Legal Information in the 21st Century: Current State of Knowledge, Trends and Issues

Literature review

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LEGAL INFORMATION IN THE 21th CENTURY.
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The easiest way to distinguish among various types of law libraries is to describe their clientele, for that provides the essence of the differences among the libraries themselves. Obviously, these categories are not clear cut, because many of them serve more than one population [Pannella, 1991]. With regard to the main features of legal information, it is divided into two main types in common law jurisdictions, that is to say primary and secondary sources [Pannella, 1991; Dane - Thomas, 1987; et al.], while in countries based on civil law the division is slightly different (in Italy, for example, it is commonly divided into “legislazione”, “giurisprudenza” and “dottrina” [Bin - Lucchi, 2002]). The former is documents containing the law itself, documents of law rather than documents on law [Blunt, 1980] and they includes statutes, administrative regulations, constitutional provisions and also court opinions, the so called “case law”, while the latter is about materials which describe, explain or recommend legal developments such as textbooks, treatises, periodicals, practice manuals and so on [Panella, 1991]. Besides, it has been identified a third type of legal literature which has been called “finding tools” [Cohen, 2000]. These are search aids, such as citators, indexes, digests and other materials that are used to find out both primary and secondary sources. They play a main role in legal research since the body of legal literature is constantly growing. In fact, law is in an endless state of flux both at the national and international level [Blunt, 1980]. Even if the law is the principal mean of social control, so it should be manageable, available, workable [Susskind, 1998], today we assist to the so called “proliferation” [Pannella, 1991], that means that we live in “hyperregulated” times in terms of quantity and complexity of law [Susskind, 1998]. Another difficulty in legal research, especially for the
“non-lawyers”, is understanding the terminology and grammar that are unique to legal writings, the so called “legalese” [Pannella, 1991]. Legal information and its role in the operation of systems of justice are recognised to be vital both to the legal profession and to the individual citizen to enable full participation as we live in a society that is based on, ideally at least, open and complete access to information and knowledge [Mansfield - Bald, 1997; Taddei Elmi, 2000]. Law libraries have traditionally placed more emphasis on reader and reference services than on technical services, but research capabilities are severely hindered if the technical aspects of librarianship are ignored or de-emphasized [Pannella, 1991]. IT, though, can’t be introduced as the panacea to overcome all the perceived deficiencies in today’s legal information, because it has itself given rise to some of the very problems of legal environment. However, it is its potential (not already fully exploited due to technical limitations) to make legal information more widely available and easily accessible [Susskind, 1998]. In fact, it has been said that, as it become commonplace for users to dip into previously unfathomable depths of knowledge and information, there will be continuing demand in the information society for further facilities and new sources of information [Susskind, 1998; Venturini, 2000]. So, in Susskind’s vision, it will be possible to bring together massive amounts of primary and secondary legal source materials into widely accessible virtual legal libraries for use across the legal profession (and even beyond) [Susskind, 1998].

With regard to this, it has been stated that the World Wide Web offers a new medium through which law libraries can attempt to increase access to legal resources. In fact, web-based information concerning policies, hours, services available, etc., and hyperlinks to various online legal resources help staff efficiently answer library operation questions and provide access to remote information [Cooper, 1998]. However, Cooper asserts that “in
today electronic climate, too much improvement [in access] can prompt questions regarding the profession utility”. So, he suggests that law libraries develop web sites not only to enhance access to information, but also to improve their perception in terms of benefits and role’s visibility and respect within the legal community in a context characterized by downsizing, disintermediarisation and out-sourcing. For these purposes, he recommends to adopt an approach common among commercial entities by using content, design and marketing strategies focused and tailored on their diverse patron base and their different needs. In fact, in his opinion, law libraries, especially academic ones, share similarities with commercial entities in that both have a product and a clientele in today environment characterized by budget constraints and continuous assessment’s pressure. So, law libraries have to offer information resources to the legal community who, in return, can offer support through gifts, funding and positive endorsements. Support can further the library’s effort to offer a better product to the legal community by creating in this way a so called “virtuous ring” [Cooper, 1998].

By the way, it has been noticed that there is no correct web design that fits every site, even if it has been suggested to follow some fundamental principles in order to obtain an effective, logical, coherent and strategic web site design [Milunovich, 2002]. Besides, a lack of objective standards for the measurement and evaluation of law library web sites has been perceived [Vreeland, 2000]. He suggests to adopt citation analysis in order to fullfill this purpose. As a result of his research, he finds that “the presence of the 80/20 distribution for library site luminosity [...] is something of a disappointment. It indicates that a small portion of sites are providing most of the labor and thought for the entire community. [...] There appears to be a widespread belief that a presence on the web (even a poor one) is better
than having no presence at all. However, having a web site that no one uses is functionally equivalent to having no site at all” [Vreeland, 2000].

