On March 9th and 10th, I joined many of you, along with members of our sister chapters SCALL and NOCALL, at the 4th All-California Joint Institute. This was SANDALL’s first time hosting the Joint Institute and I’m pleased to report it was a smashing success!

The programs were educational and entertaining, we had great vendor sponsorships and exhibits, and it was wonderful to touch base with our colleagues across the state. By all accounts a fun time was had by all.

I couldn’t be more proud of all the hard work SANDALL members put in to make the Joint Institute a success. Vice President Brent Bernau went above and beyond to arrange every detail and his planning paid off beautifully. A warm thanks to all of you who attended and who volunteered your valuable time. Expect specifics on a few of the programs from our grant recipients in the next newsletter.

Behind the scenes, the attention of Board members and the SANDALL Nominations committee has turned to end of year planning. We’re still accepting nominations for board candidates for 2012-2013, so if you are interested in serving, please contact Nominations Chair Sushila Selness.

We’ve still got a few more fun events lined up for the rest of this term – I hope to see you at the April beach cleanup or at the May picnic. Please mark your calendars for the June business meeting – Wednesday, June 6th at noon. More details to come.

Save the Date!

April 2012 Beach Cleanup:
Date: Saturday, April 21, 9:00 - 11:00 am
Location: Moonlight Beach, Encinitas
Click here for directions.
SANDALL Vote 2012

Promoting Continuity in Leadership

SANDALL Officers serving two-year terms means more consistency, continuity and experience.

For the last two years, the SANDALL board has considered ways to provide more stability and continuity for SANDALL leadership. In 2010 and 2011, we reviewed the bylaws of other chapters and spent a good deal of time thinking about how the role of SANDALL officers should change for the better. In 2010, the proposal to change bylaws failed because we did not have enough members voting to constitute a quorum. This year, we will start earlier to inform members of the proposed changes and then get the vote out.

Proposed changes: The vice president/president-elect will serve a two-year term, the first year as vice president, and the second year as president. Following the two-year term, the outgoing president will serve one additional year on the board as immediate past president (non-officer position).

The Secretary and the Treasurer will each serve a term of two (2) years. The Secretary and Treasurer will be elected in alternate years. The Secretary will be elected in even numbered years, and the Treasurer will be elected in odd numbered years.

When vote will take place: two weeks prior to June 2012 business meeting

When the changes would go into effect: If approved by SANDALL members, this change in bylaws will be effective upon the installment of the 2012-2013 SANDALL officers.

Reasons for proposed changes:
Consistency, continuity and experience
Over the last four years, we have been lucky to have officers who served more than one term and that has allowed the board to start each new term with efficiency and expertise. This continuity also led us to think about long term projects, and gave us the time to implement them.

Benita Ghura, two term treasurer from 2009-2011, said it best from personal experience:
“The Treasurer greatly benefits from a 2-year term in office in terms of leadership experience, networking and devoting time to efficient operational changes. Staggering the terms would also ensure the smooth transition for newer board members who may rely on the experience of board members from the previous year.” [email sent to SANDALL membership, 6-3-10]

See the full text of proposed bylaw changes below.

(Continued on page 3)
Proposed SANDALL Bylaw Changes

Below are the proposed bylaw changes approved by the SANDALL Board on 11-16-11 and 11-28-11. Voting on these bylaw changes will occur May/June 2012.

If approved by SANDALL members, this change in bylaws will be effective upon the installment of the 2012-2013 SANDALL officers.

The proposed bylaws:
ARTICLE 5. OFFICERS
SECTION 2. TERMS OF OFFICE
a) The vice president/president-elect shall serve a two-year term, the first year as vice president, and the second year as president. Following the two-year term, the outgoing president shall serve one additional year on the board as immediate past president (non-officer position). A new vice president/president-elect shall be elected each year. The Vice President/President Elect and President shall both assume office at the close of the annual meeting following his or her election.

b) The Secretary and the Treasurer. The Secretary and the Treasurer shall each assume office at the close of the annual meeting following their respective elections and shall each serve a term of two (2) years except as otherwise provided for by these Bylaws. The Secretary and Treasurer shall be elected in alternate years. The Secretary of the Association shall be elected in even numbered years, and the Treasurer of the Association shall be elected in odd numbered years.

