

# Law Librarians

in the new millennium

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## The Making of a Knowledge Executive

by Mark Schwartz, *West Librarian Relations* and Jay Shuck, *West Customer and Product Documentation*



Catherine Monte

**Chief Knowledge Officer Catherine Monte gives us a glimpse of her position—and how she got there.**

In law firms and other organizations, law library managers and directors have gone beyond the traditional law librarian model. Many have become involved in functions such as professional development, knowledge management, and business development. Some librarians have even become directors of these departments. Consequently, they have raised their profile and become “C-level executives” within their organizations.

One such librarian is Catherine Monte, recently named chief knowledge officer at Fox Rothschild LLP, a 400-attorney law firm with 14 offices nationwide. She took

time out of her day to speak with us about her journey from law librarian to knowledge management executive.

### **How does your role differ from that of the typical law librarian?**

At the risk of oversimplifying, the librarian usually focuses on external information, i.e., making sure attorneys have the right materials (legal, business, and news) that are pertinent to their practice. Knowledge management is really about the internal information—information about the attorneys in the firm and their skill sets, work product and precedents, and information about the client base. As chief knowledge officer, I manage several areas: the library research staff, the competitive intelligence team, and the knowledge management team.

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# Dear Colleague

a letter from Lori



**Lori Hedstrom**

Marketing Manager  
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It was a pleasure to see so many law librarians at the summer conferences in Denver and New Orleans! We hope you found the conferences as educational and valuable as we did and that you similarly enjoyed the chance to catch up with colleagues and acquaintances from around the country and the world. Thanks to those of you who visited the Thomson West offerings in the exhibit halls. If you'd like additional information about anything you saw us present or demonstrate (or about anything else), please contact your librarian relations manager!

Our cover story for this issue is an in-depth interview with Catherine Monte, chief knowledge officer at Fox Rothschild LLP. A former paralegal, Catherine learned on the job from librarian mentors in several law firms, each time building on the experience she gained in her previous positions. She shares some of her strategies for identifying information needs, working with information technology (IT), and managing electronic resources.

In her "Professional Edge" column, Wyoming State Law Librarian Kathy Carlson explores possible repercussions of courts citing electronic evidence in their opinions, as has been done recently by the U.S. Supreme Court. Law librarians know there are many issues yet unresolved in storing electronic material, including those related to hardware and software upgrades, copying, and preservation. Kathy poses some challenging questions for courts and their users to consider.

Stephanie Gardner shares her firm's experience with a reference summit it held for its library staff. Full of great ideas to bring to your own workplace, she discusses some of the activities at the event, as well as the preparation required to ensure a rewarding collaborative experience for all.

An interview with a West reference attorney sheds light on some of the services the West Reference Attorneys make available specifically for law librarians. Please take special note that the reference attorneys keep logs of librarian suggestions about West products and services. Your voice matters, so let them know if you have ideas for new or improved content or features.

As always, Librarian Relations is ready, willing, and able to assist you with product education, professional development, and library management. Please call Anne Ellis, me, or your librarian relations manager to take full advantage of the opportunities available through Thomson West.

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## Digital Attachments Are Here ... or Are They?

by Kathy Carlson



For a number of years now, law librarians have been concerned about access to and preservation of government legal information provided in digital form. Many articles and programs have addressed these issues. In a recent article, University of California–Berkeley law professor Robert Berring compared the problem to a snowball poised to roll down a slope and get larger as it descends.\*

This year, the U.S. Supreme Court added another layer of snow to the snowball. In *Scott v. Harris*, -- U.S. --, 127 S. Ct. 1769, 167 L. Ed. 2d 686 (2007), Justice Scalia attached a video to the opinion. In footnote 5, he states:

We are happy to allow the videotape to speak for itself. See Record 36, Exh. A, available at [http://www.supremecourtus.gov/opinions/video/scott\\_v\\_harris.rmvb](http://www.supremecourtus.gov/opinions/video/scott_v_harris.rmvb) and in Clerk of Court's case file.†

While the video is the best evidence under Federal Rule of Evidence 1002 and would seem natural to attach to the opinion, there are some serious implications that could arise from this seemingly innocuous attachment.

As electronic resources became more prevalent and available, it was inevitable that courts would begin citing them. Unfortunately, just like many other government entities, courts have not been taking precautions to ensure that the materials they cite remain available to the public. In recent years, materials cited solely by URL in judicial opinions have disappeared. Some have voiced concern that the precedential value of opinions may be diminished as practitioners are unable to view supporting authority. Now the problem may expand as parts of the opinions themselves may disappear.

