



Law Library Lights

How Library Discovery Platforms Have Changed Teaching Interdisciplinary Research

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As many OPACs are being replaced, or at least supplemented, by a discovery platform for searching the library's integrated collection, patrons can now do one search and find it all. In some instances, this can be overwhelming for the legal researcher, but for interdisciplinary research, the discovery layer can be a godsend.

Once legal researchers are introduced to Lexis, Westlaw, and Bloomberg Law in law school, they seem to forget other databases that they may have used as undergrads, such as Academic Search Premier, ProQuest, or Web of Science. Come time to write a seminar paper in an interdisciplinary course, such as Bioethics and the Law, Economics and the Law, or The Internet and International Trade, they seem unable to find scholarly articles on point.

In the past, academic librarians often prepared one period research sessions for many writing-intensive seminar classes outlining the best resources for students to use for their research. Since all databases have their idiosyncrasies, librarians would

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spend class time demonstrating how to search PubMed or Web of Science or EconLit. Having a discovery system has changed all of that. Patrons can now search the discovery platform and receive integrated results from all of the databases to which the library subscribes. The librarian must now use the research class wisely and take the time to fully explain all of the features of the discovery platform and how students can successfully use the tool to complement their research.

I recently taught a research session in a Bioethics and the Law seminar. Previously, I had demonstrated some medical databases, such as Medline and EthxWeb. I also introduced the students to some of our more general databases, such as ProQuest and Academic Search Premier. In this most recent class, though, I realized that all of these databases had been loaded into our new Serials Solutions Summon system, which we call OneSearch. I rewrote my class to focus my attention on teaching the students how to efficiently use the OneSearch platform, and now also had time to help them find government and think tank reports using Google's advanced search features.

Since research indicates that users are not inclined to use the facets in an online catalog,¹ the main goal of my presentation was to emphasize the usability of the facets or filters for more

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precise results. So, after a general discussion about choosing search terms and thinking about synonyms and controlled vocabulary, we conducted a quick search for “Genetic Screening Ethics.” This search retrieved 214,000 documents, an overwhelming number of resources to review, so it was time to start talking about filters. Because most students are online shoppers, they understood that the columns on the left hand side could probably help reduce their findings. Instead of selecting a size or color, they selected journal articles or dissertations. We talked about the usefulness of scholarly research articles to support their theses and provide background material, so consequently limited our results to “journal articles,” excluding books, dissertations, and most importantly news articles.

While selecting articles narrowed our results, there were still many more than we had the time to look through, so I discussed using the date delimiter to look for material from the recent past, rather than 20 years ago. In some instances, it may be relevant to look for older material, but many topics lend themselves to more recent articles. In the area of bioethics, numerous health and technology breakthroughs are being made, so the most up to date information is usually the most relevant.

Once we went through that simple search process, I then spent some time demonstrating the advanced search capability of OneSearch. By starting with an advanced search, users can restrict their search from the beginning by including relevant dates and selecting specific content, such as journal articles. A simple click allows searchers to eliminate news articles from the outset. It's usually a personal preference if students prefer to limit from the outset or limit with the facets, so I find it useful to demonstrate both methods.

There are definitely some limitations to relying on OneSearch instead of searching each database



Publication date range:

Show content type:

- Any Type
- Archival Material
- Art

Language:

Show only:

- Items with full text online
- Scholarly materials, including peer-reviewed
- Items in the library catalog (includes mostly print and physical material)

Exclude from results :

- Newspaper articles
- Book reviews
- Dissertations

Expand your results: Include results from outside your library's collection

[Back to basic search](#)

individually. As a librarian, I feel obliged to teach the students about using controlled vocabulary, which varies by database. This limitation of OneSearch is definitely a point I discuss with the researchers, encouraging them to begin their research with OneSearch, but to make note of which databases are providing the most relevant resources. I encourage them to run more precise searches in the most relevant databases at a later time.