The current bylaws:
ARTICLE 5. OFFICERS
SECTION 2. TERMS OF OFFICE
a) President. The President shall assume office at the close of the annual meeting following his or her election and shall serve a term of one (1) year except as otherwise provided for by these Bylaws.
b) Vice President. The Vice President shall assume office at the close of the annual meeting following his or her election and shall serve a term of one (1) year except as otherwise provided for by these Bylaws.
c) The Secretary and the Treasurer. The Secretary and the Treasurer shall each assume office at the close of the annual meeting following their respective elections and shall each serve a term of one (1) year except as otherwise provided for by these Bylaws.

[Current bylaws posted at: http://www.aallnet.org/chapter/sandall/bylaws.htm]

Submitted by:
Betsy Chessler, MoFo

Learn How to Become a Thought Leader with Social Media

The value of social media as a communication tool is fast becoming ubiquitous in the professional law library culture. However, its value as a leadership tool is less evident. A new webinar, Open Leadership: Using Social Media as a Leadership Tool, to be held April 25 at 11 a.m. CDT, will demonstrate how all types of law librarians can become thought leaders inside and outside their institutions by using well-known social media applications to achieve strategic openness and transparency. This webinar is sponsored by the AALL Leadership Development Committee. Register by April 18.
We had two great workshops and several stimulating roundtable discussions before the 4th All California Joint Institute kicked off on Friday, March 9, 2012. Read on for my summary of one of those workshops and roundtables.

**Workshop:**
**Coordinating Legal Research Instruction from First Year Law Student to First Year Associate**

Has Google ruined law school students for legal research and is WestlawNext the panacea? Is it possible to engage students in a legal research class so well that they consider it more play than work? What do law firm librarians want summer associates to know about legal research? On a balmy March morning at the University of San Diego, two law firm librarians and three law school librarians attempted to answer these questions and opened a dialogue about the challenges of teaching legal research in the digital age.

**Does WestlawNext change everything?**

To set the stage, Ron Wheeler, who teaches advanced legal research and writing at the University of San Francisco School of Library, spoke about the impact WestlawNext will have on search behavior. WestlawNext, like Google, is a bit of a popularity contest. Results are ranked in part on the combined search behavior of hundreds of attorneys and an analysis of Westlaw logs. These results are then analyzed in conjunction with Westlaw’s Key Number system, Keycite and secondary sources. The best and most relevant results should bubble to the top. Additionally, you may search the entire Westlaw universe (approximately 40,000 databases), all at once, for one single price. You don’t have to know where the answer is before you start. (These details are drawn from Ron’s excellent paper, “Does WestLaw Next Really Change Everything?” See citation and access information below.) That’s all good news, right? The answer is mixed. According to Ron, WestlawNext returns more relevant and focused results than classic Westlaw, but at the expense of missing esoteric information that is also useful and on point. To illustrate, Ron searched for case law with the terms “abortion trimester constitutional”. That pulled up 317 cases on WestlawNext. The same search on classic Westlaw pulled up 804 cases, over two and half times more cases. The WestlawNext cases were all on point, and the first case listed was, appropriately, *Roe v. Wade*. However, WestlawNext missed the recent case *Burton v. State*, which discusses fetus viability in the context of medical treatment, which, while not completely on point, is still useful and relevant. Classic Westlaw found this case.

Ron also argues that not having to choose a database or source before running a search will erode legal research skills. A researcher will become less knowledgeable about the differences between sources and may focus on one source (say case law), when another is more appropriate (say statutes). That can be alleviated somewhat by paying attention to secondary sources. Ron opened and concluded his talk by telling us that algorithm-driven search engines are here to stay in the legal research field. We need to understand the pros and cons of this new way of finding legal information and help our students and new associates understand it as well.

