

# Building on Books

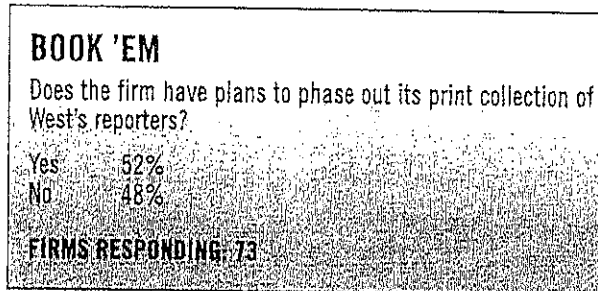
Once endangered, librarians have expanded their role to include such duties as market research and competitive intelligence.

By Alan Cohen

**T**homas Fleming is an old-school librarian who has learned a few new tricks. The director of information resources management at Jeffer, Mangels, Butler & Marmaro, Fleming is just as likely to be researching the credit ratings of prospective clients — helping the firm decide whether it should take them on, or ask for a bigger retainer — as he is to be tracking down treatises on tax law. “Historically, 90 percent of the information we dealt with was legal-related, now it’s about 50 percent,” says Fleming. “We’re doing a lot more work in client development and marketing.” Judging from the results of the fifth annual survey of law firm librarians by *The American Lawyer*, a *Recorder* affiliate, it’s not only the work that’s changing, but the business model as well. Once a cost center for law firms, libraries are billing more hours than ever to clients: a median of 393 hours per full-time research staff member in 2005, compared to 292 in 2004.

In just a few years, law firm librarians have gone from endangered species to empowered employees. Not long ago, budget cuts and the looming threat from electronic research imperiled their jobs. But through a little bit of ingenuity (and a little bit of lobbying), librarians have expanded their roles, and their importance, within their firms. At the same time, however, they are facing new challenges. Space constraints, the impact of technology and the price structures of electronic resources, which can seem more in line with defense contractors than publishing houses, have made the librarian’s job harder — even as the job becomes more interesting.

Fleming’s multitasking is not an anomaly, but a trend. According to the survey, just 62 percent of a law librarian’s work involves what a layperson would consider, well, a law librarian’s work: legal research, negotiating contracts with



vendors, managing staff and budget. Another 15 percent is devoted to marketing, while 7 percent is spent on developing competitive intelligence. These are not tasks that law librarians had foisted upon them, but jobs that they fought to get.

“There was some self-preservation to it, really,” says Kathie Sullivan, owner of Sullivan Information Management Services and a member of the executive board of the American Association of Law Libraries. “Budgets were being cut; libraries were not a profit center; librarians wanted to become more valuable to the firms and contribute to the bottom line.”

And they have: While billing rates for librarian services have essentially remained steady — a median of \$125 an hour in 2005, compared to \$130 in 2004 — the jump in billable hours means that librarians are generating unprecedented levels of income for their firms. Little wonder, then, that library budgets are generally up — 70 percent of firms reported increases for 2006. Many libraries are adding staff, as well — 42 percent reported that head counts were up from two years ago.

“We’ve been trying to make sure that attorneys and staff know what we can do for them, and we’ve been successful,” says Yvonne Boyer, firmwide library manager for Cooley Godward. Boyer’s staff, for example, will routine-

ly be asked to cull data on acquisition targets that a firm client may be looking at. “Most of the attorneys are realizing that with the resources we can tap into, we can get company information and background information faster and less expensively than they can,” says Boyer.

It’s not just attorneys coming to the librarians, either. “Clients will call directly,” says Lucy Curci-Gonzalez, director of library services at the intellectual property firm Kenyon & Kenyon, where she and her staff perform such nontraditional tasks as researching patents, trademarks, or the market for a particular product.

“This isn’t a case of “be careful what you wish for.” Overwhelmingly, law librarians like the changes. According to the survey, 85 percent of them are satisfied with the firm’s direction for the library and its new roles.

Even as the responsibilities of the library grow, its physical size is shrinking. Electronic research — cases and materials that can be accessed via computer — means that work that once required trips to the library can now be done from an office, home, or hotel computer. Books (and seats) can be eliminated, freeing up expensive office space. Indeed, the law library at Brown Raysman Millstein Felder & Steiner no longer has anyplace for lawyers to sit.

“Most of our needs can be met through Lexis, Westlaw and a couple of other databases, like Dialog,” says Gerald Goodhart, the firm’s director of library services. “We got rid of all of our West reporters two years ago. Now lawyers can do all of their searches online. The only thing they can really access in the library are textbooks.”

The seats have been missed. Ten years ago, Wilmer Cutler Pickering Hale and Dorr’s Washington, D.C., library had 52 seats for some 250 lawyers. It eliminated almost all of the seats. When the firm set about designing a new library for its new offices, lawyers piped up. “There was a clear message from associates that they wanted a quiet

See **LIBRARIANS** page 8

place to work, somewhere away from their telephones," says Jean O'Grady, Wilmer-Hale's director of research services and libraries. They got their wish — sort of. The new D.C. library has 10 seats, spread over two locations in one building, for 486 lawyers.

Judging from the disappearing chairs, and the disappearing books — 63 percent of firms surveyed have canceled subscriptions to at least some of West's reporters in the past two years — it would seem that the long-promised virtual library has finally arrived. And with it, the long anticipated rewards: the increase in productivity from anytime, anyplace access to information; the decrease in library expenses from the lower costs of electronic distribution. The reality, however, is that neither the virtual library nor its benefits — in particular, the savings — have quite worked out as planned.

While the reporters may be gone, or going, many other books are harder to replace with online versions. "Getting rid of the reporters is easy," says Kathleen Martin, director of library services at McKenna Long & Aldridge, which ended its reporter print

### INTO SIX FIGURES

How much, including bonus, did the top librarian at your firm earn last year?