Our students have grown up with Google and want “one search fits all,” so we need to embrace the discovery platform and teach students how to use it most efficiently. Librarians are the ones who know the intricacies involved in a discovery search tool, so it is our job to share this knowledge and help researchers find the most relevant material. ■

Notes

¹Terry Ballard, *Comparison of User Search Behaviors with Classic Online Catalogs and Discovery Platforms*, 13 the charleston advisor 65 (2011).

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From the Editor

Reading, 'Riting, and 'Rithmetic

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I'm delighted to be the editor of Volume 60 of *Law Library Lights*. It seems appropriate to kick off the fall with The Education Issue, which focuses on librarians as both teachers and learners. I want to welcome Andy Lang, our new assistant editor and book reviewer. Andy will also be writing the member spotlight column. Big thanks to Andy for taking on so many roles. I also want to welcome our new LLSDC president, Andrew Martin, who will be updating us on LLSDC events and initiatives, and Matt Zimmerman, who is taking over the tech column from Jill Smith.

In this issue, Margaret Krause from Georgetown discusses the benefits and potential drawbacks of using discovery platforms to teach interdisciplinary research. Emily Florio, Director of Library Services at Finnegan, reports on her experience at the International Legal Technology Association's (ILTA) annual conference and how law librarians may benefit from joining the organization. Andy Lang reviews *The Invention of Legal Research*, which provides a fascinating look at how U.S. legal research has evolved. In his Tech Talk column, Matt Zimmerman interviews Prof. Paul Ohm about his computer programming course for lawyers and discusses the role librarians may play in teaching technology skills to law students and lawyers. LLSDC president Andrew Martin fills us in on the professional development and social events we can expect from LLSDC this fall.

I hope you'll consider contributing to one of our next issues. The theme for the winter issue is The Free Law Movement/Access to Justice, the spring theme is The Law Library of the Future, and the summer theme is Year-End Round Up & AALL Conference Preview. We welcome articles on those subjects or on anything else you want to write about. ■



Submission Information

If you would like to write for Law Library Lights, contact Shannon Roddy at roddy@wcl.american.edu. For information regarding submission deadlines and issue themes, visit the LLSDC website at www.llsdc.org.



ILTACON: An Opportunity for Information Professionals

Emily R. Florio

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ILTACON, the International Legal Technology Association's (ILTA) annual conference, took over National Harbor, Maryland from August 28 through September 1. I attended the conference due to a registrant grant from LLSDC, and I look forward to sharing my first-timer observations with you.

The conference filled National Harbor with several thousand attendees and exhibitors. More than 350 speakers presented close to 200 educational sessions on topics such as information management, business management, applications/desktop, and technology operations. Just from this small sampling of topics that are of interest to ILTACON attendees, it is clear that there are opportunities for law librarians and information professionals to be involved with creating and attending programming during this event.

Librarian & Information Professional Involvement

Over a dozen law librarians from across the country attended this year's conference, and many were involved as ILTA volunteers who presented or assisted with program curation. For example, Steven Lastres, Director of Knowledge

Management Services at Debevoise & Plimpton; Catherine Monte, Chief Knowledge Officer at Fox Rothchild; and Deborah Panella, Director of Library and Knowledge Services at Cravath, are all American Association of Law Libraries (AALL) members, as well as being longtime ILTA volunteers. At this year's event, Steven and Deborah helped put together the educational sessions in the Information Management Area of Focus, and Catherine served as an Innovative Thought Leader. In this role, Catherine was one of the advisors who reviewed the work of the various committee programming tracks.

The following AALL members were ILTA speakers:

- Julie Bozzell, Chief Research and Knowledge Services Office at Hogan Lovells
- Marlene Gebauer, Director of Knowledge Solutions at Greenberg Traurig
- Katherine Lowry, Director of Practice Services at Baker & Hostetler LLP
- Anne Stemlar, Director of Research and Knowledge Services at Goodwin

Along with Catherine Monte, Deborah Panella and Steven Lastres, these leaders helped guide



the way for other librarians and information professionals to expand on the traditional library duties and embrace the role of technology and future thinking. There are endless intersections of content, strategy, and initiatives between AALL and ILTA, and I look forward to exploring these further and finding concentrated ways to collaborate.

