

A Chapter of The American
Association of Law Libraries

SCALL Newsletter

March. / April. 2012, vol. 39, no. 4

From the President ... Mark Gediman

Ah, spring in Sunny Southern California! As I write this, the sun is shining, the birds are singing and the temperature is nudging 90 degrees. And the headquarters office of our firm is relocating to a new building. As with most law firm moves/remodels these days, the library is shrinking in size. Rather than this being a cause of alarm, it has given me an opportunity to show how valuable an experienced librarian can be in these circumstances. Acting in an advisory capacity, the Library Manager can assist the firm with making rational decisions on what is and isn't needed to keep in print. Taking such factors as ease of use, efficiency and cost into account is a major

benefit of having a skilled, experienced library professional at any organization, including law firms.

Providing courses, webinars, and presentations on current legal developments is, in my opinion, one of the most important ways that SCALL supports our members. Last month's Institute was a great example of that. It was great seeing old friends from all over the state and making some new ones. I was just talking to a fellow librarian I met for



Mark Gediman

(Continued on page 7)

In This Issue ...

President's Message.....	1
Newsletter Staff/Advertisers /Deadlines.....	2
Editor's Notes/Save the Date	3
ABA Adopts UELMA	3
Albert Brecht In Memoriam	4
Job Opportunities.....	4
Heard Around Town.....	5
SCALL Board Candidates 2012-2013.....	6
Law Day	6
AALL PLL Grants Extended.....	7
Hire ICYIP Summer Interns	8
AALL2go.....	24
SCALL Officers & Comm. Chairs, 2011-2012.....	25

SCALL Spring Meeting
May 17, 2012 • 6 p.m.
(see page 14)

4th All-California Joint Institute

The State We're In: California Law Libraries in Unprecedented Times

A Joint Venture of SANDALL, NOCALL and SCALL

Pre-Institute Workshops :

<i>Legal Research Instruction.....</i>	<i>10</i>
<i>RDA.....</i>	<i>13</i>
<i>Keynote Address: Crisis in the Courts.....</i>	<i>15</i>
<i>California County Law Librarians.....</i>	<i>16</i>
<i>AALL and California's Chapters.....</i>	<i>17</i>
<i>Managing the Challenging Client.....</i>	<i>18</i>
<i>Big but Brittle: Law Firm Survival.....</i>	<i>20</i>
<i>Brave New World of Patent Law.....</i>	<i>21</i>
<i>Uniform Electronic Legal Material Act (UELMA)</i>	<i>22</i>
<i>AALL VIP Guest and Closing Speaker.....</i>	<i>24</i>

The **SCALL Newsletter** is published electronically five times per year (September/October, November/December, January/February, March/April and May/June) by the Southern California Association of Law Libraries, a chapter of the American Association of Law Libraries. Visit the SCALL website at <http://www.aallnet.org/chapter/scall>.

SCALL Newsletter Staff, 2011–2012

George P. Carter
Law Library for San Bernardino County
909-885-3020
georgec@sblawlibrary.org

Judith Givens
California Medical Association
916-551-2038
jgivens@cmanet.org

Bill Ketchum
University of La Verne Law Library
909-460-2063
wketchum@laverne.edu

Sandy Li
Graduate Student
School of Library & Information Science/
SJSU
sandyli4@gmail.com

Michele A. Lucero
LAC Group
323-302-9436
mlucero@lac-group.com

Karen Skinner
USC Law Library
213-740-2615
kskinner@law.usc.edu

Webmaster

Ramon Barajas, Jr.
Munger, Tolles & Olson LLP
213-593-5242
Ramon.barajas@mto.com

Business Manager

Margot McLaren
Whittier Law School Library
714-444-4141, x490
mmclaren@law.whittier.edu

Compilers

Debbie Lipton & Tanya Cao
Chapman School of Law Library
714-628-2538
dlipton@chapman.edu
cao@chapman.edu

Editor

Patricia Pelz Hart
Chapman School of Law Library
714-628-2544
hart@chapman.edu

Advertisers

Cal Info ... 5

EOS International ... 14

Legislative Research & Intent ... 12

Loose Leaf Filing Service ... 7

Wisconsin TechSearch (WTS) ... 19

LegalTech ... 9

Submission Deadlines

We welcome the submission of any articles of interest to the law library community. Contact Patricia Pelz Hart, **SCALL Newsletter Editor**: hart@chapman.edu

All submissions should be received by the following dates:

May 14, 2012
September 10, 2012
November 12, 2012
January 14, 2013
March 11, 2013

May / June 2012 issue
Sept. / Oct. 2012 issue
Nov. / Dec. 2012 issue
Jan. / Feb. 2013 issue
Mar. / Apr. 2013 issue

Editor's Notes ... Patricia Pelz Hart



Patricia Hart

Librarians don't give up. We keep digging and thinking to solve the problem. Whether deciding on the best access points in the catalog; stretching resources in a lean budget; finding the question among a client's meandering words; or spurring legislators to face up to the need for authentic electronic legal materials, we are a *Can Do* profession.

The 4th All-California Joint Institute exemplified a Can Do spirit. The keynote speaker, a Court of Appeal justice, gave a rather gloomy assessment of the state courts. The program speakers, by contrast, related how California libraries are rolling up their sleeves and tackling issues on hand.

The articles in this issue are excellent summaries of the Institute programs. Thanks to all the authors for their willingness to write and for producing top-quality pieces. The Mar./Apr. 2012 SCALL Newsletter thoroughly documents the 4th Joint Institute. To readers who are searching among the programs, start your digging here.

Save the Date ...

Register Today for the 2012 AALL Annual Meeting ... You Can't Afford to Miss It!

Designed by law librarians, for law librarians, the [AALL Annual Meeting](#) is an event you look forward to every year. Join nearly 2,000 of your colleagues from across the country to find out what they are doing in their libraries.

This year in Boston, July 21-24, you can look forward to:

- Keynote speaker Richard Susskind
- Nearly 100 educational sessions
- A day-long special series of legal technology programs
- A bustling Exhibit Hall featuring about 100 vendors
- The return of the Association Luncheon
- Connecting with the people who understand the issues you face every day

PLL Grants to the 2012 meeting are available; apply by May 1st



ABA Adopts UELMA

The American Bar Association (ABA) House of Delegates adopted the *Uniform Electronic Legal Material Act* (UELMA) on Feb. 6, 2012 at the Midyear meeting in New Orleans.

Former AALL president James Duggan attended the House of Delegates meeting on behalf of AALL. AALL President Darcy Kirk sent a letter in support of adoption to [ABA President William Robinson III](#) and [House of Delegates Chair Linda A. Klein](#). Our chapter presidents also sent letters to their ABA state delegates in support of the act.

Thank you to all AALL members who helped ensure this positive outcome! AALL will continue to work with the Uniform Law Commission, our members and chapters to help ensure enactment in the states.

Approves the Uniform Electronic Legal Material Act, Resolution 102B

RESOLVED, That the American Bar Association approves the Uniform Electronic Legal Material Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2011, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

<http://www.abanow.org/2012/01/2012mm102b/>



Uniform Law Commission
The National Conference of Commissioners on Uniform State Laws

Albert Brecht In Memoriam ... in sorrow by Pauline Aranas



Albert Brecht

It is with great sadness that I report the passing of my mentor, colleague and friend, **Albert Brecht**. Albert passed away at his home in Los Angeles, on March 26, 2012, with his sister and brother-in-law at his side. He was 65.

Albert was one of the most influential leaders in law librarianship. As Dean of the USC Gould School of Law, Robert Rasmussen, noted, "he transformed how we think of law libraries through his singular focus on service. Albert was the gold standard of both librarians and friends. He will truly be missed."

Albert completed his B.A. at North Texas State University and his J.D. at the University of Houston. He developed a strong interest in law librarianship when he was working as a part-time student assistant in reference while attending law school.

After Albert received his law degree and passed the Texas State Bar, he decided to pursue his Master's in law librarianship (M.L.L.) at the University of Washington. In 1973, he was appointed assistant law librarian at the University of Southern California under the direction of Francis Gates. In 1975, after Francis Gates left to head Columbia Law Library, Albert was appointed director of the law library. He was awarded tenure in 1979 and in 1998, he was appointed associate dean, chief information officer, and

John Stauffer Professor of Law. Albert considered as his mentors, Marian Gallagher, Francis Gates, Pat Kehoe, and Al Coco.

Albert served the law library profession as a past president of the American Association of Law Libraries, a past president of the Southern California Chapter of the American Association of Law Libraries, and chair of many AALL and SCALL committees.