The video attachment from *Scott v. Harris* is currently available via the Supreme Court's Web site. Ideally, the Court will ensure that access to this material will be available on this site in perpetuity, but there is no legal

requirement that it do so. Additionally, the videotape has been stored as a Real Video file. Real Video is proprietary software that has undergone a number of upgrades and undoubtedly will continue to do so. Although a version that will run the Supreme Court's video is currently available as a free download, there is no guarantee that this will always be the case. There is also no guarantee that at some point in time an upgrade will cease to recognize items stored in an earlier version. Will stored information be converted before that happens?

According to the footnote in *Scott*, there will also be a copy stored in the clerk of court's case file. There is no reference as to the format in which it will be stored. Again, the prospect of incompatible hardware and software may result in an inability to access this data in the future. Furthermore, court files (and material within them) cannot be taken outside of the court building, and it is highly unlikely that public viewing equipment will be available in the Court. Since most current video is created as data files, will the clerk have a means of copying and, if so, what will the costs be?

This is the first of what could be a large number of videotapes and digital recordings attached to opinions. If the U.S. Supreme Court can do it, other courts will soon be following suit. There are numerous times when a video or digital recording "can speak for itself." If one does any viewing of CourtTV, one will realize the amount of video that is being made from patrol car dashboard cameras, from surveillance cameras in retail establishments and banks, and by people who just seem to be in the right place at the right time to catch things on disk. Any of these recordings may now potentially become part of judicial opinions. There needs to be some thought as to how these materials will be preserved and permanent access will be provided, especially now as the practice of attaching them to opinions is in its infancy. ♦♦

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\*Robert C. Berring, *Losing the Law: A Call to Arms*, 10 GREEN BAG 2d 279 (Spring 2007).

†*Scott v. Harris*, -- U.S. --, 127 S. Ct. 1769, 1775, n.5 (2007).

## The Making of a Knowledge Executive *continued from page 1*

### **What does your partnership with your firm's law librarians look like?**

We are colleagues on the same team. A lot of what the research analysts do is identify reliable and pertinent resources. Take, for instance, the practice group page on intellectual property. The researchers analyze information on print materials, online services, links on the Internet, and other resources, and then bring those pieces together. Librarians ask what resources we have, whether a particular resource should be on the shelf in a book, an online service, a link on the Internet, etc., and then bring those pieces together. The knowledge management staff identifies our IP clients, the industries they represent, the skill sets of our IP attorneys, and the boards the attorneys sit on. The team then incorporates this information into the framework of a practice group page on the intranet portal.

### **Many librarians who became involved in technology started out as technical services librarians. Was that your experience as well?**

Actually, I was first a litigation paralegal at a law firm. I found that I enjoyed the research very much and spent so much time in the library that I decided librarianship would be a better fit for me.

### **What was your next step?**

I enrolled in library school and worked part time at the reference desk at Paul Weiss in New York. Kate McCartin, who still serves as head of reference at the firm, took me under her wing and taught me everything about legal reference work at a law firm. She and Debbie Panella (currently director of library and knowledge services at Cravath, Swaine & Moore LLP) were wonderful mentors. I next moved to other positions in Philadelphia, where most of the research that I performed was business-focused rather than law-focused. From there, I went back to New York to work at Dewey Ballantine for another wonderful mentor, Gitelle Seer. I stayed at Dewey for five years and eventually became the head of research.

### **At what point did the goal of sharing knowledge across an organization begin to animate your every waking moment?**

It was when I moved to Clifford Chance in New York that my eyes were opened. Clifford Chance, a huge London-based global law firm, had recently opened a small office in New York, and I joined as head of information services. At that time, the UK firms were far ahead of their North American counterparts in recognizing that both work product and external information must be accessible across the entire organization.

### **It sounds like your firm's commitment to the concept of knowledge management got you off to a good start.**

Absolutely. Without that, you can't get much traction. However, you also need to understand the specific needs of the practice groups and of the firm. It would be easy to build a knowledge-sharing platform that no one would use. One important goal of KM is to solve the end user's problems in the context of his or her own world. You have to be able to identify the informational gaps that impede successful completion of the user's tasks.

### **How did you do that?**

I got out of my office and met with attorneys in any way that I could. I spoke to them one-on-one. I met with individual practice groups. I spoke to them in elevators. My goal was to understand their work flow and "pain points" and, ultimately, to provide solutions.

### **Attorneys are not always thought of as making themselves available for such conversations. Did any attorneys resist or fail to respond when you approached them?**

That wasn't my experience. At Clifford Chance, there were several factors working in my favor. First, as we discussed, the firm culture supported KM. Second, the New York office was comparatively small, with little formality about respective job functions. It was much easier for me to walk the halls and meet with attorneys than it might have been at other firms.