As I have already noticed, law is an information-rich discipline. The coming of the Internet and, in particular, its publishing arm the World Wide Web, has trigged a new era of development in legal information systems that provide collections of legal information in full-text form, especially in the public sector. Web enthusiasts like Pedley notice that electronic information has the potential for cost savings while brings increased benefits in the amount of information available. This is because it is potentially cheaper to update, it allows space savings and the management philosophy “just in time”, not “just in case” in which libraries only pay for the materials that their users really need [Eastham - Pedley, 1998]. In addition, print-based publications are likely to be replaced by electronic ones, because these are characterized by hyper-textuality and multimedia [Susskind, 1998]. In fact, these two features enrich and animate the knowledge and the information contained in the documents by using a mix of text, sound, video and graphics and by enabling users to skim and scan them instead of reading them from the beginning to the end. Besides, it has been pointed out that a digital collection, even if it requires time and money investments for creation, maintence and managment, can enhance users’ access to information, thanks to full-text searching facility, the possibility of manipulating the information obtained and to the fact that digitised documents are able to be accessed by more than one person at a time and can be also accessed remotely by users outside the library, also when it is closed. Moreover, a digitised collection could be particulary valuable for satisfying the short-term information needs of an organisation, the so called “hot topics” [Curr, 2001]. By contrast, web sceptics like Easthman seem to be more cautious in evaluating the benefits coming from what he ironically calls the “world wide wait”, especially in comparison with a paper-based
environment [Eastman - Pedley, 1998]. They stress that books are more portable, readable, permanent, because they don’t require any equipment in order to be enjoyed, any compatibility or any special training. Besides, books have a breadth and range which electronic products cannot yet match. Finally, the number of published books in the legal field is constantly increasing [Hemming, 2001/2002]. Of course, the present “double way of publishing” (that sometimes means redoubled costs) implies that reduced library budgets can’t afford anymore to provide their users the same amount of titles and information than before [Eastman - Pedley, 1998].

Six key-issues to be carefully considered arise with the second wave of legal information retrieval systems, the web-based ones, such as accessibility, coverage, currency, reliability, searchability and useability [Widdison, 2002].

First of all, with regard to accessibility, it has been noticed that, while everybody is presumed to know the law, inadequate or charged promulgation has often prevented citizens to take advantage of this constitutional right in democratic western countries [Widdison, 2002; Taddei Elmi, 2000]. Sometimes it can be said that legislation is published, but not promulgated. In fact, new rules of law spring into our life almost daily, very often attaching new significance to our working and social lives without most of us having any systematic means of learning them and knowing their impact [Susskind, 1998]. With regard to the Italian situation, the Italgiure-Find and Easy-Find systems developed by CED’s Supreme Court of Appeal since 1973 is the only public national service available [Taddei Elmi, 2000; Petrelli - Del Ninno, 1998; Ciampi, 1994; et al.]. It contains primary and secondary information and it is available in courthouses, universities and in some public administration’s offices which subscribe it. Despite the “Piano d’azione del governo per l’e-government”, there isn’t still a complete and up-to-date online free access collection of public legal resources and
databases [Venturini, 2000]. The resources now available such as the Parliament’s web site are only partial, even if it has been started Norme in Rete <http://www.normeinrete.it>, a public project that is intended to became a free access getaway to all the public resources already existng in the web [Ridi, 2002]. Moreover, the Italian Association of Librarians (AIB) hosts a getaway to public legal information sources in its web site (DFP, <http://www.aib.it/aib/commiss/pubuff/guida.htm>). With regard to this, it’s important to notice that the role of Italian public libraries has to be empowered in order to fulfill their mission, that is to say to support and enhance the qualitative development of civil society by ensuring access to knowledge and by guaranting equal opportunities for every citizens wherever he/she lives to fully and consciously exploit his/her citizenship. Librarians are now asked to become not only facilitators, but also, and above all, “routes’planners” for free, conscious, independent and critical citizens who have learned how to learn at school. In fact, public libraries need to get with community networks that were born in 1995 for purposes that are clearly part of Italian public libraries unexploited mission [Leombroni - Poggiali, 1996]. So, the wide circulation of legal information on the web can be considered a challenge for librarians coming from different working environments and, above all, it enhances public librarians’ potential role as mediators of information produced by the public sector [Venturini, 2000]. In fact, Venturini notices: “dal punto di vista documentario, ne deriva quella che potremmo chiamare una crisi del modello "separato" dell’informazione giuridica e della corrispondente informatica giuridica documentale. [...] Emergono spinte per aprire gli archivi giuridici professionali ad un’utenza generica e si moltiplicano gli sforzi per sviluppare applicazioni che consentano un’accesso friendly alle basi dei dati giuridici” [Venturini, 2000].
On the one hand, online access via the web means that sources are theoretically available very quickly, for anyone, at any time and almost from anywhere moving towards a Utopia of freely available legal information. On the other hand, what is actually made available free to the public is often limited in practice because of the cost related to editorial added value that makes legal information systems easy to find and to use also for “non-lawyers” and “non-information professionals” [Widdison, 2002].

