

AUSTRALIAN ACADEMIC LEGAL INFORMATION CENTRES: Issues for the Law Library of 2001

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Introduction

By the year 2001, Australian academic law libraries will face different challenges than those of today, especially as an increase in library users and a growth in the volume of legal literature can be confidently predicted. The question is to identify these challenges and to define ways to deal with them. Already, academic libraries with limited and decreasing funds, and under-resourced law schools in Australia, are having difficulty coping with the costs of running law libraries in their present form. A central issue will be the availability of funds to cope with given changes, including how to redirect these funds effectively in light of developments in information technology.

Another key question relates to the policy adopted by universities regarding central versus branch libraries. How will changes in information technology affect the thinking of administrators on this topic? Indeed, the role of information technology, which can be expected to change faster than any of the forementioned issues, may be the dominant factor. How to plan within this climate is a challenge for which librarians and the legal profession may well need to access a crystal ball. These factors demand analysis.

Growth in legal education and legal literature

The cause of this growth in legal education is already seen by the increase in the number of institutions teaching law, and in the increase in law student numbers within existing schools,¹ both at the undergraduate and postgraduate level. The number of law schools in Australia has nearly doubled since 1989.² It is likely that the growth in the number of law graduates will make the law degree even more a generalist degree, with an increasing acceptance in a wider employment market such as the government sector, companies, education or publishing.³ As the market place becomes more competitive, it

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1 Pearce, D., 'Admission to Law School', *Proceedings Law Council of Australia Legal Education Conference*, Gold Coast, 13-16 February, 1991, at 2.

2 Weisbrot, D., 'Recent Statistical Trends in Australian Legal Education', *Proceedings Law Council of Australia Legal Education Conference*, Gold Coast, Queensland, 13-16 February, 1991, at 2.

3 Pearce, *supra* n 1, at 6.

McGarvie, Mr Justice R.E., 'The Function of a Degree: Core Subjects' *Proceedings Law Council of Australia Legal Education Conference*, Gold Coast, 13-16 February, 1991.

Like philosophy or engineering, education in law provides the skills of a hard

is reasonable to assume that more postgraduate and continuing education courses would be offered to update law skills, for specialisation, and to acquire legal knowledge for purposes other than practice. If anything, we could have a more litigious society. This could presumably result in a sharp growth in the amount of legal documentation and publication, and the desire by the legal profession and graduates to have access to law libraries or legal information in our community.

Generally, information throughout the world doubles every seven years if a moderate growth rate of 10% per annum is assumed. Specifically, the rate of change in the law, and the broadening of legal scholarship, has seen significant increases in volumes of legal literature. Law libraries need to provide resources for new electives at the undergraduate level and for new subjects in the postgraduate and integrated programmes. In Australia, the increase in case law has also been consequential to the growth of generalist and specialist courts and quasi-judicial and administrative tribunals both at the federal and state level.⁴ Parliament's involvement in the statutory law making process has increased.⁵

Costs of establishing and running law libraries

It is questionable whether the figure of 100,000 volumes, recommended by the Pearce Committee, is adequate for a satisfactory law school library, and whether it would cost \$20 million to establish as Walker states.⁶ This figure of \$20 million is high if it refers to library materials alone. Costs will vary depending on whether they include construction of a building, as well as the collection, its format, and how economically items are purchased new or second-hand. The aspirations and the size of the Law School will need to be considered. Then there is the cost of staff. It is important to include in the establishment and ongoing costs those staff costs associated with ordering and processing of library materials. The Pearce Committee suggested that the standards for staffing law libraries include a ratio of professional law library staff to full time faculty comparable to the Canadian model: that is, an average of 3.7 professional staff, a ratio of 1:8.1 full time faculty staff and 1:13.3 total faculty staff, with some allowance for responsibilities such as reader education.⁷ Walker also claims that the yearly capital cost to maintain

discipline in clear thinking, analysis and decision-making, of great value in areas unconnected with the law, at 2.

4 Mitchell, Dame R., 'A Career in Law' in J.F. Corkery (ed) *The Study of Law*, Adelaide, Adelaide Law Review Association, 1988, at 170.

5 Brand, V., '*Common Law Expansion of Statutes*.' LL.B. Hons thesis, University of Adelaide Law School, 1987, at 1.

6 Walker, G.de Q., 'Funding and Staffing the Modern Law School', *Proceedings Law Council of Australia Legal Education Conference*, Gold Coast, Queensland, 13-16 February, 1991, at 3-4.

7 Pearce, D, E Campbell, and D Harding, *Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Commission*, Hereafter, the [Pearce Report], vol. 3, Canberra, AGPS, 1987, Para 19.206.

As at January 1984, 14 Canadian law school libraries for which figures were available had an average of 3.7 professional staff, a ratio of 1:8.1 full time

a collection of 100,000 volumes, made up primarily of serial subscriptions, requires approximately \$370,000 recurrent funding. Many law schools receive only \$100,000 per year and some as little as \$50,000.⁸

Without doubt, the recommended figure of 100,000 volumes is a strong political argument for the many Australian academic law libraries which do not meet this target. The growth in legislation, reports, treatises, journals, looseleaf services and computerised legal databases has contributed to the costs of acquiring and maintaining a satisfactory law library.⁹ Yet the proliferation of legal publications, and the fact that it is now five years since the Pearce report, indicates that this figure needs to be adjusted upward. The Pearce report does say that adequate law school libraries seem to be growing at the rate of 3,000-4,000 volumes per annum. Law libraries serving the established law schools have grown by 50,000 or so volumes in a decade and on these figures we can expect that in the early part of the 1990s such collections would be approaching 150,000 volumes if they are to keep pace with needs.¹⁰ Of course, it is not necessary for all legal materials to be in hard copy.

