Downsizing print collections in law firm libraries: What are the implications for access to legal information for their clients in New Zealand?

by

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ABSTRACT

Research problem: There is a current trend for law firm libraries to reduce their print collections, particularly during office refurbishments. This research explores if recent downsizing of print collections in large law firm libraries in New Zealand has had any impact on access to legal information for their clients.

Methodology: Six law librarians working in large law firms in Auckland were interviewed in a qualitative phenomenology research study.

Results: Well-resourced law firm libraries are able to maintain a similar level of access to legal information after a downsizing of their print collections. There are external factors affecting access that are beyond the firm’s control but these concerns are minimised by their law librarians’ professional knowledge and skills to locate less common legal resources. Their library clients have embraced alternatives to print collections of legal information but their awareness of the range of sources available and legal research skills, both basic and complex, may be insufficient. Print material and the traditional research skills using print legal material will still be required by law firm library clients for the foreseeable future.

Implications: There are concerns that some legal material may be lost unless there is a coordinated effort by institutions to preserve less common items. Specialist legal information sources are constantly evolving and law library clients need targeted end user training to master the specialist information seeking skills needed in an electronic legal environment.

Future research: Interview or survey lawyers in large law firms to discover their attitudes to finding and using non-print legal resources. Explore how law firm libraries are adapting to changing library spaces and meeting the information needs of flexible offsite legal staff.

Keywords: Law Firm Library; Legal Information Access; Downsizing Print Collections
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1. RESEARCH INTRODUCTION

1.1. Introduction

“Apparently you hold the only copy in Auckland that isn’t lost!”

This email message from a law firm librarian initiated this research topic. It triggered a query; are law libraries, particularly law firm libraries, finding that some legal material is becoming hard to locate and has the downsizing of their own print collection had any effect on access to legal information?

This research study will focus on law firm libraries that have recently downsized their print collection. It will ask what alternative legal information sources are available for the library clients in their firm (lawyers and other staff members). It will look at whether these clients are finding and accessing legal material to their satisfaction despite the library holding less print material.

1.2. Research Problem

There is a recent trend for law libraries to restructure their library spaces, particularly during office refurbishments. This process often includes reducing their shelf space and print resource footprint. Anecdotal evidence suggests that large law firms in New Zealand are slowly transitioning to all electronic collections and access to legal information.

“Law is a knowledge based discipline, the contents of a law library comprising the tools of trade for judges and legal practitioners” (O'Meara & Adam, 2007, p.45). Law firm libraries also need to be lean, efficient and adaptable in a dynamic environment (Worley, 2014, p.375). It is usual for law firm libraries to collect working collections based on the demands of their clientele and aimed at the actual practice of law (Gruben, 2007, p.16). Lawyers are staying in their offices to research as legal information is moving from largely print formats to largely digital formats and law library spaces are shrinking or disappearing (Danner, Kauffman, & Palfrey, 2009, p.143, 148). It is expected that law firm libraries will increasingly operate in a virtual environment and
their library clients will in future expect 24-hour access to all legal information (Winterton, 2014, p.45).

New Zealand has been “slow to capitalise on digital legal information” but there has been significant progress to digitise legal information recently (Russell, 2016b, p. 172). Official electronic versions of legislation are now available on the New Zealand Legislation website in both PDF and HTML format (New Zealand Gazette, 2015, p.189). A growing number of court and tribunal decisions can be found in online sources such as the New Zealand Legal Information Institute (NZLII) and the Judicial Decisions Online websites (Harvey, 2016b, p.5). NZLII is a collection of databases of New Zealand legal material that is freely available on the internet. Many law firms also subscribe to commercial legal research platforms such as LexisNexis NZ and Westlaw NZ (Harvey, 2016b, p.8).

Legal information professionals, in New Zealand and overseas, have voiced their concerns about potential access implications: the loss of serendipity of accidental discovery made from shelf browsing (Bird, 2015); the quantity of official publications that have not been digitized (Owen, 2015); link rot (New Zealand Law Society, 2013); the prohibitive cost of specialist legal databases for some law firms (Lewis, 2014, p.41) and preservation and archival concerns of the record of law (Winterton, 2014, p.45). Relying on other libraries for ‘just in time’ access may also be a false sense of comfort when law libraries are all downsizing their print collections without any coordination or formal agreements to retain last copies (Sutherland, 2013).