Today legal information, especially primary sources, are increasingly supplied in electronic format, but there is a distinguishing feature of legal research that stands still: information is required in a form that is authoritative, up to date, accessible and comprehensible as it was in a print-based publication environment that was characterized by a “fixity” that facilitated retrieval and citations [Nobis, 1999]. With regard to this, the difference between information distilled from raw data and highly marketable knowledge is going to become more and more a key-issuse in the digital era [Widdison, 2000]. Anyway, this is not yet the case in today distributed information web environment where the vast majority of information providers are not commercial or non-profit publishers able to ensure the quality, accessibility, retrievability and usability of source materials and to add value in terms of clarification and commentary by organising, assembling and marketing them. Their expertise is of even greater importance in the so called “information age” where the challenge is to establish a new balance between quality and quantity, citizens’ rights and commercial purposes. However, in Susskind’s opinion, it is entirely foreseeable that emerging technologies could enable the majority of citizens and organisations to be notified of relevant new laws (and changes in old ones too), especially through articulated users profiles of interest managed by non-profit or commercial providers. Besides, on the one hand, he thinks that “possibilities for a wider partecipation in the legislative
process may also be enabled through general access to the electronic information infrastructure. [...] Today’s form of representative parliamentary democracy is a function of a print-based society dominated by face-to-face interaction. In an information society, dominated by online interpersonal communication, expression of opinion and the exercise of voting rights may come to be mediated through IT”. On the other hand, routine public administration and related form filling may also be enabled and undertaken electronically, thus delivering the so called “electronic government services”. He seems to predict that the era of coexistence between electronic and paper sources will draw to an end as law publishers begin to digitize not just new paper sources, but all existing ones too [Susskind, 1998]. So, it has been predicted that it is difficult to imagine that paper-based materials will have a future in libraries and that their place will be in museums [Widdison, 2002]. Anyway, it has to be remarked how the concept of physical originality related to authentication, one of the most important for legal information, today is lacking for digital documents, “because the bits which comprise the document are nothing but 0’s and 1’s. There is only the order in which the bits are presented that distinguishes one digital document from another, and this order can be altered in a number of ways at different points in the publication and dissemination process” [Crocker, 1998].

Let us turn now to the coverage. It could be supposed, as CALR (computer-assisted legal research) enthusiasts do, that the more comprehensive full-text coverage is now possible in a web-based and globalised legal information environment and that we will soon assist to a paradigm shift, because it will bring indexing and retrieval facilities that will change legal research and also legal thinking in depth [Bast - Pyle, 2001]. This really could be at least in terms of quantity, but, this babel vision has to face linguistic, political, cultural and practical constraints despite of centralised
projects like *Global Legal Information Network* established by the Law Library of Congress or distributed “virtual” ones like *World Law* undertaken by AustLII [Widdison, 2002]. No doubt that the successful application of IT to the storage and retrieval has brought some major disadvantages by making unnecessary the filtering of legal information published, creating the risk of the so called “information overload”, especially in common law jurisdictions. With regard to this, he suggests to adopt a selection policy or, as he writes, consider the application of “deliberate, institutional forgetfulness” coming back to the modus operandi of the more workable previous paper-based environment [Widdison, 2002]. Besides, while IT seems to allow the memorisation, maintenance, permanent access and distribution of digital legal information and to enhance the creation historical archives of legislation and case law, it also let arise some key-issues concerning what to preserve, who is in charge (the creator institution? a consortium of law libraries?, and so on) and how this activity can be carry out according to licensing agreements and copyright’s various legislations [Crocker, 1998; Bebbington, 2001]. Crocker points out that it is a shared opinion between law librarians that the government, the larger creator of legal information, should bear the lion’s share of responsibility for funding and supporting the development of standards, even if it is not necessary that it will be responsible for implementation. Besides, digitisation also brings with it some technological constraints that have to be taken into account such as “physical decay of media, loss of information about the format, encoding, or compression of files, obsolescence of hardware, and unavailability of software” [Rothenberg, 1998].

On currency, it has been said that the speed of publication allowed by the web can be enriched by legal information providers by using other facilities such as alerting services, especially those based on the so called “push technology” that automatically generates and sends information via the
Internet on topics which users themselves has previously selected. Of course, one does have to be careful to ensure that the filtering works well, otherwise one would merely be adding to the problem of information overload. In Pedley’s opinion, the ability to produce current awareness services is also one of the key advantages of electronic information for everyday librarians’ working routine [Eastham - Pedley, 1998]. In fact, for many years librarians have provided selective dissemination of information (SDI) for their users. This type of service was incredibly time-consuming in a paper-based environment [Moys, 1987]. Librarians were used to record the key areas of interest of particular users and this information was stored in the form of a user profile. Then, regular searches were undertaken on databases and other information resources to see what’s new. Where items matched the recorded interests of users, tailored printouts were produced and delivered. As Internet provides users with sophisticated tools that filter information and capture personal preferences, traditional information services need to change quickly. Push technology can be exploited to turn traditional current awareness into highly focussed services delivered in real time.

