

ORALL NEWSLETTER

OHIO REGIONAL ASSOCIATION OF LAW LIBRARIES

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President's Column – Beau Steenken

As I draft this, my final column as ORALL President, I find myself in the midst of the most unusual start to a semester of my life—including the many semesters I spent as a student before becoming an academic law librarian. I am teaching new law students to perform legal research over Zoom (and suffering from recurring nightmares during which my internet goes out five minutes before class time). I am attending committee meetings over Zoom (and hoping that my kids' own remote coursework keeps them from zoom bombing). I am also conducting all my reference interviews over Zoom (this one actually might work better than traditional reference since both parties are able to share screens). While our library is now open—in somewhat limited fashion—we made the decision to continue having reference librarians work remotely. This serves two purposes: it cuts down on the number of people potentially bringing germs to employee areas, and it provides us with a second string if our circulation team all gets exposed to Covid in the library and is ordered to quarantine. Of all the

abnormal occurrences of 2020, I think I find the fact that our library has a sports-style depth chart to be the most surreal.

As befitting these surreal times, ORALL's annual meeting is going to look a little different this year. While the global pandemic excludes us from meeting in person as is our custom, our excellent Education Committee is working to bring us an alternative via—you guessed it—Zoom.

In This Issue...

President's Column	1
AALL 2020 Program Reviews	3
• Thoughts on the Conference	3
• Searching All 50 States' Court Dockets	6
• Unmasking Our Potential	10
• Fear and Loathing in Teaching Legal Research	15
A Note From Your Newsletter Editor	16

...continued on page 3

ORALL

Ohio Regional Association of Law Libraries

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Profile

ORALL is a 3-state chapter of the American Association of Law Libraries [Ohio, Indiana, Kentucky]. 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 each fall. ORALL publishes or sponsors the following publications: *Core Legal Collection* [bibliographies for Ohio, Indiana, Kentucky, Michigan], ORALL Membership Directory, ORALL Newsletter, Ohio Legal Resources Annotated Bibliography & Guide 3rd.

President's Column *continued*

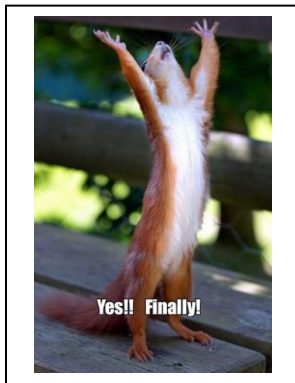
Happily, the timing of our meeting has allowed us to see how other virtual meetings have gone, so I am hopeful that our programming will make the best of the new medium. Zoom will also allow us to hold our business meeting, and we will hold a vote on amending our bylaws to create a standing Diversity & Inclusion Committee. I encourage everyone to attend if possible, and I hope to see each of you in cyberspace come October!

* * *

AALL 2020 PROGRAM REVIEWS

Thoughts on the Conference

by Jeanette Mazur, Case Western Reserve University School of Law



Do you remember your first day of high school? The nervous anticipation? The excitement?! Working [Grab your reader's attention with a great quote from the document or use this space to emphasize a key point. To place this text box anywhere on the page, just drag it.] up in your head all of the awesome things that would happen now that you've made it? That is how I felt about finally getting to go to my first AALL conference, albeit virtually.

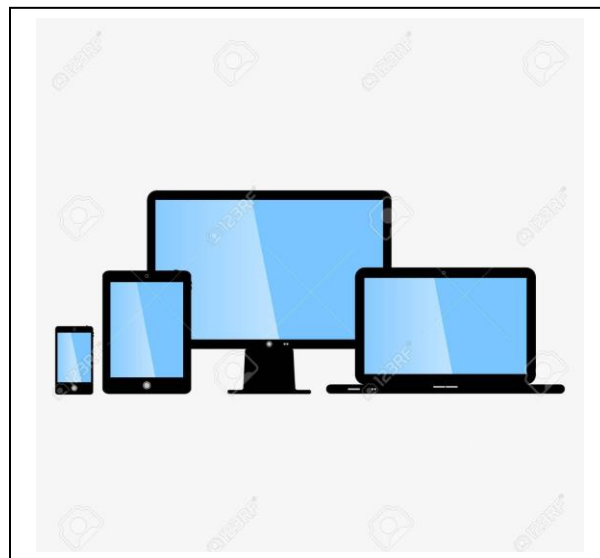
I was promoted to full librarian status in September. Previous to the promotion, I loved hearing all of the fun stories from our librarians returning from AALL conferences. There were stories of networking and swat I was beyond excited when I got the grant to attend my first AALL session!

