quickly add up. Aggregating information in one spot so that it is easily accessible is only an advantage if you actually have enough time to go though it all. As with any growing resource, consistent weeding of unproductive or irrelevant feeds is vital to ensuring its endurance.

Finally, since it is likely that only a small percentage of academic law library users have installed aggregators needed to utilize RSS feeds, it is likely that the library will have to play the role of middleman in republishing RSS feeds, at least for the time being. Although automated publishing software is readily available, law librarians will still have to periodically filter and maintain republished feeds in order to ensure its worth to users.[108] For colleges and universities with users with diverse interests, effectively weeding your feed results can become very labor-intensive. Republishing RSS feeds may be a great way to keep a library blog or homepage current and dynamic, and keep your users informed on the latest trends in specific subjects, but you may have to do much of the hard work yourself.

Assembling RSS feeds for a library website will undoubtedly take a significant investment in time and skill and potentially a small financial outlay, but there are other considerations too: Will your users need additional technical support to set up RSS aggregators? If you republish feeds will your server be able to handle thousands of people checking your website hourly for updates? If you create feeds will you be able to keep your technology current and know what your version of RSS can or can't do? Law libraries with limited staff or budget constraints may find this a difficult pill to swallow. For academic law libraries, the level of usability and method of dissemination will vary depending on how much effort you are willing to allocate to the RSS process.

Even with its shortcomings RSS is likely to become a common tool for users to stay current in the future, particularly with respect to keeping up with new research.[109] The world of current awareness is evolving towards increasingly pushed and user-created content on the Internet. In addition, more and more website creators are jumping on the RSS bandwagon. Many news sites already offer RSS feeds and those that do not undoubtedly have received requests to provide a feed.[110] RSS may not necessarily become the core of new web technology, but for information professionals, and those that use the Internet

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[107] COHEN, *supra* note 14, at 85.

[108] *See supra* section III.B.2.

[109] Barsky, *supra* note 55.

[110] COHEN, *supra* note 14, at 88.

primarily to retrieve, provide, and update information, RSS will be increasingly more prominent.[111]

IV. Effective RSS Feeds for the Academic Law Library

RSS feeds are simply one solution to an information problem. To get the full benefit of this new technology you must examine how this can work in your library. In responding to the question "What do Academic Law Library Users Want?" Barbara Tearle, a librarian at Bodleian Law Library, responded "All law library readers, but especially those undertaking research, must keep up to date with developments in their subject. Thus, they need current awareness tools and newspapers, law reports, legislation and journals immediately upon publication."[112] The question then is whether RSS holds the potential to make it easier to provide these services.[113] Section III of this paper outlined the highlights and lowlights of RSS feeds from the law librarian's point of view. This section considers specifically the needs of academic law library users and suggests a three-pronged approach for satisfying those needs with RSS feeds.

A. Designing Feeds to Meet User's Needs, Expectations, and Capabilities

As technology improves to allow for a seemingly infinite number of bells and whistles to be added to academic law library websites, it is important to step back and think about the ultimate purpose of the academic law library. RSS feeds offer an appealing new method for distribution of current awareness resources. However, just because something can be done technologically doesn't necessarily mean that it should be done.[114] In the last decade, technology has changed some of our practices, but the basic values and core mission of law school libraries remains much the same. Broadly speaking, this core mission is to support the research and publication of the faculty, facilitate the education of students, and respect the research needs of the legal community.[115]

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[111] Barsky, *supra* note 55.

[112] Barbara Tearle, *Information Strategies in the Academic Law Library*, 25 Law Lib. 75, 75 (1994).

[113] Eisman, *supra* note 23.

[114] See for example the debate over displaying virtual tours on library homepages. Rhonda Hankins, *Virtual Tours and Law Library Websites*, LLRX, Nov. 29, 2003, http://www.llrx.com/features/virtualtours.htm.

[115] Margaret Christiansen & Christopher Knott, *Milestones in Academic Law Libraries*, AALL Spectrum, July 2005, at 1, 13 http://www.aallnet.org/products/pub_sp0507/pub_sp0507_Milestones.pdf.

