Digitising Law Libraries: the Australian Experience

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1. **Introduction to the Problem:**

Digitisation is a hot issue in the information management realm. For an information professional, be he a librarian, an archivist, an information broker or a KM consultant, the benefits are many and obvious. For an IT professional, the challenges and rewards are immense – but so are the problems. End users' reaction to digitisation of resources vary, from the enthusiastic to the ambivalent. This report looks into one such end user group: the legal profession.

Digital libraries have been endlessly discussed in the past decade at conferences, workshops, in academic and lay publications. The law librarians were much slower to pick up the trend, and as a result there is much less material about digital law libraries than there is, for example, about digitising archives, public libraries or university research centres. Part of this problem lies in the profession itself, paper-based, precedent-oriented and backwards looking as it is. The context in which law is practiced has not fostered the atmosphere in which law librarians can innovate and show initiative. Part of the problem, especially in Australia, has been the way "librarianship" is perceived: a woman's job on par with secretarial duties. Another part of the problem lies in the almost Luddite attitude of the "mature" legal professionals to IT Quite a number of lawyers known to the writer still resent the computer skills of their administrative/library staff, while not seeing the benefit of acquiring them. This is happening at a time when the judiciary in Australia, UK and the USA are pressing hard for electronic filing of legal documents, electronic court-rooms and electronic legal research for the courts. This is also happening in times when younger and often smaller law firms have proven beyond doubt that their internet research skills and IT knowledgeability put them in a better stead to access information faster, to collaborate with their team mates and to communicate with clients better and thus to be able to better represent their interests.

This report attempts to answer the following questions:

a. To what extent are digital libraries suitable for law firms?
b. What are the skills needed by the law librarians in the cyberage?
c. Are lawyers themselves, being the end users, ready for this implementation?

A short overview of the Australian digital law libraries is provided.

2. **Defining the New Library:**

There are many definitions of a "digital library." Terms such as "electronic library" and "virtual library" are often used synonymously. Noble (1998) stated that "As pervasive and ubiquitous as the term has become, the virtual library is a concept that is still evolving". Gapen (1993) says that the user of the virtual library "is provided the 'effect' of a library which is a synergy created by bringing together technologically the resources of many, many libraries and information services." In a similar vein, Loomis and Fink (1993) say that "in the virtual library a user experiences collections of information as though physically in the library." The elements that have been identified as common to these definitions are:

*   The digital library is not a single entity;

*   The digital library requires technology to link the resources of many;

- The linkages between the many digital libraries and information services are transparent to the end users;

- Universal access to digital libraries and information services is a goal;

- Digital library collections are not limited to document surrogates: they extend to digital artifacts that cannot be represented or distributed in printed formats (Drabenstott, 1994)

Lynch & Garcia-Molina (1995) consider digital libraries as "..providing a community of users with coherent access to a large, organized repository of information and knowledge." Cleveland (1998) provides a working definition of what a digital library is from a viewpoint of a librarian: assume that digital libraries are libraries with the same purposes, functions, and goals as traditional libraries--collection development and management, subject analysis, index creation, provision of access, reference work, and preservation, since a narrow focus on digital formats alone hides the extensive behind-the-scenes work that libraries do to develop and organize collections and to help users find information. Schauble & Smeaton (1998) state that "Digital libraries represent a new infrastructure and environment that has been created by the integration and use of computing, communications, and digital content on a global scale." Stielow (1999) defines the virtual library as a place where "all services are provided through the Internet, rather than in a building." The US Digital Library Federation project has its own working definition: "Digital libraries are organizations that provide the resources, including the specialized staff, to select, structure, offer intellectual access to, interpret, distribute, preserve the integrity of, and ensure the persistence over time of collections of digital works so that they are readily and economically available for use by a defined community or set of communities" (Waters, 1998)

Adam et al. (2000) provides a technical definition of the digital library as representing

> *"infrastructures for supporting the creation of information sources, facilitating the movement of information across global networks, and allowing the effective and efficient interaction among knowledge producers, librarians, and information and knowledge seekers. Typically, a digital library is a vast collection of objects stored and maintained by multiple information sources, including databases, image banks, file systems, email systems, the Web, and other methods and formats. Often, these information sources are heterogeneous, in terms of how the objects are stored, organized and managed, and the platforms on which they reside. Moreover, the information sources are dynamic in the sense they may be either included in or removed from the digital library system. Furthermore, digital libraries are composite multimedia objects comprising different media components including text, video, images, or audio"*