Just like my first day of high school, my first AALL experience started off full of high expectations and excitement...then reality set in. I know that an in person session would have been spectacular, but sadly the virtual sessions left much to be desired.

It was the first day, and I enjoyed connecting with the vendors, but after 30 minutes I was done. It wasn't bad, but weirdly, I missed the opportunity to stock up on pens. I wonder if I'm the only ORALLian who gets excited for the pens the vendors give out. I assume AALL would have way more pens.



Oops, sorry, I digress. By day 2, I was ready for the keynote speaker. The only keynotes I have heard were from ORALL, which are always spectacular and inspiring. I logged into the keynote 30 minutes before it was scheduled to start. I was so excited that it was a surprise that I only logged in 30 minutes early. When the time came, the keynote finally started...and then stopped. It would play for a few seconds, then free for a few minutes. I didn't worry because I am a technology librarian. I can fix this, right? I tried logging in on my tablet, my computer, my phone, even my smart TV. Okay, well, after trying 4 devices, I realized it wasn't me. I checked the chat and everyone was complaining about the stops and starts.

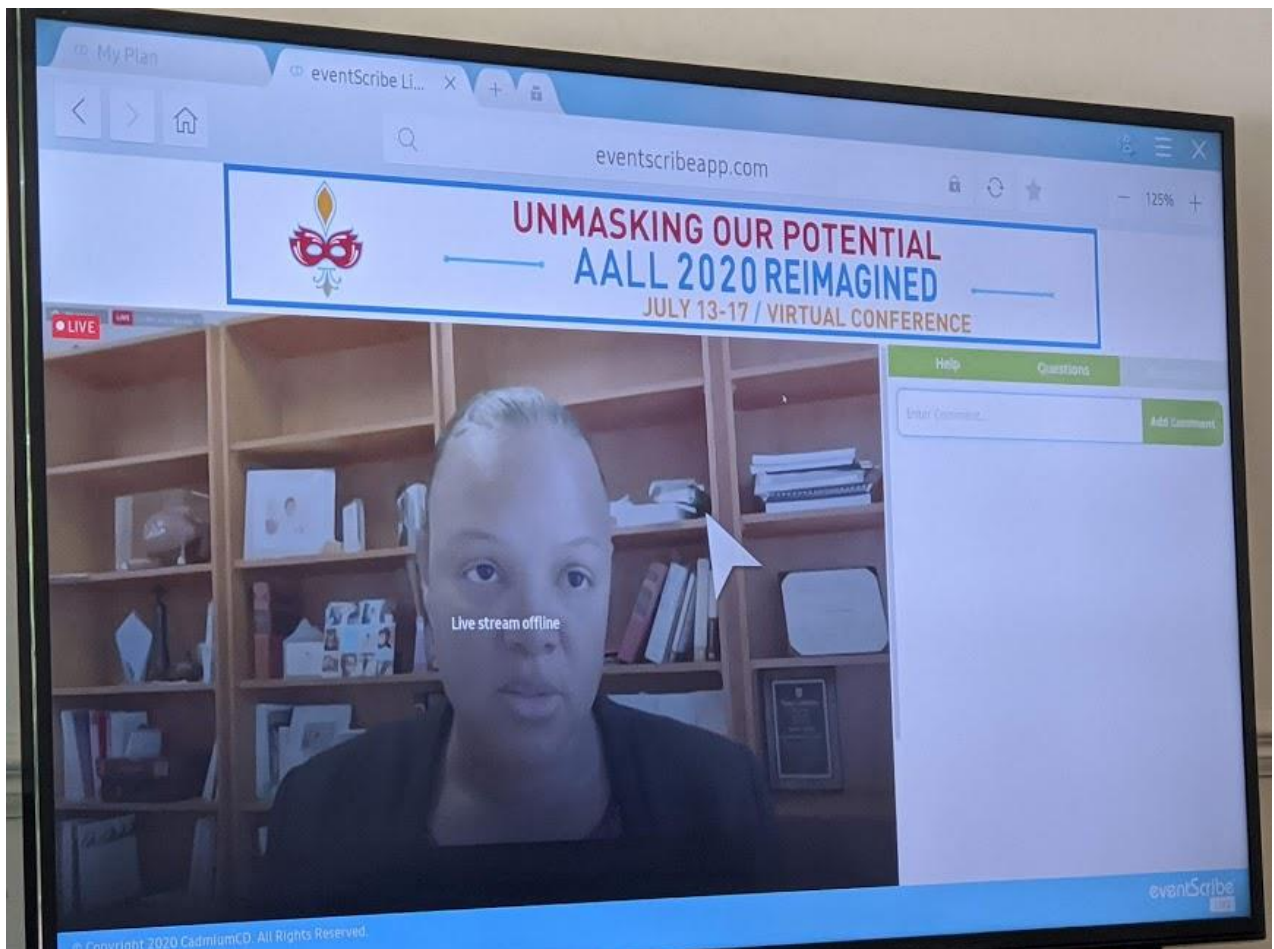


After 20 minutes, the AALL hosts finally realized their problem and reset the session. The keynote speaker was interesting and energetic, but I felt like it was a big promotion for his book and other programs.

Side note: This is just the author's opinion. Other people from her university both loved the speaker and bought his book

Slightly disappointed, I moved on to my next session. Ever the optimist I had hope that the following sessions would be better.

My next session I went to was Legal Ethics in the Use of Artificial Intelligence. The first 20 minutes were interesting...until the live stream suddenly went offline. Ugh. So frustrating.



By the end of the week I had successfully made it through multiple sessions without any tech hiccups. Ironically, my favorite part of the conference was not

anything AALL based, but the ORALL happy hours. It was a great casual networking opportunity to discuss pets, kids, netflix and much more.

I appreciate all of the time and effort that went into creating the sessions, I wish there had been more time spent on engaging the audience and creating networking sessions. Hopefully this was a great learning experience that will allow for future remote conferences that are engaging and and more networking based.



* * *

AALL Annual Meeting: Searching All 50 States' Court Dockets