Keynote

ILTA's keynote, "Re-Imagining Legal Technology for the 21st Century," came from [Mike Walsh](#), a futurist, thought leader, and business strategist. He showcased real life examples of how companies are embracing disruptive technology and how technology is shaping both our everyday and business lives. He advised attendees to hire future employees, not for their direct abilities, but their agility, while also reevaluating how we communicate and work. We should not focus solely on the present, but rather on the big picture and the future. For librarians and information professionals, his message rings true and is in line with what many of our leaders have been urging for years.

Some additional thoughts and questions to consider:

- Have you adjusted what you look for when hiring a new employee?
- How has your department embraced technology, disruptive or otherwise? Is there more opportunity to grow?
- What does the future hold for information professionals? How can we ensure we stay relevant?

Programming

The first program I attended was "From the Front Lines: Actual Jobs in 'New Law,'" and the session's overall themes played out through the rest of the conference. The program featured speakers with a variety of backgrounds and titles, including:

- Jared Coseglia, President at TRU

Staffing Partners

- Scott Rechtschaffen, Chief Knowledge Officer at Littler Mendelson, P.C.
- Rachele Rennagal, eDiscovery Counsel at Pillsbury Winthrop Shaw Pittman LLP
- David A. Rueff, Shareholder and Legal Project Management Officer at Baker Donelson

Since the recession, law firms have been undergoing constant change as evidenced by a shift in titles, roles, and duties for support staff. We've seen more traditional library departments transform, many times out of necessity, towards more knowledge management and higher value add focuses. Technology has automated more routine and repetitive tasks, thus freeing time for information professionals to focus on strategic processes and initiatives. While the speakers did touch on librarian roles decreasing in law firms, there was resounding agreement that librarians remain critical to law firms and will not go away entirely. We do risk a continuing decline unless we remain proactive, progressive, and attentive to the changing needs of our institutions and the legal industry.

Due to personal interest along with my firm's initiatives, I went to programming focused on

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knowledge management. One program, “The Future of Legal KM,” looked at both the current state of KM in law firms, along with the various internal and external demands driving innovation and change. I see a strong parallel between these KM factors and what we have experienced in law librarianship. For instance, we are seeing lower billable hours due to client demands, more proactive outreach to practice leaders to grow research demand, and an increased reliance on technology to automate lower level tasks. We have had to adjust our priorities to match those of firm management and clients.

Networking Opportunities

Most associations and conferences offer a multitude of chances for networking, and ILTA did not disappoint. In addition to regular receptions and program breaks, many of ILTA’s Communities of Interest held networking events Sunday evening before the official start of the conference. Communities of Interest are topic-specific discussion areas focused around a variety of subjects, with many of possible interest to information professionals, including information governance, intellectual property, knowledge management, professional services, and SharePoint. The Librarian Community of Interest reception featured attendees with diverse positions within and beyond libraries, including individuals in IT, KM, marketing, and finance roles. I overheard many people saying how they are not in the library department per se, but that they love, use, and rely on their firm’s library and research teams. One major difference between ILTA and the AALL conference is the range of attendees, given that legal technology touches every department in a law firm.

Membership & Volunteering

Unlike many of our law librarian associations, ILTA membership is by organization rather than individual. This means that if your employer is already a member, you can join at no additional cost! Check the [Member Search](#) on the ILTA

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website to find out if your firm or organization is already a member. Once you are a member, do not forget to join one of the many Communities of Interest. Please contact Steve Lastres or Deborah Panella if you are interested in getting more involved with ILTA.

What’s Next?

Let us take the lead from our librarian and information peers already involved with ILTA and find new avenues for us to stay relevant and show our value to stakeholders. Do not let traditional roles or lack of strategic initiatives hamper your willingness, commitment, and drive to make changes that show the crucial role that we play within our organizations and the legal industry.

“Let us take the lead from our librarian and information peers already involved with ILTA and find new avenues for us to stay relevant and show our value to stakeholders.”