3. **The 2 L Issues: Law Firms and Libraries:**

Amongst the first commercial digital libraries were libraries of legal texts. The quality and size of these digital law libraries (e.g. Lexis, WestLaw, Scale and their predecessors) has improved markedly over the many years that they have been available to lawyers and legal researchers but there is still scope for improvement of the services provided. Although legislation has been accessible on these systems from the very earliest days (Harrington, 1985), by far the bulk of the effort in improving these digital law libraries has been expended in improving the coverage, retrieval and display of judicial decisions or case law. Searching and viewing legislation typically fails to take advantage of any technologies which are not applicable also to case law. In particular, the complex structure of legislation and different versions of a particular piece of legislation can be better supported. Legislation takes different forms in different jurisdictions. Most Commonwealth countries (e.g. Australia, Canada, New Zealand, and the UK) have both primary legislation-Acts of Parliament--and secondary legislation-rules, regulations and other documents made by the Executive under the authorization of an Act. Most US jurisdictions have a single Code which has chapters, each of which might correspond to an Act in the Commonwealth system. US jurisdictions also have rules and regulations made by the Executive to which the term legislation is not so freely

applied. Despite differences in nomenclature, very similar principles apply to all of the above categories and throughout this paper we will simply refer to Statutes for simplicity. Legislation is much more structured than case law. Case law contains some structured information at the beginning, but the bulk of any given case has little predefined structure. Any structure varies widely between individual judges and even individual judgments of a particular judge. By contrast, each category of legislation has a strictly defined structure. Statutes are broken into numbered sections (each of which may contain numbered subsections, paragraphs and subparagraphs) and schedules. These sections may be collected in parts, divisions or subdivisions. Unlike case law where a judgment is written to be read linearly from beginning to end (albeit with references to other judgments), order is not as important and the meaning of the document as a whole is not affected by changing the order of its elements. There may be many potentially sensible orderings and groupings of the various elements which make up the Statute [Hoey, 1988]. Digital legislation libraries need to reflect this independence by allowing the user to retrieve either individual elements (providing each element is a cohesive whole) or the whole Statute. Legal researchers often know parts of the collection of legislation intimately and can often navigate directly to the provision they require without using advanced searching facilities or waiting for the whole Statute to be down-loaded. Searching facilities are still required for finding legislation beyond the area of expertise of the researcher. It is important that the digital tools reflect their paper equivalents as much as possible and cur- rent digital systems often neglect to reflect this structure in appropriate formatting. To the extent that it is possible, the display of legislation in a digital library must reflect the structure of legislation as it appears in current paper tools (particularly official publications of legislation). This display might be direct display of the underlying format, export to HTML or a proprietary word processor format, export to a typesetting system or camera-ready paper publication.

The other important distinguishing characteristic of legislation is that its content can change with the passage of time. Sections (or larger and smaller elements) can be added, removed or altered. In the Australian system this would correspond to inserting or replacing whole chapters of a code. In between the above categories, amending Statutes are passed which alter the principal Statutes, sometimes changing a single word or figure, sometimes inserting, removing or replacing whole sections, parts or schedules, and the whole spectrum in between.

It is only these Statutes that have legal force, but it is inconvenient to deal directly with the Statutes as they are made. Legal researchers would prefer to have in front of them the law as it stands at the time relevant for their particular problem. In Australian terms, they require the complete code as it was at that time (note that other jurisdictions allow retrospective amendment so subsequent retrospective amendments must also be considered). Currently government (and private) publishers will periodically issue a 'consolidation' or 'reprint' of a Statute (or the complete body of legislation) as it stands at a particular time with all amendments applied. These are either in paper or electronic form (usually on CD-ROM). At best these contain annotations of the amendments either within the text or collected in tables for each Statute. In between time, law libraries can provide 'paste-ups' by applying the most recent amendments to the most recent consolidation (by literally pasting in the amendments to the paper copy). An electronic equivalent to this service it is certainly feasible.

