Do you have accountability for your law library spend?

BY PAUL STEELE*

One of the best pieces of advice I ever got was: know your destination before you set out on the journey.

It's still a surprise to me that many practices I see – especially those that do not have dedicated law librarians – do not apply rigour to their law library needs and budget. In the boom years leading up to the 2008 recession this may not have been so important (although good management practice should always be a habit, not just reserved for the tough times).

However, the effects of the recession, competition from both within and outside the profession, and falling profitability in many of the traditional areas of legal practice, simply demand that the costs of running resources need to be scrutinised carefully, and be made *accountable*. That means accountable ultimately to the clients who are paying you.

Translating the above advice, in the context of law library/legal research systems for law firms, sole practitioners, chambers and barristers sole, means establishing a process (generally the larger the practice or chambers then the more important it becomes) which:

- identifies the practice areas in which you work, or want to develop;
- factors in how those practice areas require resourcing for legal research, taking account of fee earners, fees by either total or time (or both), and risk;
- identifies "best practice" in accessing those resources; and
- identifies the skills required of *each* fee earner and support staff, to achieve "best practice".

In a nutshell, this means aligning the law library/legal research system to the practice.

By "best practice" I mean:

1. Standards which ensure that users have appropriate access to things they need to do their jobs effectively and minimise the risk of getting it wrong. A measure of the standards should take into account law profession benchmarks.
2. Utilising technology and support staff or contractors to achieve word processing and legacy storage efficiencies.

It is only after that process has been applied that consideration should be given to current resources, the media in which the information is obtained (books, journals, newsletters, looseleafs, CD, internet, email, etc) and how to secure the best possible arrangements with the commercial publishers.

Indeed far too many firms I see tend to lurch from one subscription year to the next without properly looking at the alignment of the resources to the practice. So what subscriptions are run tend to be dictated by inertia and past relevance. Often particular publisher relationships, where preferred supplier provisions have been in place for some time, blur the ability to review things objectively.

Another common issue is failing to take account of all available resources – including such things as free to view websites, NZLS Law Library resources and research services, and other libraries (University and Public), NZLS CLE and ADLS Inc seminar materials, RSS feeds, blogs and webinars.

If any of these issues resonate with you, then what next?

I recommend you initiate a law library/legal research system management plan which:

- periodically runs a review process across the whole firm;
- identifies desired skill levels;
- surveys users on their current and projected use of resources, gathers feedback on the alignment or otherwise of resources and identifies issues around, in particular, users' skill levels and office efficiencies;
- provides training for everyone customised to their particular needs; and
- depending on firm size, includes a regular, known competitive request for proposal or tender process from the commercial publishers.

On the training front, the commercial publishers in my experience do a good job. There are a few issues, however. First, not everyone attends training and often the variety of skill levels doesn't mean that best value is obtained. Also, training from one publisher does not in my experience equip a firm to properly appreciate all the resources available – including other publisher materials and, crucially, how the paid-for resources can work in tandem with free-to-view resources – like www.legislation.govt.nz.

There are people around who can help with this.

From the mid 1990s to today, we have seen the transition from looseleaf subs to CDs and now internet as the primary method of serving up the information.

In most situations the internet offers the best method of accessing information, not least because it is almost always the most up to date. Many subscriptions are now only effectively available over the web. Advantages like multiple and remote use add to the benefits. This doesn't mean that hard copy is irrelevant. Indeed a significant reason to maintain a reasonable hard copy library is that internet subscriptions do not provide any legacy access – so once a digital subscription is stopped, that's it! Similarly if you need to research a point in time, then a subscription service may not retain the historical perspective.

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