Solutions to these problems

A number of solutions to cope with lack of funds for library resources, the increase in library use and the continuing growth in the publication of legal literature have been proposed.

Resource accreditation

Crawford recommends professional or resource accreditation for the new law schools to ensure a more egalitarian method of resource allocation, and avoid the development of a legal education system of uneven quality.

Surely it is possible for the profession, with proper advice, to achieve a system of resource accreditation which guarantees minimum standards without imperiling diversity, which prescribes what should be prescribed without being over-intrusive, which respects academic freedom while helping to ensure the material conditions that make academic freedom meaningful?¹¹

faculty staff and 1:13.3 total faculty staff.

8 Walker, *supra* n 6, at 4.

9 At 4.

In recent times many factors have raised the cost of acquiring and maintaining a satisfactory law library. The first is the sheer volume of new law generated by the legislatures and the courts. Many reference works are now published in loose-leaf form, which entails high costs of purchase and upkeep. Access to computerized legal databases is needed, and the internationalization of commerce and legal practice means that libraries must now maintain much larger holdings of foreign materials.

10 [Pearce Report], *supra* n 7, vol. 3, Para 19.43.

11 Crawford, J., 'The Future of the Public Law Schools', *Proceedings Law Council of Australia Legal Education Conference*, Gold Coast, 13-16 February, 1991. at 18.

Fund raising, grants and other sources of funds

Another recourse is to use fund raising to assist with the development of collections. Murdoch is an example of a successful new public law school being able to establish within two years a law collection of over 50,000 volumes or their equivalents. A fund raising campaign yielded well in excess of the target of \$1 million.¹² A proportion of funds raised can be invested and the interest used to support serial subscriptions. Some of the established law school libraries rely on bequests, and in the past were able to use AUC Literary equipment money or 'capital' funds to build collections and replace deteriorated items in their collections. Another source of funds for academic law libraries in Victoria and New South Wales has been through the support of the Law Foundations. A number of donations are secured through government law departments as well as through private benefactors. Charging law firms for reference and loan services is also promoted by a few libraries.¹³ Teaching legal research skills to the community can further generate funds for the library.¹⁴

Some law schools also assist libraries with funds from continuing legal education courses to help pay the staff costs of running the library after hours. The production of their own law journals or reviews allows libraries to procure other journals by exchanging issues.

Library Cooperation

Recently, the University of Wollongong and the University of Technology Sydney were awarded a \$450,000 grant by the Department of Employment, Education and Training (DEET) over two years. Those funds are for the establishment of a research collection on natural resources and mining law. The main part of this collection is to remain with the institution offering the research programme in this area, the University of Wollongong. This is an example of an application where regional cooperation of resources was achieved.¹⁵ The Pearce Report stresses rationalisation of collections to cope with the growth in legal literature, particularly for serials.¹⁶ Effective library cooperation will be dependent on maintaining good relations between

¹² Simmonds, R., 'Staffing and Financing a New Law School.' *Proceedings Law Council of Australia Legal Education Conference*, Gold Coast, 13-16 February, 1991, at 13.

¹³ The University of NSW Law Library and its Faculty offers a fee-based service to solicitors called BLIS (Bibliographic Legal Information Service). Bond University, offers library services including a legal research service to registered special users for a fee. The University of Adelaide Law Library has a sponsorship scheme whereby lending law firms pay for looseleaf services or other expensive subscriptions.

¹⁴ Such courses have been successfully conducted by the Universities of Adelaide, New South Wales and Queensland University of Technology, for example. The author ran four successful one day courses at the University of Adelaide with the cooperation of Faculty academic staff during 1988-89.

¹⁵ The Faculty, (1991) 1 *University of Wollongong Faculty of Law Bulletin*, no. 1, February, at 2.

¹⁶ [Pearce Report], vol. 3, *supra* n 7, Para 19.43 and 19.129.

participating libraries. Rationalisation of collections can only be considered for research not basic collections. It can be successful when research lines are clearly defined. Difficulties may arise, for example, where law schools are offering law programmes in similar areas and competing to obtain the better half of the collection. Library cooperation is necessary in the development of the electronic library to be discussed below. Presently, efforts are being directed to sharing information and costs by networking on-line catalogues and CD-ROMs, for example.

Microform

Microform is an option used to save space and costs, but not recommended for heavily used legal materials. Reader printers are cumbersome to use and copies are expensive to produce in comparison to the cost of standard photocopies. It is not a user friendly medium and does not encourage browsing.