by Matthew S. Cooper, Moritz College of Law

I greatly appreciated receiving an ORALL grant to attend the AALL virtual annual meeting. I was able to view many programs, both live-streamed and pre-recorded. While I would rather have travelled to New Orleans for in person presentations and all the cultural experiences the city offers, the online programming was nevertheless useful and interesting.

One program I particularly enjoyed was a live-streamed program titled, "Searching in All 50 State Court Dockets: Will It Ever Be a Reality?" Our library users consistently inquire about court filings, both federal and state. As readers

of this newsletter likely know, locating federal court filings within the last 10 years or so is usually a much easier task than finding state court filings. Some assume that finding state court filings is a relatively straightforward task and that most documents are readily available online. As the presenters of the session confirmed, this is definitely not the case.

The session, moderated by Mary Ann Wacker of Kirkland & Ellis and Margaret Bartlett of Locke Lord, featured experts from several providers of docket search platforms including Bloomberg Law (Blayne Scofield), LexisNexis (Alison Manchester), Trellis Legal Intelligence (Nicole Clark), and re: Search (Phillip Vaden). The presenters were extremely knowledgeable and shared useful insights on the current state of docket searching at the state court level. In short, the availability of filings varies widely depending on the state and county, from no online availability to full and free public availability, and there are substantial challenges to making state court filings accessible in a uniform way.


The panelists explained some of the challenges such as receiving data in raw and “messy” form that takes considerable time and effort to organize and structure in a usable way (aka to “normalize” the data). Other challenges included the expense of obtaining access to court records, delays between when documents are filed and when clerks post them online (which hinders timely tracking of cases), and courts’ focus on serving judges and litigants, not necessarily a wider audience.

Approaches to making court documents available varied by vendor, from “scraping” publicly available data on court clerk websites, manually collecting documents, acquiring batches of document files from courts, or some combination of these approaches. Re: Search, a project of Texas-based company Tyler Technologies, contracts with courts once an e-filing system is in place to create a platform that will serve broader access needs. Re:Search currently operates statewide in Texas, Illinois, Georgia, and New Mexico.