Albert had a gift for hiring the best talented young professionals and gave them the guidance and creativity to grow and develop as leaders in law librarianship. Those of us who had the privilege of working for him and who later were appointed law library directors include **Pauline Aranas** (Vanderbilt, USC), **Steven Barkan** (University of Wisconsin, Marquette University), **Darin Fox** (University of Oklahoma), **Paul George** (University of Pennsylvania), **John Hasko** (University of Idaho), the late **Alan Holoch** (Ohio State, Villanova), **Frank Houdek** (Southern Illinois University) and **Tory Trotta** (Arizona State University). He also never hesitated to mentor, encourage and support new law librarians. In 2002, SCALL awarded Albert its highest honor: **Rohan Chapter Service Award** for his outstanding service and contributions to SCALL as an active member and a mentor to many newer law librarians.

Job Opportunities ... by Don Buffaloe

- Sr. Research & Reference Specialist; Wilmerhale; Palo Alto, March 22
- Law Library Director, Stanislaus County Law Library; Modesto, March 15
- Cataloging Librarian; LA Law Library; Los Angeles, December 21
- Librarians & Library Technical Assistants; California Dept. of Corrections & Rehabilitation, Statewide, Ongoing
- Catalog Librarian; Loyola Law Library; Los Angeles, April 23

Don Buffaloe

Chair, SCALL Placement Committee

Email: Donald.buffaloe@pepperdine.edu

Heard Around 'town ... by Larry Meyer



Larry Meyer

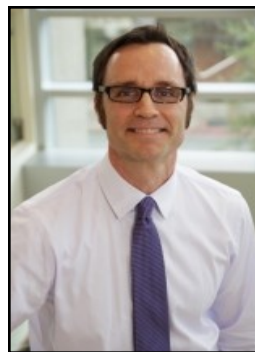
Greetings all, as 2012 progresses and we enter the Spring season. We turn our attention to thoughts of the SCALL annual meeting, AALL in Boston, and some the notable achievements of our members over the last few months.

Let me begin by welcoming the new Director of the **Rinker Law Library at Chapman, Linda Kawaguchi**. Linda, will be joining our Southern California community, starting at Chapman this summer after moving from her most recent position at Gonzaga University's law library. We welcome her to her new position and look forward to her joining SCALL.



Linda Kawaguchi

Another major change, former SCALL President and Interim Director of the Thomas Jefferson Law Library, **Patrick Meyer**, will be leaving Southern California to take the reins of the law library at the **University of Detroit-Mercy** in Detroit. While we are losing him as an active SCALL



Patrick Meyer

member, we wish him the best and look forward to hearing of his accomplishments in Michigan and his hosting us when we are in the area. (In the interest of full disclosure, for those of you who may not know the connection, Patrick and I are brothers.)

Bob Ryan at Hill Farrer reports that he has joined **Legal Voices**, the chorus of the L.A. Lawyer's

Philharmonic. He has already done two concerts, the first one with just the chorus at Wilshire United Methodist, within a week of joining the group and a second with the orchestra at the Shrine Auditorium to an audience of about 2,000.

The group is planning additional concerts and looking for additional talent. The next concert is the orchestra and chorus at Disney Hall on July 21st. Feel free to contact Bob or <http://www.lalawyersphil.org/audition/> for additional information.

In closing, feel free to continue sending me your news items. We especially look forward to hearing about our members' adventures this summer.

***Lawrence R. Meyer** is Director of the Law Library for San Bernardino County in San Bernardino*

SCALL Board Candidates 2012-2013

Vice President/President Elect

Paul Moorman is the Foreign and International Law Librarian at the USC Gould School of Law. Before joining USC, he was the Reference/Electronic Resources Librarian at the Pepperdine University School of Law. Prior to becoming a law librarian, he was an attorney in Chicago practicing in the area of health care law. He has a J.D. from Washington University in St. Louis, an M.L.I.S. from the University of Illinois, and a B.A. from St. Louis University.

Paul is the current co-chair of SCALL's Inner City Youth Internship Program Committee and has previously served as a member of the Executive Board and various Institute Committees. In addition to his work with SCALL, he is also a member of and is active in AALL, ALL-SIS, FCIL-SIS, and the American Society of International Law.

Secretary

Cheryl Kelly Fischer is a Reference Librarian at UCLA School of Law where she has worked for the past 6 1/2 years. She received her J.D. and her M.L.I.S. from UCLA. Prior to library school she worked as an attorney in the Los Angeles office of Jones Day.

Cheryl has been serving as the chair of SCALL's Library School Liaison Committee since 2007. Each year on behalf of the committee she organizes the SCALL Scholarship Program, awarding scholarships to library school students who hold promise of future involvement in the law library profession; and the SCALL Law Library Mentor Program, matching library school students interested in law librarianship with mentors from our organization.

She has enjoyed working with SCALL colleagues through the scholarship and mentor programs, is honored to now be nominated for the position of Secretary, and if elected, would appreciate the opportunity to continue to serve SCALL.

Executive Board Member

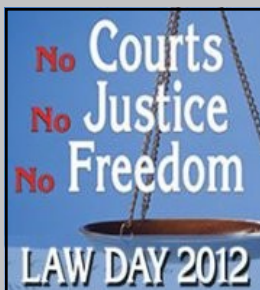
Karol Howard is Research Librarian at Winston & Strawn, LLP. Previously she worked as Research Librarian at Bryan Cave, LLP and Research Specialist at O'Melveny & Myers, LLP. She received her M.L.I.S. from San Jose State University, and also holds a B.A. in Art from UCLA and M.F.A. from Otis College of Art and Design.

A member of SCALL since 2005, Karol served on the SCALL Institute Registration Committee in 2009, 2010, and 2011, and designed the program handout for the 2009, 2010, and 2011 SCALL Institutes.

Karol looks forward to working on the SCALL Board.

Law Day is May 1st

The idea of a Law Day was first proposed by the American Bar Association in 1957. President Dwight Eisenhower established the first Law Day in 1958 to mark the nation's commitment to the rule of law. In 1961, Congress issued a joint resolution designating May 1 as the official date for celebrating Law Day, which is subsequently codified (U.S. Code, Title 36, Section 113). Every president since then has issued a Law Day proclamation on May 1 to celebrate the nation's commitment to the rule of law



36 U.S.C. § 113 states, in part:

Law Day, U.S.A., is a special day of celebration by the people of the United States—

- (1) in appreciation of their liberties and the reaffirmation of their loyalty to the United States and of their rededication to the ideals of equality and justice under law in their relations with each other and with other countries; and
- (2) for the cultivation of the respect for law that is so vital to the democratic way of life.

AALL PLL Grants: Deadline Extended

Deadline Extended for PLL Grants for AALL Travel and Summit Registration

Due to the **low number of applications** received so far, the PLL Grants Committee has extended the deadline for submission to **Tuesday, May 1, 2012**. Even with that time extension, the odds are still good that YOUR application will be approved by the Committee, and YOU will receive funding to attend the exceptional and rewarding Summit program, or to travel to the AALL conference in Boston. There are more than TWO DOZEN programs of interest to Law Firm Librarians (YOU!), as well as others with relevant content on the schedule. Not to mention the great opportunities FOR YOU to meet the vendor developers to contribute to their product designs, as well as to network with professional colleagues.

If you have questions, feel free to contact any member of the Committee. We look forward to hearing from YOU!

Elizabeth A. Stack, Law Librarian --
Grant Committee Chair
302.351.9240
302.658.3989 (fax)
estack@mnat.com

Linda-Jean Schneider, Electronic Services
Manager
Direct: 215.963.5626
215.963.5001 (fax)
ljshneider@morganlewis.com

Frances Schach, Librarian
816.221.3420 ext. 5261
816.221.0786 (fax)
fschach@armstrongteasdale.com

President ... *continued*

the first time in San Diego and she remarked how wonderful it was to a part of group of people who always willing to share their time, knowledge, and experience with each other. I couldn't agree with her more.

In this issue, look for announcements about our upcoming chapter meeting, the election of officers to the board, and the benefits extended to SCALL members who wish to attend LegalTech West Coast in May. In the coming months, I hope to add to our list of professional development offerings. What topics would you like to see offered? Have you done something at your organization you think would be helpful for other members to hear about? Send me your ideas at mark.gediman@bbklaw.com.

*Mark Gediman is Director of Information Services,
Best Best & Krieger LLP in Riverside*

Hire ICYIP Summer Interns



Los Angeles
Education Partnership



BENEFITS TO LAW FIRMS & LAW LIBRARIES

- Help local high school students "learn and earn"
- Access to productive employees at minimum cost
- Ensure a well-educated, diverse workforce
- Reduce the cost of employee recruitment, selection & training
- Promote workforce and community development
- Receive local and national recognition

SCALL's Inner City Youth Internship Program (ICYIP) in partnership with L.A. Education Partnership offers the opportunity for motivated and talented students from Miguel Contreras Learning Complex, Foshay Learning Center, Roybal Learning Center, Downtown Magnets, Fremont, Manual Arts and University High schools who are eager and prepared to work for your firm or library.