Application of information technology

Academic libraries have been using developments in information technology to provide access to collections through the online catalogue and online databases. Much legal information is already available online in digitised form in databanks like LEXIS, WESTLAW and in Australia, INFO-ONE as well as on CD-ROMs.¹⁷ The growth of online and on disc database activity and the development of interconnected academic computing communication networks, such as AARNet in Australia, are precursors of the electronic library. Telecom, RMIT, Kodak Australasia and CITRI (the Collaborative Information Technology Research Institute) are presently involved in The Telelibrary Pilot Project, also referred to as the ILIAD Project (Inter-Library Image Access and Delivery) where they are testing and demonstrating the practicality of using a new generation of technology to store and retrieve information resources. The Electronic Document Collection (EDC)

will include documents scanned or otherwise converted by RMIT Libraries, documents acquired in digitised or electronic analogue form via network communications, documents purchased on magnetic or optical storage media (e.g. CD-ROM or other optical disk, magnetic tape, magnetic disk, video-disc), and all indexing data associated with the collections.¹⁸

The electronic library and associated costs

¹⁷ Naumczyk, E.B., 'A Survey of Online and On Disc Databases for the Legal Profession'. Paper being published in Freckleton, I and H. Selby (eds) *Expert Evidence: Advocacy and Practice*, Law Book Company, 1993.

See also Urrows, H. and E. Urrows, 'CD-ROMs for lawyers and accountants' (1991) *CD-ROM Librarian* October, 24.

Jones, J., 'The Paperless Legal Library?' (1991) 6 *Online Currents* no. 8, October, 5.

¹⁸ Leeuwenburg, J., D. Schauder and A. Jephcott, 'Electronic Imaging: Systems R & D and Collection Building at RMIT' (1991) 22 *Australian Academic and Research Libraries*, no. 3, September, 159 at 175.

A key issue for the success of the electronic library will depend on the cost: both to society to produce it and to the user.

It is not the lack of technological know-how to produce full-text data-banks of legal information which is hindering progress. It is other issues such as the high costs associated with accessing information available in this format. Another is copyright. Although CD-ROM technology eliminates telecommunication costs the cost of purchasing all legal CD-ROMs presently available is prohibitive to most law libraries.

Then there is the cost of library staff needed to search online databases as well as to assist and train users in the use of CD-ROM technology. Libraries have been able to apply information technology to routine functions, but the lack of standardisation in searching online and on-disc databases is inefficient and labour intensive, requiring the assistance of information services staff.¹⁹

Whereas the electronic library would make information more accessible, costs would be directed in different ways and *could be no less expensive*. The cost of some of these services are now being redirected to the user. There is a danger that universities could be tempted to cut funds, seeing new technologies as ways to compensate for underfunding. Gorman rightly believes this to be a mistake.

Innovation and technology improve the cost/efficiency ratio by raising the efficiency not by lowering the cost. We should argue for innovations and new technology as being good in themselves, not as yet more ways of making do with less.²⁰

A number of suggestions regarding cost saving methods and the electronic library have been proposed. One suggestion is that costs to individuals and organisations should be controllable because it will only be necessary to order items of high relevance after electronic browsing. Telelibrary providers should promote free access time to encourage potential document purchasers.²¹ Another suggestion is that the more information is distributed and accessible electronically, the less expensive it will become to access. However, the payments to copyright owners could still be substantial. A further suggestion is that

¹⁹ McLean, N., 'The Development of New Information Systems for the 1990's: A Fringe Dweller's View.' *Proceedings, Online and On disc 91*, at 5. McLean's paper is not reproduced in the proceedings: Lowry, G.E., (ed), *Proceedings of the Online and On disc Conference*, Sydney, 30th January-1st February, 1991, Information Science Section, ALIA, 1991.

²⁰ Gorman, M., 'The Academic Library in the Year 2001: Dream or Nightmare or Something in Between?' (1991) 17 *Journal of Academic Librarianship*, no.1, 4 at 5.

²¹ Schauder, D. and J. Leeuwenburg, 'The Dawning of the Telelibrary.' *Presentation on the Telecom-RMIT Telelibrary Pilot Project to a Seminar on Delivery of Education and Training Services*, Telecom Business Sales Centre, Brisbane, 28 August, 1991, at 8-9.

the process of innovation must include a definition of the value of information in different formats, and exploration of new forms of copyright and licensing of information in digital environments.²²

McLean identifies the key issue: that is, the need for more research in assessing the cost benefits of information technology and where costs can be redistributed satisfactorily. It is important to understand how data and information sources can be absorbed by electronic means with minimum effort and at minimal cost. This will require studying the way users apply technology and 'monitoring the changes in the information seeking and decision making processes which emerge from these applications'.²³

Development of a national electronic databank of legal information

Law librarians, information professionals and the legal fraternity 'must be active in the electronic debate and provide measured political advice'.²⁴ There needs to be federal type planning for the whole law fraternity, involving law librarians and information professionals in the research and development of electronic access to legal information and the conversion of legal information into this format. Then, electronic access to national holdings of legal information sources could be cost effective and egalitarian needs satisfied. This could be one step towards a national legal information policy as advocated by Rob Brian,²⁵ and would not necessitate academic law librarians striving to develop a level five research collection.²⁶ It would also eliminate problems in collecting and preserving historical collections of Australian State legislation, for example. It is critical that Governments are made aware of the importance of access by all taxpayers to government information. Such information should be available on computers at both State Libraries and University and Research Libraries and be accessible by the home computer at a reasonable cost.²⁷

22 Lyman, P., 'The Emerging Electronic Library', (1991) 22 *Australian Academic and Research Libraries* no. 3, September, 159 at 160.

23 McLean, N., *supra* n 19, at 8.

24 Steele, C., 'Guest Editorial: The E-Library; It's Time - But is it the Best of Times or the Worst of Times?' (1991) 22 *Australian Academic and Research Libraries*, no.2, June, 83 at 86.