Answering the question of the program title, the presenters were not confident that searching dockets across all 50 states would be possible anytime soon, but definitely saw potential for growth in this area. As the presenters explained, what drives growth in particular states and counties is user demand, which closely relates to the volume of commercial litigation taking place. Developing systems that would offer robust litigation analytics as well as access to and searchability of the underlying documents is the sought-after ideal. Such a system would allow litigants to see visualizations of probable litigation outcomes while also providing the ability to dig deeper into particular trial-level case documents to understand why certain outcomes are probable.

This session and others helped me stay engaged over the summer, learning about new possibilities for assisting library users and giving me knowledge of

current trends. I appreciated the financial assistance from ORALL that helped make this happen.



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What the Japanese, the Swedes, and the Minimalists Can Teach Us About Legal Instruction

by Emma MacGuidwin, Moritz College of Law

I attended “What the Japanese, the Swedes, and the Minimalists Can Teach Us About Legal Instruction,” presented by Sharon Bradley, Digital & Scholarly Resources Librarian at Mercer University School of Law. Sharon spoke about how different organizing/decluttering theories can be used to improve and streamline legal research instruction. One such concept is the KonMari method, developed by “tidying expert” Marie Kondo (author of *The Life-Changing Magic of Tidying Up*). Key principles include (1) organizing items by category, not by room (i.e., examining all of your clothes instead of focusing on one room); (2) asking whether something sparks joy (i.e., being mindful when assessing your possessions); and (3) “touching” everything, and letting go of the things that do not serve a purpose.

How has Sharon applied KonMari to her instruction? Sharon focused on her syllabus, which had previously been very rule oriented. After attending the AALL webinar “Change Your Syllabus, Change Your Life,” by Elizabeth Sherowski, Sharon’s new syllabus is more graphic, less dictatorial, and more humorous. Sharon also periodically examines all the elements of her course by category, instead of by class or by topic. Asking whether all of the quizzes, exercises, etc., flow from one to another and relate appropriately to each other can help instructors to be more mindful about why we are including certain course elements.

Sharon also spoke about minimalism. For minimalists, the focus of decluttering is not just on getting rid of “stuff,” but on deciding whether the items should be there in the first place. Be wary of organizing or decluttering schemes that take too much time to maintain; if you can reduce and/or simplify the items you are including, and eliminate the unessential, then organization will naturally emerge. In applying the notion of minimalism to instructional design, Sharon encouraged us to ask: Can assignments can be more about quality and not quantity? Does everything we assign have a purpose that is tied to a learning objective? Or are we assigning something because we have always used it? I plan to be more mindful of these questions when I am creating or deciding on assignments for my Advanced Legal Research class, since it is only one credit!

Another concept Sharon focused on was “frog eating,” espoused by the book *Frog Eating: 21 Great Ways to Stop Procrastinating and Get More Done in Less Time*, by Brian Tracy. Your frogs are your biggest, most important tasks. The idea is that if you have to eat a live frog, it will be the worst thing you do that day. The ugliest frog is the task on which you are most likely to procrastinate, but completing the task will have the greatest positive impact on your life/productivity. Also, don’t spend too much time *looking* at the frog – just launch directly into the task and work steadily. Applying this to instruction, Sharon aptly surmised that grading is probably our biggest frog. Rather than “eating” the grading frog, can we occasionally avoid it altogether? We can create fewer subjective assignments and instead have objective assignments that our course management system can grade for us. Or we can give our students the opportunity to “grade” each other, since evaluating their classmates’ work will also help to reinforce their own learning.

Swedish Death Cleaning, exemplified by *The Gentle Art of Swedish Death Cleaning* by Margareta Magnusson, suggests that people over a certain age have a habit of putting their things in order. Sharon explained that this process requires that we (1) think about the people we leave behind and try not to burden them with our things; (2) do not assume our loved ones will want our things, or ask our family and friends if they would want any of our things *now*; and (3) ask ourselves whether anyone will actually want something after we are gone. Swedish Death Cleaning can be applied to legal research instruction when you “inherit” someone else’s course materials for a new class. You are not being

critical of those materials if you choose not to use them, or if you adapt them in some way. You can thank your predecessor for their contributions but create an approach that works for you. This also applies to your own previous lessons or slides; don't burden yourself with your old things! If you or your predecessor cannot explain *why* something was used, then do not feel bound by that process, exercise, quiz, etc.