President's Column

Fall Will Be Packed with Ghastly Ghouls and Turkeys. Nothing New to Your Friendly Neighborhood Law Librarian

Andrew Martin

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Ah, fall. The kids are back in school, the weather in D.C. has dropped to a balmy 88 degrees, your fantasy football team is already on the skids, and the stores are rolling out the Christmas decorations.

The AALL meeting in Chicago seems like a distant memory, though it was only a few short months ago. I attended the Chapter Leadership Session as the representative from LLSDC, where I was initiated into the Ancient and Secret Mysteries and Rites of Chapter Leadership. (It involves wearing a live chicken on your head for some reason.) After wiping off the Mystical Chrism of Librarianship, we participated in a number of very interesting exercises about engaging with the members of our local organizations and providing services and events that they found useful.

Two overriding themes surfaced during these exercises: career assistance/happy hour and diversity/happy hour. Clearly, although it was only 10 in the morning, our group had already focused on what was really important.

Career Assistance

The Education Committee is putting together a headshot/LinkedIn event, where you will be able to get help polishing your LinkedIn profile to make you more attractive to potential employers. We will also have a professional photographer to take snazzy headshots to go with your profiles. We considered full-on Glamour Shotz but decided that the fake "tropical island backdrop" and wind machine weren't



President's Column, Continued

befitting the dignity and sophistication of the librarian profession. Please feel free to make a duck face in your headshot, though. Slots will be limited, so watch for an announcement for this event and be ready to jump on it.

We are also hoping to increase our mentoring and outreach for new members. If you feel adrift in an uncertain world and would like a sage "Obi Wan Kenobi" librarian to drop pearls of wisdom on you, please reach out to the Mentoring Committee at mentoring@llsdc.org. Likewise, if you are already a Jedi Master and think you could offer some young padawan the fruits of your years of experience, reach out to the same email and we'll match you up with a suitable apprentice.

Diversity

We are planning a panel discussion on diversity and dealing with micro-aggressions in the workplace. We are trying to secure a super-secret extra awesome speaker to headline the panel, so it will probably take place early in 2017. In the meantime, if you have any topics or ideas for discussions on the subject, please let me know.

Happy Hour!

The desire for happy hours was a recurring theme. We hope to arrange a number of purely social events over the upcoming year to allow us to mingle, meet each other, and go to a bar under the guise of "networking."

The Next AALL Annual Meeting

And while we may still have to get our expense reports in for the trip to Chicago, it's not too soon to start thinking about the next AALL Annual Meeting in Austin. I'm looking forward to experiencing all that Austin has to offer, including the Alamo. Especially the basement. I had a bike stolen, once, and have a lead on it. (This is my first trip to Texas. The Alamo IS in Austin, right?)

Finally...

If there is anything that LLSDC can do for you, please don't hesitate to reach out to me or any of the other members of the Executive Board. We always love to get ideas, and if you could really use help with...say...resume writing, or have a great idea for a field trip, please drop us an email. I can be reached at Andrew.martin@nlrb.gov. ■



Member Spotlight

Andrew Lang

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Eileen Santos

As of September 19, Associate Director Eileen Santos will be the Interim Library Director of Howard University Law Library.

Victoria Capatosto

In May, Victoria Capatosto joined the Howard Law Library as a Reference Librarian and Legal Research Instructor.

Jason Happ

On September 19, Jason Happ joined the Howard Law Library, filling the newly created Access Services Librarian position.

Larry Guthrie

Larry Guthrie's most recent article, "Osage Tribal Museum Weaves Oklahoma History," was published in [This Land](#), Summer 2016.

Lowell Rudorfer

Lowell Rudorfer began working as a part-time reference librarian at George Mason University Law Library, started a position as a librarian at DOJ, and for this school year is serving as an officer on CUA's LIS Alumni Board.

Emily R. Florio

Emily R. Florio was promoted from Manager of Library Services to Director of Library Services at Finnegan, Henderson, Farabow, Garrett & Dunner.