However, lawyers' needs are different from the needs of other disciplines which rely heavily on electronic sources in that they are often interested in the law as it was at some distant time in the past [Greenleaf, et al., 1988]. Court action in most matters can be initiated at least as late as six years after the incident occurs (often much more). Lengthy appeals processes can mean that lawyers are still interested in the law for many years after the expiry of that time. When considering legislation that creates legal interests or entities like intellectual property legislation, corporations laws, and real property legislation, the time of interest may extend back more than 50 years. With a starting consolidation and a collection of subsequent amendment Statutes, a legal researcher can reconstruct the Statute as it was at a particular time. This process is made easier if

there is also a subsequent consolidation with annotations of all of the intervening amendments, but it is still a laborious manual process for frequently amended Statutes. Currently digital libraries typically provide either all of the Statutes as originally made - requiring the legal researcher to build every subsequent consolidation - or as it was at the time of publication (often without annotations) - requiring the legal researcher to go to other sources to reconstruct the Statute as it was in the past. Ideally a library, paper or digital, would provide every possible consolidation of every piece of legislation.

A typical jurisdiction in the Australian tradition will produce between 50 and 300 Acts in a year (usually around 100). About 20-30% of these are principal Acts but approximately 95% are amending Acts (as principal Acts often also amend other Acts). Even if we assume that each amendment only creates one version of an Act in force that means adding 120 versions to the library in a typical year while retaining all of the previous versions. A single Act can amend multiple Acts or make amendments which commence at different times so this estimate is quite conservative. This rate of expansion makes it infeasible to provide this service in a paper library. Electronic systems seem to have copied the paper approach, but a digital system can maintain such a library without consuming reams of shelf (or disk) space.

4. **An Overview of the "New" Law Library:**

As the world becomes increasingly electronic, libraries in law firms should take on further challenges. It will become increasingly inadequate to have the library perform only the traditional duties of information provision and collection development – managing intellectual property of the firm, training end users in the new technologies, and even marketing the firm will become the bread-and-butter of a law library. The library would move beyond the boundaries of what a library is defined as today and operates as a leader within the organization in support of the practices.

The new law library, fit for the information age in which business (including legal transactions) happens at the speed of light, should envision a smaller physical space; researchers using computers to access resources that have been organized in meaningful ways by the library staff and delivered via the firm's Intranet; entire library staff working with attorneys and support personnel to identify user needs, evaluate resources and develop the collection/content, and with technical staff to manage the Intranet content for ease of access and act as trainers for end users. The rest of the library staff's time would be spent performing research that requires more sophisticated research skills than is possessed by attorneys and staff, much of it involving non-legal resources with which attorneys and staff are not familiar. The law firm library should also become the centre for knowledge management within the firm. Library staff would work with practice groups to facilitate the sharing of knowledge within and among the groups. Besides working with the groups to develop non-technical initiatives, the staff would also work on developing technologically driven systems that allow knowledge sharing, to be accessed via the firm's intranet.

Such a library would be different in terms of staffing, facilities, content and services. The first of these issues will be addressed later. Here we propose to address the last three issues involved.

- Facilities: With the increased reliance on electronic resources, physical location of staff will be of less importance. The facilities are designed to assist researchers in the use of the electronic library and are equipped to facilitate the delivery of remote reference services. These facilities will include:

  - A multipurpose training room that is used for group training and is outfitted with systems for distance learning i.e., NetMeeting and video conferencing. This room can be rearranged to be used as a conference room for staff meetings, meetings with vendors etc.

  - Computer workstations where researchers can work quietly away from the distractions of their own offices.

☞ Librarians' offices that allow the librarians to work with individuals at the computer for individual training/research sessions or to meet with small groups for planning sessions. (Some of the reference staff may prefer telecommuting and will not need assigned office space)

☞ A network with high speed Internet access and wireless capabilities

☞ Shelving needs are minimal as all information is now available only in electronic format.

☞ Space is needed for additional staff members who are dedicated to KM. The facilities include offices that allow KM staff and librarians to meet with individuals and small groups for planning sessions. KM initiatives also require state of the art computers and a network with high speed Internet access.