THE BASICS

- Up to 10 week internship July – August 2012
- 20-40 hours per week paid employment (no benefits)
- Average rate \$8.00-\$10.00 per hour (approximately \$2,200 per student, including payroll costs)
- Students may be assigned to one department or rotated through different departments
- Academy provides internship training, placement coordination, technical assistance, and evaluation

Internship Details

☐ YES! We are interested in hiring interns.
Please send me more information.

☐ We cannot commit at this time:
please keep us informed for next year

Law Firm/Library: _____

Contact Person: _____

Title: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Total Number of Interns: _____ Hours Per Week: _____

Special Qualifications: _____

For more information on the Inner City Youth Internship Program, please contact Paul Moorman, (213) 740-2626 (pmoorman@law.usc.edu) or Lisa Baker (213) 629-7730 (l.baker@mpglaw.com). LAEP is a non-profit organization striving to increase educational opportunities for all students. SCALL is a partner of LAEP. PLEASE EMAIL THIS COMPLETED FORM TO PAUL OR FAX TO: (213) 740-7179.

SCALL MEMBERS - SAVE OVER 15% ON THE FULL MASTER PASS RATE.
SELECT THE DISCOUNTED MASTER PASS OPTION AND MENTION PRIORITY CODE
SCALL WHEN REGISTERING. REGISTER BY MAY 21, 2012 FOR BEST RATES!

LEGALTECH[®]

THE MOST IMPORTANT LEGAL TECHNOLOGY EVENT ON THE WEST COAST!

MAY 22-23, 2012

**THE WESTIN BONAVENTURE HOTEL
LOS ANGELES**

KEYNOTES

MAY 22

**2008 vs. 2012:
Lessons from Lehman Brothers**



Kevin Genirs
General Counsel,
Investment Banking,
Barclays Capital
Former General Counsel,
Investment Banking,
Lehman Brothers

SPONSORED BY:



discover ready

MAY 23

**Turning Your Clients -
and Your Law Firm - Inside Out**



Joel Brenner
Author, *America the
Vulnerable: Inside the
New Threat Matrix of
Digital Espionage,
Crime and Warfare*

**CLE
Eligible**

**Earn up to 13 CLE Credits (11 in CA) including
2 Complimentary Credits!**



WWW.LEGALTECHSHOW.COM

EDUCATIONAL SPONSORS:



INTXAPP

Kroll Ontrack

RECOMMIND

IN ASSOCIATION WITH:



FROM THE PUBLISHERS OF:

AMERICAN LAWYER

CORPORATE COUNSEL

LTN

THE NATIONAL LAW JOURNAL

THE RECORDER

TEXAS LAWYER

SUPPORTED BY:



Coordinating Legal Research Instruction From First-Year Law Student to First-Year Associate ... reported by Jennifer Allison

Pre-Institute Workshop

This was the only event of the entire Joint Institute that I chose to attend this year. It was worth the five-hour round trip drive between San Diego and my home in the San Fernando Valley. The workshop was held at the University of San Diego's beautiful Pardee Legal Research Center. There was a diverse group of speakers who challenged attendees to think about how new developments in technology and pedagogy can and should impact how we teach legal research to law students.

The first speaker was **Ron Wheeler**, the Director of the Law Library at the University of San Francisco. He began by reminding the academic law librarians among us that, "it takes a village" to teach legal research to law students, and encouraged them to foster collaborative relationships with law firm librarians in developing curricular and instructional ideas.

He then invited attendees to critically explore **how the development of algorithm-driven search engines (such as Westlaw Next and Lexis Advanced) impacts the teaching of legal research**. He has spent a lot of time trying to understand how they work and the types of research projects to which they are best suited. Ron's related article in *Law Library Journal*, Summer 2011, is available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1773767.

Ron pointed out some inherent shortcomings in these databases' popularity-driven search results. Specifically, he emphasized the difficulty of finding "esoteric," less-popular content in the new search engines. Also, by not forcing the researcher to filter down potential results by choosing a database prior to the search, use of the new search engines degrades legal research skills.

These comments prompted a discussion among the participants about ideas for counteracting such results. One librarian described her own method of showing the value of the left-side filtering options in Westlaw Next: she points out that her students already filter when, for example, they are shopping for shoes online, and look only at the brown boots, or the heeled sandals. This idea was

met with great enthusiasm. It is safe to assume that shoe-related comparisons will now be made in legal research classes throughout California.

Another librarian suggested developing a research example that illustrates how Google's advanced search feature works significantly better than a straight Google search. This will encourage students to think about online search-

ing in a more complex, critical way, and to develop their searches more carefully. These skills can then be applied in Westlaw Next searches.

The next speaker was the first of two law firm librarians, **Betsy Chessler** from the San Diego office of Morrison & Foerster (MoFo). She described the 17-hour training program that MoFo has developed for its new associates,

during which she delivers two hours of training in library usage and legal research.

Her training focuses primarily on **cost control** (with scary examples of new associates running up huge Westlaw bills) and **risk management** (emphasizing the importance of Shepards/Key Cite and cautious re-use of existing contracts as exemplars). Her closing message was that "quick training on an as-needed basis seems to work best" for associates who have recently started work. It is important to seize opportunities once associates have received assignments and started working on them, since having a context increases the efficacy of the educational message.

The third speaker was **Cindy Guyer**, a law librarian at USC. She discussed exciting changes to their legal research teaching methodology. With inspiration from the book *A New Culture of Learning* by Douglas Thomas and John Seely Brown, USC librarians who teach legal research have embraced a **millennial-focused culture of learning**. The new culture is learner-centered and relies on **curiosity and peer-to-peer collaboration**. Classroom sessions, limited to less than 20 students each, encourage "structured play" and use "riddles" as teaching tools. The riddles are specially-created hypotheticals, based on diverse "hot topics," that encourage creative, collaborative problem-solving.



Coordinating Legal Research Instruction ... *continued*

In the first class, students are encouraged to “play” their way through a hypothetical, using any resources they find online to try to research the given issue. Cindy characterized the usual results as “complete chaos.” The purpose of the exercise is to show students what they don’t know, and to underscore the librarians’ authority and expertise. In subsequent class sessions, the “play” is guided in the sense that students use a cyclical research process and methodology that are not specific to a format or platform.

Instructional lectures have been eliminated. Instead, research instruction is offered via online tutorials, created using Adobe Captivate.

Some of the workshop participants were skeptical of the efficacy of this approach, although it seemed universally accepted that changing the context of legal research instruction to accommodate millennials’ learning and communication preferences is a valuable exercise. Some questioned how widely this instructional methodology was embraced and used throughout the rest of the law school.

Although the new approach had not really found its way into the classroom for substantive law courses, Cindy emphasized it appears to work for legal research instruction. Students seem to be embracing the concept and engaged in the learning process. Cindy also pointed out that USC students have a deep connection with their librarian legal research instructor by the end of the course, leading to increased student attendance for library-sponsored legal research training sessions during the rest of their time in law school.

The next speaker was **Mark Gediman**, the Director of Information Services at the law firm of Best Best & Krieger (BBK) and SCALL President. Mark’s remarks mainly focused on the impact of Google on the newest generation of law school graduates and associates. The chief problem of this “Google generation” is their tendency to treat legal research very superficially. Few analyze search results beyond the first one or two screens. They don’t necessarily understand that Google only retrieves and delivers raw information, with little regard to its relevance. Not only do researchers not find cases on point, but they don’t dig deeply enough in cases that are found to get support for legal arguments. Many new associates fail to read, and use in their arguments, both dicta and cited opinions.

Another worrisome trend is “the Google generation’s” firm belief that the various Google search engines (including the general web search utility and Google Scholar) are suffi-

cient for legal research. How many people even consider, for example, that slip opinions that appear on Google Scholar may never be updated, even if the opinion was subsequently edited by the issuing court?



Mark concluded by discussing **information-related risk management**, both in legal research and in the dissemination of legal information. Some young associates blog about recent developments in the law, but the blog postings are rarely reviewed by a partner. An inaccurate blog posting can spell disaster for the blogger’s firm.

The final speaker was **Patrick Meyer**, the director of the law library at Thomas Jefferson School of Law in San Diego. Meyer talked about his scholarship related to law firm legal research requirements for new attorneys.