An expression borrowed from Steele who argues that libraries and librarians must advise such bodies as the national Academy library committees, DEET and 'to the projected AVCC Committee on Library and Information Services'.

25 Brian, R., 'A National Legal Information Policy?' (1988) *ALLG Newsletter*, no. 88, Sept/Oct, 193.

26 A level five research collection is a description devised by the RLG (Research Libraries Group) U.S.A. It denotes a comprehensive collection: a collection in which the library endeavours so far as is reasonably possible to include all significant works of recorded knowledge in all applicable languages for a necessarily defined and limited field. The [Pearce Report], *supra* n 7, Chapter 19.120.

27 Eid, M., 'French Fields for Mireille', (1991) 12 *Incite*, no. 17, 21 October, 5.
In France:

it is heartening to see that the libraries' need for automation can be

Standards for law libraries would then include different bench-marks increasingly emphasizing 'access over ownership, and service over collections'.²⁸ An electronic library reduces the emphasis placed on the number of volumes held in a law collection as a valid measure for accreditation. Rather, access available to users to distributed local, national and international legal information collections has to be considered in any assessment. Martin suggests the electronic library will require a title rather than a volume count of the law collection in-house, as well as an assessment of collections accessible outside the institution. This is because the physical item is no longer present but available in electronic format.²⁹ Collection management rather than collection development policies³⁰ should in future reflect what is to be collected in print form and what is to be accessed electronically, as well as what funds can be allocated to the development of local telelibrary law collections.

Australian academic law librarians are in the process of producing standards for university law libraries in Australasia to cover the areas of core collection, building and accommodation: reader services, management of the collection, technical services, human resources, and equipment. These standards will need to incorporate broad suggestions of alternative possibilities an electronic library can offer.

Building and space requirements for academic legal information centres

How will developments in information technology and the availability of information in electronic format affect the location and design of academic legal information centres?

In considering building and space requirements for the law library cum legal information centre of tomorrow we are faced with the decision over whether law libraries should be geographically independent or part of the central university library? The ultimate questions are: do we need to have law libraries at all when 'the network becomes the library'³¹; should students come to university when they can work at home or in the workplace? The answer will depend on the level to which information technology develops, and how much legal information becomes available in electronic format. The maintenance of a separate law collection with library services, besides being of benefit to the user, may be important to attract outside funding. This may not be necessary when most of the collection is in electronic format or when the legal profession itself can access this information in its law firm. Costs

incorporated in the country's technological innovation. Each household in France is entitled to a computer terminal with their telephone, the Minitel. This allows them to find out anything from a telephone number, as with a telephone directory, to daily job lists, banking or train reservations.

28 Martin, H.S., 'From Ownership to Access: Standards of Quality for the Law Library of Tomorrow', (1990) 82 *Law Library Journal*, no.1, Winter, 129 at 139.

29 At 139.

30 Steele, *supra* n 24, at 85.

31 Lyman, *supra* n 22, at 161.

associated with accessing electronic information will play an important role in its acceptance by library users. Information technology associated with library functions is making cooperation more feasible. Information technology in the delivery of information, is also assisting with breaking down the barriers between disciplines³² and complementing the interdisciplinary trend in legal education in Australia.

Branch libraries versus law collections housed in the central university library

For the new law schools economic reality may dictate that a separate law library is not possible, and that it will be necessary to take advantage of some of the economies of scale offered by the central library. The present move to house law collections in the central library does provide the opportunity for a better understanding, and responsiveness, by the central library administration to the organization of legal materials, work procedures, and client services associated with a specialised collection such as law. This offers an opportunity to learn and remedy past communication failures between central university libraries and law libraries. 'In part the problems of law school libraries could be ameliorated by more sympathetic treatment at the hands of the central library and of the library by the parent institution.'³³ The argument against separate libraries should be viewed with caution if the end result is to relegate lesser used items to cooperative stores. The law collection is primarily a reference collection, and reference is made to primary sources and historical materials. This solution can be seen as another form of decentralization with less benefit than the ideal provision of an adequate separate law library at the outset.

The autonomous and decentralised model of academic law libraries in America may not be necessary for the Australian legal education environment *if it remains in its present form*, particularly with the looming advances in information technology. Also, law collections in Australia are smaller than those of the older American law schools.³⁴ Even Kearley argues, in regard to separate academic law libraries in America, that centralization is not a bad thing and says we should be more realistic and talk about degrees of autonomy.³⁵

32 Katsh, M.E., *The Electronic Media and the Transformation of Law*, New York, Oxford University Press, 1989, at 44.

33 Harding, D., 'The CTEC Discipline Assessment of Australian Law Schools - Implications for Law Libraries'. *Proceedings of the 2nd Asian Pacific Special and Law Librarians' Conference*. Brisbane, 1987, at 131.

34 [Pearce Report], vol. 3, *supra* n 7, Chapter 19.21.

35 Kearley, T., 'Autonomy Versus Centralisation in the University Law Library', *Proceedings of the 4th Asian-Pacific Special & Law Librarians Conference*, Canberra, Australia 1-5 September, 1991.