Turning to reliability, there are four main features that have to be explored: permanence, stability, accuracy and authenticity of web-based resources [Widdison, 2002]. First of all, it is common knowledge due to everyday browsing practice that web tends to be a highly unstable place because of frequent changes in URLs and sudden disappears of whole sites (“link rot”). Of course, this kind of inconvenient, as Rumsey stresses, can dramatically affect the users of those resources that are born and grown in an entirely digital context [Rumsey, 2002]. Besides, mystyping and inaccurate layout during digitalisation can destroy the meaning of legal information that can be also hacked or corrupted by viruses.
Last, but not least, as regard with searchability, it has been stressed by web enthusiasts that finding information is considerably easier when it is in electronic format as opposed to being hard-copy thanks to facilities such as Boolean connectors, exact phrase searching, and features like hyperlinks, relevancy ranking and so on. Anyway, it has also been said that our current capability to use IT in order to capture, store, reproduce and communicate data, easily surpasses our ability to use technology to help extract all but only the information we might need at one time [Susskind, 1998].

In the digital era centralised legal information systems are quite easy to locate by using human-made directories or indexes generated automatically by search engines, but relevant information within them is not easier to find out because of increased quantities of information, unfamiliar environment, different methods of recording and searching and often the inability to search the so called “invisible web” (i.e.: restricted access sites, content of databases, and so on) [Widdison, 2002]. Barmakian suggests, as a result of her research about search engines, that “legal search engines performed much worse than the general search engines” in locating a law-related known item. However, interestingly she has found that the search engines running for topical searching do not correlate with search engines performance for known item retrieval. Surprisingly, the legal search engines (i.e. FindLaw’s LawCrawler) outperformed all the general search engines except Google. Besides, she stresses that relevance of search engines results, even from legal search engines, is low, indicating that search engines are not yet viable alternatives to commercial legal resources for topical legal research. Besides, with regard to relevancy ranking, Barmakian states the effectiveness of Google’s page-ranking mechanism based on link topology (it ranks according to how many other pages link to a particular page and how important this linking pages are) and also predicts the advantages coming the future availability of the Clever Project.
undertaken at IBM’s Almaden Research Centre, that generates a two-part list containing “authorities” (the best web pages on topic) and “hubs” (web pages with best collections of links for a topic) in response to a query. So, Clever, like and more than Google, seems to well suited to the needs of academic and legal researchers [Barmakian, 2000]. To sum up, law-specific directories and web engines are likely to give qualitatively much better results in terms of recall, precision and fallout in searching for a specific topic, but they not necessarily geared to tracking down particular documents within sites. So, users have to adopt a two-step process using one tool to identify sites that are likely to hold relevant documents and then using a second tool, probably situated in the local site itself, to search its content thoroughly for all the relevant information needed [Widdison, 2002]. As Widdison notices, it is possible to build a hybrid tool that has many of the strenghts of both families of searching tools while minimising many of their weaknesses such as World Law that sends out software robots to roam the web in search of new and altered law sites and then send back the information acquired to the engine where it is automatically indexed. The key difference is that these robots are not free to roam the whole web, but are targeted at previously selected sites by means of a human-made catalogue. In Widdison opinion “what is particulary exciting about hybrid research tools […] is that they may prove to be ideal “hubs” around which virtual legal information systems can be developped”. Besides, “a law-specific hybrid facility […] with both the power and permission to penetrate the invisible web might well be able to telescope the search process into a single stage. Users would then be able to track down relevant documents without any regard for the identity of the sites at which they are located, the sort of seamless searching that is only possible with centralised information systems at present” [Widdison, 2002].
In addition, it has been stated that today’s legal information systems, despite of user-friendly interfaces, are not developed enough in terms of conceptual research. They seem to be focused on recall and usability instead of precision and efficient searching functions, that is to say on quantity instead of quality and on form instead of substance [Taddei Elmi, 2000].