At Fox Rothschild, I attend practice group meetings, travel to the regional offices, and involve key administrators in strategy decisions. It's important that the KM department has credibility in the eyes of the firm.

### **How do you establish that credibility?**

When you have a talented, dedicated, and professional team, credibility grows organically. All staff members need to be accessible and responsive. There must be a strong commitment to providing a high level of customer service.

### **Librarians have often expressed frustration at working with our friends in the IT departments. What has been your experience?**

KM necessarily involves the collaboration of other administrative departments, including IT, marketing, professional development, and records. It can be challenging to get everyone in the same room, let alone on the same page! However, I've found that the interchange of ideas and multiple perspectives is generally very productive and conducive to creativity. That was true when we recently upgraded our doc management system and established records retention policies for the firm.

In addition, we recently hired a developer who focuses exclusively on KM projects. He will be responsible for the technical aspects of KM initiatives, which will help immensely.

### **Your firm is making the transition from an intranet to an enterprise portal. Can you explain the difference?**

As the firm grows, traditional Web technologies become too static for our needs. A portal gives us the opportunity to become much more collaborative. It also gives us the ability to unify relevant pieces of information from firm-wide systems so that the attorneys can get key information about clients, practice groups, and current projects in one place. We look forward to integrating documents from the DMS, financial information, research tools, news, and a host of other resources targeted to the attorneys and their practices. We will also have the unprecedented ability to tailor the site to each individual user's role in the firm.

### **How do you manage a big project such as implementing this portal?**

We plan to conduct a usability study among representative users to verify our requirements and design choices. Our

goal is to make the portal easy and intuitive enough so that minimal training is required. However, we plan to give presentations in each office to introduce the portal's new collaborative nature and demonstrate new functionality. We also plan to provide additional training in the manner that best suits the end users, whether in practice group sessions or one-on-one, just-in-time training.

### **Would the KM team be involved in the training?**

Absolutely. The KM team has always handled the training for the projects we release. Although it is a lot of work, there is nothing that compares to face-to-face training with end users.

### **Now that you have an enterprise-wide KM platform in place, is your work completed?**

A CKO's work is never done. Adding a knowledge-based tool such as West km® is a big job. Again, the knowledge management staff took the lead in implementing the system and offering training to the end users. Other challenges include integrating new laterals and their knowledge and experience into the firm, as well as standardizing taxonomies for more accurate statistical reporting. We have also recently taken on the research aspects of New Business Intake, which encompasses the organization of information from both external and internal sources for risk management purposes.

### **Is there a curriculum that you would recommend to get us left-handed, poet-type librarians up to speed on KM?**

I did not enroll in any particular formal course of study. However, I attended meetings, workshops, and seminars that were KM-focused. I also became involved in organizations such as the International Legal Technology Association (ILTA), which has a KM peer group, and I found this invaluable in establishing a network of colleagues.

For the record, I love poetry! I have my college thesis to prove it. ❖

# Meeting of the Minds

by Stephanie Gardner



**With its focus on collaboration and face-to-face librarian communication, a reference summit helped harness our staff's knowledge.**

Earlier this year, 17 key librarians from eight of Bingham McCutchen's offices converged in Boston for our first ever reference summit. Although we work together daily via e-mail, telephone, and instant messenger, it was rewarding to finally meet everyone in person. The focus of the summit was on collaboration and the aim was to allow for team building and idea sharing that can only come with face-to-face interaction. The end result has been a complete revamping of our summer and fall associate training programs, with renewed support from the firm's attorney development and practice area leaders.

To take full advantage of our time together, and to limit disruption in reference coverage, we met Thursday through Saturday. We relied upon a wiki to keep everything organized and to allow for the easy distribution of materials. Our schedule was packed with brainstorming sessions, attorney panels, expert training classes, and presentations of new technology.

To get things started, the firm's chief information officer gave a presentation on the future of information technology and management within the firm. Leading the way is our new intranet, with the library playing an active role in its evolution. We discussed the creation of practice-specific library resource pages, as well as the most effective ways to present pertinent information to attorneys. As a result of this session, library practice specialists are currently developing research pathfinders for these intranet pages, highlighting the best print and electronic resources for their topics.

Tapping into our own valuable resources, we had two training sessions taught by reference librarians with expertise in the areas of patent research and advanced Bloomberg tips and techniques. This was followed by an engaging presentation by our competitive intelligence (CI) manager on the firm's CI initiatives, focusing on the differences between CI research and reference or

marketing work. By seeing concrete examples of CI at work within our firm and for our attorneys and clients, the librarians could better understand the ins and outs of this important field.