There are good reasons why a law firm would hesitate to discard their print collection entirely. Lawyers refer to ‘of the time’ law and explanations of the law, particularly classic legal treatises that are regarded as authoritative statements of common law at the time (Holborn, 2006, p.54). Legislative histories also remain one of the few categories of legal research where the hardcopy format may be preferable (Holborn, 2006, p.56). The electronic alternatives may not be as user-friendly as the print version and people often prefer reading material on the printed page rather than on a screen (Holborn, 2006, p.62). Law librarians should listen to their clients’ needs and preferences, and consider purchasing requested materials based on usage (Bailey & Krishnaswami, 2014, p.497).
1.3. **Research Purpose**

The purpose of this phenomenological research was to explore if reducing print collections in law firm libraries impacts on access to legal information by their library clients in New Zealand. In particular this study looks at how clients in large law firms are accessing alternative sources and whether they are finding the alternative access points to legal material adequate for their information needs.

1.4. **Research Significance**

As this is a relatively new trend, there are few studies focusing on the effects on information access from the trend to downsize print collection in the context of law libraries in New Zealand. This research project sought to gain insights from law librarians who work in law firm libraries that have recently and substantially downsized their print collections and to discover what a reduction in print materials means for law firm library clients. The results of the study will be conveyed to the law library community and will increase the collective understanding of the phenomenon. Conclusions from this study may also translate more broadly to inform library professionals in other special libraries and libraries in general.

It was timely to explore the effects and implications of downsizing of print collections in law libraries on access to legal information as the transition from traditional print resources to electronic resources gathers pace.

2. **RESEARCH QUESTION**

2.1. **Central Question**

What effect, if any, does downsizing print collections in law firm libraries have on access to legal information for their clients in New Zealand?

2.2. **Sub Questions**

- What sources of legal information are available for law firm library clients as an alternative to print collections?
To what extent are law firm library clients satisfied with using these alternative access points to legal information?

2.3. Definitions

‘Downsizing print collections’ refers to reducing or restricting in size, extent or complexity the physical material in a library collection. For the purposes of this study, ‘downsizing’ is defined as removing physical resources from the library collection permanently using weeding and disposal methods rather than relocating physical material to a storage area.

‘Access’ refers to the right or opportunity to retrieve or examine (Access, 2005, p.6). The New Zealand Law Commission states that people should be able to find and understand the law and accessibility means the law is available, navigable and easy to understand (New Zealand Law Commission, 2008, p.3).

‘Law firms’ for the purposes of this study refer to large law firms with expertise in a number of practice areas and employ at least one professional librarian.

‘Legal information’ has two main types; primary and secondary. Primary information is the law itself and is found in legislation and case law. Everything else is secondary information and helps researchers find or understand the law (Russell, 2016, p.83).

‘Clients’ refers to the employees of the law firm that the library services and can include lawyers or any other staff member that has information needs.

2.4. Delimitations

This research project will not be examining the collection management decisions, rationale and best practices of downsizing a print collection unless it is necessary to provide context. Collection management decision making processes in law firm libraries have been explored in a previous New Zealand study (Bradley, 2008). Small and medium sized law firms and their library resources are not included in the scope of this study.
3. LITERATURE REVIEW

This literature review will look at how recent literature related to this topic contributes to the understanding of the following themes: the availability of alternative sources of legal material and usage of alternative sources.

3.1 Availability of Alternative Sources of Legal Material

There are three major legal information vendors offering subscription-based electronic material in New Zealand: LexisNexis (LexisNexis NZ); Thomson Reuters (Westlaw NZ) and CCH. Databases such as BriefCase and Linxplus are useful for lawyers to find case law and other information (Harvey, 2016b, p.8). A New Zealand study found that the cost of specialist legal database subscriptions was often a major barrier to access subscription resources for small and medium sized law firms (Lewis, 2014, p.41). This cost factor is not as relevant because this study focused on well-resourced large sized law firms. However even when law firm libraries have the budget to subscribe, they may not be able to sustain multiple database subscriptions (Wiggins, 2011, p.60). Electronic resources are not cheap and licensing fees consistently rise (Cohen, 2011, p.39). The pricing models can mean that large law firms pay more on information resources than large universities like Harvard (Danner et al., 2009, p.149-150). Despite the availability of cheaper online resources, it seems that when pressed for time, lawyers turn to familiar resources and are reluctant to learn the nuances of alternative sources (Cohen, 2011, p.40).