Patrick collects data from law firm librarians. Their significant legal research expertise and experience makes them the ideal source for this information. He first presented his survey results in a 2009 article; his second article, with updated data, was in 2011 (both articles are available at through SSRN at: http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1093004).

The main purpose for the project is to give law firm librarians an opportunity to instruct law schools on how best to teach legal research student to law students.

Patrick presented his most recent statistical data. The responding librarians were affiliated with firms of varying sizes (1-200+ attorneys), and the data was grouped accordingly. The survey questions are divided into broad categories: **available** and **“must know” print and electronic resources**, most important **research tasks** by resource type, and preferred **research methods** for various tasks (in

Coordinating Legal Research ... *continued*

print versus online). There were also questions related to **cost-effective research**.

Patrick's results certainly echo the sentiment of Mark Gediman: law school librarians have an important job to do when it comes to overcoming the **tendencies of the "Google Generation"** that are most damaging to developing effective legal research skills. The most critical of these include a **lack of interest and skill in general print research, a failure to contextually grasp legal bibliography, and a tendency to rush through research results without reading them carefully and diligently analyzing what they are communicating**.

These challenges drastically impact our ability to reach and teach law students. However, the work that Cindy Guyer and her colleagues at USC are doing is very encouraging. They have embraced a new pedagogical paradigm with the hopes of better engaging their students. Other academic law librarians in the workshop also shared their techniques for teaching legal research to today's young law students. It was encouraging to see this kind of embracing of change, because the continued vitality, relevance, and success of our profession depend on it.

In my view, it is our ethical obligation to do what we can to graduate informed, sophisticated legal researchers from our law schools. This workshop encouraged me to continue to strive to reach this goal, and showed me that others in the community share this sentiment.

Jennifer Allison is Foreign, Comparative, and International Law Librarian at Pepperdine Law School in Malibu



Google Doodle: Spring 2012

What you need to know about RDA ... reported by Bill Nazarro

Pre-Institute Workshop:

Speakers **Melissa Beck** and **Melody Lembke** extracted for us the gist of RDA's effects on cataloging legal literature at this workshop held in the Legal Research Center of the University of San Diego. RDA stands for **Resource Description and Access**, the new set of cataloging guidelines that will supersede the Anglo American Cataloging Rules, 2nd ed. (AACR2). RDA is an international approach to describing all types of resources toward successful access and discovery.

Melody began by proposing an approach that might work better for law catalogers than the one offered by RDA. RDA asks, "What is the mode of issuance of your resource?" The better question: "What is this thing-in-hand within legal literature?" Much of law publishing consists of aggregations and augmentations, not simply manifestations or iterations. "Edition" is a concept whose unique resonance in Law will "stink in the ear" of General Literature (to paraphrase a synesthetic music critic).

To illustrate, Melody handed out photocopies of Imwinkelried's Evidentiary foundations, 8th edition (2012) title-page, accompanied by its RDA bibliographic record. In an 8th ed. of the play Hamlet [disregarding any annotations and explication], the text remains essentially the same as in the 7th; it is a "fixed" thing. In contrast, Imwinkelried's 8th ed. Evidentiary foundations compiles the latest nuances and developments in the law of evidence. It may bear a passing resemblance to the 7th, but that resemblance can disappear when it is compared to the 1st edition.

One RDA effect is notable immediately in the **MARC 245 Author statement**, "**Edward J. Imwinkelried, Edward L. Barrett, Jr. Professor of Law, University of Davis School of Law.**" The transcription includes information that would have been omitted in AACR2. (Side-note to catalogers: Do not trace Edward L. Barrett; it's the name of the author's endowed professorship.) Also, if this treatise had more than 3 authors, RDA would want all authors transcribed along with their qualifications and credentials (if the latter attributes were included). RDA generally requires the cataloger to transcribe what appears on the title-page and approved description sources (offer the seeker/user the data as given on the pages he is likely to consult).

Melody then offered approaches to cataloging legal works under RDA by using AACR2 as a base-point. In her presentation outline under **Laws**, she cites **[RDA] 6.19** as the beginning of rules for choosing the **Preferred title for legal works**. Below that, she typed "Single laws is same as AACR2," meaning, under RDA single laws are cataloged individually by title, as they are now under AACR2.

It raises an important issue: RDA is not a new set of rules begun from scratch; it enlarges and broadens the rules based on MARC and codified in AACR2 which could not keep up with new technologies. (For an account of this relationship, see: Michele Seikel & Thomas Steele (2011). *How MARC Has Changed: The History of the Format and Its Forthcoming Relationship to RDA. Technical Services Quarterly*, 28:3, 322-334).

Melody's visuals and graphics helped us through the rest of her presentation. Flowcharts guided the cataloger through the RDA rules and exceptions toward the best results for specific legal materials. These charts are especially useful because they are direct paths through the maze of rules. (I see some enterprising law cataloger extracting from RDA only those portions that apply to practices in law—RDA cataloging for legal literati, anyone?)

Choice of access points for administrative laws/regulations, constitutions, treaties, and court rules are the other significant areas that Melody discussed. Notable among these is the RDA rule for **treaties**: The **jurisdiction named first should be the main access point**, not the jurisdiction that would be first in alphabetical order. Example: Agreement between the United Nations and the World Intellectual Property Organization. Since the first-named party is: United Nations, the full access point will be: United Nations. Treaties, etc. World Intellectual Property Organization, 1975 January 21. <A better and my own example, but as a subject tracing:> A study of the Consular Convention between the United States of America and the People's Republic of China [electronic resource] / Stephen Kho. The heading would be: United States. Treaties, etc. China, 1980 Sept. 17.

Library of Congress rule interpretations intrude significantly into how these rules operate in the end, since most of us follow/copy LC practice. (In my dream world LC has already digested and published their "take" on these rules--no LC rule interpretations to cross-check!) An example is LC's alternative treatment of compilations of administrative laws and administrative regulations. If one were faced with a compilation of agency regulations and federal laws, LC would find no fault were one to choose the larger jurisdiction as the main access point even if an agency's rules were mentioned first in the title proper. Besides, an added entry for the agency would cure that seeming deficiency.

RDA ... *continued*

One glaring difference for users of an RDA record is the elimination of the **subfield h[General Material Designation]**, or GMD. GMD is that bit of data in the 245 title-field that identifies its non-print iteration. (Example: Making your case **[sound recording]** : the art of persuading judges / Antonin Scalia, Bryan A. Garner.) RDA relegates that subfield into MARC **3XX** fields: **336 (content)**, **337 (media)**, **338 (carrier)**. In Imwinkelried's book, for example:

--content is text;
--media is unmediated;
--carrier is volume.

The user should expect a volume of text that does not require a special device like an e-reader to reveal its content.

Melissa Beck warned us—especially Reference librarians—that 245 subfield h is in attrition, fading toward extinction. It is ironic that the limitations of GMD forced a reconfiguration of the MARC record, but the reformat now also eliminates a convenient search-option. One can assume that advanced searching capabilities will compensate for that loss, perhaps, eventually (maybe).

Thanks to Melody and Melissa, this workshop steels our backs to the workings/effects of RDA. Even though the national libraries of medicine and of agriculture have adopted this new code, Library of Congress has not declared a Day 1 for conversion. There are many issues that still need resolution, and not just for law collections. I will wait, observe, and study examples as they come into our own OPAC. Then, after a full workshop [It will come!] on RDA's application to legal literature only has been offered, attended, and all unresolved issues settled, I might consider advocating to our Library a Day One for full RDA implementation.

For the workshop hand-outs, go to this site (it will require you to create an account and password):

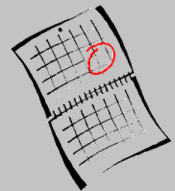
<https://docs.google.com/leaf?id=0By5rBb3ezlA9M1hzZmRYd1hTSW16aUZRZkVzQUdOUQ>

Bill Nazarro is Cataloging Librarian at Whittier Law School in Costa Mesa



Spring Meeting

SCALL Spring Meeting
May 17th, 2012
6:00pm



Please join us for the SCALL Spring Meeting, where UCLA law professor **Samuel Bray** will speak. His topic will be current developments in the law of Remedies, including an exploration of how law protects the vulnerable.

The meeting will be held at the Los Angeles office of Best, Best & Krieger LLP: 300 South Grand Avenue, 25th Floor, Los Angeles, CA 90071.

A more detailed announcement with cost and RSVP deadline will soon be available on the SCALL website.

For any questions, please contact: Patrick at patrick.sullivan@lexisnexis.com

Keynote Address : Has the Judicial Branch Become a Twig? Crisis in the Courts ...reported by Brionica K. Bryson



*The Hon. Judith
McConnell*

The keynote speaker at the 4th Joint Institute in San Diego was **The Hon. Judith McConnell**, Administrative Presiding Justice, California Court of Appeal, 4th District.