**Window of Opportunity: Legal Research training in the law firm setting**

Betsy Chessler is a librarian at Morrison & Foerster, one of the larger law firms in the United States, with over 1,000 lawyers worldwide. Morrison & Foerster is probably typical in the programming they conduct for summer associates and new associates. Starting in approximately May of each year, librarians teach the same curriculum to a new crop of summer associates firm-wide. The program has been fairly consistent for the last half dozen years, though it is currently being revised. In an orientation week jam-packed with training on all kinds of subjects (how to use the phone, office safety, time cards, how to work with your secretary, and so on), the typical summer associate has 20 meetings and events to attend, in addition to lunches and a cocktail hour. In that week, Betsy is allotted a little over two hours to cover an overview of her library, the firm’s knowledge management system, Westlaw and
Experiential Learning at USC Law School

Library staff at USC were noticing that their law students were increasingly distracted during legal research classes. Students were not showing up, and when they did, they had their mobile devices out, texting or friending or otherwise doing something unrelated to the class. The Cartesian model of education, where the students sat passively listening to a lecture, was not working in the digital age. Douglas Thomas, in his book, *New Culture of Learning*, was the inspiration for changing how the class was taught, explained Cindy Guyer, who teaches first year law students at the University of Southern California Law Library.

Douglas Thomas describes students in the digital age as “entrepreneurial learners”. They have a high degree of curiosity, and can pull information on demand from the Internet. They want a teacher who is a facilitator, not a lecturer. This type of student learns best through riddles, puzzles and problems, typically solved as part of a social group.

Using this model, Cindy and her colleagues decided to throw out the lectures. Basic knowledge would be conveyed through online tutorials (using Adobe Captiva) that the students did outside of class and then class became a time to “play” and work through research problems together. But before that happened, the students were given a research problem and told to complete it independently, without assistance. No directions were given, and that was deliberate. Students came to class with a misplaced confidence in their research skills and this was an exercise in which they were to deliberately flounder. Failing was a way of learning, because they became receptive to a more organized and thoughtful approach to research. Then class time was used for “guided play”, to work through research on real world legal issues, such as defamation on social networking sites.

Students were introduced to the cyclical research process and given research worksheets. They worked in groups, peer-to-peer. They often compared different platforms and databases. In the spring, Cindy and her colleagues brought in two guest speakers, a second year associate and third year law student. Overall, the students became more engaged, communicative, and their work was of higher quality. Enrollment in the course has gone up appreciably and students want to take this class!

Modern Legal Research or Why can’t I just Google it?

Mark Gediman, Director of Information Services at Best, Best and Krieger, emphasizes risk management with his summer associates. Summer associates are part of the Google generation. Almost 80% of associates use Google for legal research. Google Scholar, with its case law and law review articles, was not designed by a librarian but by an engineer. His goal was to make the material available, not worry about its quality or accuracy. Cases available on Google Scholar are not always up-to-date or accurate, and the rudimentary citator offered by Google Scholar is just that. It cannot equal the power or accuracy of Shepard’s or Keycite. Google can actually waste an associate’s time. Mark tells new associates that there is a reason his firm pays for information resources.

Likewise, new associates tend to rely on legal blogs (blawgs) for information, but many blawgs are written by second year associates who are still not experts on a topic. You have to know your sources! What’s freely available on the Internet may or may
What do law firm librarians really want new associates to know?

Patrick Meyer, Interim Law Library Director at Thomas Jefferson School of Law, has been asking law firm librarians that question since 2004. In 2010, 165 law firm librarians responded to his online survey about what they consider the most important research tasks an entry level attorney should know. He also asked about pricing plans for Lexis and Westlaw, types of databases accessed, what formats are preferred (print vs. digital), and many other important research-related questions. Law firm librarians continue to see discrepancies in new associates’ abilities to use secondary sources, whether in print or online. There is still a desire to have new associates start the research process with a book, but as there are fewer books on the shelves in many law firms, this sometimes presents a problem. Patrick also talked about his extensive advanced legal research class at Thomas Jefferson. “Advanced” sometimes becomes “intermediate” as many students need additional brush up on their research skills.