1. FACULTY

A primary mission of the academic law library is to support the teaching and publication needs of law faculty.[116] In many academic law libraries, librarians monitor current awareness services and route new resources, or descriptions of resources, to appropriate faculty members.[117] Meeting the needs of faculty is often challenging because the type of assistance that faculty seek from the law library can vary greatly. RSS feeds can meet the needs of law faculty by offering a proactive yet completely customizable tool for keeping faculty members up-to-date on topics of particular interest.

In the last decade, the increase in the number of current awareness tools has led to a corresponding interest of faculty members in receiving current awareness materials including table of contents services, legal research instructional material, and relevant internet sites.[118] Librarians should play an increasingly proactive role in continuing to experiment with and offer new ways to find this information.[119] Faculty can expect more customized information coming from the library and more information that is tailored to support an individual's specific scholarship and teaching.[120] RSS feeds fill this proactive role by "pushing" information to the user.[121] Feeds make it possible for faculty to stay current with news items and postings from dozens or hundreds of sites without having to visit each of those sites individually to find out if it has been updated.

Faculty users are unique in that we know a great deal about who they are and what they do (i.e. research interests, courses taught, technical capabilities). Libraries can use this knowledge to choose an RSS strategy that fits both the needs and capabilities of their faculty users. Libraries can use RSS to serve faculty users in two different ways: 1) assist individual faculty with setting up an RSS aggregator with subscriptions to feeds which meet their specific needs and interests, and 2) republish feeds to a general faculty webpage or blog accessed through the library's homepage.

Some faculty are very library-intensive in their research and interested in using new technological tools. They want librarians to help them find information,

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[116] John Attanasio, *The Research Librarian in the Educational Mission of the Law School*, 81 LAW LIBR. J. 143, 144 (1989).

[117] Abert Brecht, *Changes in Legal Scholarship and Their Impact on Law School Library Reference Services*, 77 LAW LIBR. J. 157, 164 (1984–85) (arguing that librarians should take the initiative and keep faculty members abreast of new information of relevance to their research by perusing new resources and routing materials to faculty).

[118] Rosemary Bunnage, *Current Awareness from the User's Perspective: A Survey of Harvard Legal Academics*, LEGAL REFERENCE SERVICES Q., 1999, no. 4, at 115, 124.

[119] Bintliff, *supra* note 42, at 510.

[120] Bintliff, *supra* note 42, at 508.

[121] *See supra* section III.

consult with them to determine its relevancy, organize it, and send it to them as they keep current on developments in their fields.[122] For these faculty members, the best way to distribute current awareness updates may be by showing faculty how to use an aggregator and helping them subscribe to RSS feeds.[123] For example, a professor who teaches Constitutional law might be interested in subscribing to feeds on decisions of U.S. Supreme Court,[124] blawgs on Constitutional law,[125] and perhaps a few Constitional law journals.[126] Using RSS, librarians can work with faculty to compile an array of information and sources adapted to their specific needs. RSS feeds offer greater customization than weekly print or e-mail newsletters.

Others faculty use reference services rarely, if ever, and would prefer not to have others engage in "bird-dogging" for them.[127] These faculty members may already feel inundated with information.[128] For these faculty, republishing feeds to a general faculty webpage on the library's website may be a better way to communicate news of interest without flooding them with information. For example, libraries with strong administrative or environmental law programs might wish to subscribe to the Administrative Law Prof Blog or Environmental Law Prof Blog for their faculty webpage.[129] Simply announcing that current awareness updates are available on a general faculty webpage eliminates the worry that you might be pushing e-mail or print routings on anyone. Faculty that visit the page can see updates and current awareness items in their field as well as other fields. Those that desire a higher level of specificity may request help setting up an individual aggregator as described in the first option. Those that choose not to visit the page will never know of or be bothered with its existence. Of course some faculty members may never be comfortable with RSS technology

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[122] Bintliff, *supra* note 42, at 507.

[123] Eisman, *supra* note 23.

[124] Recent decisions of the US Supreme Court, feed://www.law.cornell.edu/supct/rss/supct_recent.rss, (last visited May 21, 2007).

[125] American Constitution Society for Law and Policy Blog, http://www.acsblog.org/ (last visited May 21, 2007).

[126] Feeds for the Hastings Constitutional Law Quarterly, the University of Pennsylvania Journal of Constitutional Law, and Constitutional Law and Policy Review are available at Law Journal Feeds by Washington and Lee University. Law Journal Feeds, *supra* note 66.