Member Spotlight, Continued

Rhea Ballard-Thrower

For the past 15 years, Howard University School of Law has been proud of the role that Associate Professor and Library Director Rhea Ballard-Thrower has played in preparing law students to join the working world, filled with a deep appreciation of the need for social justice. In October, Rhea will begin a new journey as the Director of the Howard University Libraries, expanding her impact to include Howard University undergraduate and graduate students and leaving the law students in capable hands. This was not an easy decision for Rhea, since she truly loves working at the Howard Law Library. But, after she spent some time talking with Howard undergraduate students about their library services, she was reminded of Ta-Nehisi Coates' description of life at "The Mecca" (Howard University) in his critically acclaimed book, *Between the World and Me*. Talking with the undergraduate students reminded her of why she came to work at Howard in the first place. We are confident that our bold leader will go on to have far-reaching and positive impact in her new role. Though we are sad to see her move on to the next challenge of her career, everyone at Howard Law School wishes her the very best.

Andrew Lang

Andrew Lang was appointed chair of the AALL Law Library Journal Article of the Year Award Jury for the 2016-17 year.

Meredith Capps

Meredith Capps began working as a Reference and Faculty Services Librarian at George Mason University Law Library.



Member Spotlight, Continued

The Federal Law Librarians Special Interest Section (FLL SIS) arranged for a special visit to the National Archives' D.C. location to learn about historical judicial records on August 23. Robert Ellis, a federal judicial records archivist, gave a tour of the Central Research Room and the Finding Aids Room. He also provided an informative presentation about how to conduct research with federal court records and gave the group a rare glimpse of the legal history of D.C. through original documents. The librarians felt they were attending a master class in archival science while learning about the amazing resources available to the legal community.



Member Spotlight, Continued

Member Question

What's the most important thing about being a librarian that they never taught you in school?

How important it is to gain experience by working as many different jobs as you can in a library. This will help you become a more well-rounded librarian because you gain an understanding of the many roles and a working knowledge of how the different departments accomplish their tasks to keep the library running smoothly.

—Tracy Legaspi

Law Librarian, Cadence Group, U.S. Department of Justice Main Library

Customer service. At least when I went to school, the concept of librarians as a positive representation of an organization was not ever emphasized. Librarians must be positive, cheerful, tenacious, and have the ability to “read” patrons. I recently read a blog post (<https://www.helpscout.net/blog/customer-service-skills/>) with some very good tips on serving our patrons.

—Margaret Krause

Special Projects Librarian, Georgetown University Law Center



Teaching Tech: New Course Gets Law Students Coding

Matt Zimmerman

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Larry Wall, creator of the Perl programming language, famously cites laziness as one of a programmer's chief virtues. Laziness in this sense refers to a desire to spend less energy on tasks that may be usefully automated. As a librarian who codes, I am therefore unashamed to profess my own laziness. I encourage anyone who shares this virtue (and perhaps Wall's additional programmer virtues of impatience and hubris) to grab a computer, learn to code, and get work done faster and better.

A growing number of lawyers and legal educators share this enthusiasm. The ABA Journal just ran an [article highlighting a few of them](#), including [Paul Ohm](#), a professor at my institution, Georgetown Law. Ohm recently created a course to teach law students to code. I followed up with him to learn more about his course and how librarians can support efforts to teach practical tech skills to lawyers and law students.

Ohm, an expert on privacy and technology, had "already been exploring how we can do deep technical learning in a law school environment, in particular with non-experts" before he arrived in D.C. in 2015. From his own experience as a programmer, he knew how great it feels to accomplish in a few lines of code what would otherwise take hours or days. He designed "Computer Programming for Lawyers: An Introduction" to develop those coding skills in law students and offered it for the first time in the spring of 2016. Limited to those with no prior programming experience, the course provides practical skills for automating tasks such as scraping information from websites, parsing text documents, and processing Word, PDF, and Excel files.

Tech Talk, Continued

The course dives deep into programming with the Python language. “I will always choose deep learning over broad learning. I feel like there’s value in having students tackling really complex but narrow projects and seeing it through from beginning to middle to end,” says Ohm. The assignments that came with this approach were a challenge for Ohm’s students. “Law students aren’t used to weekly graded problem sets, but even more fundamentally they’re not used to homework assignments that have correct answers.”