\$200,000 or more	8%
\$150,000-\$199,999	15%
\$125,000-\$149,999	18%
\$100,000-\$124,999	27%
\$75,000-\$99,999	26%
\$50,000-\$74,999	5%
Less than \$50,000	0%
<b>FIRMS RESPONDING:</b>	<b>73</b>

subscriptions four years ago. "You just call up the cases online and print them out."

Harder, she says, are works like treatises: "That sort of research is more analytical, where you want to spread a lot of books out on a table." Adds Rochelle Cheifetz, director of libraries at Dechert: "In certain subject areas, it's extremely difficult to wean lawyers off books. In tax and securities in particular, one matter may impact many regulations and laws, so attorneys want to have six or seven books open at the same time."

And sometimes it is the electronic publishers themselves who have hindered the transition to electronic research, through pricing models that librarians say often make no financial sense for the firms. "It's largely a myth that something available electronically will be less costly," says Bridget Dacres, director of library and research services at Preston Gates & Ellis.

Specialty publications — journals on venture capital, finance, even pesticides — have become a particular problem. "In the old days, you'd get a newsletter for \$1,500, send it around to five people on a wait list, and then put it on a shelf," says Martin.

### DOUBLE COVERAGE

Do you anticipate moving toward a single-vendor approach for electronic research within the next five years?

No	82%
Yes	18%
<b>FIRMS RESPONDING:</b>	<b>74</b>

"Now you'll pay \$1,800 for the first person, then maybe \$600 for each of the others. Your \$1,500 newsletter is suddenly \$4,200."

Instead of weaning attorneys off books, Martin found herself in the bizarre position

### A TYPICAL WORKDAY

What percentage of its time does the library staff spend on the following activities?

Traditional work	62%
Marketing	15%
Training lawyers in computer research	11%
Developing competitive intelligence	7%
Other	6%
<b>FIRMS RESPONDING:</b>	<b>83</b>

of weaning them off the online version. "We were paying \$30,000 for one title, the *Daily Report for Executives*," she says. "After four years, the publisher said we had to pay by the user. I sent out a notice, asking people if they really wanted to receive it, [because] it costs \$1,400 per person. Once they saw that number, we were able to cut a lot of people out."

The pricing models, which librarians say can vary widely by vendor, and even by product, are forcing firms to embrace electronic research selectively. "There are times when I think the prices are ridiculously high, so I stay away," says Mary Ames, head librarian at Edwards Angell Palmer & Dodge. One subscription that cost the firm \$10,000 in print would have cost \$50,000 electronically. The firm stuck with paper.

Not that print is proving to be a bargain, either. Price increases of 5-15 percent a year are typical, librarians say. Indeed, even as the number of books in the libraries has decreased, spending on print products has increased: Eighty-two percent of firms say they spent more on print in 2005 than they did in 2004. That, too, has put pressure on librarians to develop strategies to cut costs. At McKenna Long, Martin discovered that it was more cost-effective to buy a new copy of *American Jurisprudence II* every other year, getting the new-subscriber discount, than to pay for annual updates. "It's like running on a treadmill," Martin says.

### MORE MONEY

How does the 2006 budget compare to what was spent in 2005?

It's larger	70%
It's about the same	22%
It's smaller	8%
<b>FIRMS RESPONDING:</b>	<b>77</b>

Most firms now pay flat fees for both Lexis and Westlaw, and while the discounts for all-you-can-eat access can be huge — 60-70 percent, according to Brown Raysman's Goodhartz — no one is quite ready to use the word "savings." Says Goodhartz: "It's like jewelry. The list prices are ridiculous, and no one pays them."

Spending on both services increased in 2005: Firms paid, on average, \$999,825 on Lexis, up from \$856,731 in 2004; and \$1,494,588 for Westlaw, up from \$1,241,337. At the same time, firms are unable to wean themselves off one or the other: Eighty-two percent of respondents said they have no plans to move to a single provider within the next five years. Lexis and Westlaw each have unique strengths, says Goodhartz: "With Westlaw, you get access to all of the West books, while Lexis gets you the Matthew Bender books and is very rich in nonlegal material, like newspapers and periodicals."

Still, librarians don't quite feel they are getting enough: Overall satisfaction with the two services is middling, with Westlaw earning a composite rating of 2.42 (using a scale on which 1 is very good, and 5 is very bad). Lexis fared little better at 2.37.

In the end, the bigger library budgets are a bit deceptive. While some of the increases

are due to expansion — much of them are needed simply to keep up with the rising prices of print and electronic resources that firms already use. There is one area, however, where firms are getting more bang for their buck: no- and low-cost Internet resources. "There's a disconnect between

what we can get from the Internet for free or low cost, like PACER, and what the big boys charge," says Martin.

But not all that Googles is golden. Web pages can look as polished and professional as printed books — only without the elaborate checks for accuracy. Today's librarian has to be able to tell the fact-based site from the gossip-laden blog.

"Expectations about what people can do on the Internet can be unreasonable," says Barbara Holt, director of library and research services at Perkins Coie. "One jurisdiction will post an environmental impact statement that you used to pay hundreds of dollars for, others don't even have a Web site."

Lawyers, alas, don't always understand that. "You'll pull a rabbit out of your hat once, and the expectations get higher," says Holt. "Personally, I'm both amazed and disappointed with the information that is out there."

*Alan Cohen is a freelance writer based in New York. He can be reached via e-mail at [alanc31@yahoo.com](mailto:alanc31@yahoo.com). This article was originally published in The American Lawyer, a Recorder affiliate.*

