

“Creating, Disseminating, Using, and Preserving Legal Information in Challenging Times”

Sponsored by the American Association of Law Libraries

The Lodge at Oak Brook, February 27 to March 1, 2011

Selected Background Readings Related to Current Information Trends

Introduction

The Colloquium Planning Committee chose the following articles to provide participants with insight on the history and current status the legal information landscape. The Committee is not endorsing any particular viewpoint, article or author. Rather, these materials are for background information purposes only. We encourage participants to draw their own conclusions from these readings, even when they disagree with the author.

It should be noted that this selection covers just a brief sampling of the many challenges – and opportunities – facing both publishers and libraries today. It is not an extensive listing; we understand that everyone’s professional lives are quite busy. Some participants may elect to conduct research on their own for additional articles on information trends. The Planning Committee encourages participants to seek a greater familiarity with the subject, if possible. At a minimum, however, we hope that everyone will be able to take a few minutes to read the following material.

Selected Background Readings*

Legal scholars have discussed the essential qualities of legal information since the foundation of the republic. James Kent’s discussion in his Commentaries demonstrates that the legal research of yesteryear is uncannily quite similar to today. Michael Whiteman, Associate Dean for Law Library Services and Information Technology at Northern Kentucky University Law School, shares one perspective of modern legal authority and developments in legal research practices. How do *your* views on the importance of legal authority and research trends compare and contrast with these authors?

- James Kent, Commentaries on American Law, Lecture XXI et seq., 1826. See especially pg. 441 (via [Google Books](#)).
- Michael Whiteman, [“The Death of Twentieth-Century Authority.”](#) 58 UCLA L. Rev. Disc. 27 (2010).

Many of today’s issues related to legal information stem from rapid technology change. This, of course, affects publishers’ planning processes, products and competitive environment. Noted cyberlaw professor Eugene Volokh discusses the future of books in his law review piece. Pamela Samuelson, a scholar of the law-related impacts of technology on information access and creation, provides an in-depth treatment of the implications of recent internet developments. The third selection on this topic, articles from a law school symposium held in 2006, gives a broad overview of self-publishing trends. In what ways do *you* see technology and society impacting “traditional” publishing?

- Eugene Volokh, [“Foreward: The Future of Books Related to Law.”](#) 108 Mich. L. Rev. 823 (2010).

* As an aside, the Planning Committee found it most interesting that all of the articles we selected happened to be available for free on the Internet.

- Pamela Samuelson, [“Google Book Search and the Future of Books in Cyberspace.”](#) 94 Minn. L. Rev. 1308 (2010).
- Various authors, [“Symposium: Open Access Publishing and the Future of Legal Scholarship.”](#) 10 Lewis & Clark L. Rev. (2006).

Technology has provided new opportunities for some authors, but caused concern for others. These two short newspaper articles provide a snapshot of this issue. In *your* view, in what ways might some of these authorship trends be applicable to legal content creation?

- Allen Pierleoni, [“Self-publishing Gets Easier with Online Tools.”](#) Sacramento Bee, Aug. 9, 2010.
- David Milofsky, [“Authors haven't closed the book on future: They hold out hope, even as Amazon's e-sales surpass print.”](#) The Denver Post, Aug. 22, 2010.

Given the nature of libraries, it should not be a surprise that there is an abundance of scholarly literature on libraries' responses to the rise of digital, networked information. John Palfrey is the Vice Dean of Library and Information Resources at Harvard Law School. His article deserves special attention because of its recent, in-depth treatment of the subject. Wu's and Heller's contributions discuss trends in academic and law firm libraries, respectively. The Director of the Harvard University Library, Robert Darnton, has written extensively on both the merits and disadvantages of both print and digital information. His short advocacy piece is representative of current trends and expectations among many – from leaders in the library field to the average citizen. In what ways do *you* see technology and society impacting “traditional” librarianship?

- John Palfrey, [“Cornerstones of Law Libraries for an Era of Digital-Plus.”](#) 102 Law Libr. J. 171 (2010).
- Michelle M. Wu, [“Why Print and Electronic Resources Are Essential to the Academic Law Library.”](#) 97 Law Libr. J. 233 (2005).
- Heidi W. Heller, [“Commentary: The Twenty-First Century Law Library: A Law Firm Librarian's Thoughts.”](#) 101 Law Libr. J. 517 (2009).
- Robert Darnton, [“Can We Create a National Digital Library?”](#) New York Times Book Review, Oct. 28, 2010. (See also [“Toward ‘the Digital Public Library of America’: An Exchange”](#))