Resources:


Roundtable discussion: Bloomberg Law

As we ate our box lunches, a mix of law firm and law school librarians animatedly discussed the state of Bloomberg Law (BL). To my right and left sat a Lexis rep and a Westlaw rep, both busily taking notes, but mostly keeping silent.

BL has a greater presence on the East Coast, but is moving west. Law school students nationwide are receiving free use of BL during the duration of their law school career. They can take their password with them when they intern at law firms over the summer, and the BL content will be exactly the same. Law firm librarians should be prepared for a dose of BL this summer, even if their firms do not yet have access.

Both Westlaw and Lexis have a 30 year lead on the legal information market, but BL has deep pockets (the company has annual sales of $7 billion) and intentions of joining the competition with their own citator, headnotes and other editorial enhancements created by some of their 2,700 reporters and editors. They have focused first on practice areas they already have expertise in – business, bankruptcy, litigation and intellectual property. With their recent purchase of BNA, they have also been able to add many other legal practice areas.

BL owns all their data so can completely control its use. Lexis and Westlaw pull some information from third party vendors and availability of that information can change over time. For example, access to the Wall Street Journal has jumped from vendor to vendor over the years. Of course, because BL uses only its own information, it will initially lack the depth and breadth of Westlaw and Lexis, though it appears BL is continuing to expand its offerings.

As for pricing, BL offers one standard pricing model. You pay a set fee per person per month, and that includes everything. There are no excluded databases or out-of-contract charges. You are not charged per search or per download. It is truly a “flat rate” contract. The charge is high ($450 per person per month at the retail rate), but in exchange BL gives you transparent and predictable pricing and says they will continue to add resources (such as the BNA publications) without increasing prices when the new
resources come online. Historically, Bloomberg has had “predictable increases of about 6% every two years.” (Dewey B Strategic blog article, 2/10/12, “No Deals, No Discounts, No Apologies”). As firm clients continue to push back on paying for legal database research, BL’s predictable pricing model may be an advantage when online research becomes overhead. The disadvantage is that BL does not offer a “pay as you go” option, or allow you to pick and choose databases.

Two law firm librarians who use BL now say that it is very user friendly and one remarked that she is very happy with BL, “but can’t afford it.” A law school librarian told me that BL is great for new dockets and news. BL has also created taxonomy for case law based on industry classification, and a “dealmaker” search for clauses in forms. It also now offers legislative and regulatory tracking. I believe that all the librarians at the table thought BL held great promise, but it was too soon for the final word.

Resources:
Welcome to Bloomberg Law: No Deals No Discounts No Apology
Dewey B Strategic blog, 2/10/12
Available at: http://deweybstrategic.blogspot.com/2012/02/welcome-to-bloomberg-law-no-deals-no.html

Register Today for the 2012 AALL Annual Meeting

Designed by law librarians, for law librarians, the AALL Annual Meeting is an event you look forward to every year. Join nearly 2,000 of your colleagues from across the country to find out what they are doing in their libraries.

This year in Boston, July 21-24, you can look forward to:
- **Keynote speaker Richard Susskind**
- **Nearly 100 educational sessions**
- A day-long **special series of legal technology programs**
- **A bustling Exhibit Hall featuring about 100 vendors**
- The return of the Association Luncheon
- Connecting with the people who understand the issues you face every day

Make sure your plans for this summer include the No.1 educational conference for legal information professionals—you can’t afford to miss it. [Registration today!](#)

Spread the word to your nonmember colleagues: **Nonmember Conference Registration packages include a complimentary one-year AALL membership.** By joining us in Boston, they’ll be joining AALL!
4th All-California Joint Institute
The State We’re In: California Law Libraries in Unprecedented Times
A joint venture of SANDALL, NOCALL & SCALL, the three California chapters of the American Association of Law Libraries.
March 9-10, 2012, San Diego

Reviewed by Betsy Chessler, MoFo

From Friday afternoon to Saturday afternoon on an unseasonably warm March weekend, all three California chapters of AALL met for two days of networking and learning in the Mission Valley area of San Diego. I heard several attendees remark that they wanted to attend every year. What a great compliment for a conference held only every 5-6 years! Here is a summary of several great talks I heard at the institute.