The smaller the library, the more difficult it is to argue that its level of activity requires it to take on functions that could be readily performed by the general university library....The availability of adequate resources is a second, related issue. By resources I mean not only money but also trained personnel. at 325

The last years of the twentieth century are likely to be a period of transition for the law libraries of some of the new law schools as they try to incorporate themselves in the central university library. In fact, the arguments surrounding the organisation and servicing of these new law collections will not be about the degree of autonomy but the degree of integration. It will soon become evident that Australia will develop different integrated models of law libraries. This would include separate law libraries and law collections in central university libraries. Benefit to the user is a strong argument for retaining a branch library or at best a separate law collection with separate services in the central library. It may also have a positive effect on attracting outside funding. The University of Wollongong Library acknowledges centralised library services are more cost efficient, yet concludes that a separate law library is desirable, despite developments in information technology. This endorses the earlier findings of the Pearce Report which strongly recommended the retention of separate law libraries.³⁶

Whilst there are advantages in the Law Collection remaining within the main Library building, closer proximity to the Law Faculty is desirable. The relationship between members of the Law Faculty and the Library is akin to that between scientists and their laboratories. The way in which primary legal source materials are consulted, and the intensive use of library materials in the teaching process, necessitates the provision of facilities distinct from the main library.³⁷

Planning and design of academic legal information centres

Special attention to planning and design will need to be given to incorporating effectively the new academic legal information centre, whether it be in the separate academic law libraries or in the central library of some of the newly established law schools.

Dissemination of information via the electronic library would be immediate and eliminate 'our dependence on the many-staged publishing and distribution chain as we know it'.³⁸ This would affect the design and size of law libraries which would need to become legal information centres providing access to legal and law-related data in electronic forms required by the lawyer. The space needed to house a law collection would be much reduced with electronic access.

The author believes that a separate wing under the umbrella of the central library could be workable but only if properly planned and administered. It is important that careful planning to incorporate the special service and staffing needs of law libraries be considered, if a law collection is to be housed in the central library. Appropriate organizational structures are required to ensure

³⁶ [Pearce Report] vol. 3, *supra* n 7, Chapter 19.6

³⁷ University of Wollongong Library, *Prospect 2001: Strategic Considerations Affecting the Development of Library and Information Services for the University of Wollongong 1991 to 2001*. The Library, 1991.

³⁸ Schauder and Leeuwenburg, *supra* n 21, at 2.

that the legal information officer can manage and maintain a high level of technical and user services.

If electronic libraries are to have fewer physical volumes there will need to be expenditure on providing an adequate number of terminals to service the high level of use law students make of law materials. The computer terminal and other sophisticated technology will be used to provide integrated access to material held in all formats (print, online, CD-ROM, full-text, bibliographic and multi-media), as well as to access software to manipulate and extract relevant information. A standard will need to be available to determine the number of terminals and terminal outlets appropriate for the number of law students, as it is likely students will have their own portable computers. Larger reader desks may be required. Since the law library is viewed as a meeting place for discussion there needs to be electronic discussion rooms or mini laboratories providing access to computerised information for studying or moot preparations. Easy access to a teaching laboratory equipped with computers and other appropriate technology is necessary for effective teaching of legal research skills.

In future, the argument that the law library is a laboratory will still be part of the Law School's philosophy but the law library cum legal information centre will lose its physical identity to some extent. If law schools are to attract sponsorship from law firms, academic legal information centres may need to remain separate collections with appropriate services for at least some time. Donations will need to be acknowledged and access to information, services and space made available for use by the wider legal community.

Developments in information technology and its effect on library functions

In Australia, law libraries and librarians are generally under the jurisdiction of the central university library.³⁹ Separate academic law libraries in Australia share the university automated library system and rely in varying degrees on staff located in the central library for their technical services. Integrated automated library systems allow information regarding serial and monograph acquisitions and receipt to be shared easily between the two libraries as well as opening possibilities for more streamlined technical processes. Eventually, traditional technical services could be severely diminished as information is received electronically, and would not require the cataloguing and processing associated with paper items. Ordering, processing and indexing materials received electronically could be done directly by staff at legal information centres. Savings made on binding and space could be redirected to other areas.

How the electronic library complements changes in legal education

Legal education in Australia is becoming more diverse. Changes have

³⁹ Harding, *supra* n 33, at 123.

One exception is the Queensland University of Technology Law Library whose law librarians are part of the Law Faculty. Staff performing technical services are under the jurisdiction of the central university library.

occurred:

in the older law schools with the combined law degree being the standard method of undergraduate education in law throughout Australia, with the straight four year law degree a rarity. Their curriculums have also been revamped with the introduction of a greater range of optional courses and methods of assessment. There has been a considerable expansion of postgraduate legal education, especially at coursework Masters level.⁴⁰

A further example of the interdisciplinary trend is seen in the law curriculum at Griffith University, which offers degrees only as part of an integrated programme in cooperation with other academic divisions. At the opposite end of the spectrum are the emerging private university law schools which offer intense, shortened law programmes. Students are not required to do double degrees.⁴¹

Embracing a wider sphere of knowledge will mean that law students will require an understanding of how to access library resources in other subject areas. The impact of this interdisciplinary trend on teaching legal research skills will mean the addition of research skills in other disciplines, without being limited to the skills of the social scientist as advocated by McGarvie.⁴² As Katsh states, searching for information via the electronic library could be seen as accessing information in many disciplines, and breaking down barriers between separate or specialised libraries.