There are concerns about the permanence of electronic material. The content owners may withdraw content from large aggregated databases that could result in the law library losing access to the content or taking out additional subscriptions to other database platforms (Young, 2014, p.241). There is a potential for gaps in collections due to e-subscription cancellations (Moncrieff, Macauley, & Epps, 2007, p.77). Web-based legal material on the internet and firm’s intranet often have a transitory nature and can disappear or suffer from ‘link rot’ jeopardising research and creating problems with citation (Harvey, 2016b, p.9). The concern for permanence also extends to print material and print repositories may need to be established (Winterton, 2014, p.45). Academic law libraries are also feeling the acquisition squeeze and their buying patterns are
changing (Runyon, 2009, p.199). It is suggested therefore that it may not be possible for other law libraries to fulfil a role of print repositories in the future.

Some legal commentators have expressed concern about the lack of funding to digitise legal material in New Zealand (Owen, 2015, Harvey, 2016a). However there has been recent improvements in the availability of primary legal material online. The Parliamentary Counsel Office have been working with NZLII to upload historical Bills and ‘Acts as Enacted’ (Parliamentary Counsel Office, 2016) while more current legislation can be found on the New Zealand Legislation website. Decisions from most appellate courts can be found online and recently the District Court launched its own website with selected district court decisions (New Zealand Law Society, 2016).

Moving to a ‘just in time’ collection strategy, such as relying on an Inter-Library Loan (ILL) scheme or document supply service, is seen as a pragmatic approach to overcome gaps in a collection (Moncrieff et al., 2007, p.76). Most law libraries surveyed in the United States rely on ILL to a degree but only a minority were using ILL to aggressively cull print resources that they could borrow (Primary Research Group Staff, 2015, p.17, 26-28). One surveyed participant commented that they “utilise ILL when they can …but other law libraries in our area have done vigorous culling as well” (Primary Research Group Staff, 2015, p.28). When difficult collection decisions are made, organisations will look after their core business interests and not necessarily those of external stakeholders (Sutherland, 2013). Another concern expressed with ILL are the barriers publishers erect for sharing ILL digital copies and chapters from eBooks (Hemmings, 2013).

Law firm libraries have been slow to buy eBooks despite the advantages of space-saving and other features. The barriers appear to be cost and complicated licensing models that are inflexible for the law firm environment. For example, subscriptions can be tied to individual lawyers and are non-transferable, multi-volume treatises are only borrowable by individual volume and there may be no package savings (Cohen, 2012). Some vendors appear to be listening to these concerns and changing their pricing models. Some law firm libraries are experimenting with different eBook content in practice areas like litigation but an online research service may be more appropriate for multi-volume treatises (Cohen, 2014). The availability of eBook titles may also be an
issue because the major publishers may not find it worth their while to digitise material for small markets in other jurisdictions (Wiggins, 2011, p.51).

Availability of alternative sources to print material goes to the heart of this research on access to legal information. When law firm libraries in New Zealand reduce their print collections, are alternative sources adequate to fulfil their clients’ legal information needs or are the concerns expressed in the literature valid?

3.2 Usage of Alternative Sources

A recent phenomenological study in New Zealand explored the participant lawyers’ use of, and attitudes towards using electronic resources (Lewis, 2014, p.39). Most of the lawyers who participated in that study felt that legal services were becoming more technology driven and legal electronic resources would improve their legal services (Lewis, 2014, p.24). Electronic legal material is seen as preferable for its currency and ‘access from anywhere’ advantages. The digital format is easier to manipulate to find an answer to a particular question and looseleaf titles and multi-volume sets in particular are preferred in electronic versions (Primary Research Group Staff, 2015, p.21-22). The Lewis study also found that most of the lawyers wanted to upskill in electronic legal researching and do their own independent research but that personal factors such as a lack of training and user experience, personality and age were having a significant effect on information seeking behaviour (Lewis, 2014, p.39-40).

It seems that different lawyers have different format preferences and these preferences may relate to how they were trained to research at law school (Stilwell-Tong, 2012, p.56). However there are some valid preferences because some practice areas such as taxation are better suited to print versions (Primary Research Group Staff, 2015, p.22) while other practice areas like litigation are suited to digital versions. Attempts to go ‘all electronic’ in one law firm library had the unexpected outcome of small satellite collections of print material springing up near lawyers’ offices (Humphries, 2013, p.19).