[127] Sheri H. Lewis, *A Three-Tiered Approach to Faculty Services Librarianship in the Law School Environment*, 94 LAW LIBR. J. 89, 99 (2002).

[128] *Id.*

[129] Administrative Law Prof Blog, http://lawprofessors.typepad.com/adminlaw/ (last visited May 21, 2007); Environmental Law Prof Blog, http://lawprofessors.typepad.com/environmental_law/ (last visited May 21, 2007). A complete list of the Law Professor Blogs Network with available RSS feeds is available at http://lawprofessors.typepad.com/ (last visited May 21, 2007).

and librarians should recognize that it may be an inefficient use of resources, and perhaps even counterproductive to pursue this method for some faculty.[130]

Administrative Law Prof Blog

- **Research sites for EPA rulings**
  With adult learners, they want to know why they need to know what you are about to teach them. A...

  May 17, 2007

- **New Reg for VA Atty Certification & Fees**
  This new reg finished its 12,866 review a few days ago, and affects attorney doing Veteran's Benefits hearings, etc....

  May 17, 2007

- **In the Background of the Immigration Debate...**
  This new Labor regulation attempts to rectify the perverse incentives employers have in dealing with the labor certification requirements for...

  May 17, 2007

- **Exec Order 12,866 & 13,422**
  Executive Order 13,422, amending and updating the famous EO 12,866 covered in most Admin Law casebooks, now has a lengthy...

  May 17, 2007

- **Relentless...**
  I posted this comment about an interesting recent decision in the ongoing attempts to regulate fast food via private tort...

  May 17, 2007

Subscribe to this Feed

HEADLINES BY FEEDBURNER

Administrative Law Prof feed available from the Law Professor Blogs Network[131]

2. LAW STUDENTS

Academic law libraries must also support students in their scholarly research and education with respect to the law school curriculum. Many law libraries already offer print current awareness tools to students to aid in paper topic selection or other legal research assignments. Since the early 1990s though, law libraries have witnessed a clear increase in the use of electronic resources coupled with marked declines in the circulation of print materials.[132] With

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[130] *See* Attanasio, *supra* note 116, at 146.

[131] Law Professor Blogs Network, http://lawprofessors.typepad.com/ (last visited May 21, 2007).

[132] A 2001 report by Gary Bravy and K. Celeste Feather studied photocopying, circulation and reshelving statistics over a ten year period at the Georgetown University Law Library. From 1989-90 to 1998-99 photocopying decreased 44%, student checkout transactions decreased 19%, and the number of books reshelved decreased 53%. They make it clear that "there is no way to directly link the circulation, shelving and vending photocopying usage declines to electronic resources. Nevertheless, there are some strong indicators that the increased availability of electronic resources has been at least one of the factors contributing to these declines." Gary J. Bravy & K.

younger and younger incoming classes, we may have reached the point where law students cannot remember a time when computers were not an integral part of their academic lives.[133] As a greater percentage of research is accomplished on the computer, there should be an equally great response to students' electronic needs.

RSS feeds can be a very effective method of communicating current awareness tools to students because they offer the same "fast and flexible" characteristics of most digital products. RSS is already popular with students on many college campuses and universities[134] and the technology continues to be widely promoted on blawgs like toplawstudent.com.[135] Some libraries have already stepped up to the plate by promoting RSS feeds and how-to guides for students.[136] It is hard to say just how many law students currently use or will eventually use RSS technology. Libraries interested in providing RSS tools to students may wish to survey their users before taking this particular leap of faith.

Student users are typically a second priority for academic law libraries (behind faculty users). The individualized assistance for creating aggregators offered to law faculty may not always be justified for serving students. Instead, libraries should focus on aggregating general feeds for display on the library's homepage or on a separate page for students to read on their own. Remember that with RSS aggregators, your aggregator automatically fetches new items periodically and new items are displayed with a title or headline and a short description. This requires of course a minimum of sorting and filtering for republication but nothing like the specialized attention required for faculty users.