• Content: Content would include both primary and secondary legal materials as well as resources that greatly broaden the collection i.e., corporate, financial, scientific, medical, government and general reference materials. Primary material is purchased once (from one vendor) but is integrated with all secondary resources. Material that is too old to be available electronically will be borrowed from academic libraries that maintain archives of this material either in microform, CD-ROM or print. All electronic resources would be available through the firm's Portal to the Intranet or Internet and unless otherwise stated any costs involved are treated as overheads. This Portal technology should provide the ability to filter content to the lawyers' desktop enabling them to see only what they choose to see. It is now possible to purchase information in smaller and more specific segments at more reasonable prices thus helping librarians to purchase information from only a single selected source. The availability of increased amounts of electronic information in the new library will be dependent on the librarians' ability to negotiate flexible and sophisticated license agreements at reasonable rates. The legal material available should include:

☞ Case law: Attorneys and staff are able to retrieve by citation or key word searching (search functionality as available in Lexis or Westlaw) and view online or print as needed.

☞ Statutes, codes and regulations: Available online via table of contents, by citation or keyword searching. Users are able to browse page by page, forward and backward.

☞ Online digests/cite checkers: Researchers use online tools like Westlaw or LexisNexis to identify/update potential case law, etc. The digests/cite checkers link to the primary material collection described above.

☞ Texts, Treatises, Law Journals and Periodicals: Practice specific treatises or texts as needed by the firm. Researchers would be able to browse issue table of contents or do keyword searching. These would be considered core titles for each practice with other titles available via online sources like Lexis or Westlaw.

☞ Newsletters: Practice oriented newsletters are accessed electronically via the Internet or as current awareness services e-mailed to specified recipients.

Content for KM initiatives includes the following:

☞ Information stored in databases throughout the firm (Outlook, Elite, Interaction, HR database, etc.) that, when put in context via the firm's intranet, become knowledge.

☞ Databases that are created specifically to contain knowledge (i.e., Research database that tracks reference/research requests).

☞ Prior work product stored in the firm's document management system.

☞ External information resources used to develop knowledge regarding clients, legal issues, etc. These services can be primary or secondary legal resources, news resources, public records, etc.

- Services:
  - Reference/Research: Attorneys and staff communicate with library staff via an interactive reference service that uses computers, video cameras and interactive software. Research results are delivered electronically. With attorneys doing most of their own legal research the research most often conducted by librarians includes business, scientific and technical research.
  - Collection development: Librarians with practice specialties work with a designated attorney within each practice to identify, evaluate and develop the content for the electronic library for that practice.
  - Collection management: Librarians and acquisition/serials specialists manage subscriptions and contracts for content. This includes contract and license agreement negotiation and management of the library budget.
  - Access management: Librarians and acquisitions/serials specialists manage the licenses, user ids and passwords for end users. They also manage copyright permissions.
  - Resource Development: Librarians and technical/web staff work with attorneys and vendors to develop customized resources for use by their firm's attorneys.
  - Current awareness: Attorneys get one daily e-mail that has highlights of all of the newsletters, clipping services, etc. to which they subscribe. The e-mail also has a link to a personalized intranet page that aggregates all resources into one central page. All of this content is available on the attorneys wireless device.
  - Training: Librarians arrange vendor training or develop and deliver in-house training for both computer savvy and less computer savvy users. Librarians have the ability to take control of a users computer to demonstrate how to conduct a particular research session or to trouble shoot a problem.
  - Attorney work product retrieval system
  - Attorney expertise system
  - Expert witness database
  - Judges biographical database
  - Local counsel database
  - Client/matter resource
  - Intranet practice group page
  - Intranet research page
  - Current awareness service
  - CLE support

5. **Ready, Steady, Go (1) – Skills for the law Cybrarians**

The staff consists of librarians and technicians who have all the traditional skills plus a high degree of technical expertise. The demand for such highly qualified individuals is great and retention is difficult and expensive. They include:

  - A library director who has a vision of what the electronic library looks like in his/her firm, communication skills that allow him/her to get their firm to buy in to the vision, and an understanding of technology that allows him/her to work with technical staff to make it happen.
  - Acquisitions/Serials staff that have a complete understanding of licensing and copyright. Their responsibilities include negotiating contracts and managing user access.

📖 Research staff that is skilled in evaluation of resources, training end users, and conducting research. Their responsibilities include working with end users to understand their needs, evaluating new and existing resources, assisting users in research and the use of the electronic resources, and performing research. With so much information available directly to the end user, the role of the research staff as intermediary will decrease as the need for training and needs assessment will increase.