Even if alternatives to print material are available, the information needs to be easy to use and understand to be accessible for end-users. Legal information is often complex and it can be time consuming and difficult to find relevant and authoritative information (Abbott, 2010, p.3). Navigability of legislation can be difficult in print and online
because the laws on a topic are scattered and “some provisions are located within Acts where one would never think to look for them” (New Zealand Law Commission, 2008, p.39-40). In addition, the vast amount of legal information now available online can be as disabling as too little information (Abbott, 2010, p.31). Lawyers may prefer to find cases online but read them in print (Primary Research Group Staff, 2015, p.68). “The printed text is still often easier to browse, in terms of flicking between the index, context and main text” (Speight, 2015, p.157) than their electronic equivalents. Legal eBooks have not been favourably received by law library clients in the United States as the “technology is too primitive and confusing” (Primary Research Group Staff, 2015, p.17).

A recent international survey found that one effect of electronic resources in commercial law firm libraries is that law librarians were being asked to help patrons with more complex research queries. Asking for help from a librarian can also trigger an on-demand training session benefitting the user long term (Wiggins, 2011, p.57). One measure of successful legal research training could be a lack of basic research queries directed to law librarians (Mishkin, 2017, p.57). The literature suggests that it would be dangerous to assume that the ‘google generation’ that have digital familiarity are masters of legal research. Paradoxically the next generation of lawyers may be less capable of handling complex legal research tasks due to an over-confidence in their ability to search online but also be the least likely to seek out research skill training (Bates, 2013, p.176-177). Specialist legal databases can be difficult to manipulate even for computer savvy lawyers (Lewis, 2014, p.33).

A study exploring the patterns of usage of legal material and perceptions of legal resources in a law library found that users were searching for information in only a handful of sources. It found that library users were struggling to confidently use the full range of resources available including both electronic and print resources and chose material that they were familiar with and could access quickly. Tailored training, particularly spending time with a librarian, was recommended to overcome these difficulties (Gow, 2013, p.91-92).
3.3 Literature Review Summary

This brief review extracts some insights from the literature about a ‘paradigm shift’ that is occurring with print collections in law libraries (Runyon, 2009, p.199).

A recent survey of law librarians in the USA was a useful benchmark study. It highlighted the trend to reduce the size of print collections across all law library sectors and the trend to downsize was even clearer in law firm libraries (Primary Research Group Staff, 2015, p.18). In comparison, this research had a narrower but more focused scope and interviews allowed for more in depth understanding of the downsizing trend than an online questionnaire.

The Lewis study offers a glimpse into how practicing lawyers in New Zealand are currently finding and using electronic information. The focus of the study was information literacy skills and information seeking behaviour of lawyers in small to medium sized law firms and in-house corporate lawyers, particularly using subscription based databases. This research had some overlap with the Lewis study but focused on the experiences of lawyers in large law firms accessing legal information after a major reduction of their library’s print collection.

Many law librarians overseas and in New Zealand have reported on their law library’s experiences of downsizing print legal material in various journal articles, blog posts and email listserv messages. The common thread is that the future of legal material is electronic but hybrid collections are here to stay, for now at least.

This research complemented other studies undertaken recently on the topic of how law library clients are accessing legal information in a transitioning legal information environment.

4. RESEARCH DESIGN

This research project started with a constructivist paradigm about what will be learnt and how it will be learnt. For example one assumption of the constructivist position holds that individuals develop subjective meanings of their experiences. These design elements informed the decision to choose a qualitative phenomenological approach for this research (Creswell, 2003, p.5).
This study relied on the participants’ views and sought to understand the context the participants work in and find patterns of meanings from their experiences (Creswell, 2003, p.8-9). It was a cross-sectional study of several participants who have direct experience of the situation being studied (Creswell, 2003, p.15). The most suitable method to achieve the research objectives was to collect and analyse data from in-depth interviews with the participants.

5. METHODOLOGY

5.1 Strategy of Inquiry

Qualitative researchers seek to better understand complex situations and make use of inductive reasoning to draw inferences about larger and more general phenomena from specific observations (Leedy & Ormrod, 2015, p.98, 100). The central aim of the phenomenological philosophy is to “understand the meaning of experiences of other people and how individuals are experiencing what they have been confronted with, both positive and negative” (Munhill, 2012, p.113).

Phenomenology is also a research methodology in which the researcher attempts to identify the ‘essence’ of human experiences concerning a phenomenon, as described by the participants in the study. Most qualitative methods are rooted in phenomenological philosophy but unlike some qualitative methods, there is no theoretical component to the phenomenological approach (Munhill, 2012, p.113).