Collaboration and face-to-face interaction were among the most rewarding aspects of the reference summit. For example, there was a spirited session in which we discussed reference case studies. Two questions, one corporate and one litigation-related, had been distributed to attendees prior to the summit. Each librarian came prepared with various approaches, techniques, and resources for answering these questions. It was exciting to see how many different avenues were taken to resolve the same issues.

Collaboration also extended beyond the reference staff, with two informative attorney panels, one consisting of four partners, the other consisting of six associates. Discussions with associates ranged from the high quality and quick turn-around of research requests to insights about revamping the library's intranet page. The partner panel focused on associate research skills. In this newsletter and in other publications, law librarians have expressed their concerns about a decline they perceive in traditional legal research skills among new associates. Our partners shared similar concerns, freely discussing their approaches to legal research and their go-to resources, as well as what they expect from associates in a research assignment.

Closing out the summit was a trivia and history scavenger hunt. Working in two teams, we used clues to move from one location to the next while getting a fantastic tour of Boston. We had a great time and at the end of a long three days, we ended with a fine dinner and a greater understanding and appreciation for each other as well as the library staff as a whole. ♦♦

**Stephanie Gardner is a 2005 winner of a West Excellence in Law Librarianship scholarship and a reference librarian at Bingham McCutchen LLP in Boston. Her e-mail address is [stephanie.gardner@bingham.com](mailto:stephanie.gardner@bingham.com).**

# We're Experts and We're Free

by Jay Shuck, *West Customer and Product Documentation*

**A West Reference Attorneys hotline for law librarians is available round the clock as part of your Westlaw® contract.**

**T**he secret is out. Law librarians have discovered the West Reference Attorneys. And no wonder: The West Reference Attorneys are one of the biggest perks in an organization's Westlaw contract.

The West Reference Attorneys are well versed in cost-effective research, especially on Westlaw. They even have a dedicated hotline for law librarians (1-800-401-WEST), with priority routing to West Reference Attorneys with the most experience and advanced Westlaw training. If you prefer, you can reach the West Reference Attorneys by e-mail at [west.referenceattorneys@thomson.com](mailto:west.referenceattorneys@thomson.com). Westlaw search assistance is available 24 hours a day, 365 days a year. And the service costs you—and your organization—nothing at all.

Those are the basics.

But what types of requests do the West Reference Attorneys handle? Why use e-mail versus the telephone? How much should you refine your issue before you call? These were among the issues we recently discussed with Lilia Starchook, Key Connection and Large Law Firm segment team manager in the West Reference Attorneys program.

## **At what point in a research project should users contact the West Reference Attorneys?**

At any point. As soon as they feel they need to start conducting some research, they can call us. There is no question too basic—or too complex—for us. Call us before you begin your Westlaw session and we will provide effective content and legal research support, demonstrate cost-effective tools and features available on Westlaw, share information on the newest Westlaw content and features, and e-mail you all queries run and databases searched during our call.

## **What you would tell the Westlaw user who has never called the West Reference Attorneys before?**

The service provided by West Reference Attorneys is included in your Westlaw subscription. We have 150 bar-admitted attorneys available 24 hours a day, 365 days a year to help you and your staff find the information you need.

## **What sorts of calls do you tend to get from law librarians?**

Law librarians call West Reference Attorneys for the same reasons as do other Westlaw users, e.g., to verify that particular information or documents are available on Westlaw, to get assistance formulating queries, and to find controlling cases and statutes. However, law librarians are typically expert researchers very familiar with Westlaw and call with complex and challenging questions and issues. They also frequently call for assistance retrieving legal news and setting up WestClip® entries.

Law librarians often provide us with valuable feedback about the content, features, and usability of Westlaw. We log all of the feedback and share the information with product development.

## **How often do law librarians make use of this service?**

We receive approximately 700,000 calls a year, six percent of which are from law librarians.

## **Why might a user call seek help via e-mail rather than over the telephone?**

With e-mail, you don't have to be near a telephone. E-mail is also helpful if you need your answer in writing. Of course, even if you call, we can e-mail you the queries and names and identifiers of databases we used.

The vast majority of law librarians, however, contact us by phone because they need an instant answer and because their questions are more complicated.

## **Is Live Chat available to law librarians?**

Live Chat is currently limited to a few firms, corporations, and select law librarians. Librarians who believe that their firms would benefit from having access to Live Chat should contact their librarian relations managers. ☞

## We're Online!



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# Andrews Litigation Reporters: Litigation News Beyond the Headlines

by Mary Ellen Fox, *Manager, West Content Operations*

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Each issue (usually about 60 printed pages) of a litigation reporter contains news articles and reproductions of briefs, motions, and pleadings invaluable for practicing attorneys to use as models for their own filings. The legal journalists at Andrews identify key documents by getting leads from contacts in the legal community, by docket "sleuthing"

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