In summarizing the different organizing/decluttering theories, Sharon outlined common themes. These include (I am highlighting only a few): (1) focusing on essential v. unessential; (2) spending time with possessions (taking a mindful approach to weeding or reorganizing); (3) allocating enough time to reorganizing or decluttering; (4) reflecting on what you have accomplished; and (5) acknowledging feelings of guilt or obligation – if what you are inheriting or using does not bring you joy, don't keep it. And finally, *cut yourself some slack* throughout this process – a concept that is admittedly difficult, but is essential to being able to “let things go”!

* * *

Unmasking Our Potential--AALL 2020 **by Amy Kurlansky, Hamilton County Law Library**

As everyone knows by now, the annual AALL 2020 conference, themed “Unmasking Our Potential” was reimagined as an online conference. I hope that many ORALLIANS got to attend, but, first, I would like to thank the ORALL Grants Committee for the grant that allowed me to attend my first AALL conference.

I enjoyed the online format. As everyone, I tried to make the most of all of it, and but for the generosity of the Grants Committee, I would not have been able to attend. Many, many thanks!

To make the most of my grant, I participated in CONELL, and met some other new and newer law librarians. I know it will be even better to meet everyone in person in the future, but, it was also sort of fun and funny to watch everyone in gallery mode when possible, sort of like a ginormous little Brady Bunch family on the screen. As part of CONELL, we were encouraged to check out the online rooms of a number of different Caucuses and groups. I met people at a few affinity Caucuses, and the GLL-SIS.

And, in addition to CONELL proper, I was able to attend a couple of the CONELL coffee check ins, and see some of the faces from earlier in the week. I also made it to 2 ORALL happy hours, and it was great to “see” people and get to catch up. In addition to meeting new people and putting faces to names, I enjoyed winning some swag for decent trivia skills, and attended as many substantive sessions as I could.

For me, despite taking notes on the sessions that I attended, one of the best parts of this experience is that all of the sessions are recorded. To familiarize myself with AALL, I have listened to past conference sessions on ALLNet, but,

this was different. It was different to watch the videos, watch the presenters instead of listen to their session recordings.

One advantage of the online virtual format is that I can still catch up on the sessions that conflicted with other sessions, on demand, at my convenience. That has been a theme of the entire COVID-19 pandemic season - so much content has gone “on demand” at our convenience.

And, we can go back and re-watch sessions in case there was anything we might have missed.

As a matter of fact, I went back and re-watched the Opening Session with Mr. Kwik so that I could catchall of his keys and acronyms for Strategies to “Level Up Your Life” and live Limitless.

I thought I would share some of the takeaways from that opening session, because Mr. Kwik’s emphasis on learning something new every day spoke to me, and I hope you find my summary helpful.

In this time of so much information, Mr. Kwik said that brain power is based on focus, learning, thinking, and remembering quicker and more accurately. He said his methods can help train our brains to retain more information, as ordinarily, there is an 80% forgetting curve within 2 days of learning something new just once.

Throughout his presentation, Mr. Kwik used various analogies with strong visual images to emphasize his points. I suspect this is to help both the verbal and the visual learners in the audience.

Mr. Kwik began his presentation pointing to the butterfly as the ultimate symbol of transformation, because the growth happens in the cocoon, as many of us are cocooning in our quarantines, and may find ourselves coming out of this experience a little different than before.

He said that Life is the C between B & D. In other words, B-C-D, where: B=birth, C=choice, D=Death.

And, he focused on the power of our choices.

Mr. Kwik explained that difficult times can define or diminish us, but, we all have the Power of Choice.