There are two variants. Descriptive or pure phenomenology aims to provide ‘thick description’ of peoples ‘lived experiences’. Interpretive phenomenology goes further and “attempts to understand the interpreted structures of experience and how we understand others and ourselves in the world around us” (VanScoy & Evenstad, 2015, p.340). An interpretive phenomenology method was chosen for this research study to identify and interpret the shared experiences of the participants.

5.2 Population and Sample Selection

A recent New Zealand Law Librarians’ Association (NZLLA) survey of its members suggested that there were approximately thirty-three law firm librarians in New Zealand.
in 2016 (Rawnsley & Buller, 2016). Based on these estimates, the population of law librarians that worked in large law firms in Auckland was approximately twenty librarians. A focus on Auckland law firms also reduced any travel time and costs involved in data collection.

A purposive approach was employed to directly approach six potential participants in the study via email (Appendix A) and all agreed to participate. The participants were law firm librarians working in their Auckland office and often part of a larger library team over several offices. I was aware that these firms’ libraries had recently, to varying extents, experienced a reduction of print material in their library collection and this anecdotal knowledge was confirmed during the interviews.

All of the participating law firms were large ‘full-service’ law firms. Most have corporate and commercial strengths but offer legal services in other practice areas as well. The wide variety of practice areas probably generates a wide range of legal research queries.

### 5.3 Data Collection

The interviews, conducted face to face with six law firm librarians, ranged from 38 to 70 minutes long. The interviews all took place at the law firms where the participants worked.

There were 11 main questions that were semi-structured with mainly open ended questions to allow the participants to tell their story (Appendix F). A decision was made to only send the question outline to the participants in advance on demand. The advantage of a preview of the questions is that the participant has the opportunity to gather their thoughts and recollections before the interview. On the other hand, advance notice may inhibit spontaneity and natural responses.

There were some factual information questions to gain contextual information and other questions designed to elicit the participants’ beliefs and perspectives. Topic cues were included to prompt discussion but generally the interviews were participant led.

During the interviews brief notes were taken. The main method of data collection was digital recordings of the conversation using an audio voice recorder. The words spoken were transcribed soon after the interview.
5.4 Data Analysis

The transcripts were analysed and interpreted to discover the ‘larger meaning of the data’ (Creswell, 2003, p.190). The goal of data analysis and interpretation is to learn lessons; for example learning if the findings confirm or diverge with the literature on the topic (Creswell, 2003, p.194). Generic qualitative step by step processes were followed as well as phenomenological approaches (Creswell, 2003, p.191).

The tools used in the process included MS Word and pen and paper. The transcripts were coded in a consistent approach for significant statements and important ideas. The codes that emerged were grouped together, summarised and organised into categories in a single word file. The categories were then analysed to show emerging themes in relation to the research questions. The themes were then shaped into a general description or the ‘essence’; what happened and how it was experienced. The essence was then interpreted to find the larger meaning and implications that can be derived from the data (Creswell, 2003, p.190).

Strategies to enhance the validity and reliability of the analysis process included peer review of interview questions and peer debriefing of the findings and conclusions. The interviews were conducted in a real world setting, transcribed word for word and the participants had the opportunity to check and amend their transcripts for accuracy. The participants’ own words were used to illustrate common patterns or exceptions that were discovered as part of the ‘thick description’ of the phenomenon. Researcher bias and assumptions were identified and any effects were minimised by being alert to contradictions in the data and searching for other possible explanations.

5.5 Role of Researcher

My employment is in an academic law library in the role of Inter-Library Loan Assistant. This role involves interactions with law firm librarians and supplying legal information. It is important to acknowledge that there were personally held opinions and assumptions made on this topic that may interfere with objective research. It was assumed that: law firm library clients may have difficulty locating some legal information; the librarians in law firms may have had disposal regrets since the downsizing of print collections and law librarians would interact with a wide range of library clients in the law firm.
5.6 Limitations

This research focuses solely on the experiences of large law firm library clients in New Zealand. The sample size is small but this may be justified due to low numbers of large law firms in New Zealand and the homogenous selection criteria. The results may be generalisable to the larger population of law libraries if their contexts are similar to those being studied.