Some libraries have been particularly proactive in providing RSS feeds for general users. The Paul L. Boley Law Library at Lewis and Clark law school has created feeds available on their homepage for "Library Announcements," "L & C Law Podcasts," "BoleyBlogs!" and "Law in the News."[137] The library feeds contain both items created by the library and items republished from other websites. For example, the feed for Library Announcements includes general information on a new CILP release and the availability of state session laws via

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Celeste Feather, *The Impact of Electronic Access on Basic Library Services: One Academic Law Library's Experience*, 93 LAW LIBR. J. 261, 267 (2001).

[133] Ian Gallacher, *Forty-Two: The Hitchhiker's Guide to Teaching Legal Research to the Google Generation*, 39 AKRON L. REV. 151, 163-64 (2006).

[134] *See* ANH LY, *RSS feeds college students' diet for research*, USA TODAY, Aug. 1, 2005 (citing an undergraduate at the University of Pennsylvania "It saves me a lot of time and energy…I can quickly find what I'm looking for without having to go from Web site to Web site, and I get the most up-to-date information.").

[135] TopLawStudent.com, http://www.toplawstudent.com/, May 9, 2007 (last visited May 21, 2007) ("Reduce Your Time Online with an RSS Reader").

[136] RSS4lib, http://www.rss4lib.com/ (last visited May 21, 2007) (documenting the "innovative ways libraries use RSS").

[137] Paul L. Boley Law Library, http://lawlib.lclark.edu/ (last visited May 21, 2007).

Hein Online, as well as specific library announcements regarding Westlaw and Lexis training for 1Ls and available CALI lessons.[138] The Law in the News feed contains republished daily news items from JURIST and other legal news websites.[139] If an item piques the student's interest, all the student has to do is click on the provided link to access the full text. If a student likes what he sees, he can subscribe to the library's feed by clicking on the RSS icon and add the feed to his RSS aggregator.

:: NEWS AND UPDATES

Library Updates	BoleyBlogs!	Law in the News
New Current Index to Legal Periodicals (CILP) for May 4, 2007	Discover the World of Legal Wikis	Cheney Claims Presidential-Level Immunity for Anything Said to Reporters
CALI Lessons, Your 'One Stop Shop for Exam Review'	New L&C Law Scholarship: Environmental Law Review Volume 37, Number 1	:: White House Lawyer Belittles Plame Suit
Extended Library Hours for Reading Period & Final Exams, April 28 - May 11	New L&C Law Scholarship: James L. Huffman, Dean of Lewis & Clark Law School from 1993-2006	Senators, White House Strike Deal on Immigration
More Library Updates ▸		Justice Weighed Firing 1 in 4 U.S. Attorneys :: Making Law Enforcement a Political Enterprise :: Department Looked Everywhere, Found Only 2 Emails Linking Rove to Firings
L&C Law Podcasts	New L&C Law Scholarship: Remembering Our Roots	
Tim Wise: Elimination of Bias Continuing Legal Education	New L&C Law Scholarship: Tales of French Fries and Bottled Water	Abortion Opponents, ACLU Bash Move to Expand Buffers at Clinics
Toward Critical Environmental Justice Studies: Emerging Issues Speakers	New L&C Law Scholarship: The Politics of Pick	Former Deputy AG's Testimony Puts Pressure on Gonzales, President :: No Dissent on Spying, No Retraction of Testimony, Says Justice Department
2007 Environmental		:: Wiretap Tales

Paul L. Boley Law Library Website[140]

3. LEGAL COMMUNITY

   A third mission of the academic law library may be to meet the legal information needs of the legal community, those members of the bench and bar, and pro se litigants.[141] With respect to members of the legal community and

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[138] Library Updates, http://lawlib.lclark.edu/updates/index.php (last visited May 21, 2007).

[139] Law in the News, http://lawlib.lclark.edu/law_news/index.php (last visited May 21, 2007).

[140] Paul L. Boley Law Library, http://lawlib.lclark.edu/index.php (last visited May 21, 2007).

[141] Many private institutions are not required to provide access or service to the general public or members of the legal community.

lawyers, the digital revolution in current awareness has been a double-edged sword, providing easy, almost instantaneous, access to cases and legal news, but also making practicioners targets for failing to take advantage of the abundance of information.[142] Out of date material does little to satisfy the due diligence needs of a legal researcher.