And, Choice has 5 C’s:

1. Clarity—you should ask
 - a. what’s most important to me in life

- b. Are my actions truly aligned with those values
 - c. Solitude—can be a wonderful time for self-reflection
2. Care—emphasizing that self-care is not selfish
 - a. Our brains are supercomputers
 - b. We only get one brain/body for life, it is important to care for them properly
 - c. What we put into our brains (information, nutrition) is what we get out of them
 3. Contribution—giving back to the community
 - a. Chronic stress shrinks our brains (when in constant fight or flight mode)
 - b. Chronic fear suppresses our immune systems, making us more susceptible to illnesses/viruses
 - c. The antidote is a place of service—we can invest time, talent, or treasure in our own unique ways
 4. Creativity
 - a. What have we always wanted to create?
 - b. During the Plague in Europe, Shakespeare wrote Macbeth, Anthony and Cleopatra, and King Lear; Newton developed the theories of gravity and motion
 - c. True Limitless resources can't be outsourced, so they are worthy of investment
 5. Capability
 - a. A To Do List is good; A To Learn list is better
 - b. What have we always wanted to learn, but, never had time before
 - c. Always be learning (which Librarians are exceptionally good at!)

After hearing what Shakespeare and Newton achieved during the plague, I know I felt like a slacker, comparing all of the things I thought I would do during my 'quarantine' (I'm looking at you, mandolin in the closet I haven't learned how to play yet). A slacker who can beat the computer at Solitaire, but, a slacker nonetheless.

In the weeks since watching the keynote, I often find myself repeating Mr. Kwik that – “inch by inch, it's a synch; yard by yard it's too hard.” Changes don't have to be big, new habits can take a while, and they are accumulated by small steps over time. So, it's never too late to learn something new.

According to Mr. Kwik, the ultimate capacity is to learn how to learn, as learning is our Superpower. In so doing, he explained the FAST method.

1. Forget
 - a. forget what you already know
 - b. approach new things with an open, beginner's mind
 - c. forget your limitations, all limitations are learned

2. Active

- a. Learning is not a spectator sport
- b. the human brain learns best when creating, not consuming
- c. stop letting yourself the LIE= limited ideas entertained

3. State

- a. All learning is state dependent
- b. When we're engaged, we learn and remember better
- c. Information + Emotion = Long Term Memory

4. Teach

- a. When we teach something, we learn it twice
- b. When we have the intention to remember something, we pay attention better
- c. Then, we retain the information better

Thank goodness, Mr. Kwik also provided his formula for the 3 keys to a better memory—MOM.

1. Motivation

- a. Reason reaps results (if we have a reason to remember something, we will work at it)
- b. Head Heart Hands—learning starts in our head, the motivation is in our heart, and we do the work in our hands

2. Observation

- a. It's not about retention
- b. It's about paying attention

3. Methods

- a. There's always a method behind the magic
- b. Genius leaves clues

Mr. Kwik also named 10 tools for greater energy and self-care to help us on our way to living Limitless:

1. Good brain diet
2. Killing ANTs with PETs
 - a. Automatic negative thoughts
 - b. Positive encouraging thoughts
3. Exercise—as the body moves, the brain groves
4. Brain Nutrients
5. Positive peer group
6. Clean Environment
7. Prioritizing Sleep
8. Brain Protection—helmets
9. New Learning—Neuroplasticity
10. Stress management

In response to one of the questions in the crowd, regarding feeling overloaded and overwhelmed, Mr. Kwik responded that part of self-care is putting boundaries around what is most important to each of us.

That, “the most important thing is to keep the most important things, the most important things.”

He said that rather than Balance, we should be looking for Harmony, using the analogy of an orchestra to illustrate his point that in an orchestra, the musicians may not each play the same amount, but, as a whole, the orchestra is seeking Harmony to work together and sound great. He further recommended that we should look at “saying no to good so we can say yes to great.”

Mr. Kwik pointed out that a lot of these tips are in his book, *Limitless*, but, he shared the 3 keys to Becoming Limitless. He stressed that being Limitless is not about being perfect, but about advancing and progressing beyond what we, or even society (depending on the issue), believes possible.