Some students had to overcome significant gaps in their technology proficiency. Despite growing up with consumer tech devices and an omnipresent Internet, they did not understand fundamental computing concepts such as hierarchical file systems. And Ohm found it “astounding” that a student could get through high school and college without learning how to use Excel.

Overall, Ohm felt the course “went great,” but it was a lot of work for two credits. He believes that all of the students were proficient coders by the end, and he expects a few of them to use their coding skills for the rest of their careers. The class is being offered again in the spring, this time for three credits.

Ohm sees great potential for libraries to support the teaching of practical tech skills to lawyers. He notes that “libraries are just the masters of information architecture in a place like the law school or a law firm.” As librarians are active partners in teaching legal research and writing skills, they can be partners in developing new lawyers’ tech skills.

Lawyers who code, as well as those who teach and support them, need the right infrastructure. Libraries could have a role in, for example, managing access to cloud servers used for coding and instruction. Libraries may also help manage and curate the data for legal hackers to work on.

And the legal hacker ranks are growing. Since his arrival at Georgetown, Ohm has “been happy to learn that there’s this strong undercurrent of lawyers who code here in D.C.” The ABA Journal article notes the work of V. David Zvenyach, who developed [an online platform for the DC Code](#). DC also has [its own chapter of the Legal Hackers organization](#).

Ohm sees a bright future for legal tech education at Georgetown. “We’re lucky because the dean has decided this is who we are. We’re going to build part of our identity around novel tech literacy education.” Other schools are also embracing the teaching of practical tech skills. John Mayer, Executive Director of CALLI, collects syllabi and other information about tech skills courses from schools around the country and [provides them online](#).

While technology skills, automation, and efficiency are important topics to address in both the education and practice of the law, a recurring theme during my conversation with Ohm was how much fun coding can be. Ohm asked me, “How could you resist” using these skills? I have no answer. I would rather ask what librarians can do to encourage, support, and benefit from those of us who have abandoned resistance. ■

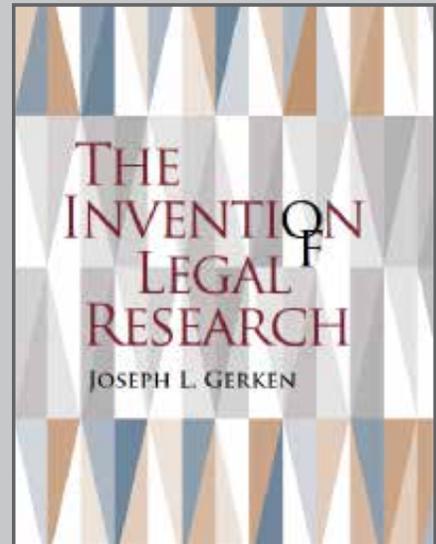


Book Review

Joseph L. Gerken, The Invention of Legal Research (New York, NY: AALL Publications Series No. 78, 2016)

Andrew W. Lang

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When you describe the process of doing legal research in print to new 1Ls, you often catch a palpable shudder of relief for the electronic research platforms that make things so much easier today. Despite the fact that *all* legal research was done in print up until roughly 30 years ago, it already feels easy to take many of the features of electronic research for granted.

In *The Invention of Legal Research*, author Joseph L. Gerken contends that an earlier revolution, occurring roughly between the 1870s and 1890s, had just as great an impact on modern legal research. This book, which is part of the AALL Publication Series, is an expansion of Gerken's paper of the same name, which won AALL's Call for Papers Award in 2013. That article is available through [AALL's bepress account](#). The book expands the article significantly; the article makes up about the first 80 pages of the 222 page book, covering the early case reporters, the creation of finding tools such as digests and citators, and the role that reliable case information played in enhancing the doctrine of *stare decisis*. The new sections cover statutes and the codification movement from the nineteenth to early twentieth centuries, the birth of student-edited law reviews, and the development of law as a "science."