The Justice discussed the current state of the courts against the backdrop of the ongoing financial crisis in the United States. Having served in an administrative capacity, Justice

McConnell has personally experienced the ups and downs in the courts, and was well-qualified to discuss the unprecedented obstacles now being faced on a national level. In her opening remarks, Justice McConnell posed a question which summed up a growing view of the courts today: *Is justice delayed, justice denied?*

While public law and law school libraries have been instrumental in creating dramatic improvements within the courts in the last 20 years, these improvements have been overshadowed by **budget cuts** courts have been forced to make. Modernization and increased efficiency of case management and technology cannot make up for cuts in the system. Over 40 of 50 state courts have experienced these cuts. As a result, **fees and fines have been increased, hours of operation and the ability to retain staff have been reduced, and basic supplies, such as pens and pencils, have been difficult to acquire.** Some courts have even had to make do with the **same budget for materials** they've had for the **last 10 years**, though the cost of necessary materials has increased dramatically. Courts and public law libraries are then left with the task of determining what essentials need to be sacrificed in order for other essentials to remain accessible.

Morale among court employees has dwindled due to mandatory furlough dates and lack of raises. Courts in California have been forced to make a 5% cut in the time they are actually functioning. Workers are asked to do more, with less time and resources.

Cases become backlogged. Vacancies are left unfilled, as no funds exist to provide pay for empty positions.

Cuts have also affected the way justice is served to the public. Children and family courts have been hard hit; victims of crime sit in limbo waiting for relief; and probate estates cannot be resolved. Because of this reality, the issue of "justice delayed is justice denied" has all too often been proven to be accurate. Many individuals grow so frustrated with either the length of time they must wait for their case to be heard, or the increased cost to even file in the courts, that they simply give up.

Planning for the future in courts is difficult, particularly in California. Many aspects of Governor Brown's proposed budget are based on assumptions that certain initiatives will be passed. This is a problem. The courts cannot rely on possibilities, and it inevitable more cuts will take place.

Justice McConnell, while describing the seemingly dire future for the courts, did offer hope for change. Signs are pointing to the faint stirrings of economic improvement, and these improvements will eventually trickle down to the courts. In the meantime, law librarians are becoming more essential than ever. Courts are continuously linking with law libraries for aid in areas such as determining the best area to make future cuts.

Justice McConnell also stressed the importance of law librarians supporting and becoming involved in Law Day on May 1st. This year's theme, *"No Courts, No Justice, No Freedom,"* emphasizes the need for courts to receive more funding to ensure no one is being deprived of justice. While the current situation in the courts does appear to be grim, Justice McConnell seemed optimistic that changes for the better will come.

Brionica K. Bryson is Librarian at Trinity Law School in Santa Ana

California County Law Librarians: How they are Faring? ... reported by George P. Carter, photos by Lisa Pope



The Program

Following a dispiriting keynote address on the situation with the California court system by the Hon. Judge Judith McConnell (California Court of Appeal, 4th district), five California County Law Librarians took the floor to provide the conference with insight as to how the county law libraries are faring. Each county law librarian covered the financial impact of the current economy, mission, governance, funding and filing fees among other issues related to their particular county law library.

Introduction to County Law Libraries

California county law libraries seek to provide all California residents access to legal information. Each county court has the power under the Business and Professions Code §6300 et seq. to establish a law library board of trustees. California county law libraries are funded through court filing fees, with each county receiving different amounts based on various factors. Funds received by each county law library are directly related to the number of civil filings in that law library's particular county.

So how are the county law libraries faring?

The director of the **San Diego County Law Library, John Adkins**, moderated the panel. After briefly introducing each individual law librarian, Mr. Adkins reported that his library's filing fees are down 39%, a frightening and harsh number to those in attendance. Mr. Adkins invited those in attendance to come tour San Diego County's newly remodeled facility. He then began the panel discussion with Vanessa Christman from El Dorado County.

Vanessa Christman, El Dorado County Law Library

Vanessa is the only full time staff person at the 1,500 square foot library that resides 40 miles north-east of Sacramento. The library maintains two computers for Lexis/Westlaw and has about 8,000 volumes, many of which are not updated regularly. El Dorado County Law Library receives \$29 per civil filing which amounted to \$165,500 in 2010. The amount dropped by 16% to \$140,100 in 2011.

Despite being a smaller rural county, Vanessa provides excellent

customer service and hosts two legal aid clinics and one family law workshop each week and even extends service with a kiosk in the South Lake Tahoe Public Library.

Annette Heath, Kern County Law Library

The Kern County Law Library receives \$27 per filing. Most of its library users, however, are low income and qualify for a fee waiver, which dramatically decreases the sum of filing fee income the library receives. The law library is dealing with a 9% decrease in filing fee income since last year. 80% of the users that Annette encounters are self-represented litigants with a high demand for Spanish language resources and materials.

Despite funding problems and serving an economically disadvantaged population, Annette and her staff, including two Spanish speakers, provide a number of services to their patrons. For example, they assist the small claims advisor, self-help center, and offer legal clinics in the library. In addition, the library staff assists in procedural information and reviews forms for completeness. To reach the furthest corners of their county they recently started a video conferencing service with the Family Resource Center in Lake Isabella, which is a 2 hour drive from their library in Bakersfield.

Marcia Koslov, Los Angeles County Law Library

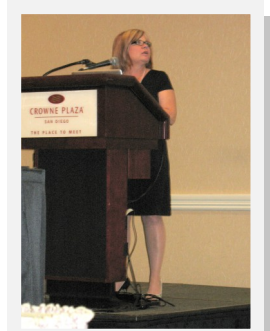
The Los Angeles County Law Library is California's largest law library and is faring rather well even amidst a drop in filing fee revenue. Law libraries are not required to spend every penny of revenue they receive like so many California government entities. Instead, county law libraries are allowed to save money and Marcia and her Board have been doing this for quite some time. LA receives income from interest and is more able to deal with the pro-longed economic situation facing California. In addition, 7.5% of LA's revenue is generated from the parking garage it owns and operates. Court filing fees represent 85% of LA's yearly budget. LA's budget allows them to employ 46 full-time staff and 22 part-time staff and spend 7% of their acquisitions budget on new materials every year while the remaining 93% pays for continuations.

Mark Estes, Alameda County Law Library

Mark noted that 95% of his library's income comes from civil filing fees, which are down 15% for the year. He also reminded attendees that law library filing fees have not increased since 2007. Mark provided 3 reasons for the decrease in filing fees: fewer cases filed, more filing fee waivers granted to individuals, and more cases filed by government agencies, whose filing fees are also waived.

Despite a drop in revenue, the Alameda County law library has experienced a 10% increase in patrons using the library. 60% of their library's patrons are non-attorneys.

California County Law Librarians: ... continued



Alameda County Law Library has a rich history, particularly among judges who have served on the board of trustees, including former Oakland Mayor Lionel Wilson. The library has moved three times. Its collection, which started with 1,376 volumes and reached 180,000 at its peak, now balances at about 100,000. Through it all, Alameda County Law Library remains committed to providing the highest level of customer service to its patrons. Mark noted his commitment to collaboration with all library types and to finding new ways of providing meaningful access to legal information.

George P. Carter is Head of Reference at the Law Library for San Bernardino County in San Bernardino. **Lisa Pope** is Circulation Technician for Rinker Law Library, Chapman University, Orange

AALL and California's Chapters: A Perfect Partnership for Effective Advocacy ... reported by June Kim

Emily Feltren, the director of the **AALL Government Relations Office (GRO)**, spoke to a packed conference room on the first day of the 4th All-California Joint Institute. Ms. Feltren is an enthusiastic and engaging speaker, qualities that no doubt serve her well in her position as our advocate in D.C. Her upbeat attitude perfectly complimented the goal of her presentation: to inspire and prepare us to get involved in our government. Ms. Feltren also gave us an introduction to the GRO, its goals, online resources, and how it works with its chapters and members in California.

The GRO, developed in accordance with AALL's Government Relations Policy, works on information policy issues affecting law libraries at the national, state, local and international levels. In its role as advocate, the members of the D.C. office meet with the staff and members of Congress as well as executive branch officials. They draft letters, make phone calls and schedule face-to-face meetings. Furthermore, the GRO collaborates closely with AALL's Copyright Committee; Digital Access to Legal Information Committee; and Government Relations Committee. Lastly, the GRO relies heavily on the local chapters and its members to promote AALL's policy priorities at all levels of government. Advocacy involves the collaboration and power of many, working together to achieve a goal.

