

**Presidents' Column-Joanne Beal**

**ARE THERE ORALLIENS IN OUR MIDST?**



It has been a long held belief in the Association that there may be intelligent life beyond law libraries. For this reason ORALL membership has been available to "Any person or institution interested in law libraries" (Bylaw IV, sec. 1).

Being a well-balanced organization, ORALL has enjoyed the benefits of a varied membership. The support and perspective gained from members who serve law libraries in some capacity other than as employees, such as commercial vendors, has enhanced many meetings and educational programs.

As a twenty-five year member of ORALL, I can honestly say that I have not sensed any significant

influence on the activities of the Chapter as a result of the membership of vendor representatives. On the contrary, their consultation services for ORALL projects, such as the distribution of the *Ohio State Records and Briefs* and the compilation of the *Ohio Administrative Code*, have been invaluable.

Until recently, the vendor members had been local sales representatives who joined the organization as a means of contact with their customers. Often this was no more than casual conversation at a reception or over dinner. No question that this was simply sales rep networking and that the financial sponsorship of any special function was the company's way of saying thank you for a year's worth of law librarian patronage. This type of sponsorship has become a more equitable and

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Ohio Regional Association of Law Libraries is a chapter of the American Association of Law Libraries.

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ethical way for vendors to show their appreciation than the dated tradition of giving individual gifts to librarians or the proverbial bottle of booze secretly transported into the library at Christmas time. Needless to say, the gratuitous amounts paid by vendors to the library associations could never equal the amounts that law librarians annually funnel into their companies.

That was then, of course, and this is now. The remaining days of personal contact with local vendor representatives are fleeting. This leads me to wonder what the purpose would be for vendors to join the membership ranks of either a regional or national association.

Possibly the answer lies in the “morphing” nature of the vendor representatives. Many were former law librarians who have found a home in the commercial sector either temporarily or on a permanent basis and do not wish to lose their professional contacts. Some may be management level employees of corporations who have never been involved in the day to day operations of a service-oriented library and wish to gain valuable knowledge through programs and networking. Some may be field representatives who canvas vast territories for marketing purposes to learn what law librarians want.

Whatever the case may be, AALL is now grappling with the question of permitting full and voting membership to applicants not employed in, or integrally connected with, a law library. I wonder what effect the final determination will have on ORALL, if any.

If, and it is possible, with the stroke of a pen at the bottom of a check 50 employees of a vendor become voting members of ORALL, where would that leave the rest of us? Is there a Trojan Horse at our gates? Would we dilute the professional nature of our organization? As a trade association, would ORALL be asked to endorse certain products?

These and other concerns appeared to be real enough among AALL members to defeat a proposed amendment to the Bylaws at the recent Annual Meeting in Baltimore. The amendment would have widened the membership base, along with the rights and privileges thereof, to all individuals and institutions interested in law

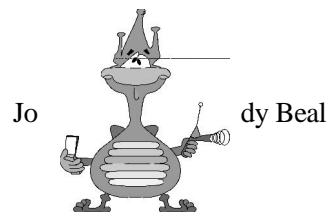
libraries, legal information, and the objectives of AALL. The membership voted to return this issue to the Bylaws Committee for further consideration.

It is my understanding that the AALL Executive Board will examine alternatives at their meeting to be held in late October and that revised proposals will be made available for discussions within chapters.

In response to the sensitive nature of this issue, the second proposed amendment to the AALL Bylaws was passed which allows chapters to “establish their own membership qualifications and rights.”

Everyone’s input on this question is valuable, whether it is in reference to AALL or ORALL membership. Generally, ORALLiens are not shy when it comes to voicing opinions and I assume that much of the chatter at the upcoming meeting will be about the membership issue and what types of “paranormal activity” a change might generate. The ORALL listserv will also be an opportune forum for many. Discuss with gusto! VOX POPULI!

Your ORALLien Leader,



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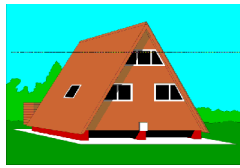
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## What About An ORALL Spring Retreat?: A Proposal From Jody Beal



Coasting on the popularity of ORALL's 1995 Annual Meeting at Maumee Bay State Park, let's explore the possibility of an **INFORMAL** one day, or slightly more, state park retreat in March 1998.

The last spring meeting of ORALL, usually held in May in conjunction with the Ohio State Bar Association's Meeting, was in 1991. The tradition of two full meetings each year was abandoned due to the cost and time involved in handling the details of local arrangements, programming, and registration.

What I propose is a less expensive and shorter retreat in an informal atmosphere during which the SIG's can meet, discussion groups can be formed, and the chapter's Executive Board and committees can handle their affairs.

Following the Council of Chapter Presidents Meeting in Baltimore, it appears that the trend among chapters is to increase the communication opportunities for their members. With our Annual Meeting set for the fall of the year, a March retreat could prove to be quite timely, especially if the chapter needs to respond to AALL on a matter prior to the summer convention. In addition, meeting before April 1 allows the chapter to enjoy the benefit of off-season rates at the state parks within our region.

I would recommend that the SIGs arrange to meet at this time. There are four official SIGs and a pre-arranged time and location in the spring might motivate the less active groups to focus on timely issues and share information.

