

## See Spot Run : eBooks and law firms

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I have been an avid reader ever since I first read “see Spot run!” in primary school.<sup>1</sup> I now use a Kindle and an iPad for my personal reading adventures but this has not changed my desire to find out what happens next to Spot. While I have experience with eBooks as an individual reader I feel that in a work and library context we are just at the beginning of the learning process.

Libraries, publishers and distributors are also looking to see what Spot does next. I would like to share what we have learned and what we need in order to manage eBooks in a corporate law firm library.

Our first eBook purchase was a mistake. We purchased an International Chamber of Commerce eBook for a practitioner. The practitioner did not want an eBook; they wanted information to check against a citation. Our Knowledge Centre had purchased an eBook that it could not use, store, make available or redistribute. We had to start finding out about eBooks and look at ways to manage acquisition, storage and lending an eBook collection.

For our eBook learning journey we used a number of processes to inform us:

- We trialled eBooks from the major legal publishers
- Developed a Collection Development Policy (CDP) that incorporates eBooks collection management
- A survey is in progress testing the assumptions of the CDP and we are interviewing a smaller focus group on how they access and use our collections.

The eBook format for legal information content will not change who needs it, what content is available or why content is accessed. However, mobile and tablet devices will change how and where legal content is accessed. Lawyers have surprised us all with their take up of iPads.

The major legal publishers are known for the quality of the legal information that they publish. Legal eBooks trialled have not shown an exception to this. They are of the expected high quality with sophisticated navigation functionality, personal bookmarking, well developed annotation and high quality indexing.

What we need now is a way to manage eBooks in a library, law firm and corporate environment as eBooks have been developed for individual distribution and use. Libraries and publishers in all sectors need a fair, safe and accountable system to manage the process of eBook collections in libraries.

Lawyers recognise that iPads offer a world of portable reference, and are looking to librarians and knowledge professionals to make them work in the legal environment.

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<sup>1</sup> See Spot run, is a sentence found in the Dick and Jane Series reading primer series, first published by Scott, Foresman and Company in 1930. TagNwag Books & Bears *Sally, Dick & Jane – History* (2012)  
[http://www.tagnwag.com/dick\\_and\\_jane\\_books.html](http://www.tagnwag.com/dick_and_jane_books.html)

## Lawyers, information, iPads and eBooks

At University, law students have been known to read texts in their entirety and sometimes legal texts are read from front to back for pleasure.<sup>2</sup> However, use of legal information typically involves navigation, within the content and to external content.

I spoke to Luke Hastings, a Partner at Freehills, and Michael Gray, a Freehills Consultant, and asked them about using information, iPads and eBooks.

Michael Gray says that while he has downloaded some eBooks onto his iPad [reading app], "...the technology is perversely retrograde for non-fiction."<sup>3</sup>

Lawyers access information in a very non-linear way. Navigation between different sources is a necessary part of using legal information. This is not only a technological function, but of sensible indexing. Luke Hastings emphasises repeat navigation in the quickest way possible is as important and that "post-it notes are the most valuable invention ever" for repeat navigation.<sup>4</sup>

The authorised experts and texts are the ones that lawyers continue to need access to. "I go to a source that is regarded highly, someone like Carter, not Google."<sup>5</sup>

For litigation, lawyers need access to material that can date back at least ten years. They not only use point-in-time legislation and law reports from a wide variety of sources and jurisdictions; they also need authoritative content and texts from those periods to determine the state of industry, legislative treatment, judicial treatment and regulatory guidelines at that point-in-time. With eBooks it is very easy to push amendments to content out to the end user. Currency statements must accompany amended text in a way that enables the version to be considered authorised at that point-in-time.

Lawyers need to be able to use the same content on multiple devices to compare documents, create documents, prepare advice and arguments. There is no device that does it all. Smartphones are great for quick scan, but are very hard on the eyes. Tablet devices are portable, connectable and easy to travel with, but for viewing multiple documents or creating documents a PC or laptop is needed.<sup>6</sup>

Lawyers have a reputation for being conservative in taking up new technologies. However, lawyers have adopted iPads and other tablet devices in droves. Purchased initially for personal use they are learning to respect their portability, capacity and ease of access in travel and at meetings. "Their size makes them easy to hand around at meetings and perfect size to travel with".<sup>7</sup>

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<sup>2</sup> See sustained reading, Linda Moore, , *Legal Professionals and Mobile Devices (2011)*, CCH Resource Centre Library <http://www.cch.com.au/whitepaper> (2011), p.3.

<sup>3</sup> Interview with Michael Gray, Freehills Consultant (Sydney 9 August 2012).

<sup>4</sup> Interview with Luke Hastings, Freehills Partner (Sydney 8 August 2012).

<sup>5</sup> Ibid.

<sup>6</sup> Moore, Above n 2.

<sup>7</sup> Hastings, Above n 4.

“It is the first technology which I have seen lawyers adopt well in advance of their law firm IT departments... this has happened before the major legal publishers had established products and workflows for eBook collection management.”<sup>8</sup>

### **Freehills eBook trials**

Annual volumes of legislation are purchased for identified, individual lawyers. This was the only process that we managed that lent itself to current eBook distribution models by the major legal publishers. In February 2012, we offered an eBook option for these volumes as a trial. The texts include: Corporations Legislation<sup>9</sup> and Court Rules<sup>10</sup> and Miller’s Australian Competition and Consumer Law Annotated<sup>11</sup>.

Many still chose the hard copy over the eBook<sup>12</sup> and only five people chose the option of eBook only. Most selected the eBook and hard copy as a bundle. Approximately 150 eBooks were distributed to practitioners in the firm.

