

Reflections on Current Trends and Predictions for Commercial Law Libraries

Abstract: This article, written by Samuel Wiggins, examines current trends within commercial law firm libraries, and considers how those trends might continue over the next five to ten years. Areas considered include legal technology, the future of the library space, the role of the professional body, training, and the relationship between traditional librarianship and knowledge management.

Keywords: law firm libraries; law firm librarians; legal information managers

INTRODUCTION

The information landscape has changed significantly in the fifty years since the British and Irish Association of Law Librarians was founded. The volume of legislation and case law being produced has increased, as has the breadth of tasks that law librarians undertake. Recently, the legal market has seen a rise in the number of mergers, alternative legal service providers have established themselves, and pressure on the billable hour continues to increase. Whilst the next fifty years will continue to see further change, this article will attempt to outline trends that are currently affecting the industry and are likely to have a tangible impact over the coming five to ten years. Some of these suggested trends may come to pass, while others may fade and become forgotten. The primary focus for this reflective article is that of a commercial law firm library, though many of the areas raised below will likely hold true for academic law libraries, private member-only libraries, and collections held in barristers' chambers.

THE RISE OF TECHNOLOGY

The relationship between the future of librarianship and the rise of legal technologies is distinct but unmistakably intertwined. Much has been made of the rise of new technologies in law; legal tech, e-discovery and new practice management tools all mark the onset of a change that had been slow to arrive, whereas it has been ubiquitous amongst wider professional services sectors. These new technologies bring with them not only new ways of working but also new ideas focussed on efficiency, automation, and cost reduction. The adoption of these new ideas within the legal sector will have an impact on law libraries equal to that of the technologies themselves.

Law librarianship has not typically interacted on a regular basis with day to day practice management.

Template and drafting software occasionally falls under the remit of the library service's procurement, but wider ways of working have been left for practice managers and fee earners to self-determine. While recent efforts have been made to make information services more proactive, many continue to work on a reactive nature, whilst building links with key stakeholders in a business. Over the coming years, this will become increasingly counterintuitive to the way in which a need for data and knowledge provided by a library service intersects with a practitioner's workflow. Rather than treating research and know-how as a something that will need to be gathered and received, there will be greater expectations that it be readily available as part of a direct workflow. To assist with this change, the increased adoption of legal technologies will provide an opportunity for librarians to have greater input around the day to day practice of how lawyers work. New practice management tools will increasingly start to contain a strong research slant - repurposing data and knowledge, folding it into wider work tasks. Many of the technologies that these new tools use are also underpinned by the principles that librarians specialise in – Boolean logic, hierarchies, analysing UIs and UX. Just as the role of the librarian currently involves evaluating products and providing feedback as part of a procurement process, the traditional skills that underpin librarians' professional training will need to be shifted to help develop these new tools to work effectively within new workflows.

Providing development feedback for new technologies will require greater collaboration with a greater diversity of vendors in the legal sector. The legal tech boom has seen significant numbers of start-ups coming to the fore with new ideas on how to disrupt the industry, and this will also require new approaches to partnering to help adoption of newly developing products. Many of these start-ups are small teams, often comprised of a single ex-practitioner joined with a software developer. Developers building their tools will often lack insight into how a user is likely to

carry out their research in practice. This creates a space in which a librarian is well placed to assist and advise. The larger, more established players in the legal information markets are also starting to rise to the challenges presented to them by the burgeoning start-up market. They are either looking to acquire new products, fold them into their product suite as new features, keep them as white-label stand-alone offerings, or are being forced to develop their own answers to the problems being tackled. The pace of change has meant larger vendors will now benefit from looking to librarians for input and closer partnerships, taking feedback on board to shape their own future product roadmaps, or gaining feedback as to where to focus their efforts. In this way, the law librarian will move towards a closer “vendor partner” role.

It is yet to be seen if the legal tech boom that is currently taking place can continue to keep pace, or if it will come to be regarded as a bubble in future years. At present, when research-focussed start-ups without larger vendor support will likely fail, it is often through a lack of access to high quality content or licensed data. This is due to new products and technologies being unable to accurately test how their features will work in practice. This lack of availability of content to incorporate alongside new UIs, or reliance on only large-scale datasets that exist in the public domain for testing and training new ideas, will make feedback from the knowledge and information industry even more important. It is already possible to see that the majority of successful new products have focussed on incorporating and utilising open government data, rather than analysing bodies of case law which mostly sit under copyright and licensing restrictions. Owners of wider judgment datasets in the UK have been reluctant to open them up to third parties in the way that other countries have seen success. If the impasse around these licencing restrictions is not ended, the way in which librarians in England & Wales interact with new products and the future of legal tech in the country could face stunted growth compared to other international jurisdictions that are seeing a similar boom in new legal start-ups.