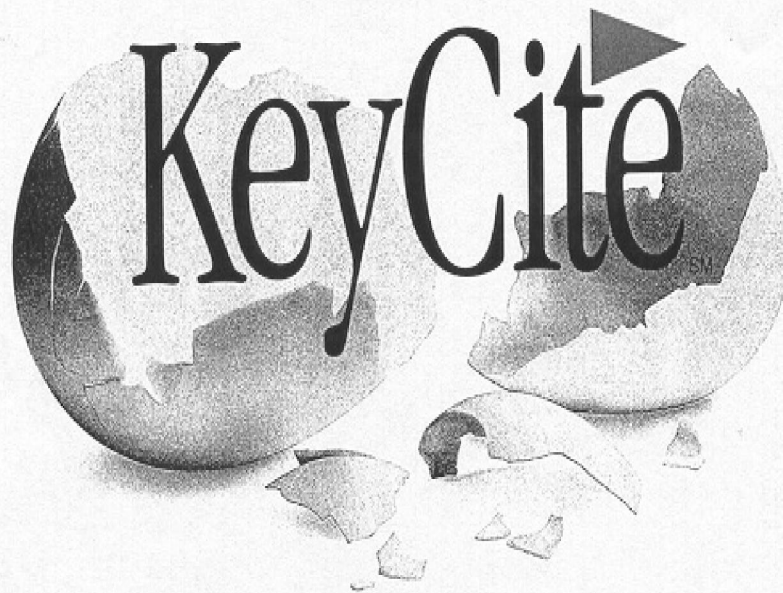
If ORALL's Executive Board handles the park reservations this would alleviate the need for the creation of another local arrangements committee. The selection of any guest speakers or discussion leaders would be within the province of each SIG and their reimbursement would continue to be the responsibility of ORALL.

It is my hope that the inexpensive, informal, and compact nature of such a retreat would be appealing to ORALL members and also generate some discussion at the October business meeting.

## OCLIS Activities

At a July 22, 1997 meeting of OCLIS (Ohio Council of Library and Information Services) organizations, of which ORALL is a member, several items of interest to our membership were discussed. This meeting was attended by Melanie Putnam, Executive Board member of ORALL and liaison to OCLIS.

She reports that OLC (Ohio Library Council ) announced the availability of money for libraries which will devise programs, displays, web pages (who knows) about the history of the State of Ohio and the celebration of the Bicentennial of our State in the year 2003. The money to be distributed as grants will come from the Bicentennial Commission. Details are sketchy at this time. These grants will not be announced for another 6 months to 8 months. It is, however, nice to know so far in advance, so that some ideas and planning may take root now. So get your thinking caps on. The pool of money for these grants coming from the state will be in the range of \$250,000. For your information, the Special Libraries Association will be hosting the Great Lakes Regional Conference IV, Oct. 1-3, 1997 in Milwaukee, WI. For information about this upcoming event, see their web page at <http://www.uwp.edu/glrc/>



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## TOP TEN REASONS TO ATTEND ORALL MEETING IN CINCINNATI

by Kathleen Carrick, Case Western Reserve Univ. School of Law Library

THE CONVENTION - Top ten reasons for joining your colleagues at the ORALL meeting in Cincinnati. (Note: The numbers of the list are not in ranking order, we realize that the top item on your personal list might not head the list you give your boss to justify your travel expenditures.)

**NUMBER TEN** - The focus for the event - the program. Thursday's main speaker is Kenny Crews. Kenny is an Associate Professor of law and of library and Information Science at Indiana University-Purdue University at Indianapolis where he also directs the Copyright Management Center. Professor Crew's enthusiasm for his topic is infectious. While he will have a prepared program on copyright issues and recent court decisions and bills, Kenny cautions that his workshops "tend to be pretty lively, with lots of discussion and interaction" so come prepared for intellectual stimulation and an enjoyable learning experience. Our colleague Minde Browning has co-taught with Kenny at IUPUI and will introduce his copyright program.

We change topics on Friday but keep the focus on Information Technology as attorney Louis Sirkin and his associate Laura Abrams discuss the protection of First Amendment rights on the Internet. It's not hard to guess what side Sirkin represents considering his past clients include the Contemporary Arts Center of Cincinnati during its Mapplethorpe exhibit, and the owner of a private computer bulletin board provider who was accused of disseminating pornography. The First Amendment defenders will be introduced and coordinated by our own Al Podboy.

**NUMBER NINE** - Information everywhere, even at the lunches. U.S. District Court Judge Sandra S. Beckwith will speak to us during Thursday's lunch break. Before her appointment to the federal bench in 1992, Judge Beckwith served on the Hamilton county Municipal Court and the Ohio Court of Common Pleas in Hamilton County. Her focus in both her practice and her writing has been in domestic relations law.

**NUMBER EIGHT** - The chance to speak up and discuss important issues at the Friday ORALL meeting. Jody has identified several very hot topics for membership consideration. These include the AALL question on membership profiles - who can and should be members of our professional organizations and what are their voting and office holding rights? Does ORALL want or need a Spring meeting? If we had one, what would be its purpose and content? These will be discussed over box lunches at our business meeting - Jody will not allow food fights.

**NUMBER SEVEN** - The training Melanie, Judy and Jim will be providing. The quality and content of these workshops that this trio has planned is unsurpassed. I hope you will take full advantage of this wonderful opportunity.