As a historical account, the book is written primarily to appeal to scholars, but, for a subject that could have easily become as dry and dusty as the nominative reporters in the stacks, Gerken manages to keep the narrative interesting by drawing out the personal stories behind the innovations. In many ways, this book is sort of a crash course in the history of legal information in the United States. A relatively succinct synthesis, it seems like the kind of book designed specifically for classes in law librarianship.

Probably the most startling thing about this book is how hindsight makes every major development in the curation of legal information seem inevitable. To emphasize how wild and incoherent the



Book Review, Continued

state of legal information once was, Gerken's first chapters cover the development of case reporters. In the early republic, many courts delivered their opinions orally—the earliest court reporters actually attended the court to record these oral opinions, but often made their own decisions about which cases were significant enough to report (p. 14). This slowly began to change as judges, attorneys, and legislatures became aware of the value of having written records of court opinions. After profiling some early pioneers of case reporting, Gerken devotes some space to the first four Supreme Court reporters, Dallas, Cranch, Wheaton, and Peters, detailing their respective contributions to case reporting.

One of the book's great strengths is in weaving the personalities of the key players into the account. One example involves the famous lawsuit between Supreme Court reporters Wheaton and Peters. Richard Peters, the fourth Supreme Court reporter starting in 1828, was apparently an irritable character who was perpetually on bad terms with the justices, as several of them criticized errors and delays in his reporting (p. 33). Peters believed he could make publishing the reports profitable by reducing editorial enhancements and speeding the publication process. His master plan, however, was to publish a comprehensive set of all Supreme Court opinions dating back to the first term. To keep the length of the volumes manageable, Peters planned to reprint the earlier opinions in a smaller typeface, remove annotations and summaries of counsel's arguments, and eliminate all concurring and dissenting opinions, reasoning that they had

no impact on the actual law as expressed in the majority opinion (p. 34).

Unwilling to see Peters profit from their work, his predecessors Cranch and Wheaton voiced strenuous opposition to this proposal. Though Cranch backed down, Wheaton, who was then serving in a diplomatic position in Denmark, authorized his publisher to sue Peters for copyright infringement, securing Daniel Webster as lead counsel (pp. 34-35). Although the Supreme Court ultimately ruled for Peters, upholding the fundamental principle that a court reporter holds no copyright in the text of court opinions, Gerken points out that this decision was agonizing for many of the justices who knew both parties and personally liked Wheaton (p. 35). These kinds of stories are found throughout the book and keep the narrative interesting.

As case reporting became more consistent and solidified, the next need was for easier ways to identify relevant cases. Gerken devotes a chapter to the development of digests and citators, profiling both the most recognized figures such as Frank Shepard and John West as well as more obscure figures. One of the recurring themes throughout the book is how enterprising individuals identified needs in the information market and created innovative tools to bridge these gaps.

Early on, publishers and practitioners realized that a good citator would have to be both comprehensive and also updated frequently. While not the first to attempt to create a citator, Frank Shepard's version was groundbreaking



Book Review, Continued

for both “the radical terseness of the entries” and because it was issued as a gummed label that would be “pasted in the margins of the cited cases,” rather than as a standalone volume (pp. 62-63). These innovations allowed the publisher to update more frequently allowed the practitioner to see the citator *at the same time* as the opinion. Both factors contributed to Shepard’s eventual market dominance.

After discussing the development of the case reporters and the early finding tools, Gerken takes a step back to discuss the implications of these innovations, specifically the correlation between increasingly reliable case publication and courts’ application of the doctrine of *stare decisis* (p. 67). There is a definite intuitive connection, but Gerken presents some interesting evidence: the increased use of the phrase “*stare decisis*” in court opinions throughout the nineteenth century (p. 71-72). Between 1800 and 1809, the phrase was only used in five court opinions, but usage steadily increased (p. 71). By the decade between 1890 and 1899, 420 court opinions used the phrase (p. 72). And while Gerken admits that the number of times the phrase is used does not indicate the full number of times that the principle was applied, “one can surmise that the number of cases using the term bears a reasonable relationship to the number of cases that applied the principle” (p. 72). Of course there are a lot of other factors to potentially explain the increased usage, considering how dramatically the nation expanded within this time period, but the correlation does seem significant. The larger point is important as well: the accessibility of legal information affects how it can be used.