It is as though a variety of nonlaw libraries have been moved into the law library, a place that in the recent print era has always been physically separated from general-purpose libraries. This new form of library not only is growing larger, as electronic interconnections are

40 Crawford, *supra* n 11, at 2.

41 The law course at Bond University Law School is an example.

42 McGarvie, *supra* n 3, at 17

The system sustainers in the 1990s need the research skills of the social scientists. These are the skills which enable one to investigate and ascertain, in a scientific a manner as human affairs permit, the actual way in which law and its institutions are operating and the effect of their operation upon people and their conduct. The same skills provide the data on which decisions may be based as to the likely effect of a particular alteration of the law, an institution or its operation. While leaders in the legal system may not engage directly in research themselves they need to be familiar with the process so as to form a view of the reliability and persuasiveness of data with which they have been provided.

In earlier days law reform and changes in judicial administration typically followed recommendations which grew from the hunches and predilections of a committee nourished by anecdotal evidence. That is not good enough for today.

In research, social scientists rely on statistical method, surveys and polls, questionnaires, interviews, the reported research work of others and examination of raw data.

established among different systems, (e.g. see Arendt ⁴³) but also is less distinctively legal and less oriented to habits of thought and practice fostered by print.⁴⁴

The role of the academic legal information officer

The new generation law librarians, more appropriately termed legal information officers, will need to be aware of advances in information technology, be proactive and share their expertise in utilizing and evaluating appropriate technology. The legal information officer will need to be computer and information literate and adept at understanding rapid innovations in information technology and how they can be improved for the user. By studying how our users apply technology we can influence the way future technologies are developed.⁴⁵ Identifying future trends and directing change will be an important feature of the work. This includes ensuring new technology is adopted by the library in the most cost effective way.

Legal information officers must also ensure they are provided with adequate electronic legal information services and are able to obtain fast feedback from computer systems used for text retrieval. These systems should be as user friendly and as easy to access as possible, especially for searching legislation online. Indeed, the nine categories of function identified by the Special Committee on a National Law Library in the United States⁴⁶ could and should be pursued by Australian legal information officers on a national and international level with the introduction of the electronic library.

With some legal information officers working in central university information centres, more formal cooperative projects should be planned, and preferably approved and encouraged by management. The present voluntary cooperation

⁴³ Arendt, H., *Between Past and Future: Eight Exercises in Political Thought*, New York, Viking, 1968, at 92-93.

⁴⁴ *Supra* n 32, at 44.

⁴⁵ Naumczyk, E.B., 'Information Online and On Disc 91, Sydney, 30 January - 1 February 1991 Report', (1991) *ALLG Newsletter*, no 103, April, 42.

⁴⁶ *Supra* n 25. The Special Committee on a National Law Library envisaged these activities for Law Librarians.

1. To lead in the provision of legal and law-related information services;
2. To coordinate the development of master collections in law;
3. To provide intellectual and bibliographical control over legal information;
4. To coordinate existing resources into an effective cooperative network of information sources;
5. To provide back-up research support to other law libraries as a law libraries' law library;
6. To develop an effective system for the delivery of legal information;
7. To develop standards for the publication, indexing and dissemination of legal information, in all formats, from all sources;
8. To support educational programs for libraries, lawyers and the general public in legal research; and
9. To coordinate and support research and development programs in the creation, organisation control and dissemination of law and law-related information.

among academic law librarians is not enough. As a group they need to be able to obtain various means of assistance, be it scholarships, internships, study leave or research support to study legal information needs on a national scale. This would facilitate identification of national cooperative projects, and organisation and completion of projects to a deadline.

The qualifications of academic legal information officers need to be defined and appropriate options included in information technology courses. The Pearce Report suggested that the law librarian position have a senior status, and that one would expect the law librarian to report to a university or college librarian directly as well as 'have a recognised right to consult with the dean or head of the school of law on matters affecting the servicing of academic work and the dean or head should, if necessary, take up significant questions.'⁴⁷ Legal information officers should be given opportunities to exercise appropriate management responsibilities across various library departments. The effect of information technology on the role of the academic law librarian needs to be researched. It may well be that the Electronic Library will redesign library departments and, according to Steele, make library activities increasingly one, and not separate units eg cataloguing and reference services.⁴⁸ It is important legal information officers manage all such activities associated with legal information and the electronic library.

Application of indexing skills and reviewing data to control information overload

The more information is stored electronically the more there will be a need for advanced online bibliographic systems to browse at what is available. Legal information officers will need to apply bibliographic and indexing skills to the new technologies to control full-text documents. This can be achieved by making use of automatically generated indexes or manual indexing as required. Electronic joint listings could be ensured through cooperation and sharing of routine tasks like the production of special indices and databases. It is important that indepth indexing of government information including parliamentary publications is coordinated nationally. Providing content enhancement to bibliographic records will be essential to manage large databases, for example. A high standard in the area of technical services for law needs to be ensured and appropriate level and staff numbers allocated. Information will need to be vetted and controlled for manageable access.

It is open to debate whether the institutions of law (including the legal profession) are under threat by changes occurring in the medium of communication and the advent of electronic transmission of information as has been argued by Katsh. Also questionable is the extent to which transmission

47 [Pearce Report], vol 3, *supra* n 7, Chapter 19.202 '...or at least opportunities to do so, even if there is formal reporting to a deputy.' In chapter 19.199 it is stated that:

for the major law libraries a salary equivalent to that of a senior lecturer is eminently justifiable. For the smaller ones salary should not be below lecturer level.