Last, but not least, legal information systems’ usability has to be considered. Today significant technological developments have brought with them the so-called “disintermediarisation”. We assist to an increase in the number of remote users that are able to carry out researches that were previously undertaken only by information professionals or, at least, under their supervision. So, even if some degree of complexity is probably unavoidable due to the very nature of the subject matter and the tasks to be performed, legal information systems are still more designed to be “intuitive”, that is to say as easy to use as possible. Moreover, it is recognized that there should be some degree of “ongoing” standardisation and integration in searching strategies and facilities and also a good level of integration and interoperability among different legal information systems and resources [Widdison, 2002; Bin - Lucchi, 2002; Taddei Elmi, 2000; et al.]. So, systems providers ought to ensure that their products possess most or all of the following qualities: consistency, transparency, familiarity, efficiency, helpfulness and customisation [Widdison, 2002]. Pedley stresses that one of the most significant advantages of information in electronic format is the ease with which one is able to manipulate data, that is to say that they can be highlighted, cut, pasted, downloaded, marked up and then printed or saved to get tailored documents [Eastham - Pedley, 1998]. Moreover, as Susskind predicts, the user interfaces of systems will become ever more adaptable, personalised and customisable, such that, in operation, systems will be geared to needs, habits, quirks and preferences
of particular users [Susskind, 1998]. As Tammaro points out, in a highly
developed digital environment there is a great deal of interaction between
users and documents. In such environment users haven't a passive
behaviour anymore, but they are dynamic and active and they build by
themselves their own digital library [Salarelli - Tammaro, 2000], so one of
the most important challenges in the next future also for law librarians is to
provide their clientele innovative and tailored access and services for each
user or group of users.