Law firm librarians assist and train lawyers in research skills as well as to manage the delivery of legal information. The data collected was the librarian’s perceptions of how well their clients are accessing legal information. This indirect means of acquiring qualitative data may limit its quality and reliability. However, the library clients, who are mainly lawyers, may only have a fragmented understanding of the legal information environment and focus on the areas they are interested in. It was assumed that the law firm librarians would have a broader understanding of the range of legal information available and how it can be used to its potential than their library clients. The librarians provided insights from their observations about how their clients have responded to the increasing availability of legal information in electronic form.

Logistically, it was also easier to gain and conduct interviews with librarians who are more invested in the success of their library services rather than collecting data from lawyers who may not recall or have relegated any information related issues to their librarians. It is acknowledged that relevant and important data for this study was not collected if there has been no communication between the library end-user and the librarian.

It is also acknowledged that there may have been potential librarian bias in their reporting in so far that they may have been unconsciously attempting to promote their role and expertise in the law firm and consequently minimise their clients’ abilities to access legal information without their assistance.

6. ETHICAL CONSIDERATIONS

As this research project involves human participants, Human Ethics Committee (HEC) approval was applied for from the Victoria University of Wellington’s School of
Information Management. All research participants should be treated with the utmost respect and dignity at all times and be protected from harm.

This study involved interviews with librarians from law firms that are essentially in direct competition with each other. In addition, the law library profession is a small, tight-knit community in New Zealand. It was anticipated that revealing comments could have caused professional embarrassment to the participants or have had commercial repercussions for their employers. To alleviate any potential concerns of this nature and encourage free and frank discussion, the information sheet reassured potential participants and their law firms that there will be complete confidentiality (Appendix B). The homogenous nature of the selection method was also of assistance because individual law firms would be less identifiable than a study involving participants from different law library sectors such as academic law libraries or court libraries.

Consent forms were sent to and received from both the organisation (Appendix C) and the participant (Appendix D). Human ethics approval was granted on 21 February (Appendix E), and the interviews were conducted at the end of February and early March 2017.

7. THEMES

In this section, the data collected from the interviews is displayed in the form of summaries of commonly held views and relevant quote excerpts that have been grouped under emergent themes. The first three themes relate to the first research sub-question: what sources of legal information are available for law firm library clients as an alternative to print collections? The last two themes relate to the second research question: to what extent are law firm library clients satisfied with using these alternative access points to legal information?

7.1 Thematic Analysis

7.1.1 Electronic Collections and Access

The participant law firm libraries are all slowly transitioning their collections towards electronic material: “Electronic is really quite high now (70%)”. The main sources of
electronic legal material are through subscriptions with commercial legal publishers and providers and freely accessible websites. Another source is digital material saved in the firms’ content management systems: “We are increasingly trying to digitise or collect a digital copy of that material rather than keep hard copy”.

Subscription Sources

The law firm libraries all subscribe to the three main publishers of electronic legal material in New Zealand; Thomson Reuters (Westlaw NZ), LexisNexis (LexisNexis NZ) and CCH. They often offer a mixture of international subscriptions as well: “We buy international material from different publishers. Different ones do different things. It is a mix and match”.

Access is made as straightforward as possible with IP fixing (few additional passwords required) and library clients can click through to the databases from the library catalogue, library intranet portal and often other desktop locations as well.

Through the commercial subscriptions, library clients have access to case law, legislation and legal commentary. Publishers are making their authoritative textbooks and looseleaf commentary available in electronic formats and are often offered as part of a subscription package. These products are often preferred to the hard copy version: “All those really popular textbooks are just left on the shelves now because of the electronic eBook versions we have”.

EBooks and eLooseleafs (downloaded to individual devices)

There was a general consensus that downloadable eBooks and eLooseleafs on to client’s individual tablets and other devices was not always a suitable format for large law firms due to the large number of potential borrowers:

> EBooks are such a problem for us. I think they are good for small law firms where you can have a copy on an iPad and each person has their own copy. But for us how can we have a library copy and loan it out?

A few individual lawyers had shown an interest in the downloadable format for a particular purpose and most of the libraries provided ‘McGechan on Procedure’ on tablets for court use. A number of firms are waiting for user demand to grow and technological challenges to be resolved. Others simply prefer subscription based e-content that is accessible by multiple users:
We don’t have many that are downloaded onto individual devices. That was sort of a policy decision … I think really it is far better if everything is online and hyperlinked and just part of a licence and part of a collection.

Internet Sources

Links to useful freely accessible websites are available on the law firms’ library intranet pages and catalogue:

I teach them all NZLII. They would also use departmental websites for example the Commerce Commission, the FMA, the Ministry of Health … and they seem to know there is a lot of information there. They obviously use Legislation New Zealand to death.