48 *Supra* n 24, at 85.

and processing information via the electronic media may accelerate change generally, and in particular through the erosion of precedent. In other words will law become more accepting of instability and uncertainty within the legal process?⁴⁹

Certainly, experience is showing that research via the computer can retrieve more information, including legislation and law-related sources, compared with traditional methods of manual systems of legal research. This information overload may 'undermine the categorisation of information that lies at the core of the precedent process'.⁵⁰ The likelihood of this claim will depend on the relevance of the material retrieved, and how well thought out and persuasive individual legal arguments will be to lessen the authority of prior cases. Of course, there will be every opportunity to retrieve information. However, as experience is showing, that searching full-text systems will not prove manageable. Our present alternative attempts to limit computerised information retrieval resorting to search strategies is not foolproof and cannot be said to offer definitive research results in a particular area. In fact, other categories to organize and index what is in electronic retrieval systems will need to be created to limit and control information retrieval.

Application of teaching, reference and research skills

Access to legal resources through electronic utilities and document delivery should, on one hand, lessen our need for huge collections. On the other, it will increase our responsibility to train library users and to collaborate closely with academic staff to meet their research needs.⁵¹ As Harding says:

... librarians should be sensitive to the special relationship and cooperation and even loyalty which develops between law librarians and law teachers [and that] they have a closer cooperation with the law school staff, even being involved in teaching, than other faculties do with respect to the parts of libraries serving them.⁵²

Some law librarians have been ahead of their time in taking on a teaching role which according to Lyman 'will predominate in a digital library, to create and support a new culture of information literacy'.⁵³ It is possible for library

49 Katsh, *supra* n 32, at 46.

In future litigation, there will be more and more decisions cited on both sides of an issue, providing even more opportunity than there currently is for every party to a case to construct a legal argument supported by a host of cases.

50 At 47.

51 University of Wollongong Library, *supra* n 37, at 8.

52 Harding, *supra* n 33, at 123.

53 Lyman, *supra* n 22, at 164.

However, few schools have begun to integrate information technology skills into the core curriculum, or defined the role of librarians as teachers of these skills. Clearly the library of tomorrow will be the home of the core curriculum of the future which this definition of

staff to extend their services to offering telephone assistance, as well as community courses in legal computerised information retrieval. Computer library systems should be more user friendly and eliminate a lot of basic bibliographic instruction. Our library users in 2001 will be a computer and information literate generation.

Advances in technology will also be applied to labour-intensive aspects of legal education and law practice. The legal information officer, in cooperation with colleagues, will also need to design databases relevant to local needs to make information manageable, and produce computer assisted learning programmes, or instruction programmes using multi-media. Changes to legal education as well as any changes in the nature of the law itself are likely to require students to have a wider knowledge of research skills in other disciplines. The student of tomorrow will have a different way of thinking about information and how to access it, because of the possibilities of the electronic media. 'As this occurs, the categorical lines and organizational boundaries that were fostered by print will be weakened.'⁵⁴ The legal information officer will need to provide instruction programmes with other subject specialists.

By contributing actively in the area of developments in information technology legal information officers should become part of the mainstream, rather than remain at the fringe, of technological activities, as argued by McLean for librarianship in general. It should also secure the viability of legal information officers, and lead to the provision of information (which requires various degrees of intellectual assessment) rather than mere data.⁵⁵ Reference and research services will need to be efficient, and compete with information brokers in offering value added information. Data will need to be reviewed and assessed to avoid information overload. This, in turn, will necessitate closer collaboration between academic and library staff. The legal reference and research service is likely to grow as demand in this area increases.

The metamorphosis of law libraries

Discussion in the literature indicates that the beginning of the next millenium will see an increase in full-text retrieval systems online and on disc. The advent of the electronic library, (also referred to as the telelibrary or virtual library)⁵⁶ will become apparent as more information is digitised and collections and services are able to be networked locally, nationally and globally. By the year 2001 there must be some standardization of our present systems for cooperation to occur in sharing and accessing information on our

information implies, and the place where students of any age will return to renew their knowledge.

54 Katsh, *supra* n 32, at 222.

55 *Supra* n 19.

56 For a discussion on the telelibrary see the paper by Leeuwenburg, Schauder and Jephcott, *supra* n 18.

H. Martin discusses the virtual library in his paper 'Wizards of Oz' *Proceedings of the 4th Asian-Pacific Special & Law Librarians Conference*, Canberra, Australia 1-5 September, 1991.

library catalogues and online databases. In addition, automation and other technological innovations have and will increase library use. By 'removing the barriers imposed by manual access systems we have encouraged users to have high and increasing expectations'.⁵⁷

While books will not disappear the author sees a shift in the type of information that lends itself to being stored and retrieved electronically. This is already evident by the type of legal material found on legal online and on disc databases. In law libraries, publications are mainly serial in nature and are referred to rather than being read from cover to cover. Serial publications are ideally suited to being stored in electronic format and can be updated as required to reflect changes to the law, consulted and printed or downloaded onto disc. An electronic short loan collection would allow the law school's teaching materials to be scanned and available for students to download information as needed onto discs or some form of "smart cards". Old editions and out of print law texts could be preserved and available on a national law database. The network could also have the current list of law publications, both national and international, including journal articles perhaps arranged by subject.

The trend could continue for libraries to lease rather than buy information in electronic format, or, where required, access it. Payment by the user for specified services could become normal practice. The new generation of information users will be computer and information literate and skilled at manipulating and retrieving information via computer screens. This includes downloading information onto discs, and referring to information in electronic format. However, the paperless society is a misnomer as users will still require a substantial hardcopy printout.