In the legal community, malpractice is typically defined as a failure to exercise the degree of skill or knowledge ordinarily possessed by a comparable member of the legal profession in the same or similar circumstances.[143] For example, if the average attorney would have found and used information beneficial to your client, then the failure to do so falls below the standard of care.[144] At one time, the "average" practicioner received all of their information in hard-copy volumes. The advance sheets of the reporters took months to reach libraries. Modern technology now enables vendors to supply recent decisions and news updates faster than ever before. As early as 1984, a district court sanctioned a lawyer for failing to find and disclose adverse authority, which the court asserted, could have been done on Lexis.[145]

As more and more attorneys become technologically savvy, the standard of care will change, though it is safe to say for now that the "average" practicioner does not take full advantage of the information sources out there.[146] A 2006 survey showed that 95.5% of lawyers use the Internet to read information on news and current events.[147] However, only 3.5% of lawyers surveyed regularly used RSS feeds for following online current awareness.[148] Thus, the current standard of care most likely does not require use of these newer resources. Still, academic law libraries can play a role in ensuring this transition goes as smoothly as possible by providing timely communication of new topical reporters and court decisions. RSS feeds meet this need by making it possible for users to stay current with news items, court decisions, and postings from dozens or hundreds of legal sites immediately when those sites are updated.

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[142] Diane Karpman, *Keep Up or Face Peril*, GPSOLO, June 2003, at 20, 20.

[143] Ronald E. Mallen & Jeffrey M. Smith, LEGAL MALPRACTICE 3-4 (4th ed. 1996).

[144] *Id.* at 4.

[145] Golden Eagle Distributing Corp. v. Burroughs Corp., 801 F. 2d 1531 (9th Cir. 1986). (sanctioning a lawyer under Rule 11 for failing to use LEXIS to find and disclose an opinion adverse to his case, even though he had already attached a LEXIS copy of an older, unreported decision that supported his client).

[146] Karpman, *supra* note 142, at 23.

[147] AMERICAN BAR ASSOCIATION, 2006 AMERICAN BAR ASSOCIATION LEGAL TECHNOLOGY RESOURCE CENTER SURVEY REPORT: ONLINE RESEARCH, 45(2006).

[148] *Id.* at 48 (3.5% of lawyers said they use RSS one or more times per week, 2.5% said they used it 1-3 times a month, and 6.3% said they used it less than once a month. An overwhelming majority of lawyers (87.7%) indicted that they never used RSS feeds).

B. RSS in Your Library

No magic formula exists to help law libraries decide whether RSS would be appropriate for their library, and a decision to implement RSS depends on a number of factors, some of which are outside the library's control. The desire to introduce RSS in the hopes that it will enhance user satisfaction has to be balanced against the reality of an individual library's technical capabilities and the capabilities of their users. When both the needs of library and the diverse capabilities of users can be equally accommodated, RSS becomes an excellent option. In this last section I suggest a three-part strategy for using RSS in the academic law library.

First, librarians should focus on increasing the number of pushed current awareness tools. Push technology lets you automatically receive e-mail, news, and other updates without having to seek them out and download them manually.[149] Conversely, with pull technology, the request for transmission of information must originate with you as the receiver.[150] "It is the difference between someone saying 'I have something to tell you' versus a conversational partner asking, 'do you have anything to tell me?'"[151] RSS feeds evolved out of the concept of push technology although purists may argue that it is not in fact a true push medium.[152] With RSS, a user must first subscribe to a number of chosen feeds using an aggregator to receive information.[153] However, once an aggregator is in place, whenever new content was available on one of those feeds, the aggregator will automatically pull the information from that website and push that information out to the user.[154] Shifting our focus to push technology means that librarians should spend less time scouring the Web for every relevant website in existence and more time on simply directing the flow of information. The current awareness process should be as efficient and painless as possible. Used appropriately, RSS can be an excellent strategy for librarians to maintain currency without sacrificing your time or your sanity.

Second, librarians should carefully select their feeds and means of distribution based on the specific needs of their institution. For academic law libraries this likely means focusing on faculty first, then on projects to help

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[149] Christopher S. Yoo, *Network Neutrality and the Economics of Congestion*, 94 GEO. L.J. 1847, 1905 (2006).