Most of the librarians have either disposed or are considering disposing some of their print material by relying on NZLII databases as an alternative source:

I noticed the other day that they had put quite a few interesting bits and pieces that we stored here so we thought, great, we can start getting rid of those and linking to the NZLII databases.

One firm has contributed print material to be digitised and added to the NZLII databases. NZLII is seen as a good reliable source of historic and current primary legal material by the librarians:

NZLII is continuously expanding but obviously they have to do what they can with very little limited resources. They do a good job of filling in gaps that no one else does.

Some of the librarians question if the free internet sources were being used by their clients:

I expect they will be using our electronic resources we subscribe to a lot, possibly supplemented by some free internet resources but I tend to think that the librarians have a better knowledge of them than they do.

Google / Google Scholar

Lawyers are using Google and Google Scholar to search for material, often instead of checking the library catalogue. This may be because the lawyers are more familiar with google searching than catalogue searching. Google Scholar was seen by the librarians as a great source of quirky information and the fact that there are often links to HeinOnline content, which many of the law firms now subscribe to, is an added bonus:

I noticed that a lot of people were searching Google Scholar and they would send me an article and ask: “have we got this?” … I thought [HeinOnline] was a reasonable price and if people were using it for research then they could go
straight through. Why not make everyone’s life just that one step simpler and they can just go retrieve it.

**Document Management Systems**

The firms also build their own databases to store electronic content. This could include digitising their own print material or saving a copy from an online source: “So we saved a lot of non-copyright stuff into our document management system and just linked to it and said we have an electronic copy of it now”.

**Flexible Access**

Flexible working hours and secondments where legal staff work irregular hours from home or offsite is a reality now for some firms and may be more common in the future. The offsite workers can access their work desktop and the firm’s electronic collections as if they were in the office and this is clearly an advantage of having an online collection. However, the offsite lawyers still require librarian assistance particularly for supplying legal material that is not readily available online.

People are working from home or offsite … maternal leave, paternal leave, parental leave. Everything is available. That is what I have taken on board as my criteria with going online. If you work from home, you should be able to get it; otherwise we can pdf it to you.

**Access Restrictions**

Some of the disadvantages of electronic content mentioned by the librarians in this study were the strict copyright rules and licensing restrictions, cost of subscription fees and changing content of commercial databases and resources disappearing from the internet.

The copyright and licencing permission restrictions around legal material is strictly enforced by the law librarians. They find workaround solutions for their library clients including purchasing a copy or requesting a one off document supply from a publisher. Lawyers, on the other hand, do not appear to be concerned about where the information comes from as long as they get it when it is needed. One observation that was frequently expressed is that the librarians felt that they were the firm’s ‘copyright police’:

Nowadays - and this is a generalisation- but with everything being so much more readily available electronically, librarians are often the only people thinking about copyright aspects and rights management and all those things. So we have to deliver the unfortunate message sometimes “No you can't just have that or get it from your buddy at university using their student ID”.
The commercial database subscriptions are always being reviewed to assess if they meet the lawyers’ needs and are value for money. Access to databases are sometimes removed, restricted or expanded as needed:

We did get Westlaw International which gave us access to a lot of UK journals but when they took the law reports off there, I had to cut Westlaw International and go to ICLRs. So that has left a bit of a hole and I am examining how to fill that.

Several librarians raised a concern, particularly with the government departments’ websites, about the loss of resources that occurs when government departments are subsumed into or merged with other government departments. The Internet Archive ‘Wayback Machine’ was often mentioned as a useful tool for both lawyers and librarians to go back in the timeline of a website and retrieve information:

The internet archive we use a lot just because of places like MBIE used to be the MED used to be the Ministry of Commerce, used to be something else and every time they change their site, things disappear. So we are always going back to see if we can retrieve it and often we can. It is really valuable resource.

7.1.2 External Sources

When the information needed cannot be sourced from their library collection or free internet sources, the librarians will explore other external options for their library clients. This includes sharing arrangements with commercial document suppliers, Inter-Library loans and other informal channels.