Initially, a small team of IT and Knowledge Centre staff trialed and tested all three publisher offerings. The Thomson Reuters model was chosen because the Proview Platform sat externally to the firm environment making a roll-out easy for our IT department. Both CCH and LexisNexis required a download of Adobe Digital Editions (or similar) to enable the individuals to download the books onto their device or desktop.

Multiple device downloads and synching across devices offered by the Thomson Reuters eBook platform was found to be really valuable for our practitioners, who require maximum mobility and the ability to cross between the Apple iPad environment and the Firm’s Windows environment.

During initial testing, at least one annoying login problem was solved with collaboration between the IT teams at Thomson Reuters and Freehills. Communications were tested and fine-tuned, FAQs and information to support the Knowledge Centre Staff and helpdesk staff were also created during the initial testing. A library technician in each office was involved in distributing the access keys to the recipients with instructions on how to login and download.

Librarians and lawyers are involved in ongoing testing of navigability, indexing and other functions of the products. Some initial enhancements were suggested to Thomson Reuters and have been adopted. Testing of the functionality to transfer personal annotations into next year’s volume is still to come.

### **CDP project for the future collection**

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<sup>8</sup> Jean P. O’Grady, ‘The Future of eBooks in Law Firms and the Future of Libraries’ (2012) *13 Practice Innovations* 3 (July 2012) <http://store.westlaw.com/signup/newsletters/practice-innovations/2012-jul/article4.aspx>.

<sup>9</sup> R Baxt et al (eds) *Corporations legislation 2012* (Thomson Reuters, 2012).

<sup>10</sup> *Corporations : court rules and related legislation 2012* (Thomson Reuters, 2012).

<sup>11</sup> R V Miller *Miller’s Australian competition law and policy* (Lawbook Co, 2012).

<sup>12</sup> “My copy of the Superannuation Legislation is my security blanket. I have not been to a meeting without it. I haven’t opened it in years, but I can not do without it” A senior lawyer overheard in the lift.

A project team has developed a Collection Development Policy (CPD) for our National Collection. There are a number of drivers for the project, including showing cost effectiveness to the firm, managing duplication of purchases, new technologies and space issues. In addition, two offices are now looking at moving to new locations over the next two years.

The project team researched best practice, audited our current collections, identified primary and secondary mission statements, identified the way that the collection was used by the firm and developed a plan for the future collection.

For the foreseeable future we will have a hybrid collection of hard copy, eBooks and online databases. Each office will have on-site collections of material that is relevant, current and highly used. Each office will have on-site collections of designated subject areas that offer a broad and deep archive of material. Off-site storage of material that is needed from time to time will be accessible to our end users.

The Sydney Knowledge Centre office move in 2013 presents an opportunity to pilot the CDP and new collection management principles that are entailed in implementing the CDP.

Although off-site storage will be used the on-site collection will be substantial. We are using high volume compactuses and two areas of open shelving in the new space and will invite users to access the collection in innovative ways. Digitisation projects are being utilised to make material more accessible. eBooks, eLooseleaf services and online collaborative spaces are resources that will form a valuable part of our future collection.

Connectivity and collaborative spaces will sit side by side with individual research areas. Spaces for the collection will be provided for in traditional and new ways. The research librarians will also interact with end users and the collection in traditional and new outreach service models.

### **Managing the future collection**

At this stage, our only option for managing eBooks are by creating subject libraries on individual iPads for loan by lawyers and purchasing eBooks for individual lawyers.

We need a reliable way to manage the circulation of eBook content side by side with our hard copy and online content. A Corporate Library needs a number of different ways to offer eBooks to the lawyers.

While the lawyers are used to going between the major publisher platforms to access the material that they need, from a collection management perspective we need to be able to make these available for loan through a central hub; a Library Management System. This could involve negotiating fees based on yearly usage.

A user authentication portal would be an ideal solution for our users. I would like to see an agreement between our major legal publishers and eBook distributors to allow a user from our firm to be authenticated when they sign in to the firm's environment. "I forgot my

password” is a FAQ on all internet sites for a reason. This authentication process would also assist the library with maintaining the users’ privacy. Maintaining confidentiality for the lawyers has professional repercussions.

We would like to maintain access to online books, so end users are able to access relevant information in the content quickly and easily. “Lawyers don't want to borrow a book, they want to obtain information.”<sup>13</sup>

For identified content we need a process that we can manage to store durable, authoritative versions of eBooks that we own over time. Out of date eBooks need a comfortable space to languish in safety until they are needed at some point in the future to use in a court of law.

We need a collaborative space for annotations and notes, with administrative rights to manage the process of storing and sharing these with people in the firm. For some these would be valuable signposts for repeat navigation, for others litter on the highway.

We need to purchase individual eBooks for individual lawyers. These should be fully functional eBooks that can be owned by that lawyer. Each year, these need to be archived by the lawyer, and we need a way to manage the eBooks when people leave the firm.

Multiple downloads on different devices for the same content for the one person is a must have for the use of eBooks in a law firm to enable the practitioners to use the content across multiple devices and platforms. The content needs to be able to be shared by the lawyers, with clients and in courts.

“I want my own library...”<sup>14</sup>. The lawyers have quickly discovered the potential for iPads to be able to provide it all, and want access to a library of material on the iPad devices. However, so far legal Apps are more appropriate to managing a law practice than to assist with accessing legal information.<sup>15</sup>

The lawyers are ready for the next page in “see Spot run”. Let’s make sure that it is an adventure worth reading.

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<sup>13</sup> O’Grady above n 7.

<sup>14</sup> Hastings above n 4.

<sup>15</sup> Gray above n 3.

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