📖 Web development staff that is skilled in communication, project management, and systems thinking. Besides their technical expertise, they have a complete understanding of the library's mission and the resulting services provided by library staff. They spend their time working with library staff and end users in the development of the online library.

📖 Clerical staff to support data entry as needed.

📖 Interlibrary loan staff to locate and borrow older material available only in print.

Additional staffing is generally needed to support KM initiatives. This staff is knowledgeable about the practice of law and the technology used to manage knowledge. The staffing may be different depending on the size of the firm and the KM initiatives being undertaken by the firm and may be outsourced depending on need. Skills needed by library staff or provided through partnering with other departments within the firm or by outsourcing include:

📖 The ability to lead the firm in the visioning process that needs to take place in order to move forward with KM. It requires high leadership aptitude with a high degree of skill in communication, problem solving, change management and negotiation/collaboration.

📖 The technical skills needed to develop resources/systems for knowledge sharing. Since the intranet is the central resource for KM in the firm, technical skills are necessary for the development process of the various systems that come out of the KM initiatives. Along with technical skills, skill in communication, project management, and systems thinking are also required.

📖 The ability to lead in the evaluation, implementation and training of electronic resources. The skill in evaluation of user interfaces and content, along with experience in training and performing research are also required.

📖 The ability to act as KM consultant during KM initiatives as well as provide services as research librarians, trainers, and content/collection developers.

📖 A full understanding of the firm's practices and the support needed within each practice area.

6. **Ready, Steady, Go (2) – Are Lawyers Ready For Cyberianship?**

In 1996, [Biederman](), a Dallas based lawyer with technical aspirations, bemoaned the Ludditism of the USA legal profession in New York Times:

> *"Lawyers as well as judges tend by nature to be a conservative and technology-adverse lot. 'A lot of the judges still don't do their opinions electronically; they're still handwritten,' said Gail M. Daly, Director of the Underwood Law Library and an Associate Professor of Law at Southern Methodist University. Daly, who is in the process of loading Federal court opinions from the Northern District of Texas on S.M.U.'s Web site, notes that because many judges are not favorably inclined toward technology, 'it's a political problem for the courts.' ([Biederman](), 1996)*

As a matter of pure curiosity, or maybe diversion from the seriousness of the discussed issue, the writer decided to do a little research on how lawyers want to be perceived by those accessing their websites. Using Google search engine's ability to find graphics, a search on "lawyer", "solicitor" and "attorney" was performed. The number of photographs representing law professionals – whether real or posing as such – who were photographed at the foreground of their bookshelves,

all stacked with the customary leather-bound, heavy folios of precedents, acts and regulations was staggering. Photographs purporting to show law staff with laptops, desktops or any other electronic devices was in comparison, rather minimal. Intrigued, the writer decided to take the search one step further, and visit a number of acquaintances who happened to work in the legal profession. The one question asked (casually) during these visits was, "How do you do your legal research". In more than 80% of cases, the writer would be taken into the firm's library, where the hard copies of the legal materials were held. The remaining law professionals were mostly solo practitioners, legal aid (public service) staff or partners in very small firms. This smaller group used the internet and CD-ROMs more than paper-based materials at their offices or homes, but admitted to frequenting the local law school library for "serious" research. The reasons given were invariably that the electronic materials were cheaper, that there wasn't enough physical space for the paper-based materials, or that they could not afford staff to do the continual updating of resources.

The law practitioners in the smaller group where then asked if they could provide their ideal setting for a promotional photograph that would feature on their websites. Majority of the cases stated that they would have liked to be photographed in their offices, preferably with the bookshelves in the background. When asked why they saw this as an optimum location, they responded that clients want to see "a knowledgeable professional" – someone who had access to, and knew how to use, legal knowledge. When the writer suggested that a photograph of the lawyer busy tapping away at his/her laptop would give the impression of being "modern, technologically savvy, etc.", the responses were highly fascinating:

"They'd probably think I am reading my emails."

"I don't want to look like I am playing games at work"

"I am a lawyer, not an IT person. Lawyers work with documents."