When seeking to identify possibilities and opportunities for the future, it is
vital to bear in mind, as Susskind writes, that “IT can have impact in two
quite different ways: it can be used to automate, streamline and improve
existing practices, activities and organisations, or [...] to innovate, and so
bring about change and introduce new ways of working and carrying out
tasks” [Susskind, 1998]. Over the last forty years, the development of online
legal information systems has been seen primarily as a process of
automation. The technology has been viewed as enabling to continue to
function as they did in the world before computers existed, albeit with
greater speed, increased efficiency, and reduced cost [Widdison, 2002].
Now, though, the paradigm is shifting from that of automation toward
innovation. Massive accessibility of information online coupled with the
eyear frits of research into artificial intelligence and the law, are combining to
create not only hugely impressive new informational services, but also the
possibility of an entirely new wave of legal knowledge systems. We now
appear to be moving beyond the information age into an era where
machines will play a key role in helping us extract, understand and apply
knowledge [Susskind, 1998]. In this coming era, the manner in which we
learn, work and do business will be changed in ways that are unimaginable
to us today [Bast - Pyle, 2001].
Law librarians, as Byrne points out, recognise the growth in the demands that face them in the age of technology and look at how the competencies and skills required for law librarianship fit in with the needs of modern society characterized by a rapid social, technological and workplace change. The unique professional and personal competencies needed to be a law librarian include in-depth knowledge of print and electronic information sources in the legal field and, above all, the ability to design and manage new or revamped effective and efficient information services according to the challenges of digital environment and link the information user with the right information resource at the right time. The law librarian has to assess users’ information needs, design consequently and market value-added information services and products by using appropriate information technology to acquire, organise and disseminate them and also to provide adequate instruction and support to their clientele [Byrne, 1998]. Anyway, even in today hybrid library’s context, the need for and value of human contact still remains as Maiden ironically argued against web-based communication enthusiasts. He notices that “this manifest itself in several ways and goes beyond the dynamics of an iterative reference interview and the presenting question/good diagnosis issue […]. The tacit signals and knowledge transfer that one picks up from the human encounter are invaluable. Context and cues are so important for knowledge transfer - they give it meaning, significance, texture, and value. They give it, dare I say it, humanity. Trust is also nurtured in face-to-face transactions […]. Without it, any initiative in harvesting, mediating or sharing valuable knowledge is doomed to failure”. Besides, Maiden finds out that another area of continuity and persistence is the so called “user education” or “information literacy”, that means for librarians the duty of facilitating learning and enabling the acquisition of knowledge. So, to sum up, he asserts that “[law librarians] are really only developing new(ish) solutions to old(ish) problems” [Maiden,
Richard Danner seems to agree with this vision when he states on behalf of his working experience that “despite technology’s impacts in all that we were doing, the core activities - acquiring, organising, and preserving information, assisting users, providing instruction in information retrieval - had continued to be important, even though the ways that we were doing them were changing”. Anyway, from his point of view, “the networked information environment, by providing users with direct desk-top access to an increasingly larger portion of the information most important to them, will change the nature of the information subsidies libraries have provided. Consequently, it has the potential to devalue the library’s traditional core activities [...] and perhaps to make them obsolete”. However, despite disintermediarisation and changes in scholarly communication, he thinks that acquisition and preservation still remain central also in a digital environment where information is less likely to be purchased and preserved locally than stored in remote servers, distributed via networks and so made accessible remotely with respect, of course, of licensing agreements and copyright’s law [Danner, 1999]. In fact, many publishers are actively investigating new forms of publication, distribution and charging. With regard to subscription databases, Patrick and Stant suggest that this service can be set up controlling access by IP addresses. This has the advantage that the users can use it from within the institution without having to remember any password. However, they suggest to adopt services like Athens in order to allow remote access to Web subscription resources out of library’s walls by using a single user name and password [Patrick - Stant, 2000]. No doubt this service, tools like computer-mediated communication and stronger cooperation between law libraries seem to be necessary in order to support the increased amount of part-time or distance learners. In Widdison vision, the library of the future will be dematerialised, that means less and less a repository and increasingly a getaway to the net for academics, students
and citizens, and each such site will be just as much a part of a greater whole, “a global meta-library” [Widdison, 2000]. Anyway, the library’s future role in satisfying unpredictable or expensive information needs and in organising information for access at the local level is both problematic and fruitful, especially if we think like Danner that “both print and digital documents require constant organising or they will become inaccessible”, that means that they need to be classified and indexed as well [Danner, 1999]. Cataloging and classification are being recognised vital skills in the technological age, even if terminology has changed and now we talk about “metadata” [Hemming, 2001/2002], but traditional librarianship skills are still at the very heart of a good web site and a good information system. Also Young stresses that the main functions performed by law librarians still remain, or rather are enriched by being also “information gatekeepers”, asked to evaluate, organise and classify the information chaos with the end-user in mind, that means by trying to understand and taking into account how patrons access and use the information they seek and providing them guidance [Young, 1999]. So, a new breed of librarian seems to be emerging; these are the web librarians, valued for their skills in content management [Hemming, 2001/2002]. In fact, despite the ones who think that perfect cataloging would mean no need for reference service, especially in the next digital era, Whisner argues that, even if IT will theoretically enable law librarians to make the library as easy as possible for their patrons to use, users will still be imperfect enough to need help to find information and will still continue to carry out imperfect searches because people are different from one another and differ in aptitudes, interests, abilities and skills developed. So, law libraries’ clientele seems still to need timely, accurate and authoritative answers [Whisner, 2001] and wants the knowledge he/she does not have at the moment [Tooms, 2001].
Of course, training is another area of expanding importance because of increased importance of IT sources of information and the need to facilitate students’ learning process. In Patrick and Stant’s opinion, academic law librarians should be more involved in the ground level of teaching legal research skills within the department and, also, “offer skills training to the commercial sector” because they could have three real benefits to the institution: bring income, create greater awareness in the commercial sector of the institution and allow them the opportunity to enter into partnership with electronic publishers [Patrick - Stant, 2000]. Law librarians have to be charged or, at least, involved in teaching law students how to conduct an effective and efficient legal research, so they have to root this activity in learning theory, because, as Gerdy notices, “it is critical that legal research instructors understand at least the fundamentals of how their students learn and what they can do to foster and facilitate that learning”. With regard to this, she suggests to use learner-centred assessment and feedback to expand the traditional role as teacher to include the additional roles of coach, cheerleader and judge. This will enable law librarians to better serve their students because it will facilitate their movement around the complete learning cycle until each student is able to do so independently [Gerdy, 2002]. Besides, the teaching of computer-assisted legal research should be an ongoing procedure rather than the one-time event that generally is [Pannella, 1991] and law librarians should regard this as one of the most significant duties which they can perform for their users [Dane - Thomas, 1987 ; Moys, 1987]. In fact, by keeping abreast of the law faculty’s work and pro-viding reactive and proactive assistance, librarians can meet ongoing faculty demands as well as encourage professors to avail themselves of services offered by the library more frequently [Lewis, 2002].

Even if in the Anglo-American context law students’ instruction is compulsory and embedded in the graduate’s curriculum, the Italian situation
seems to be quite different ("informatica giuridica"’s courses are now available in universities, but they are far from being compulsory [Bin - Lucchi, 2002]) and still under development. In Cavirani’s experience, academics are not usually interested in being involved in courses taught by law librarians (usually brief, off-the-cuff, not freshmen-oriented). At the same time, she states that the only legal bibliographic tools available in Italy are been produced by academics instead of librarians maybe because of a lack of professional updating and boldness [Cavirani, 1998]. Besides, Venturini notices that “in Italia, questo filone professionale è praticamente inesistente, schiacciato dalla tradizione dell'informatica giuridica documentale assai precoce e solida nel nostro paese e affidata quasi esclusivamente alla riflessione scientifica e all'intensa attività di magistrati ed informatici” [Venturini, 2000].