These first chapters appeared in Gerken’s

original paper and, to my mind, it was easy to see why he won the AALL Call for Papers Award. I enjoyed the second half of the book slightly less than the first—it was still interesting, but some sections felt rushed, evidenced by an increasing number of typos. Following caselaw, Gerken devotes two chapters to statutes and the codification movement, covering the entire nineteenth century. There are some interesting debates covered in these sections between the proponents of common law and the advocates of codification, frequently framed (as we still see today) as arguments about judicial discretion (pp. 124-26).

The late 1880s also saw the birth of student-edited law journals—originating with the *Harvard Law Review*. Relying on student editors resolved a problem that had bedeviled many earlier attempts at establishing a field of legal periodical literature: who had the time? The perceived need for professional literature was directly related to attempts to enhance prestige, turning lawyering from a trade into a profession (p. 149). Gerken’s chapter on law journals describes both the development of the literature and the effect that law review articles began to have on court opinions, tracing the impact of the famous 1890 article, “The Right to Privacy,” by Samuel Warren and Louis Brandeis (pp. 175-82).

In his final substantive chapter, Gerken explores the changing attitudes about legal study in the late nineteenth century, specifically the notion of the law as a science. He draws interesting parallels between instruction in biological science in the late nineteenth century and the development of the case method of instruction—scholars would study specimens (or



Book Review, Continued

cases) as exemplars of certain characteristics and arrange them in taxonomies (p. 190). Gerken also briefly compares the science of law to library science, which was an emerging discipline in the same time period, similarly preoccupied with taxonomies and organization (p. 198-201). With the birth of law reviews, these new ideas played a significant role in enhancing the prestige of law as a profession.

Although the book provides a nice synthesis with an appropriate level of depth for an introductory work, it does have some issues. While the first half of the book feels unified by a common thread—namely that it all relates to innovations in case law reporting and finding—the second half feels more scattered as it covers statutes and codes, law reviews, and the “science of law.”

A second issue has to do with Gerken’s “Golden Decades” of Legal Research, which he places roughly between 1870 and 1890. The highlights of this period include the publication of: the United States Revised Statutes in 1873, the first codification of federal statutes; Shepard’s Citations in 1873; the first student-edited law journal, *Harvard Law Review*, in 1887; and West’s *North Western Reporter* in 1879, *Supreme Court Reporter* and *Federal Reporter* in 1881, and National Digest System in 1889 (p. 2). But to get to these developments in the “Golden Decades,” Gerken has to devote a significant amount of time to what came before. He even uses the metaphor of a simmering pot of water that is suddenly brought to a boil (p. 3). The innovations of this period didn’t arise in a vacuum; they arose to fill specific needs that were identified over a longer period of time. In that sense, it seems

strangely flippant when Gerken states that after his “Golden Decades,” “the well apparently ran dry. Virtually no significant new case-finding methods were invented until the advent of computer-assisted research in the 1980s” (p. 2). Surely the twentieth century is not as stagnant as Gerken claims—the birth of the modern administrative state undoubtedly created new research problems and solutions.

This book provides a sort of “whirlwind tour” of legal information history and is a valuable introduction for novices such as myself. It quickly becomes apparent how much we frequently take for granted. For me, the most valuable take-away was an increased awareness of how our current legal research system came to be and an understanding that there is always room for improvement.

Although the book does not address the forward-looking questions, it does lay a useful foundation for thinking about when and where innovations arise. Some of the greatest research innovations of the past were created to resolve very specific needs or as incremental adjustments to an earlier solution. This left me thinking about what our current needs are, where are the gaps in our information structure, what systems we take for granted that are overdue for reexamination, and what problems are created by having a research market dominated by a very small number of players. Although we currently enjoy tools that dramatically increase the efficiency of legal research, books like Gerken’s remind us that our systems are never perfect and we must keep our eyes peeled for opportunities to improve. ■



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