**NUMBER SIX** - The opening reception at Taft, Stettinius and Hollister. The reception will be staged in the renovated multimedia room - there will be gadgets to play with, views to scan and delicacies to devour. The room is remarkable and definitely worth the short walk from the Omni.

**NUMBER FIVE** - The chance to meet new members and renew old acquaintances. ORALL is a unique and lively mixture of librarians who have been labeled ORALLien (by our President Jody) and quaint (by visitors to our Toronto meeting). A rose by any name...

**NUMBER FOUR** - Tours of the area's libraries are always an extra point of interest for any conference, and Cincinnati's libraries are many and magnificent. In addition to the County, the federal and the law firm libraries in the downtown area, the Cincinnati Public Library has a recent renovation which has received rave reviews. The University of Cincinnati is a short drive away from the conference hotel, and those attending the training sessions will have the opportunity to use the very latest in computer technology in the University library computer training lab.

**NUMBER THREE** - The shopping and dining. The Omni is linked to the main mall in downtown Cincinnati. I already have my Cincinnati credit cards packed (You think I am kidding? Bebe, Charterhouse...) and am trying to decide if I want to do German, Brewery pub - I think it is never too early to start planning.

**NUMBER TWO** - The opportunity to stay in a beautifully restored, Art Deco marvel. After an exhausting day coping with copyright, the Omni will offer a wonderful place to relax. Stroll around the hotel amid beautiful black marble walls and view the famous mirrored ballroom, or use the high-tech exercise area or just veg out in your newly renovated bedroom.

**NUMBER ONE** - Cincinnati. ORALL has always enjoyed its lively visits to this beautiful city. Spearheaded by Anne Abate and Carol Bredemeyer, the local arrangement committee has prepared a gracious welcome for us. It is a great setting for a very informative program. We hope you can join us for an exceptional professional conference.

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## CAROL'S CORNER

by Carol Parris,  
University of Kentucky Law Library

*This is a regular column of light-heated, tongue-in cheek musings by Carol Parris, Reference/Document Delivery Librarian at the University of Kentucky College of Law Library.--editor*

### LASTING IMPRESSIONS

I could not wait to attend my first AALL meeting in Baltimore, Maryland this July. I asked anyone who had ever been to these meetings, "What do you wear? Where do you go? What questions do you ask? Who are the best persons with whom to be seen? What meetings do you attend?" Never once did I think I should be packing heat, looking for the map of Baltimore that highlights the 'safe areas' or buying the guide book that tells you not to stop and talk to panhandlers and keep your purse tucked safely under your arm.

My friend, in an effort to help, e-mailed me the following list detailing why Baltimore is one scary town. This missive did nothing to assuage my small town feelings of naivete and it kept replaying in my head as I deplaned at BWI Airport:

You think your town is tuff. HA ! Baltimore Maryland has:

- \* hotels that ask your name, address and next of kin to register
- \* ice-cream trucks that play "taps"
- \* gun shops that have "Back to School" sales
- \* high school newspapers with obituary columns
- \* restaurants that serve broken leg of lamb
- \* school songs w/o music; the accompaniment is Police sirens
- \* nite clubs that frisk ya & if ya don't have a gun, they lend you one
- \* confessionals with bouncers
- \* bowling alleys where most people bowl overhand
- \* schools that require a sick note co-signed by a parole officer
- \* Christmas pageants that feature the three Wise Guys
- \* advice columns with hints like how to get blood off of a chain saw
- \* a 911 emergency service with a two day waiting list
- \* "honor students" who practice saying "Yes/No, your honor"
- \* Mothers who give their kids \$5 every day for the holdup man
- \* hit men with concrete on their breath.

With these thoughts beating a tattoo on my brain, I girded my loins and emerged on the mean streets of Baltimore only to find that the Inner Harbor streets were clean, the panhandlers well mannered, the food was delicious, and the Baltimoreans were gracious (for the most part). I quickly became less fearful and more excited about being in a huge metropolis with different entertainments and amusements. The Baltimore Convention Center was BIG, the various meetings and presentations I attended were excellent and I got a lot of

free stuff at the exhibits.

The West party was great and I loved the electronic address book. I was very impressed with the decorations and the amount of food available at the West party but I was very, very sad that I did not win any of the drawings. I really had plans for that laptop computer. I really liked the ORALL table in the exhibit hall and fell in love with the ORALLIEN. I wanted to steal him and take him home with me but I couldn't afford the extra airfare.

The only gripes I could possibly have were that I had to walk great distances on my flat feet and it was REALLY hot, neither of which the City of Baltimore could have done anything about. So I just wish to say thanks to the program and planning committees of AALL as well as the local planning committee for a job well done and thanks to the City of Baltimore for showing 2,000 law librarians a good time. See you all next year in Anaheim!!!!

### Sound the Alarm!!!!

*Say What?*

by Shaun Esposito

Recently I found myself with an armful of United States Reports while helping shelve books on the second floor of our library. The second floor is an open atrium area, and it would take only a bit of fumbling to drop a reporter off the second floor and down to the first floor, a spot usually bustling with law students and other legal researchers. What we need, I thought as I contemplated this situation, is a one word, easily understood warning that a reporter or other heavy volume is about to crash down from above. Something akin to yelling "FORE" on a golf course seems in order.