Lawyers often lack faith in new and unfamiliar tools [Agosti et al., 1991] so designers of digital law libraries should aim 'to support lawyers in their traditional ways of working' [Wilson, 1990], fashioning the components of their system so that the appearance is as similar as possible to the corresponding paper technology with which the users of the system are already likely to be familiar. While cognitive studies show that black-on-white, high resolution and proportional fonts all improve the usability of a system which requires reading of text from the screen [Nielson, 1989], this is probably insufficient to attract the typical legal researcher without giving an extra incentive of additional functionality, convenience or financial benefit [Dabney, 1998].

Most of the current managerial guard in law firms are those who grew up in the television age, and feel highly uncomfortable with the new information revolution and its tools. Although the younger generation of legal practitioners specialise in such fields as Internet Law, and sport laptops and WAP phones, they seldom make decisions at a managerial level. From my own experience I can say that when time came to move our service's paper library onto the Intranet and CD-ROM storage, the Management Committee (all of them 40-50 years of age) refused the permission to dispose of the brittle, yellowing archives (mostly outdated Acts and case law already available online) on the grounds that "it is easier to search".

However, the opposite trend should be taken cautiously: some lawyers have begun to pressure law librarians to drop their paper collections and expensive commercial services and rely only on the Internet. This makes no more sense than the earlier reluctance to use the Internet at all. The Internet is not "better" than Westlaw and Lexis. It is just different. An Internet connection will open up new research avenues (particularly for factual research) and it may reduce the pay for service databases' expenses, but the Internet is not yet close to being a complete replacement for the commercial services in the field of legal research.

Some law and corporate libraries convert to a "virtual library" gradually. Others are thrust into the virtual world by firm or corporate mandate. Some are even a combination: a gradual thrust, if you

will. At the risk of overstating the obvious, there are sound reasons to move from print resources to electronic resources just as there are still valid reasons to keep many materials in print:

1. To serve multiple locations, avoiding duplication of effort and resources.

2. To provide 24/7 access anywhere an attorney has Internet access: home, road, client, etc.

3. To provide non-restricted use. In electronic format, a book or issue is never out or missing from the shelf. Attorneys are not limited by their colleagues' concurrent research needs. The information is always available to everyone providing there are adequate licensing agreements.

4. To provide rapid and democratic distribution of information. Attorneys who previously had to wait days or weeks (sometimes months) until their turn came up on a routing list, can now receive information as quickly as the top names on a routing list. This has created a leveling in the hierarchical structure of the firm and in information distribution. Associates are no longer dependent on partners to receive current and noteworthy information.

5. To reduce staff hiring and associated HR costs. The "traditional" library staff model ratio of one librarian to 35 attorneys is no longer applicable. In fact, due to the level of migration from print to electronic, no new library staff positions have been created in our firm over the last three years, even with the addition of approximately 100 attorneys.

6. To reduce physical space needed to maintain library collections. The better use of expensive metropolitan real estate is to house people (e.g. higher fee-generating attorneys), not books.

7. To gain a competitive edge. The law library today is more than an electronic version of books on the shelves. Information is now conceived and delivered in ways not thought of even five years ago, and tech-savvy law libraries contribute a great deal to the edge.

My personal experience is echoed by a Walter Perry Johnson Professor of Law and Law Librarian (see Berring, (2000)). In his article he defines and discusses the future of legal information, and talks about the "generation gap" that has occurred in the legal profession:

> *The comfortable structure of cognitive authority that had been so central to legal information has fallen, and it can't get up. Old tools are slipping from their pedestals while new ones are fighting for attention. Where once there was a settled landscape, there is now a battlefield. The change is not an organic growth of legal information, nor is it being guided by learned hands (…) This change is being driven by the consumers of the information and by publishers as they battle in the information marketplace. Many senior lawyers who would normally function as the gatekeepers of change are unaware that the earth is shifting under their feet, but it is. Law students and young lawyers do not see current events as revolutionary; they see them as the way things are. To them it is odd that anyone ever used a printed volume of Shepard's or a digest volume. This creates a messy generation gap in legal information. Like all good generation gaps, there is pretty much total misunderstanding on both sides. It takes no special skill to predict that the side of youth and technology will win, but those folks still face some trying years. Nor will the older side of the gap assist the younger with making the decisions on new cognitive authorities. Very few legal scholars have even thought about these issues, and if they do, they find it almost impossible to escape the constraints of their own experience. The way one learns to perform research becomes so second nature that it can be put into perspective only with the greatest difficulty. With the older generation doing nothing but causing trouble, the new one will be mostly on their own.*

By the mid-1990s popular acceptance of the use of personal computers was widespread, especially among educated groups like law students and lawyers. It was no longer necessary to train students in how to use a keyboard or operate a mouse. Most students arrived at law school with an

understanding of Boolean searching and the use of search engines. Their understanding of how to use these things may or may not have been more informed than their predecessors understanding of the internal dynamics of the Digest System, but use of personal computers was part of their operating arsenal of skills. This made for a huge change. The user base was now not only accustomed to using online systems, they often preferred them.