The librarian’s role in procurement will also be essential in guiding law firms through the continued changes that will be facing the product market. The future of data, and how it is accessed, will be changed by new legal tech. As new databases continue to scrape and index third party or licenced information without providing full text access to the underlying content, information siloing by publishers will continue to entrench itself within the industry. Publishers now realise the value of their data as part of a larger information ecosystem. They will seek to lock down that data, or withdraw it from wider licensing agreements to other third party vendors, and instead look to sell direct to law firms themselves. In the journals and books market in particular, this means the industry will continue to see a proliferation of platforms, as smaller industry publications choose to host their own content rather than licence it. In the short term, this will be bad for the end user, with information spread across multiple

products. In the medium term, this information siloing is likely to be counteracted by a rising trend to move law firm environments to single dashboards, from which fee earners and staff interact with information on clients and business. This will countenance a move away from individual product logins, and sit alongside a return to an API based model for pulling information into a readily accessible format for surfacing information. Products such as Thomson Reuter’s Panoramic have started to signal this shift already. Product licences will still be across a wider number of publishers, rather than from a single data feed managed by a single master agreement, but it will eventually result in a better experience for the end user. Information siloing will then be re-termed as contract siloing, with the underlying data feeding into wider buckets. The librarian’s role in managing these contracts, and the integration process into a feed or dashboard, will continue to be key in the access of provision to data.

THE FUTURE OF A LIBRARY SPACE

Perhaps one of the most contentious aspects surrounding the future of the law library in a commercial firm is discussion around the future of physical space. The reason for this is simple – the physical library is something tangible and understood. Services that the librarian provides are not always as clear. Loss of or diminishing this space is therefore seen as a threat in a time when libraries in the public sphere are being closed and commercial services outsourced. Shrinking space and hardcopy reduction is not a new concept, and has been written about in legal journals for well over 15 years, coupled together with a continued rise in flexible working patterns. The key challenge for the future of libraries will be deciding upon *what* space is retained (if any), in what way the remaining space is used, and librarians ensuring that the services they provide are as well understood as a physical area within a building.

Hardcopy texts will retain a presence in the near future. Copies of core handbooks will remain, as will reference texts - but the wider collections will eventually be reduced and moved online. This will partly be a response to a continued increase in flexible working patterns, mixed with rising square footage rents. Remaining hardcopy collections in firms will mostly become an archive of previous commentary, as opposed to being relied on as an offering of current materials. These archives themselves will also be smaller in size, as the cost per square foot to store them increases. Should open plan offices continue to gain pace, then the physical library space is likely to blend shelving collections with breakout space. The challenge in those environments is then the placement of the librarian themselves, where location next to their collections is essential to assist users.

This change in direction for print is highly dependent on vendors working with firms to pitch their eBook offerings correctly. Too often, electronic equivalents do not represent the same value for money as physical textbooks do. A single copy can be shared, used and referenced

within a firm in a way in which an electronic version under DRM or licence restrictions cannot match. Some key materials are also unavailable in an electronic form at present, so this prediction will come to bear over a longer term.

Looseleafs suit themselves to a transition to electronic format better than textbooks for a wide variety of reasons. Often more physically cumbersome, they offer more immediate space-saving returns than moving a textbook online. The costs are typically higher for a work, and when new releases are scheduled on a print on demand run, they can be harder to predict and budget for than traditional subscription models. The time taken to physically update a work can also be significant; coupled with e-versions preventing page loss through damage to the work or misfiling, a move online becomes a more obvious decision.

Outside of commercial firms, this reduction in hardcopy will not continue at the same pace. If it does, then the industry runs the risk of reducing the size of the academic corpus relied on by lawyers to undertake their work and provide advice. The importance of libraries such as IALS, the Law Society, libraries at the Inns of Court, and national depositary libraries/academic libraries will increase at an exponential rate, as law firms look to use them for document delivery services and to fill gaps in their collections that would otherwise not be economical to fill. It will be vital that these institutions receive the funding they require to fulfil this role.

Over a longer term, the challenge that e-materials present will become less stark, as issues around space and cost work themselves out. Instead the questions will shift more generally to look at the mediums through which we consume data. Instead of focussing solely on issues of print vs electronic, scrutiny and choice will move to look at print against *types* of electronic medium: mobile vs desktop reading; the availability of annotations; questions around licensing and cost; integration into workflows and availability of APIs. Print will still factor into these conversations. It will not be a straight choice of electronic vs paper, but rather part of a wider conversation about consumption of commentary.

THE PLACE OF THE PROFESSIONAL BODY

The law library community in the UK has a number of professional bodies that it looks to for support in the sector: BIALL, CILIP, CLSIG, CLIG, SLA, SLLG. As the role of the law librarian changes, how in turn does that affect the nature and offerings for the professional bodies that support it? The core offerings currently presented by professional bodies usually include a place to network, advocacy (be that for the sector at large, or to offer some professional certification or qualifications), training and professional development. These roles will continue to remain vital to guide the profession through coming change, and to help librarians demonstrate their wider value to the legal industry.