Please write or e-mail me with your suggestions. The best ones will be printed in the December issue of the ORALL Newsletter:

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# The Adventures of the Peripatetic Law Librarian

by Anne Kirkhope, University of Toledo Law Library

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After a month-long absence to study and take the bar exam and to take a (well-earned!) vacation, I'm back at work at the University of Toledo College of Law Library. And now that I'm here, I intend to jump right in and become a real part of my profession again. But before everything gets truly busy come the first day of classes, I'm going to share a little bit of my summer vacation with you.

I wish I could tell you that I visited a number of law libraries while globe-trotting. Alas, I saw nary a one, so I can't even attempt to make this article into anything but a travelogue of pure entertainment. But since the law affects every second of every day, and someone somewhere might need to find that law, I will take you along as I relate my trans-Atlantic adventure through the eyes of a law librarian. My one caveat, of course, is that all of my references to laws, regulations, and sources are only the results of intelligent guesswork filtered through my education and experience as a librarian and law student. None of this was researched for accuracy or even truthfulness. Some of it I just made up completely.

My first brush with law during my trip was way back in March. That's when I had to apply for my passport. For information on that topic, I suppose I would look under headings like "Immigration" or the like.

With passport in hand I could then buy a plane ticket. If you've ever been bored while waiting for a flight, you will have certainly read the back of a plane ticket at some point and discovered that all sorts of international conventions come into play once you commence foreign travel. Topics covered are your luggage, your personal safety, liability for injury or loss, and what happens if you manage to be kidnaped by some hostile foreign government while en route. All this is crammed onto the back of one of those many slips of paper that comprise your ticket. For additional information on these various subjects, I could look up "airlines," or "international travel," or "conflict of laws," in addition to the more mundane headings like "contracts" or "torts." And certainly all those FAA regulations would come in handy here too, as they did once I boarded the plane and learned of all those safety features provided so I don't drown in the ocean after having survived the fiery crash. But disaster wasn't on my itinerary, so I, like most all of my fellow passengers, blissfully disregarded the safety instructions, intent on discovering what the in-flight movies and menu were to

be.

But I digress. A moment ago I had just bought my ticket; now I must get to the plane. Upon my arrival at the international terminal - which was required a full 2 ½ hours before takeoff - I checked my luggage. That went well for me, but for my friend it was a nightmare. According to the rules (FAA regs??), a passenger may check only two bags, neither of which can exceed 70 pounds. Although this was clearly printed on the information sheet provided by our travel agent, my friend did not comply. Her one bag was 84 pounds. No sirens screamed, no bells clanged, but the embarrassment nevertheless ensued for my friend after being told she could either pay \$300 extra for the overweight suitcase or re-pack it then and there so as to comply. She chose the latter, and opened the bag right there in line, took out the smaller one packed inside, thereby ending up with two pieces within the allowed limit. So much for the rules.

Following check-in, we proceeded to the x-ray machine where we were scanned for firearms, bombs, knives, or other nefarious contraband. This procedure is certainly required by law, but I'm not sure I know where I'd look first: statute? regulation? "Transportation?" "Airports?" I'd have to check on that. Skipping ahead again for the sake of time, I'll mention another kind of search we underwent upon return to the U.S. While waiting for our luggage to come through on the conveyor belt, a police officer with a drug-sniffing dog nosed around passengers and baggage. Having recently regurgitated more than I'll ever again know about the 4th amendment protection against unreasonable searches and seizures (Constitutional Law, Criminal Procedure, Evidence), I quickly realized that this seeming illegal intrusion of privacy is nothing at all of the sort, and is quite permissible, especially in airport terminals. Therefore, I stood by calmly and quietly trying not to look suspicious. Considering that our plane had just come in from Amsterdam, where marijuana and other drugs are perfectly legal - though not for much longer, I understand - I suppose that our flight was one of the higher priorities for the canine brigade. Luckily, no one was detained as far as I could tell.

But enough of airports. I could go on and on about laws and regulations governing things that transpire there, but it would be redundant. So on to the foreign countries. First, The Netherlands, or Holland. (Did you

## Peripatetic Adventures (continued)

ever wonder why the people and the language are “Dutch” while neither name of the country seems to match? I’ll look into that some other time.) Not much to say here since I spent a total of about eight hours there going and coming. Suffice it to say that they do have laws. I think. Second, Greece. Right away I noticed one difference between American and Greek laws governing air travel. Flights on Olympic Airlines, a Greek-owned airline, allow smoking. Quite a change from the domestic American flights I’ve been used to.

Once in Greece, I was not immediately made aware of any unusual laws. Everything seemed fairly compatible with my own experience. However, I did begin to notice some little differences. For example, though we’re not used to it here, I understand that there are some fairly old things buried in Greece. When construction is started, there is always the possibility that digging will turn up some of these old things. When that happens, the construction must stop, even if it is in the middle of a city block. No need for museum entrance fees. No need for long bus rides out of town. Just a stroll down the street leads to sightseeing treasures.

But sightseeing isn’t the only game in town. In Thessaloniki a new casino has just opened, run by Hyatt Hotels. Gambling laws must be different there, because all visitors had to go through a rigorous registration process, submitting passport and other identifying information simply to get into the place. Not like the U.S. where one simply walks up to the tables and starts betting. At least that’s what I’m told. Anyway, we spent only a few minutes at the casino because two of our party came unprepared for the inquisition. Ah well, so much for the gambler’s life.