Finally, with regard to services’ planning and managment, Filippa Marullo Anzalone notices how increasing costs for resources and salaries, the challenges of technology, demanding users, and rapidly changing work environment all create a critical need for flexibility and less bureaucratic form of problem solving. She suggests that project management, with its flattened and impermanent organizational structure, is a versatile management solution that law librarians should look to in order to maximize internal, and especially human, resources when planning the purchase of a new resource format, the installation of a new service, and so on [Marullo Anzalone, 2000]. So, in Mark Field’s opinion: “if we are going continually to reconfigure your ways of working according to customer need, then we need to know our costumer intimately, we need to have the best picture of the resources available to us and we need to connect them with unprecedent swiftness” [Field, 1998; Tooms, 2001].
REFERENCES


Byrne, D., What law librarians need to know to survive in an age of technology, in “The law librarian”, 29 (1), March 1998, p. 18-22.


When I started to consider which topic I would like to choose for my literature review, I was been just engaged as an assistant librarian in the library of the Faculty of Law at the University of Bologna (Biblioteca del Dipartimento di Scienze Giuridiche "A. Cicu"). I was highly motivated in widening my working experience. In fact, I had previously worked as a cataloguer and as a public "one man" library in a small town near my city, so it was my first time as a "subject librarian" (and I must confess I felt quite inadequate because of the lacking of experience in the field and of knowledge in the subject matter). Anyway, I decided to join my two main duties at the moment, that is to say the literature review and my new job, and to undertake my review about the impact of IT on legal information, on different types of law libraries and on their present or potential users.

First of all, I understood that I needed to know more about the subject matter, so I read some guide books to the faculty of law such as "Guida alla facoltà di giurisprudenza" cited in the references. Then, I thought that it would be a good idea to find out some introductory monographies on legal information within the professional literature shelved in the office where I work in order to find out what is the current state of knowledge on my topic. Unfortunately, although I noticed that these books were helpful for my job, they were generally quite descriptive of the resources available and of the searching methodologies allowed. I was particularly interested in researching
what Italian law librarians have written about the so called “informatica giuridica documentaria” because of the peculiarities presented by our national legal system, the specific features of Italian legal information and by Italian law libraries’ and higher education situation, but, surprisingly, I didn’t find any book on this subject written by them. In fact, all the monographies I have collected during this first step of my research are written by academics or researchers coming from the legal field (philosophy of rights, above all). As I have already written, I found them by taking a look around the shelves in the library were I work and also by searching in the University of Bologna’s OPAC. I started to search by using some subject headings taken from the Italian Soggettario such as “Elaboratori elettronici - Impiego nella documentazione giuridica”, “Informatica - Aspetti giuridici”, “Diritto - Archivi di dati”, and so on. With regard to this, I found particulary useful browsing throught the subject headings’ links contained in each record, so cross-checking the results of my searches. Besides, I decided also to use the keyword field’s searching option because I know that not all the libraries are used to index their holdings (especially one of great interest for the subject matter of my research, that is to say the “CIRFID - Biblioteca del Centro Interdipartimentale di Ricerca in Storia del Diritto, Filosofia e Sociologia del Diritto e Informatica Giuridica A. Gaudenzi - G. Fassò” of the University of Bologna). I chose some keywords such as “informatica giuridica”, “documentazione giuridica”, and so on and I undertook also some searches by using Boolean connectors and other searching facilities. Finnally, I tried to identify some key-authors in the field, especially by checking the number of books written, their currency and the amount of citations of these books in other books’ bibliographies in the field. Then, I repeated this kind of search also in the SBN’s OPAC in order to see if there were something interesting to ask through ILL. Anyway, I decided to cite
only few of them in the references because of what I have previously written on the main features of Italian “informatica giuridica documentaria”.

Then, I started to check the last ten years of the most widespread Italian serials about librarianship such as “Biblioteche oggi”, “Bollettino AIB” and also the e-journal “Bibliotime”, because I knew that there is not an Italian association of law librarians like the ones existing, for example, in the Anglo-American context, so we don’t have serials specialized in law librarianship. I decided not to take into consideration articles published on serials like “Informatica e diritto”, which seemed to me to suffer the same deficiencies (for my research’s purposes, of course) that I had noted in my previous research about monographies. I have to notice that I didn’t find almost anything, even if this kind of research was quite useful anyway. In fact, it let me know more about the present situation of the Italian debate on digital resources and let me arise a question, that is to say: “why librarians seems not to be interested in legal information?”. In my opinion, this could be a key-point for further research.

Of course, collecting, skimming, scanning, recording and storing all the materials I have found was quite time-consuming and, at the beginning, frustrating. I have decided not to cite them in the references because they are too much and I consider them a sort of “background knowledge”, not specific for the topic of this literature review. However, Salarelli-Tammaro’s and Ridi’s monographies are the only two monographies coming from my first research that I decided to use for the review and so cite in the references because they offer a wide and up-to-date overview of the impact (treats and opportunities) of IT on libraries and on their users.