These last 3 keys are:

1. Mindset
 - a. Attitudes and assumptions
 - b. All behavior is belief driven

2. Motivation (potential)
 - a. Knowledge is power
 - b. Learning is our superpower

3. Methods
 - a. Focus
 - b. Study Skills
 - c. Memory
 - d. Speed Reading
 - e. Critical Thinking

Although I am far from a “math person”, I wrote these keys out in my notes as formulae (Mr. Kwik used a venn diagram, which is harder to reproduce here for you), and I hope you find them helpful, too:

Mindset + Motivation = Inspiration
Mindset + Methods = Ideation
Methods + Mindset = Implementation

But, all 6, Motivation + Mindset+ Methods + Inspiration + Ideation+ Implementation = Integration.

And, integration makes us who we are, makes us whole. According to Mr. Kwik, with these tools, we can meet our dreams and destiny. I hope it's in my destiny to see everyone next year in Cleveland for AALL 2021.

* * *

AALL Program Review: Fear and Loathing in Teaching Legal Research: Addressing Cultural Competence and Managing Implicit Bias

by Susan M. Boland, Associate Director, Robert S. Marx Law Library, University of Cincinnati

It has been a summer of heart break and civil unrest and while it may seem like legal research instruction has nothing to do with Black Lives Matter and protests, panelists Ronald Wheeler, Raquel Gabriel, Sherri Thomas, and Mike Martinez demonstrated that cultural competency has a place in legal research instruction. As Raquel Gabriel pointed out in the beginning of the program, ABA Standard 302 addresses learning objectives that establish competency and Interpretation 302-1 specifically lists cultural competency as one of the “[o]ther professional skills needed for competent and ethical participation as a member of the legal profession.”¹ She also noted that attorneys deal with persons of many different cultures and backgrounds and to exclude conversations about race or bias does our students a disservice.

The question that most interested me in this program was how can we incorporate these things into a legal research class? I was particularly interested in the discussion of language. Sherri Thomas talked about having students critically evaluate the language used in secondary sources, the sources used, and where implicit bias may enter into the article. She also discussed how looking at names and making judgments about a client or witness can reveal implicit bias. Raquel Gabriel talked about not including names or gender in hypotheticals and then asking students to imagine their client and think about the assumptions they may have made and why they made those assumptions. Mike Martinez and Ron Wheeler brought up how search terms and synonyms that people use may incorporate their own backgrounds. I have noticed this in teaching students about terms and connectors searching. It is always fascinating to watch them brainstorm terms.

In response to a question, the panelists also brought up how search terms and language used in older cases may include potentially offensive search terms and that this is a good way to talk about race and bias in class so a student may have to use “colored” or “African American” instead of Black when conducting

¹ ABA SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2020-2021, at 18 (2020), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2020-2021/2020-21-aba-standards-and-rules-chapter3.pdf.

searches. One of the great points that came out of the discussion was talking about controlled vocabulary such as what is used in the West Digests. The topics change as the language and mores change. For example, the change of Bastardy to Children Out of Wedlock, or Master and Servant to Employment Relation. Pointing this out to students when talking about topic and key numbers is a relevant way to discuss implicit bias and cultural competency in legal research.

The panelists acknowledged that talking about implicit bias is not comfortable for anyone and being honest about that with your students is important. At the same time, students want to talk about it. Be open to learning from your students. As was pointed out, law is a reflection of society at a particular moment of time and our job as attorneys and researchers is to unpack it and see how, and sometimes help it evolve.

The final part of the program looked at how teaching remotely during a pandemic impacts the interaction with students. Panelists encouraged legal research instructors to talk to their students about their experiences and to acknowledge the struggles that everyone is facing. Offer more one-on-one office hours. Set clear expectations on how much time they should spend on questions. Ask students how they learn best. Explain why you are teaching a particular topic and how everything fits into the larger context. Provide more things asynchronously and be prepared for technological issues.

* * *

A Note from Your Newsletter Editor

Thanks to all who contributed once again this quarter. I appreciate everybody taking the time to contribute in these odd times where we are all still figuring things out about our semesters and how we are going to offer services to our patrons. It will certainly be an interesting Annual Meeting in October, but I look forward to seeing you all.

We are always open to new ideas for the newsletter. Anything you think will make it more readable, fun, inviting or just plain better.

Our next newsletter will be published December. 2020

If you ever have any questions, concerns or ideas, please e-mail me at pvenard1@udayton.edu.