In addition to gambling, Greece offers the fantastic sights and amusements of the Greek Islands. We spent four nights on the island of Mykonos and almost reversed the meaning of light and dark while there. On Mykonos, one rises just before noon, spends the day at the beach, returns for siesta, and sets out for the evening’s festivities beginning with dinner no earlier than 10 p.m. After the meal, the night life. That lasts at least until 4 or 5 a.m., and often much later (earlier?) What goes at night is pretty much the same as here: eating, drinking, dancing.

I’m not sure about the drinking or driving laws in Greece; I was able to avoid the combination of the two completely by relying on taxis, buses, and feet to get around. One thing for certain, however: speed limits,

though posted, are entirely ignored. Never saw a highway patrol-type vehicle, nor any sign of compliance with any traffic law. This explains the large number of traffic-related deaths in Greece. These are commemorated by bereaved family members who construct small roadside shrines in honor of their loved ones. Passers-by can tell which are the more treacherous turns by counting the number of these shrines lining the road. Not very comforting.

What is comforting, though, is being back home. After a long trip abroad, familiarity and routine are more than welcome. But don’t think this first trip will be my last. Now that I have experienced more of the world, I’m anxious to go out and experience some more. Perhaps that will lead to future articles. It will certainly lead to future adventures as the Traveling Law Librarian!



**AALL Baltimore Program Review**  
**Taking a Step Back: How to Deal With Difficult and Demanding People**

reviewed by Richard E. Humphrey,  
Indiana University School of Law - Indianapolis

This was one of the most informative and useful presentations I attended at AALL in Baltimore.

By using role-play scenarios with members of the audience, **Sandra Crowe** of Pivotal Point Training and Consulting, Inc., demonstrated the do's and don't's of the "difficult patron" interaction. Sandra's dynamic delivery and comfortable rapport with her audience made the presentation lively and entertaining, while it also provided practical tools for dealing with library users whose demeanor is overly demanding or belligerent.

Ms. Crowe's primary point was that librarians need to be solution oriented in these situations, focusing not on the person, but on the resolution of their problem. She particularly cautioned us not to take these situations as personal attacks, but to concentrate on the information need and look for constructive ways to meet that need, without adding to the problem by over-reacting emotionally.

The most practical portion of the program was a list of **Six Steps** to use in dealing with these types of patrons. These **SIX STEPS** are as follows:

- 1. NEUTRALIZE** - Physically, by deep breathing, and mentally, by concentrating on "this is not a personal attack".
- 2. BODY LANGUAGE** - Relax your muscles, do not display body tension.
- 3. LISTEN** - REALLY listen to what the patron has to say, do not "tune them out".
- 4. WHOLE BRAIN APPROACH** - Move the patron from the Right (Emotional) Brain to The Left (Rational) Brain, by asking them questions. This helps them to look at their problem rationally and also demonstrates that you were really listening.
- 5. SOLUTION** - Tell the patron what you will do to help them, even if it is only to say you will help them look for the answer. Assure them of your assistance. If possible, tell them you will get back to them. This sets them up to expect to hear from you, and allows them time to calm down.
- 6. CONTRACT** - Ask them, "Will you be available, if I have further questions?"; and clarify a specific time, if possible, at which you will call them. If they are remaining in your work area while you are looking for

information, give them something to do. (For example: "You check this source, while I'm looking at others.") This will keep them from feeling as though you are making them wait.

While Sandra emphasizes that all these steps may not work every time, she stresses that neutralizing will always work. For questions and further information, Sandra can be reached by phone at (301) 984-7818.



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# Five Ways to Improve Communication in Your Library

submitted by Donna Bennett, Chase Law Library, Northern Kentucky University

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Our personal and professional success is largely determined by our ability, or lack thereof, to communicate effectively. Effective communication is an essential prerequisite to our ability to cope with the myriad challenges which our organizations face. Communicating effectively within our libraries is also a necessity if we are to be successful in reaching our individual and organizational goals. Whether we are working in the traditional hierarchical setting or in a more flattened organizational structure, we must endeavor to share information at all levels to keep everyone not only informed, but also involved. This is especially true if we wish to function as a successful group or team. We must also endeavor to ascertain that everyone has the same understanding of the information that is being shared.

Poor communication affects morale, efficiency, productivity, and our public image. The problems which result can require a great deal of time to resolve. Expending our time and energy on ways to avoid or prevent these problems is a wise course of action because a healthy, vital organization cannot exist if there are major problems with communication. If we want to begin to prevent or to resolve communication problems within our libraries we must examine the way we, as individuals, communicate on a one-to-one basis, and how we communicate within the group setting.

Communication encompasses not only transmitting information, thoughts, and feelings, but also the means by which this transmission occurs. When we say that communication in our library is poor, we are usually thinking in terms of how lack of communication affected us as individuals, and how we did not have information which we needed. We don't always go the next step. What information have we not imparted which was needed by others? Information must flow not only from the top down, but also from the bottom up, and laterally at all levels in between. We must each work to keep others informed, whatever our position within the library. Hoarding information or using it as a power tool will bring about communication problems. Everyone must have the information they need to do their jobs and to feel an integral part of the group.

Each of us should take an active role in working to improve communication within our libraries. We all have a stake in the outcome. The following are suggested ways to begin the process.