In the last few years the World Wide Web has become a destination for legal research, just like Lexis and Westlaw have always been. Internet access has expanded from the law library to the lawyer's desktop, and lawyers are increasingly surfing the Web for themselves. But they are finding it's a wild and wide Web out there, and many don't have the surf experience that their law librarians have (often painfully) gained. So training is an important and integral part of giving attorneys Web access from their computer. A few companies are putting their hands together to train lawyers how to use the Internet [see Johnson, (1998)]. A number of recent publications in Australia have been addressing the problem of online legal research, as well as the general use of IT by lawyers [see Dayal, (2000); Kerr, Hoyle & Gilchrist, (2000); Nemes & Coss, (2001)]. Each of these books has chapters on the use of search engines, browsers and other internet resources. Seminars and workshops are offered on such basics as getting connected to the Internet, and what is an ISP [see, for example, Hodges and Karisch, (1999)].

Legal professionals need to be able to confidently use and benefit from the wealth of resources available on the Internet. Specialised search engines, as well as general ones, are good tools for legal research. However, they are valueless if not actively supported by searching skills; something that has until very recently been limited to law librarians and researchers. An Australian study done by the legal research team which created AUSTLII (Greenleaf, et al. 1998) has provided a number of points as to why online legal research is difficult. The issues affecting the quality of research were, in the opinion of the paper, mainly related to search engine technology. Among others, the paper mentions the fact that intellectual indexes are hard to maintain, good ones for law are hard to find and none are even remotely comprehensive, and robot indexes are not comprehensive, contain too much, and are difficult to search for particular countries. Many significant law sites can't be searched and using different search engines can be confusing. So the problems of finding legal materials world-wide are that it is both difficult to find which useful sites exist for a particular country or subject, and also difficult to find what is on such sites as are known. These research problems are very substantial even for the most expert `internet savvy' lawyers and law librarians. They are much worse for inexperienced users.

7. **Digital Law Libraries – Australian Experience**

Internet directories (also referred to as Internet indexes) are great places to start when you are looking for collections of Internet sites on a particular subject. They offer the attributes of a good print index combined with hypertext links to the sources indexed. Most Internet directories also allow you to search the index and site names by keyword. Below are a few examples, but the list is not comprehensive. Most of these directories are USA based, Australia has ScalePlus, WebLaw, Themis and AUSTLII. Although fewer in numbers, they are much better organised in terms of indexing and citations (see Cribb et al., 2001).

- **Austlii** [**http://www.austlii.edu.au**] The Australasian Legal Information Institute (AustLII) provides free internet access to Australian legal materials. AustLII's broad public policy agenda is to **improve access to justice** through better access to information. To that end, we have become one of the largest sources of legal materials on the net, with over seven gigabytes of raw text materials and over 1.5 million searchable documents. AustLII publishes **public legal information** -- that is, primary legal materials (legislation, treaties and decisions of courts and tribunals); and secondary legal materials created by public bodies for purposes of public access (law reform and royal commission reports for example). You will find these materials listed under AustLII Databases. In addition to helping public bodies publish their legal information on the web, AustLII also provides a large index of other legal web sites from around the world, which is fully searchable and well organised. The **World Law** index

includes a special section containing "Other Australian Law". The size of AustLII's databases can be daunting, especially for those without specialist legal training. For that reason, AustLII is helping to collect Community Legal Information -- a set of "plain English" guides to the law.