Crisis in California Courts

The Honorable Judith McConnell, Administrative Presiding Justice for the California Court of Appeals, 4th District, stood before us with a sorry collection of mismatched pens, lamenting a budget so low that it was difficult to buy office supplies. Such is the dismal state of the budget for California state courts.

California is not alone. Most state courts have experienced budget cuts.

- 40 states have experienced state court budget cuts
- 33 states have delayed filling staff positions
- 28 states have frozen salaries
- 22 states have increased fees and fines
- 16 states have furloughed staff
- 15 states have eliminated use of retired judges
- 14 states have laid staff off

Over the last ten years, filings in California state courts have gone up 20%, stabilizing over the last two years. Superior courts, the workhouse of the state courts, have 10 million filings each year and 11,000 jury trials spread among 2,000 judges. The appeals courts, with 105 judges, had 14,000 filings. Only 2% of the state budget is allotted to the courts, though that still amounts to $3.71 billion. Of these funds, the superior courts are allocated 81%, the appeals courts 6%, and then the remainder to the California Supreme Court and administration.

The good news is that Governor Jerry Brown has not cut the courts budget for 2012 from 2011. The bad news is that the 2011 budget was already drastically reduced, with another unexpected $150 million cut occurring at the very end of 2011. The courts are now entering their fourth year of furloughs, with a 5% cut in hours. That translates to one day less a month of work for court employees, who are typically long time, loyal employees. Court staff have become very discouraged.

The superior courts can carry over funds from one year to the next, so many are dipping into their reserves (which total about $500 million). However, even that has not filled the gap. The San Diego Superior Court has changed their pay structure so new incoming staff start at 25% less salary. The San Francisco Superior Court has eliminated all court reporters. If you want a court reporter for your trial, you have to bring one in at your own expense. Judges now have to summarize trial proceedings themselves, all the while conducting proceedings. The appellate level courts aren’t allowed to carry reserves over, so have saved money by not filling court

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vacancies. In her district, six vacancies have not been filled.

State court libraries have eliminated duplicate material as much as possible, so now only one copy of a book may be retained somewhere in the system. The California Supreme Court library has cut their collection by 30% and the expenditure for materials is now at 1999 levels, though material cost have gone up 7-10% per year. If the court libraries move to online access for books, they are at the mercy of vendors to continue to provide coverage. Trial court judges have no books, and the appellate judges have consolidated their library collection.

Do all these budget cuts imperil access to justice? Justice McConnell thinks they do. Over her 34 year career as a judge, she has seen vast improvements in operating efficiencies. Currently 90% of cases are resolved in a year, with many more cases resolved through mediation. But now, with ongoing budget cuts that are being “operationalized” (that is, here to stay), all the gains may be lost. Only so much fat can be cut from a system that requires jury trials.

The State of California County Law Libraries

As you might expect, the picture is not any prettier for the 58 county law libraries in California. Supported almost entirely by filing fees, all county libraries have seen a drop in number of lawsuits filed, and consequently, in their revenue stream. A panel of county law librarians shared their varying perspectives, from the small, rural El Dorado County law library (full time staff of one), to the huge Los Angeles County Law library (46 full time library staff). Rural county law libraries provide a vital public service for the self-represented. In El Dorado County, 70-80% of patrons are self-represented; in Kern County, the figure is 80%. Both county law libraries run legal aid programs in conjunction with the courts. Kern County provides a great deal of that assistance in Spanish.

What can the 58 county law libraries do to cope with their budget woes? They can try and find common ground and perhaps centralize some services, including purchasing library material as a group. County law libraries follow statutes dating from 1891 and 1907. It’s time to review and revise.