Indeed, the GRO and the California chapters have successfully collaborated on several important issues. For example, our joint efforts saved the EPA libraries, launched the National Inventory of Legal Materials, tested the new PACER program, and supported the introduction of the *Uniform Electronic Legal Materials Act* (UELMA). Future endeavors involve the enactment of UELMA, funding for public law libraries, and continuing/expanding the PACER program.

Nonetheless, Ms. Feltren's overarching message was that grassroots advocacy trumps all other types of advocacy. Throughout her talk, Ms. Feltren stressed the power and importance of the single individual. One who is personally impacted by the issues and conveys this experience to the representatives in state and federal governments has the greatest impact on policy. She supported this assertion by presenting several impressive graphs that indicate personal messages to Congress outweigh an onslaught of form letters/emails or the efforts of professional lobbyists.

To assist us in becoming effective advocates, Ms. Feltren mentioned several online resources. The GRO's new *Legislative Action Center* (<http://www.congressweb.com/cweb2/index.cfm/siteid/aall>) includes letter templates, an Advocacy Toolkit, Issue Briefs, a

AALL and California's Chapters ... *continued*

link to subscribe to AALL's Advocacy listserv, as well as a tool that helps users find biographical and contact information for elected officials (use the "Find Your Elected Officials" search at the bottom of the page or click on "Elected Officials" under Legislative Action Center).

Ms. Feltren identified several key members of Congress from California, highlighting Representative Darrel Issa as chair of the Oversight and Government Reform Committee, and Representative Mike Honda who is the ranking member of the Appropriations Committee. She also suggested keeping up to date by signing up for the *Washington Blawg*, reading the monthly *Washington E-Bulletin* and column in the *Spectrum*.

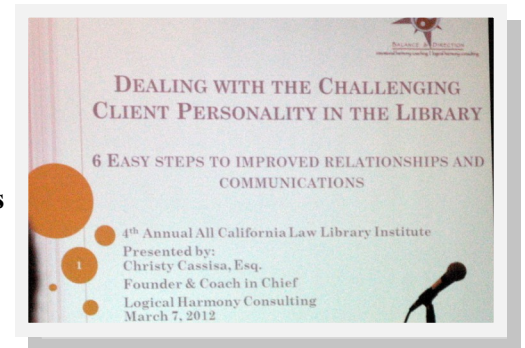
Finally, the GRO will offer legislative advocacy training at AALL's annual meeting in Boston, on Saturday, July 21, 2012 from 8:30am to 12:30pm in HCC-Room 102. Interested librarians should RSVP directly to Ms. Feltren (efeltren@aall.org).

June Kim is Senior Reference Librarian at UCLA Law Library in Los Angeles

Managing the Challenging Client Personality in Your Law Library ... reported by Sandy Li

In law libraries, as with most work environments, having challenging client interactions can be expected. The key, however, is how law librarians handle such interactions. If law librarians fail to understand their clients and themselves, these interactions can easily become contentious and unproductive.

At the 4th All-California Joint Institute, **Christy Cassisa, Esq.** discussed ways for law librarians to manage the challenging client personality using the **Myers-Briggs Type Indicator (MBTI)**. Christy is the Founder and Coach-In-Chief of Logical Harmony Consulting and the Assistant Director for Graduate Programs and Continuing Education at the University of San Diego School of Law. She is also certified in the administration and interpretation of the MBTI.



The MBTI is a personality assessment tool that indicates personality styles or preferences. It was developed by **Katharine C. Briggs** and her daughter **Isabel Briggs Myers**. The MBTI enables people to learn about themselves and by doing so understand how to work with others. Christy explained that by understanding personality differences, you can communicate more effectively, improve teamwork, reduce stress, and adapt to different work situations and management styles.

At the session, Christy focused on two MBTI type pairs--extroversion/introversion and thinking/feeling. Extroverts tend to be outgoing, a "people person," whereas introverts tend to be reflective and reserved. People can also be thinking types, or "thinkers," which means they enjoy finding logical solutions and like making decisions based on rational thought rather than on emotions. In contrast, feeling individuals, or "feelers," focus on what is important to others and make decisions based on what they feel. An interesting fact that was mentioned is that attorneys tend to be thinking types, while librarians tend to be feeling types. This difference could help explain why misunderstandings sometimes arise between librarians and their attorney-clients.

Christy also provided solutions to common situations librarians may encounter in their work. For example, many of us may have come across clients who either say too much or say too little. One solution is to be aware of your client's traits and to be adaptive. If your client appears to be an extrovert because he or she seems very talkative, then you can let the client talk and perhaps follow-up with clarifying questions. If, on the other hand, the client appears introverted and you want to know what the client is thinking, then a solution may be to give the client time to think and respond.

Managing the Challenging Client ... *continued*

Another common situation is when we encounter a difficult client and immediately think the client is wrong or a jerk. Christy advised that if you are a thinking type of person and come across a feeling type of individual, try not to be critical. Take the time to develop some rapport with the feeling individual. However, if you are a feeler and your client is a thinker, then you should try not to take what the thinker says personally. She said that feelers should focus on the thinker's message and not the delivery.

In addition to gaining a better awareness of ourselves and how we react, Christy recommended several methods for managing stress. She said taking five deep breaths can help calm us. She also said getting regular exercise, meditating, and getting enough sleep are good ways to reduce stress. Learning to manage stress is important because if it is not managed our health can be negatively affected.

At any job, encountering challenging clients is unavoidable but this informative discussion showed me we can adapt and overcome difficult situations. By understanding ourselves and those around us, we can identify our clients' preferences and respond accordingly. As Christy so aptly commented, the world would be an uninteresting place indeed if everyone was exactly like ourselves. We need all types of people to make things work. The MBTI gives people a chance to understand each other and learn to work together--aspects which are critical for law librarianship.

Sandy Li is an MLIS Student at San Jose State University. Photo courtesy of **Lisa Pope**, Circulation Technician for Rinker Law Library, Chapman University, Orange

Big But Brittle: Law Firm Survival in the New Economy ... reported by Mary Dryden

It was a perfect weekend in San Diego; the sky was clear and blue, the sea breeze wafted in from the Pacific Ocean, the temperature was in the seventies. There was only one thing wrong. We're all doomed. At least, that was the opinion of **David McGowan**, professor USD School of Law and partner, Durie Tangri, San Francisco, of the future of law libraries and law librarians.

Given his persuasive demeanor and his anecdotal evidence (much of which resonates with my own and that of my colleagues), his reasoning was difficult to argue with. We have all seen the merger or the outright closure of several law firms and libraries in the past ten years. Membership in our professional organizations is dwindling. I myself was laid off twice between 2003 and 2006 due to mergers. There can be no equivocation with Professor McGowan's assertion that the industry is in a state of flux, of which the rate of change will increase with no reasonable chance of a return to the equilibrium enjoyed in the 1980's.

And yet...and yet...

While it is incontrovertible that the increase of the use of electronic databases and the internet has changed the nature of legal and business research, I am not so sure that the book is dead. Professor McGowan very sensibly stated that, in the 1980's, a hard copy collection was a fixed cost and that this cost was both necessary and expensive for law schools and law firms. Regional reporters and certain treatises were *de rigueur* and, depending on the budget and the areas of expertise, additional resources were also necessary. Legal publishing being a for-profit business, the cost of these resources—and of keeping them current—kept going up. As long as law firms expanded and law schools increased their student body, these costs, though not inconsiderable, could be absorbed and deducted from the entities' tax returns as operating expenses.

Professor McGowan observed that in the post-war era (meaning post-World War II), law firms expanded very quickly. Nowadays, however, the scale is intrinsically fragile because they are changing equally quickly but in the opposite direction. The speaker similarly posited the expectation that soon, lesser law schools could be expected to close and that there would be fewer law students overall because there will be fewer jobs and student loans won't be paid off.



Prof. David McGowan

Presuming that this will be the case, does this mean that the basic requirements for a legal education will become inferior? I hope not. Does it mean that the curriculum will materially change, notwithstanding new law? I think not. Does it mean that law schools and law firms will seek every means at their disposal to maximize benefit for cost? Absolutely. Does it mean that a balanced collection of hard copy and electronic resources should be maintained? I should jolly well think so. Further, does this mean that librarians will still be required to assess collections, catalog them, test new products, shepherd and train legal staff through non-standardized and frequently deliberately confusing search terms? Oh, yes. And does this mean that law librarians will continue to lead the vanguard in cost-recovery for computer assisted legal research? I'll take "Librarians" for \$2,000, Alex.