Development in the use of interactive multi-media systems today foreshadows the way authors could publish their books electronically. For example, electronic textbooks could be portable and multi-media and impart their information by the spoken word, images or film.⁵⁸ This could be an excellent

⁵⁷ Gorman, *supra* n 20, at 5.

⁵⁸ Katsh, *supra* n 32, at 261-262.

As the technologies evolve rapidly, we will move out of this introductory era and should be prepared for the development of novel forms of output. The ability of the electronic media to convert digital information to a form that can appeal to any of our senses provides it with a flexibility that was lacking in print. Textual information on paper will not disappear, and not every message will include text, pictures, motion, sound, and smell. But combinations that are now unfamiliar to us will begin to appear, and formats that have been restricted because of the technology of print and the limitations of existing cables will gradually surface. (eg. see Eisenstein below) We are currently in a phase in which a new guide has been provided to us, one that speaks some new languages and has different interests and capabilities. We are still being spoken to, however, in the language used by the last guide and are only gradually being introduced to the new interests and capabilities of the new technologies.

medium for skills training for lawyers. A book on interviewing techniques for lawyers could 'illustrate' text with a combination of various media.

The academic legal information centre of the future

Predictions for the future by people in the information and technology industry at a time of such volatile change are conservative at best. It is uncertain how new information technologies like artificial intelligence, natural languages and expert systems will be applied in libraries. Nevertheless, it is certain such approaches will have an impact on our future use of systems. A recent article in *National Law Journal* already forecasts the future of electronic law school libraries: a full account follows:

Some law school libraries are managing to expand, thanks to donations and high-tech innovations. Among them is the Illinois Institute of Technology, Chicago-Kent College of Law, which on June 18 [1991] unveiled a computer system that puts them 'light years ahead of other law libraries,' says Ms. Puckett. It is what IIT calls the world's first completely electronic library. Contained entirely within a personal computer, it will have more than 100,000 volumes of treatises and periodicals, and more than 750,000 documents from international organizations and agencies. The data bank, located in the law school's Library of International Relations, will have United Nations and European Community materials, and documents and periodicals from 120 countries. The service is available to other law libraries and, by subscription, to anyone. What makes it unique is its size and scope, and that it can print an image of a page instantly, according to Mickie A. Voges, director of the Legal Information Center at Kent.⁵⁹

The law library as a custodian of law items and fixed to a particular place is passe. Information users in the future will not be hindered by restricted access to material and confined to library hours, the documenting of loans, or finding the item they want is out of print, being catalogued, bound or out on loan. Students could access material from an 'outside library' location. Similarly, professionals could scan information 'in house'. Library staff could be rostered to work from home using on call phone facilities. The costs associated with running staff law libraries would be directed to funding electronic access to information. It could reduce the need for after hour access to the law library. Information in this format can be accessed immediately, downloaded to disc or printed on the local fax machine. Usage also could be recorded electronically for charging purposes.

Conclusion

The challenges facing academic law libraries are many. Decisions on direction for the future will need to take into account the effect information technology will have on university libraries in relation to the following five

(Eisenstein, E., *The Printing Revolution in Early Modern Europe*, New York, Cambridge University Press, 1983, at 155.)

59 *National Law Journal*, Monday 15 July 1991, at 4.

important issues:

1. growth in literature and its changing formats;
2. increase in the number of library users and their increasing demands and expectations. These demands and expectations are attributable to what information technology can do for the user, particularly if the user is expected to pay for such services;
3. how to balance funds and redirect them effectively in support of information technology;
4. consideration by libraries of the changing role of library staff in this new environment;
5. the change information technology will produce on the appearance and nature of university information centres.

Technology is changing faster than ever before and libraries will need to cope with this unstable environment and avoid being lured by innovation for its own sake. Decisions regarding information technology will need to be made after evaluating the best solution at a particular time. McLean rightly states considerations should take into account functional requirements and the needs of the user, what are the potential benefits, and what are the costs and how are the costs to be distributed.

The ability to shift resources in a cost effective manner is perhaps the key issue of the 1990s and we need to devise more systematic means of gathering and analysing economic data on the information process as we understand it.⁶⁰

So long as the principles governing our decisions are correct, changes should then be governed by the quality of emerging technology. Ensuring that principles governing decisions are accurate will place demands on the professionalism of legal information officers. The successful development of the electronic library will require the sharing of expertise and consideration of projects on a national scale. Input from experts in government, law deans, law librarians, and information professionals should be sought. At present, few resources are being invested in studying the application of new information technologies in libraries, according to McLean. We are locked into particular modes of operation, be it software or hardware, by commercial vendors as well as our own operational systems. If we are to increase productivity and the size of the potential information services market we need to take McLean's advice: be active and share development costs.⁶¹

In theory the electronic library eliminates the dilemma of space and the location of the law library as a separate library or a law collection in the central university library, since either choice is workable. In practice political issues and the ability to influence and control decisions regarding the application of information technology to legal literature and services could swing the pendulum either to autonomous or towards integrated legal information centres. Whatever our position, legal information officers cannot

60 *Supra* n 19, at 7.

61 *Supra* n 19, at 6.

afford to be separatists but will need to become involved with other legal information centres and cooperative projects regionally, nationally and globally.

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