## I. Be An Active Listener

An active listener focuses on the other person and really *hears* what the other person is saying. The active listener does not interrupt others, shows respect for others by listening to them, and does not wait anxiously for the other person to finish speaking in order to be able to begin talking. The active listener is also alert to nonverbal behavior, to what is *not* said. This person will notice the hesitancy of others, be alert to body language, and ask questions to draw others out. Be an active listener and try to find out how the other person really feels about a particular issue or what the other person thinks. Keep in mind that if one person is doing most of the talking, it is likely that very little two-way communication is actually occurring.

## II. Have Staff Meetings

Regularly scheduled meetings of personnel in a department or of the library as a whole can be a very good way of providing a group with information. These meetings can also provide the supervisor concerned about two-way communication with a way to gain input from staff.

If you are not a supervisor and cannot call a meeting of your department or library, consider requesting, in the method appropriate for your organization, that regular meetings be held and provide reasons why you think such meetings would be beneficial.

If the staff in your library have not had the opportunity to fully participate in meetings, you will need to realize that creating an atmosphere in which personnel are encouraged to express their views and opinions can be a lengthy process. You will need to convince your staff that their opinions are important and show them that they are being heard. Your attitudes and actions must reflect a sincere openness to feedback and the opinions of others.

## III. Make Use of Teams or Committees

Working in smaller groups is often an effective way to improve communication and to increase give and take discussion. Alert supervisors can make certain that the more reticent members of the staff have an opportunity to participate more fully by appointing them to appropriate committees or teams. Sharing leadership responsibilities by rotating the positions of team leader

or committee chair can provide others with experience in guiding a group. Requesting that these groups report on their activities and projects at full staff meetings will help to keep everyone more informed.

**IV. Have Working Lunches Or Brown-Bag Lunches**

Providing opportunities for a more informal working atmosphere can often increase communication. People do tend to relax more during the lunch hour, and if the agenda is kept fairly short and to the point these sessions will quite often prove to be very productive. As in all other meetings, the group leader or chair should encourage participation and comments from everyone.

**V. Communicate In Writing**

Communicating with others through the written word can be very effective. Using written means of communication can be very valuable in recording and reinforcing what has been discussed, recording decisions which have been reached, and providing individuals with new information. Written communication, however, should never be used as a way to avoid verbal discussion. The give and take of face to face discussions is essential to the positive development of working relationships.

We will all reap the benefits of improved communication within our libraries. Sharing information, discussing concerns and problems, and knowing that our input is valued helps all of us to feel a part of the organization and increases our commitment to its success.



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## THE FUTURE IS HERE AGAIN

submitted by Michael J. Lynch, University of Toledo College of Law

Many of us can remember the introduction of the "LEXSEE" command (and WESTLAW's "FIND") which could be invoked while reading a case, and would immediately search out the cite entered after the command. Soon, most uses of these commands were replaced by the hyper-text links. Then as the Web became familiar, we learned how links were created with HTML; recently FOLIO software was made available to end-users which allowed insertion of links into documents without learning a special language. How long would it be before lawyers began to use hyper-text links in their files and briefs?

The recent case of Yukiyo Ltd v. Watanabe gave a temporary setback, to hi-tech lawyers, but one which revealed the availability while it delayed the immediate use of new technology. This April, the Court of Appeals for the Federal Circuit granted a motion to strike an appellate brief and appendix which were submitted on CD-ROM! Four aspects of the matter are of particular interest: 1. the contents of the CD-ROM; 2. the reasons that it was not permitted; 3. other submissions of briefs on CD-ROM, 4. the court's guidelines for CD-ROM filings until rules on the subject shall be formulated.

The Federal Rules of Appellate Procedure were amended last year to authorize courts of appeals to adopt local rules permitting electronic filing; but CD-ROMs are not specifically mentioned in the new rule (Rule 25(a)(2)(D) provides: "Electronic filing. A court of appeals may by local rule permit papers to be filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. A paper filed by electronic means in compliance with a local rule constitutes a written paper for the purpose of applying these rules."). Nevertheless, Yukiyo's counsel (Jack L. Slobodin, Fish & Richardson, of Menlo Park, California) filed with the court both a CD-ROM and a paper copy, but submitted to its opponent, Watanabe, only the CD-ROM. Like the CD-ROM, the paper copy included the text of the brief with citations of legal authorities. But the CD-ROM included hyper-text links to the full text of authorities (a use licensed by West Publishing Company) and the trial transcript, and district court orders, and jury instructions, and a videotape that was part of the evidence.

Though the CD-ROM was accompanied with specifications for the computer hardware needed for its use, and instructions for using a Web browser required to view the contents, Watanabe complained that his counsel (John P. Sutton, Bryan Hinshaw Cohen & Barnet, of San Francisco, California) had to pay to borrow equipment to access the brief. This amount of prejudice was enough for the court to strike the brief, especially since the local rules made no provision for such a filing.

Is this the first CD-ROM brief? Chief Judge Archer explained that two CD-ROM briefs had been filed in the Supreme Court (no cases named), but he believed this was

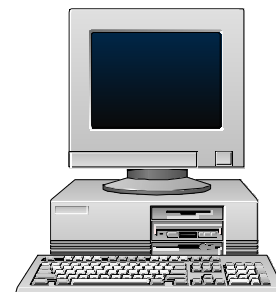
the first at the appellate level. In a peculiar interpretation, the Judge opined that electronic filing includes filing a computer disk but not a CD-ROM (which most of us probably view as no more than a special kind of computer disk).