- **ScalePlus** [**http://scaleplus.law.gov.au/**] is the legal information retrieval system owned by the Australian Attorney General's Department. There are two distinct ways of getting information from SCALEplus: *Browsing* works best when you know where you want to go (eg to a section of an Act or a particular case) and searching. *Searching* can be done from any of the three search windows: **Quick Search** or **Advanced Search.** To do Fast Search enter your search term(s) in the box on the SCALEplus Home Page, and press return. All databases will then be searched, and a hit list of the first 50 documents containing the search terms will be displayed. View a retrieved document by clicking on Show FIRST hit, or Show from Start. Click Back to return to the list. For a Quick Search, Click Quick Search (near top of screen) for an easy-to-use method of searching SCALEplus. Term(s) can be entered in the first and second boxes and an appropriate connector selected (eg. and or near). Searches can be limited to Zones via the pull-down menu at the right of the box .Fields (such as Date) can be built in to the search using the pull-down menu in part 2 of the Quick Search screen. When all required search terms have been entered, click Search. Click Advanced Search if you are familiar with the TOPIC search language (see next page for information on this). Any valid TOPIC syntax can be entered. Simply enter the search term(s) and click Search. Alternatively, click on the Browse Databases option in the list near the top of the screen. Select a database from the displayed list by checking the box next to the database name.

- **WebLaw** [**http://www.weblaw.edu.au/**] is a co-operative web gateway to quality legal resources that are freely available on the internet. The aim of WebLaw is to provide efficient access to these resources for legal researchers, students, legal practitioners and non-lawyers with an interest in particular areas of the law. WebLaw is not primarily aimed at members of the public, although it is freely available to anyone with internet access. In essence, WebLaw is a distributed cataloguing system. Participating organisations nominate an area of expertise and provide annotated links to quality resources in this area. Participating organisations adhere to common selection criteria and quality guidelines. The fourteen participating institutions are Adelaide University, AustLII, Australian National University, Commonwealth Parliamentary Library, La Trobe University, Law and Justice Foundation of New South Wales, Monash University, Murdoch University, National Library of Australia, University of NSW, University of Melbourne, University of Queensland, University of Sydney, and University of Western Australia. Internet resources are selected according to established and documented collection development and selection criteria. At this stage only resources that are freely available on the Internet are selected. Resources are selected from a number of broad categories including key legislation, courts and tribunals and key decisions, professional and industry associations, government bodies, electronic journals, research reports, government inquiries and other pathfinder sites. Sites are generally linked to at directory level rather than at individual page level, for example a link is made to the Family Court home page rather than to every page on the Family Court. If, however, there is an important resource within a site, this would be directly linked to, for example, a significant research report on the Family Court site. Plain language guides to the law are generally not linked to. Central to WebLaw is the concept of adding value through the selection of quality, annotated resources, sorted into categories, rather than simply being a list of hundreds of unsorted links. The use of annotations is an important element in assisting searchers to assess whether a resource will be of benefit to them. The aim is to increase searcher efficiency by reducing scrolling and the number of clicks that searchers need to make. One of the key ways of achieving quality is through a set of commonly agreed selection criteria as discussed in the previous section. Other quality measures include review by academics and/or practitioners with expertise in the subject area, review by other WebLaw participants, review by the project manager, six monthly checking of the accuracy of links and regular addition of new resources.

The strengths of WebLaw lie in its co-operative nature and the fact that it is evolving in response to need. WebLaw has the potential to evolve into the key gateway to secondary legal resources for Australian legal researchers. Put simply, WebLaw hopes to do for secondary legal material what AustLII and ScalePlus do for primary legal material - provide free, accurate and timely access to Internet resources from a single web address.

8. Conclusion:

For many law departments, in-house legal research materials are problematic. Most legal treatises are not cheap. And the initial purchase price is only the first step in a history of payments that will include periodic update costs and sometimes complete recompilations. That's why it's in a general counsel's best interest to leverage legal treatise titles, so they provide corporate law departments with what they need when they need it, at the lowest possible cost.

One of the most notable physical changes in the new law firms will take place in the traditional law library. While hard copies of books will always be part of a law practice, future law libraries housing vast amounts of information - court opinions, state and federal laws and specialized medical and engineering documents - will be smaller, electronic and more user friendly. "Showcase" libraries, once intended to inspire awe among visitors and prospective job candidates, will give way to designs that are comfortable and useable. Computer terminals and high-speed Internet connections will become even more prevalent. Librarians will implement ever-improving electronic data storage, CD-ROM services and Intranet portals to enhance information management. With technology advancing at a rapid pace, attorneys focused on billing efficiency will turn with greater frequency to librarians for high-level research support.

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