Big But Brittle: Law Firm Survival in the New Economy
Professor David McGowan, USD

When Prof. McGowan worked as a gopher for a law firm in the early 1980s, one of his tasks was to “sherpadize” case law by hand, tediously sifting through Shepard’s paper volumes and supplements. Now this laborious process is handled online in a few keystrokes. In 1991 he began working as a new associate for Skadden and Arps. His first assignment was to review documents full time for eight long months, billing the client at full rate for work now outsourced for a fifth of the cost, utilizing “predictive coding” software.

What has changed since that time? The cost of overhead, both in terms of manpower and physical space, has shrunk. An attorney can set up shop anywhere, since records can now be maintained online, and certain types of review and basic forms are handled by software programs (think Nolo and Willmaker). Software costs are fixed and marginal and the software rarely takes sick days. Another factor is that many former law firm attorneys have gone in-house, serving as general counsel at corporations. They are well aware of billing methods at law firms and have demanded great cost efficiency. And on the whole, law firms can deliver that.

What else is happening in the modern law firm? There is less loyalty to any particular firm. The real value lies in the individual attorney who has built up a roster of clients. The clients move with the attorney, not the firm. Contract lawyers are used more and more, and like “temps” everywhere, they go from job to job. There is even less likelihood that they will become permanently employed at any of the law firms they work for. Firms have a narrower focus, and attorneys in large firms don’t feel compelled to remain there. They can set up their own boutique shop with little initial cash outlay.

(Continued on page 10)
What is happening at law schools? Top tier schools such as Yale, Harvard and Stanford will see no differences. Their graduates will be quickly employed and live the good life. The next tiers of law schools will see shrinking class sizes and some law schools will close in the next ten years. Practicing attorneys will likely teach more classes. There has even been talk among some law firm attorneys of eliminating the summer associate programs.

What is clear is that there is no going back to the days of huge law firm growth and ever increasing billing rates. Law firms have to be smarter and more cost effective or they will not survive.

Applications Sought for $1100 in Research Grants to be Awarded This Spring from the AALL Research Fund: An Endowment Established by LexisNexis®

The AALL Research and Publications Committee is accepting applications through Friday, March 30, 2012 for research grants from the AALL Research Fund, totaling up to $1100.

The committee will award one grant to library professionals who wish to conduct research that supports the research/scholarly agenda of the profession of librarianship. Established with a generous endowment from LexisNexis in July 2000, the annual grants fund large or small research projects that create, disseminate, or use legal and law-related information. Projects may range from the historical (indexes, legislative histories, bibliographies, biographies, or directories) to the theoretical (trends in cataloging, publishing, or new service models in libraries) to the practical (implementation models for collection, personnel, or infrastructure management).

The AALL Research Agenda offers suggestions for possible research projects that cover a wide segment of professional interest, including the profession of law librarianship, law library patrons, law library services, legal research and bibliography, legal information resources, and law library facilities. However, projects are not limited to those described in the agenda, and the committee will consider all applications and research projects.

To apply for the grants, all applicants must provide resumes and statements of their qualifications for carrying out their projects. The applications should demonstrate experience with research projects and an understanding of the dissemination and use of legal and law-related information. Priority will be given to individual AALL members or AALL members working in partnership with other information professionals. The grant application and complete guidelines are available at: http://www.aallnet.org/main-menu/Member-Resources/grants/research-grants/AALL-Research-Fund.html.

The submission deadline for applications is Friday, March 30, 2010. Grants will be awarded and announced in May, 2012. Allocation of the research grants will be at the sole discretion of the AALL Research and Publications Committee.

For more information, consult the AALL Research and Publications Committee website or contact a member of the committee.
We’re on the web!
http://www.aallnet.org/chapter/sandall

SANDALL NEWS

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SANDALL 2011-2012 MEMBERSHIP FORM

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Send Fee and Form to:
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San Diego County Public Law Library
1105 Front St.
San Diego, CA 92101

Membership Fee: $20.00 ($15.00: students)
Make checks payable to: SANDALL

Current Member: Yes____  No_____   Student?: Yes_______  No_______

Changed address, email address, fax number, etc.?  Please check your directory listing and note any corrections here.

Updated data:________________________________________________________________________

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