What should hi-tech counsel have done? The court suggested that, in the absence of a local rule, the other party's consent should be sought first, and then application made to the court before or at the same time as 12 copies of the CD-ROM brief are filed. In such a case he declared, the court will consider whether the opposing party has consented, and how much prejudice is involved if there is no consent. Of course, full information on necessary computer equipment must be provided to court and opposing parties.

Not blind to the future, Judge Archer finished with a call for action: "By no means, however, does the court intend to discourage the filing of CD-ROM briefs under appropriate rules and standards. Accordingly, the court calls on the court's Advisory Committee on Appellate Rules, the Federal Circuit Bar Association, and other interested members of the bar of this court to propose suggested rules, standards and guidelines for the filing of CD-ROM briefs for the court's consideration. In that connection, we point out that the list of factors to be considered as discussed in this order is neither dispositive nor exhaustive." Yukiyo, Ltd. v. Shiro Watanabe, (Federal Circuit, 1997, 97-1115) 1997 U.S. App. LEXIS 7152. 5 BNA PTCJ 526.

To modern law librarians this hyper-text brief is easy to imagine. What might be more surprising is that it's here now. How long can it be before law offices require CD-ROM production capacity and all complex briefs and documents are delivered on CD-ROM? What will this do to the small firm? What opportunities for independent contractors? What problems for collections of appellate briefs?

A notice in Lawyers Weekly U.S.A., March 24, 1997, p.c1. suggests the use of CD-ROM in the courtroom for presentation of video depositions, and suggests that Precision Forensics will prepare a typical CD-ROM for \$800 to \$1,000. Soon enough, though, I suppose we'll do it from a PC.



## Product Review: West Group's New KeyCite™ Electronic Citator Service by Kurt Metzmeier, University of Kentucky College of Law

In an ambitious attempt to challenge Shepard's century long dominance of the decisional authority market, on July 21 the West Group debuted its new all-electronic KeyCite™ citation product at the annual meeting of the American Association of Law Libraries. Using a mix of artificial intelligence, their existing digital databases, human editors and the processing strength of mainframes upgraded by nearly thirty percent for the effort, West has created product they hope meets and exceeds the expectations of judges and lawyers conditioned to think of "shepards" as a verb.

The two-year process of developing KeyCite™ was outlined at the AALL conference by Dan Dabney, the products developer. Dabney admitted the development of the product had taken on added urgency with the purchase of Shepard by Mathew Bender, in strategic partnership with West's archival Lexis-Nexis, but noted that the groundwork was well underway before that time.

To begin the project, West developers began to analyze Shepard's Citator® to see how experienced researchers used it. They noted that users sought to identify two types of treatment, negative and positive, but they used those treatments different ways. Negative treatment was used straightforwardly to determine whether a case was "good law," or had weaknesses, and the varying tags assisted in this task. Positive treatment was a little trickier. West focus groups of lawyers and law librarians didn't know the difference between "followed" or "explained" but they liked those tags because they indicated that the court had discussed the case at some higher level than those entries without tags. West decided to use two different ways of handling treatment. Negative treatment would be indicated with red and yellow cautionary flags positive discussion would be quantified with a system of stars that would indicate the depth of treatment.

To create a database of cautionary tags, West started with the InstaCite® and AutoCite® databases, but these two sources only had negative coverage and only covered material since the 1970s. The bulk of the work of creating the database fell on a complex program written to identify likely negative treatment, and with human editors who reviewed the results and assigned tags. The program plucks citations out of cases in the Westlaw database, a fairly routine proposition. It then looks at the language surrounding the citation, matches it with a set thirty

or so words indicative of negative treatment. The results are batched and editors review that data and assign tags to the citations. The program was tested against human edited citators like InstaCite® and West developers found it performed almost flawlessly at picking candidates for red flags. Early editorial decisions included the creation of a wider list of tag phrases than the eleven used by Shepard's and the decision to create red flags for overruled or seriously questioned cases, yellow for questioned cases, but to avoid any icon presuming to say a case was good law.

Instead of creating positive tags, West aimed its solution at the actual use of those tags as indicators of significant discussion. The KeyCite™ tagging program was tailored to measure at the depth of decision around a citation, and these results, which are not screened by editors, were placed into four groups: Four stars: discussion of over about a page. Three stars: discussion from a paragraph to a page. Two stars: not a paragraph, but not a string cite. One star: string cite.

Once the main database was created, West developers realized that it could be used to create a feature unique to KeyCite™ by reversing the normal way citator databases are presented. A usual citator starts with a cited case and seeks to determine if it is good law by collecting and classifying all cases citing that case. West's new service, Table of Authorities, takes a case and examines the strength of all the decisions cited by the court by pulling the court's citations and running them against the KeyCite™ database. Thus, even if a case has not been directly red or yellow flagged, a Table of Authorities search showing that many of the cases that the judge relied upon have been questioned may provide several avenues to attack the case. It is my opinion that this feature alone is reason to use KeyCite™ to examine, at the minimum, the key cases in an argument or writing.