The future for the professional body will require them to think through how they partner with vendors, in much

the same way as librarians will need to. As vendors increasingly look to partner with firms, building startup technologies into existing products, these same vendors should also be looking to professional bodies for wider, more holistic views of the industry. Professional organisations will have broader interests than single firm partnerships, can give broader advice, and can benefit from being more independent than a law firm partner would be. Supplier liaison groups will continue to fulfil a role in providing “on the ground” feedback to vendors about current product performance and customer service levels, and work to provide feedback advice from a pan-industry view.

TRAINING

The librarian’s role as a trainer will continue. In the near future, planned changes are scheduled to the SRA qualification route, which will fundamentally change the way in which firms interact with their trainee solicitors and the training provision provided to them. Whilst the SRA is taking steps to introduce a legal reference and research element to the new qualification route, it will still be necessary to supplement this new route with additional training inside firms. Much of this legal research training will look to be carried out by law librarians, who, likely in collaboration with vendors, will seek to provide supplementary training on how to carry out legal research in time pressured situations within a commercial environment. Training the trainee solicitors on how to know when enough research is sufficient for a task, or what to do in the event that an answer cannot be found, are skills that take time to hone. They are best done by learning through practice, and alongside the guidance of a librarian.

KM & JOB ROLES

The last decade has seen many debates regarding how a library service should brand itself. Countenanced against wider industry acceptance and understanding of knowledge management, this debate will reposition to consider if librarianship is now one aspect of a wider knowledge management umbrella, and how the two should interplay. The name debate examining library, information, knowledge and research functions will undoubtedly continue, but will refocus as library physical spaces diminish and job roles in the sector continue to bleed into one another. Some firms will choose to make knowledge and research lines of work distinct tasks. Others will continue to bring these job roles together, or at least ensure that they operate under a single business function.

Knowledge Systems will continue to grow in importance as part of the KM umbrella, and will look broader than profiling information for search and retrieval to better blend with IT functions as it becomes necessary to work with data deeper in the workflow. Surfacing information as a distinct task in a wider workflow will no longer be sufficient; instead KM and library practitioners will be expected to build out APIs and integrate information

deeper into fee earners' systems. That will happen within matter management tools, concurrently alongside e-discovery tools, or through synergies with CRM systems.

The blend between librarian and KM professional will also continue to blur. Traditional library and research services will change their structure, continuing to amalgamate additional technology skills into staff repertoires. The research arm of librarianship will remain strong, and will continue to specialise into sectors and practice areas, whilst still ensuring a generalist reference underpinning. Abilities to make the most of more sophisticated outputs from new technologies and still add insight and analysis will be key. There will be an additional need for technology skills as links with vendors require more nuanced feedback, and precise conversations around enhancements will benefit the product. These technology skills won't necessarily need to be practiced day-in day-out, but the language used by IT services will be a requirement for better feeding back the needs of services. This is true as information siloing continues with publishers pulling their content out of large vendor databases and selling through APIs directly to businesses.

The core skills required by the librarian will also adapt. Some roles are already starting to be amended, requesting coding familiarity with Python, Javascript and C++. For the majority of roles this technical fluency will likely not be required; most skills will continue to focus on interrogating business information and understanding legal structures. Databases will continue to use intuitive GUIs, and design features used by librarians will likely be through a predominantly WYSIWYG format. What will matter more than the ability to code will be a deep understanding of technologies: high-level IT literacy, with the ability to liaise

and converse with IT and developers for shaping the product roadmap. This will then enable librarians to better communicate the capabilities of a product, its boundaries, and where it could go with the correct input.

CONCLUSION

In considering some of the various facets that make up the future law librarian – their key skills, their service offering, the library's physical space – it is essential to also consider the forthcoming changes that are facing the wider legal sector. Only by looking at commercial pressures in law can the changes and challenges facing the information profession truly be appreciated. Librarianship as an industry cannot be truly benchmarked in isolation – libraries in all sectors must be examined alongside the wider changes that face a service's users. This is as true for law libraries as it is any other sector, from public to academic libraries.

The future of librarianship will strongly depend on the pace of change brought forward by new technologies. Librarianship is about connecting data and people, and new tech is radically changing the way in which that is undertaken.

Vendors will move their strategy to envelope and incorporate new technologies in their line-up as licencing and content continues to remain ever-important. Technology that succeeds as a marketable product will be underpinned by databases that incorporate strong usability alongside strong underlying data. The professional body will continue to be pivotal as a place for networking, discussion, and to provide guidance for the profession against a backdrop of ever-increasing change. The librarian must be there to guide its firm through these changes.

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Biography

Samuel Wiggins is the Library Manager for EMEA & Asia at international law firm Bryan Cave Leighton Paisner LLP. He has an undergraduate degree in History from Cambridge University, an MA in Librarianship from Sheffield University, and is a Chartered Librarian and mentor with CILIP. Sam received SLA's Rising Star award in 2014, and is a past-president for SLA Europe.

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