[150] *Id.*

[151] *See* Wikipedia, Push Technology, http://en.wikipedia.org/wiki/Push_technology (as of Apr. 4, 2007, 22:52 GMT) (describing history and application of push technology).

[152] "Most Web feeds, such as RSS, also appear to be push media, but technically are pulled by the user. With RSS, the user's aggregator polls the server periodically for new content; the server does not send information to the client unrequested." *Id.*

[153] *See supra* section III.B.1.

[154] *Id.*

students. It is essential to consider what advantages are most important to you, and what amount of time and money you are willing to dedicate to the process. When thinking about feeds, one must also consider whether users will have the necessary software features and skills to take advantage of RSS feeds. Designing feed distribution without taking these into account can easily turn a fantastic resource into a source of delay, frustration, and confusion. As always with library service, keeping the concept of usability in the forefront is paramount.

It is very likely that your institution will require a mix-and-match approach to ensuring that your current awareness tools meet your users' diverse information needs. Libraries might consider republishing a few generally relevant feeds from legal news services, journal feeds, blawgs, or court decisions to display on a library's homepage or blog. Republication eliminates the need for users to adopt aggregators and allows them to simply click on the provided link to access the full text. For users with aggregators seeking more specialized information, librarians might work with users to compile an array of information and sources adapted to their specific needs.[155] In addition, an increasing number of libraries have also begun to create feeds to promote and extend their services with content syndication.[156] Libraries may wish to create feeds for users with aggregators to alert them of new acquisitions, library news and announcements, and other user specific information.

Third, whichever feeds are chosen and implemented, it is important to periodically weed unproductive feeds since using too many can become more of a burden than a benefit.[157] Feeds that provide little relevant information should be purged and repeated information from multiple sources should be avoided. This only makes sense give the countless demands on our time as stated above. With limited time and even more limited budgets, librarians need to balance the amount of data gathered with the time and effort expended.

V. CONCLUSION

"There is nothing new about current awareness services; what is new is the technologies."[158] As discussed in Section II, there are many different approaches to current awareness, and managing the diverse number of print and electronic tools can be overwhelming. Therefore, it is incumbent on the academic law library to play a role in selecting resources that are the most useful for users. Because more and more reference work is performed via the Internet, it only

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[155] Bintliff, *supra* note 42, at 508.

[156] McKiernan, *supra* note 57.

[157] COHEN, *supra* note 14, at 13.

[158] Roy Tennant, *Feed your head: Keeping up by using RSS*, LIBR. J., May 15, 2003, http://www.libraryjournal.com/article/CA296443.html (last visited May 21, 2007).

makes sense for reference librarians to do the best they can to keep current with Web tools and resources.[159] Since these current awareness tools are constantly changing, our challenge today is to keep up, not only with actual information but also with the evolving methods of tracking it.[160] RSS feeds are simply one potential solution to a current information problem.

As discussed in the above sections, there are many different ways that the academic law librarianship community can exploit the content of RSS, and improve their current awareness services through the aggregation and republication of RSS feeds. The addition of RSS feeds is not the final solution to current awareness services. Rather, RSS feeds represent one step on the path to better information services, one that takes advantage of the current advances in technology.[161] Adding RSS to your technological arsenal simply enhances the current awareness services you already provide and your ability to effectively manage library-wide information.

In determining the best way to provide current awareness services to its users, academic law libraries are posed with the difficult task of offering flexible solutions that will benefit a good majority of library users. Certainly technology has a role to play, but the above discussion suggests that there is no "one size fits all" solution for every library. While it is important to retain print indexes, newspapers, and looseleafs, it is clear that the availability of news and information on the Internet presents a different challenge to academic law librarians. Managing these various sources, filtering relevant content, and distributing that content has become an increasingly difficult task. Thus, libraries should offer a mix of strategies, providing current awareness sources that users are familiar with, but also introducing new technology such as RSS feeds that will play an increasing role in changing the standard of current awareness.

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[159] COHEN, *supra* note 14, at xi.

[160] Barr, *supra* note 7, at 14.

[161] Roddy MacLeod, *RSS: Less Hype, More Action*, FREEPINT, June 17, 2004, http://www.freepint.com/issues/170604.pdf?PHPSESSID=18e229b6adc57736563635ce9a931348 (last visited May 21, 2007).