Professor McGowan made many good points, most of which all those present in the room were already aware. These included the incredible shrinking library in terms of square footage, the rationalizing of cost cutting in all departments (including the library) and some partners questioning the need for a library at all. Though I give credence to the first two items, I would impishly hazard that the last one may not be a cause for worry since very few partners do their own research. They wisely leave it to the professionals.

The title of the program was "Big But Brittle: Law Firm Survival in the New Economy." Although Professor McGowan consistently alluded to law libraries and law librarians, the substance of his references was to law firms. I think that we should bear that in mind when recollecting his program and take heart, at least partly. As long as law schools and law firms can afford to stay afloat, I believe that there will be a need for law librarians.

Brave New World of Patent Law: The Leahy-Smith America Invents Act ... reported by Kelsey Chrisley

Raymond Hom, Esq. VP, Patent Counsel, at Qualcomm, provided the attendees at the 4th All-California Joint Institute a very informative presentation on the *Brave New World of Patent Law*. Being a novice when it comes to patent law, I found his overview of the basics extremely helpful along with his comments on recent changes to the law. He shared some humorous examples of patented inventions, such as Method of Exercising a Cat (US Patent 5,443,036 Aug 22, 1995). Since Qualcomm is both the World's largest fabless [fabrication-less] semiconductor company and a leader in licensing wireless technologies, Mr. Hom is in a unique position to illustrate how the **Leahy- Smith America Invents Act (American Invents Act)** Public Law 112-29, influences the world of patent law.



Mr. Hom revealed the America Invents Act as the greatest fundamental change to the U.S. Patent laws since the Patent Act of 1952. (The American Invents Act becomes effective **March 16, 2013**) This act shifts the alignment of U.S. patent law to harmonize with the rest of the world. Under the Act, a patent is granted to the **first inventor to file instead of first to invent**. The Act makes changes to the conditions for patentability of **novelty** and **obviousness**. The Act also changes the **patent application process**, in order to assist the United States Patent and Trademark Office (USPTO) to address its backlog.

Individuals and business will have to change their strategic mindset in order to protect and financially leverage their new process/product. Strategy considerations include:

- Make public a trade secret?
- Timing is critical from invention to filing.
- Decision point for trade off: early filing date of patent versus need for refinements.
- Change in the patent process may require serial filing of patent applications, thus increasing costs.
- Request prioritized examination or supplemental examination by USPTO at a cost of \$4800 per request. Utilizing this process could accelerate grant process by one year. However, the final disposition may not necessarily be a patent grant.
- Post patent grant review may be filed by petition by non-owner. The review process may be used for a Covered Business Method patent.
- Prior commercial use as a defense to charge an infringement.

Kelsey Chrisley, MLIS, is Administrative Assistant at the Orange County Public Law Library in Santa Ana

Uniform Electronic Legal Material Act (UELMA) ... reported by Jackie Woodside

Michele Finerty, Assistant Director for Technical Services at McGeorge School of Law, coordinated and moderated the program on UELMA [pronounced “you-elma”]. It was the final program at the 4th Annual All-California Joint Institute, The State We’re In: California Law Libraries in Unprecedented Times.

Three panelists discussed the development of UELMA; the recent bill introduced in California to enact UELMA; similar initiatives in other states; and UELMA’s potential impact on law library operations. The program was able to cover a substantial amount of ground in just 45 minutes and still leave ample time for questions.



The Uniform Electronic Legal Material Act

UELMA was crafted to respond to the multiple concerns that have arisen as legal material has become increasingly available online. How is the public to know if the online material is an official and unaltered government document? How will online legal material be preserved? How will the public be able to access it many years in the future?

The first panelist, **Diane Boyer-Vine**, began by providing a brief history of the development of UELMA, from AALL’s 2007 National Summit on Authentication of Digital Legal Information to the formation of a Uniform Law Commission (ULC) Study Committee and then a ULC Drafting Committee, to its final approval as a Uniform Act in July 2011. Boyer-Vine is the **Legislative Counsel of California** and also one of our state’s **Commissioners** to the ULC. As a member of both the Study Committee and Drafting Committees for UELMA, she was in a unique position to explain the basic aim of the Uniform Act, which is to provide citizens the same level of trustworthiness in online legal material as they traditionally would have in

print material.

At its core, UELMA requires that **official electronic legal material** be **authenticated, preserved, and made accessible to the public on a permanent basis**. UELMA covers many basic state legal materials – state constitutions, session laws, statutory codes, and regulations – while leaving other categories such as administrative decisions and court opinions to the discretion of each state.

The requirements of the Uniform Act would apply if the state publishes a category of legal material in only electronic format, *or* if the state publishes that legal material in a combination of formats *and* opts to designate the electronic version official (as would be the case in California). UELMA leaves many details to the discretion of the states, such as:

- whether to publish legal material in print, electronic, or a combination of formats;
- which legal material to cover under their version of the Act;
- which government entity to name as the official publisher for each type of legal material covered;
- the specific technology an official publisher will use to authenticate the legal material;
- whether the official publisher will preserve legal material in print or electronically; and
- when the provisions of the Act would go into effect.

Furthermore, UELMA does not affect copyright law, contracts between state entities and commercial publishers, or state evidence law.

The following links provide additional information:

[ULC’s UELMA Summary](#)

[UELMA Final Version with Prefatory Note and Comments](#)

[ULC’s Electronic Legal Material Act Committee page](#)
[AALL’s Digital Authentication Advocacy page](#) and
[Endorsement Letter](#)

California Senate Bill 1075

After presenting the basic provisions of the Uniform Act, Boyer-Vine then went on to describe the bill that the Senate Committee on Rules recently introduced in California to enact the provisions of UELMA. SB 1075 was introduced on February 14, 2012 and has been referred to the Senate Judiciary and Rules Committees.

Uniform Electronic Legal Material Act (UELMA) ... *continued*

The bill takes a narrow approach under UELMA. “Legal material” is defined as the state constitution, session laws, and statutory codes and does not include any administrative or judicial materials. The legislative drafters strategically chose to focus on the legal materials over which they have the most control. This approach, of course, leaves open the option to amend the bill (or law) in the future to add additional categories of legal material. Boyer-Vine’s role as Legislative Counsel is to provide background information about the bill to legislators.

Authentication issues have been on Boyer-Vine’s agenda since 2007 when the Office of Legislative Counsel’s website received poor marks in an AALL report for not offering official or authenticated legislative materials.

As Legislative Counsel, her office is charged with providing electronic access to state legislative materials, including the constitution, codes, and session laws. SB 1075 would opt to designate these online legislative materials *official* (even though they are also available in print format) and make the Office of Legislative Counsel the *official publisher*, thereby *triggering* the requirements of *authentication, preservation, and public access*.

If the bill passes, it would go into effect on **July 1, 2015**. Boyer-Vine hopes, however, to apply the same treatment to as many of the materials on the current Legislative Counsel website as possible.

Her Office will be exploring the various technologies available to provide for authentication, as detailed in a recent White Paper. The Uniform Act and SB 1075 are **outcome-based and technology-neutral**, simply requiring “**a method for a user to determine that the record received by the user from the publisher is unaltered from the official record published by the publisher.**”

The cost of different technological solutions is a paramount consideration. Since the bill will have some fiscal impact, it must go to the Appropriations Committee before passage.

In response to a question, Boyer-Vine projected that solving the authentication issue may actually prove less time-consuming than solving the preservation issue.

The second panelist, **David McFadden**, Senior Reference Librarian at Southwestern Law School, explained that AALL local chapter Government Relations Committees and the Council of California County Law Librarians plan to keep all of the law librarians in the state abreast of any

legislative developments on SB 1075 or grassroots advocacy needs. The law librarian strategy for SB 1075 is to refrain from any major advocacy campaign at this time, but to stay tuned regarding the future.

The following links provide additional information:

[California SB 1075](#) (website also enables email bill tracking)

[White Paper, “Authentication of Primary Legal Materials and Pricing Options”](#)

[AALL’s 2007 State-by-State Report on Authentication and 2009-2010 Updates](#)

Initiatives in Other States

Taking a step back from California, David McFadden reported on legislative initiatives by other states aiming to become early adopters of UELMA.

There is promising movement in the following states, although not all have introduced bills yet: Colorado, Connecticut, Kentucky, Louisiana, Minnesota, Nebraska, Ohio, Rhode Island, Tennessee, and Wisconsin. Each of those states plans to cover their state constitution, session laws, code, and administrative regulations, although some like Rhode Island aim to go much farther. Rhode Island also includes agency decisions, reported court decisions, and court rules in its definition of “legal material.”