Westmate 6.3 is required to access KeyCite™. It uses a frames-style interface with control buttons on the left and a window for citations on the right. Searching can be limited by headnotes, topic and key number, jurisdiction, and time frame, simply by clicking on or filling in various boxes. For example, to search by headnote 3 and 4, you choose Limit Citation by Headnotes, then put a check in the boxes for those headnotes, and click enter. Similar query boxes have been designed to assist other ways of limiting searches.

The display of the citing cases list looks a lot like InstaCite, but at the present time the direct history is omitted. According to Dabney, this will be corrected within the month. Flags, if they exist, are to the left of the cite. Cites are grouped by number of stars from four to one. The display includes the case name as well as the citation. Moreover, the display of any Westlaw case will show a red or yellow flag at the top if that marker has been assigned in the KeyCite™ database, no matter which service was used to access the case. One problem of the new service is that it is not compatible with the WestCheck software, and the new version will not be available until January 1998. For that and other reasons, Dabney said that Westlaw will still offer Shepard's for the immediately foreseeable future.

Checking a Shepard's Citator to see if a case is good law has been an ethical duty of lawyers for most of the century, enforced for the last three decades by the much cited case of Smith v. Lewis, 530 P.2d 589 (Cal. 1975) (which, intriguingly, Dan Dabney used at one point to show the citation display). It is not clear how quickly lawyers will feel fully comfortable with using something else. However, given the potential of the Table of Authorities feature for use in litigation, and the general expansion of the use of Westlaw by judges under flat-rate plans, it may not be long before a lawyer faces a professional ethics complaint because he failed to see a weakness in his brief that would have been readily apparent if he had fully checked his cases using KeyCite™.

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<http://www.uky.edu/Law/orall/index.htm>.

This year's issues of the ORALL Newsletter are available in PDF format at this site, and new information is being added regularly. Check it out!

## ORALL 1997 Annual Meeting

ORALL will be holding its 1997 Annual Meeting in Cincinnati, Ohio. The meeting will be held at the Omni Netherland Plaza Hotel, which was also the site for the 1991 Spring meeting. All the guest rooms have been renovated. Anne Abate and Carol Bredemeyer are Local Arrangements co-chairs. Kathleen Carrick is program chair.

### Program in Brief

**Wednesday** Training--How to Search the Web for Legal Materials

2 Workshop sessions at the University of Cincinnati's University Library Computer Lab.  
Level: Beginner to Intermediate.

Tours--of the area's law firms, academic and court libraries.

Reception and Dutch Treat Dinners

**Thursday:** Copyright Issues for Electronic Information

Professor Kenneth D. Crews, Indiana University

**Friday:** 1<sup>st</sup> Amendment Issues of the Information Age--H. Louis Sirkin

How to Search the Web for Legal Materials--  
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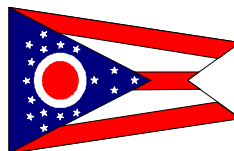
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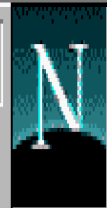


## **CONTRIBUTIONS INVITED!!!**

All ORALL members are invited to submit articles, article ideas, and any suggestions to the ORALL Newsletter Editor. If you attend a workshop or other educational program, please consider writing a brief review for publication in the Newsletter. Please contact Shaun Esposito, ORALL Newsletter Editor, Univ. of Kentucky College of Law Library, 620 S. Limestone St., Lexington, KY 40506; (606) 257-8347(voice); (606) 323-4906(fax); e-mail: [shaun@pop.uky.edu](mailto:shaun@pop.uky.edu).



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# OHIO REGIONAL ASSOCIATION OF LAW LIBRARIES (ORALL)



WELCOME TO THE ORALL HOME PAGE



**ORALL is a 4-state chapter of the American Association of Law Libraries. It was formed in 1949 "to further the development and usefulness of law libraries and to stimulate a spirit of mutual helpfulness among law libraries of this region."**



### Calendar 1997-98

**1997**

**September 29-October 3** Banned Books Week

**October 22-24**--ORALL Annual Meeting, Cincinnati, Ohio

**November 6-8**--Managing Court Libraries in the 21<sup>st</sup> Century, Williamsburg, Virginia

**1998**

**April 19-25**--National Library Week

**July 11-16** --American Association of Law Libraries Annual Meeting, Anaheim, California

#### *Newsletter Deadlines*

February 15, May 15, August 15, and November 15

### OHIO REGIONAL ASSOCIATION OF LAW LIBRARIES

#### *Profile*

ORALL is a 4-state chapter of the American Association of Law Libraries [Ohio, Indiana, Kentucky, Michigan]. It was formed in 1949 "to further the development and usefulness of law libraries and to stimulate a spirit of mutual helpfulness among law libraries of this region."

An annual conference is held in the Fall of each year. ORALL publishes or sponsors the following publications: *Core Legal Collection* [bibliographies for Ohio, Indiana, Kentucky, Michigan], ORALL Membership Directory, ORALL Newsletter, ORALL Union List of Serials, Ohio Legal Resources Annotated Bibliography & Guide 3rd.

#### *Placement*

For Job Listings and further information, contact Anne Abate, ORALL Placement Committee Chair, by e-mail at [abate@tso.cin.ix.net](mailto:abate@tso.cin.ix.net), or at Dinsmore & Shohl, 255 East 5<sup>th</sup> Street, Cincinnati, OH 45202-3172.

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#### *Newsletter Information*

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