I think that the turning point for my research was the journey to Newcastle and the possibility to talk face-to-face with my tutors, Mrs Dixon and Mrs Tammaro. In fact, I must confess that I don’t feel comfortable in communicating via the web or by using the phone, especially when I feel a
little bit confused about the direction I want to follow. Of course, I think that it is one of my weaknesses because it is very important to share ideas and receive feedback at every stage of a research. They gave to me two main suggestions that were particularly useful for me. The first one was the assurance that I didn’t waste my time in reading about the wider context, while the second was that it was time to narrow down. Consequently, I had to note that the relevant Italian material I had found wasn’t enough for my topic or, more exactly, it wasn’t completely the right one. So, I thought I have to explore the international context, because the implicit comparison will be useful not only to enhance the Italian context’s peculiarities and deficiencies, but also the opportunities available.

So, I started again my “research cycle” from the first step (the search for secondary sources of information about my topic). I found some of the key-monographies written on law librarianship such as Moys, Pannella, Blunt and Dane’s ones by looking around the shelves at the University of Northumbria’s central library and I read carefully them and their bibliographies. Then, I checked the Northumbria’s OPAC and also the British Library’s one. I think I can say to have tracked down the most important monographies in the field, even if I wasn’t able to take on loan “Law librarianship. A handbook for the electronic age” edited by Patrick E. Kehoe, Lovisa Lyman and Gary Lee McCann because it wasn’t available (I asked to Mr Shields and he said to me that it was just ordered through Amazon) neither at Northumbria nor in Italy (I checked in SBN’s OPAC). Then, after reading these monographies and having obtained a background knowledge in the field, I decided to find the most important and up-to-date articles in the field by using a tertiary source like LISA (with my Athens password). Concerning my queries, I decided to concentrate on the most up-to-date (the last five years) articles published in Law librarians associations’ serials, such as “Law librarian” (by BIALL), “Law library
journal” (by AALL) and “International journal of legal information” (by IALL) mentioned in Moys’s handbook. I find useful to read the abstracts related to each bibliographic reference that I found. This allows me to make a first selection. Then, I start to locate the serials. First of all, I try to see if they were available in Italy by using ACNP. I found that they were shelved also in my town in the CIRFID’s library. Fortunately, I need only to photocopy the issues of “Law librarian”, because the others articles I needed were available for free in a full-text pdf version also on line. So, I had only to download and to print them and it allow me not to ask for document delivery. This was very important for me, because of the lack of time caused by the impossibility of staying away from the work and the reduced opening hours of libraries during the Summer time. After this good surprise, I decided to rely more on the web, so I searched AIB’s web site and also “ESB Forum” more in depth and there I found some of the most relevant Italian articles for my research, like Venturini’s and Cavirani’s ones. I checked also some web resources such as IDG-CNR’s one. Finally, I have to say that I found primary sources like the EC’s “Green paper on public sector information in the information society” (<http://europa.eu.int/ISPO/docs/policy/docs/COM(98)585/index.html>) and the Italian “Piano di azione del Governo per l'e-government” (<http://www.pianoegov.it/>) throught secondary sources like Frigimelica’s and Venturini’s articles. They was useful for me, even if they weren’t the starting point of my research. I only checked them as they were the starting point of some aspects of the debate on legal informartion that I exmainate throught secondary sources, so I decided not to cite them in the references. During all the period spent for the first and second stages of my research (I should define it a sort of spiral-shaped research), I did my best in taking notes of the searching tools used, the results obtained and of the searching strategies adopted and I corrected my aims many times. However, I must
confess I usually study in a disorganized fashion and sometimes I lose the notes or I carry out different kind of searches at the same time. Anyway, I think I have always experiment a period of confusion when I start to study a new topic. I usually write down single phrases taken from different sources that seems to me particualy interesting for one aspect of my topic and then I try to connect them in a logical and coherent way as they were bricks in the wall or a sort of puzzle. In fact, I allows me to understand which are the weaknesses and which aspects I have to try to enrich.

Writing down my literature review was relatively quick, especially with regard to the main branches of my relevance tree, what it could be called its “skeleton”. To sum up, I identified a core bibliography by evaluating my readings, that is to say some pieces of writings particulary valuable in terms of the richness of information contained and of the “density” of the opinions expressed, such as Susskind’s one. Then, I tried to see what could I find to be compared and contrasted with them for each aspect of my topic in the other writings I have tracked down and also that there was some additional key concepts to be examinated. I endeavoured to identify general trends and issues tryng to go beyond national contexts and peculiarities, even if, when it was possible, I highlighted what’s going on in the Italian one. Besides, I choose among them because of their relevance also some main aspects of my topic that I would like to research first, that is to say trends and issues concerning legal information for “lawyers” and “non-lawyers” in the IT’s environment. Finally, I thought that it could be a good idea trying to do this by starting from legal information’s main features in the IT’s environment (how the new technologies affect it, which are the key treats and opportunities, and so on).

I hope I have carried out my task as it was requested.