In response to a question, McFadden theorized that smaller states might take more expansive approaches whereas larger states like California might take more incremental approaches to enacting UELMA. To follow the progress in each state, see [AALL’s State Bill Tracking Chart](#).

Implications for Law Libraries

The third panelist, **Lawrence Meyer**, Director of the San Bernardino County Law Library, looked to the future and discussed the benefits that law libraries might experience if the California bill passes. In terms of financial benefits, Meyer suggested that law libraries could save money, space, and staff time if they no longer needed to buy print session law and codes and could instead rely on official online sources. Those savings might allow libraries to purchase more secondary sources and new databases, offering patrons a more complete collection.

In terms of delivery of services, Meyer imagined that the extra staff time could shift toward providing more help to patrons, including teaching them how to find and identify



“Getting to Yes for Your Library: Negotiating Vendor Contracts in Your Favor”

Law library directors, managers, and electronic services librarians now spend most of their days negotiating vendor contracts. The contracts are getting more and more complex.

A panel of law librarians and attorneys convened to talk about the art of negotiating a contract with vendors. The panelists also went through various provisions in a contract and discussed their views on what provisions and clauses are of the most importance. The panelists concluded with a discussion of nondisclosure agreements as a part of the contract negotiations and vendor permissible-use requirements. This session provides a wealth of information to all those who negotiate vendor contracts.

Uniform Electronic Legal Material Act (UELMA) ... *continued*

official authenticated online legal material. For counties with rural populations, he also noted the potential to improve access to justice because law librarians would be able to email official reliable links to underserved patrons in remote areas of the county.

Meyer reveled in his role as the final panelist of the conference, commenting that it was his distinct pleasure to close with “apple pie, motherhood, and all things good.”

Jackie Woodside is the Research Law Librarian for Experiential Learning at UC Irvine School of Law in Irvine. She is also a member of AALL’s Digital Access to Legal Information Committee.

AALL Secretary is the Joint Institute Luncheon Speaker reported by Karen Skinner



Deborah Rusin,
AALL Secretary
& VIP Guest

Deborah L. Rusin spoke at the Joint Institute’s luncheon as the AALL VIP guest. She is the Director of Library and Research Services at Katten Muchin Rosenman LLP and is currently serving as AALL Secretary. Ms. Rusin began her speech by expressing her gratitude to the California law library associations for inviting a Chicagoan to San Diego in March. She then made several announcements, including that she had spoken to numerous individuals during the joint institute and would be bringing all their questions and concerns back to the AALL Executive Board.

Ms. Rusin announced that the AALL election has been completed and the following have been elected: **Steve Anderson**, of the Maryland State Law Library, will be the Vice President/President-Elect, and **Amy Eaton**, of Perkins Coie LLP, and **Suzanne Thorpe**, of the University of Minnesota Law Library, will be Board Members.

Ms. Rusin discussed **Velvet Chainsaw Consulting’s** evaluation of the annual meeting. A committee, chaired by **Diane Rodriguez**, was appointed with the purpose of reviewing Velvet Chainsaw’s report and beginning implementation of the suggestions. Some of the suggestions have already been implemented for the 2012 Annual Meeting in Boston. Other recommendations will take longer to implement. For instance, the possibility of virtual conference attendance was brought up. Ms. Rusin said that it is a possibility, but not quite on the horizon yet.

Registration for the 2012 Annual Meeting is now open. **Richard Susskind** is scheduled as this year’s keynote speaker. Additionally, non-member registrations will get a 1 year AALL membership included with their Annual Meeting registration this year. AALL renewal invoices will go out shortly. When you renew by May 1st, you’ll be entered in a drawing for a free 2012 Annual Meeting registration. If you renew by May 31st, you’ll be entered in a drawing for a free AALL webinar.

Two new caucuses have been approved: the **Consumer Advocacy Caucus** and the **Environmental Libraries Caucus**. AALL President, **Darcy Kirk**, approved a committee to develop policies and guidelines for caucus formation.

Ms. Rusin wrapped up by thanking members, saying their participation and dedication makes AALL the wonderful association that it is.

Karen Skinner is a Research Services Librarian at the USC Law Library in Los Angeles

SCALL Executive Board, 2011–2012

President

Mark Gediman
Best Best & Krieger LLP
3750 University Ave., Suite 400
Riverside, CA 92501-3369
Phone: (951) 826-8230
E-mail: mark.gediman@bbklaw.com

Vice-President/President Elect

David R. Burch
Loyola Law School
William R. Rains Library
919 Albany Street
Los Angeles, CA 90015-1211
Phone: (213) 736-1115
E-mail: david.burch@lls.edu

Secretary

Galeen L. Roe
Ogletree, Deakins, Nash, Smoak & Stewart
400 S. Hope Street, Suite 1200
Los Angeles, CA 90071
Phone: (213) 457-0451
E-mail: galeen.roe@ogletreedeakins.com

Treasurer

Lisa Schultz
Loyola Law School
William R. Rains Library
919 Albany Street
Phone: (213) 736-8132
E-mail: lisa.schultz@lls.edu

Executive Board Members

George P. Carter
Law Library for San Berdo Co.
402 N D Street
San Bernardino, CA 92401-1423
Phone: (909) 885-3020
E-mail: georgic@sclawlibrary.org

Kelsey Chrisley
Orange County Public Law Library
515 North Flower Street
Santa Ana, CA 92703-2304
Phone: (714) 834-3003
E-mail: kchrisley@ocpll.org

Past President

Hugh J. Treacy
Whittier Law School
3333 Harbor Blvd.
Costa Mesa, CA 92626-1501
Phone: (714) 444-4141 ext. 495
E-mail: htreaacy@law.whittier.edu

SCALL Committee Chairs, 2011–2012

Archives

Ralph P. Stahlberg
LA Law Library
Phone: (213) 785-2535
E-mail: rstahlberg@lalawlibrary.org

Awards

Jennifer A. Berman
McDermott Will & Emery LLP
Phone: (310) 551-9360
E-mail: jberman@mwe.com

Budget & Finance

Jessica Wimer
UCI Law Library
Phone: (949) 824-7293
E-mail: jwimer@law.uci.edu

Bylaws

Amy Atchison
UCLA Law Library
Phone: (310) 794-5405
E-mail: atchison@law.ucla.edu

Government Relations

David McFadden
Southwestern Law School Library
Phone: (213) 738-6726
E-mail: dmcfadden@swlaw.edu

Grants

Kenneth Rudolf
University of La Verne Law Library
Phone: (909) 460-2065
E-mail: rudolfk@ulv.edu

Information Technology

Website:
Ramon Barajas, Jr.
Munger, Tolles & Olson LLP
Phone: (213) 593-5242
E-mail: barajasr@mto.com

Listserv:
Suzie Shatarevyn
Loyola Law School Library
Phone: (213) 736-1147
E-mail: shatares@lls.edu

Inner City Youth

Lisa Baker, Co-Chair
Musick, Peeler & Garrett LLP
Phone: (213) 629-7730
E-mail: L.Baker@mpglaw.com

Paul Moorman, Co-Chair
USC Law Library
Phone: (213) 740-2626
E-mail: pmoorman@law.usc.edu

Institute

David R. Burch
Loyola School of Law Library
Phone: (213) 736-1115
E-mail: david.burch@lls.edu

Library School Liaison

Cheryl Kelly Fischer
UCLA Law Library
Phone: (310) 825-3001
E-mail: fischer@law.ucla.edu

Membership

Judy K. Davis
USC Law Library
Phone: (213) 740-2189
E-mail: jkdavis@law.usc.edu

Newsletter

Patricia Pelz Hart
Chapman University Law Library
Phone: (714) 628-2544
E-mail: hart@chapman.edu

Nominations

James B. Senter
Jones Day
Phone: (213) 243-2531
E-mail: jsenter@jonesday.com

Placement

Don Buffaloe
Pepperdine University Law Library
Phone: (310) 506-4823
E-mail: donald.buffaloe@pepperdine.edu

Programs

Patrick Sullivan, Co-Chair
LexisNexis
Phone: (213) 683-8640
E-mail: patrick.sullivan@lexisnexis.com

Michelle Tolley, Co-Chair
Paul Hastings LLP
Phone: (213) 683-5037
E-mail: michelletolley@paulhastings.com

Public Access to Legal Information

June H. Kim
UCLA Law Library
Phone: (310) 206-3793
E-mail: kim@law.ucla.edu

Public Relations

Wendy Nobunaga
USC Law Library
Phone: (213) 740-2629
E-mail: wnobunag@law.usc.edu

Relations with Vendors

Lawrence R. Meyer
Law Library for San Bernardino County
Phone: (909) 885-3020
E-mail: larrym@sblawlibrary.org