Document Supply

Outsourcing for rarely needed legal material is seen as a cost effective alternative to holding print material or even subscribing to some database content. The main document supplier for New Zealand material seems to be the New Zealand Law Society libraries (NZLS), usually for obscure case law, journal articles and excerpts from texts. Law firms are also happy to purchase from international document suppliers for overseas material not commonly found in New Zealand. Some of the subscription based suppliers also have pay per view options:

It is not cheap but it is cheaper than buying a database. It is like $30-40 or it can be more expensive. But they are really obscure series and in New Zealand you wouldn’t be able to get the series.
Inter-Library Loan

Each law firm has their own preferred library collections to borrow from. Lawyers often access the NZLS libraries and some university libraries to read or photocopy print material on the open shelves. When there is a need to borrow a hardcopy item, “we prefer to have the actual book … you need to see the context of the entire work so we prefer the hardcopy”, the law firm will arrange an Inter-Library Loan. Some of the law firms have joined the Te Puna VDX Inter-Library Loan scheme that allows the borrowing of print or copied material from other member library’s collection for a reasonable cost: “in terms of formal arrangements we are members of the inter-loan scheme and we actually do put up our holdings on Te Puna”. Most of the law firms that participated in this study have either left or never joined this scheme:

I used to have our libraries as members [of Te Puna] when we had more staff and it was something that could be easily handled by someone internally here but now it is a better use of my time to make use of the expert services of ProQuest and BIS.

Alternative options include among others the Business Information Service (BIS) run from the Auckland Council Library: “I absolutely depend on what those external services can get for us”. BIS in particular is used for locating legal and non-legal material and using a third party service provides anonymity for the law firm. The National Library in Wellington is also a cost effective source and the national libraries in other countries are also approachable. The Supreme Court Library also has a very good collection and is seen by some of the firms as a last resort collection when material is not available from a preferred source:

If they are super busy, then they can be quite frosty: “have you tried all the other libraries?” Yes. But quite often Davis will have it, one of the big university libraries will have it, the law society libraries will have it. So the Supreme Court is the absolutely last resort.

The costs of ILL are routinely scrutinised and if an item is borrowed multiple times, it may be more economic for the firm to purchase a copy:

What I do every year is look at what we borrowed and think maybe we should be buying that, we borrowed it three times and actually we spent $150 on that book.
**Disposal Lists**

Law libraries sometimes offer their discarded print material on ‘disposal lists’ via the listserv ‘Law-Lib’ in New Zealand. Some of the law firm libraries in this study have benefited from other law libraries downsizing print collections by filling a small gap in their collection:

Yes I am a member of [Law-Lib]. That is how I am getting this set of statutes so it is useful for free disposal lists…what I have done is actually taken another thing off the list, I updated our Halsbury’s hard copy collection so that it is only 10 years old now.

**Law Librarian Network**

There is a strong law librarian professional community in New Zealand that extends to overseas law librarian communities:

There is also international listservs as well and occasionally they will ask for New Zealand content. It is quite nice to supply to them because then you finally got a contact that you can sometimes ask but very rarely use.

However it appears that the law firm librarians are reluctant to ask for and share resources with other law firm colleagues due to commercial sensitivity, except perhaps as a last resort:

I will ask one of my law firm colleagues, not often though. We tend not to because we are not really sure who is working on what. We tend not to, it is just too sensitive.

**Lawyer's Network**

It was only briefly mentioned by some of the librarians but there appears to be a lawyer’s network for sharing legal information material:

I encourage lawyers, particularly with obscure cases that aren’t available in the databases, just to ask within their network too … I think as they get further into it they do become more competitive so there is less of that sharing but that is where law librarians can come into it.

**Last Resort Sources**

There is no one repository of legal information and there are also different last resort sources depending on the material being searched for. When the legal material is not easily accessible and ephemeral in nature, the law firm librarians often tap into the expertise of the librarians of the institution or department that created it:
Probably contact the likely librarian so that is why I have really cultivated my network and knowing who is where and who has got what. The actual libraries within an organisation, particularly the government ones, are very useful … so I contact someone.

Sometimes the information is simply not retrievable:

I had what turned into an official information request to find out something about the building and housing part of MBIE. They reached the time limit and they said we need more time because we have not found anything and then that extension expired … I can actually honestly believe that they looked but the information was not captured … it is not searchable or retrievable.

**Preservation Concerns**

Some of the librarians queried whether large institutions like the university libraries or law society libraries will maintain their print collections in the future:

We will get to that point where you realise no we have got to hold the line here, no more slippage otherwise these resources will just be lost forever … The universities, it is not their responsibility to hold this stuff forever. Everyone is doing the best they can but it would be really great if there was a national library collection. And then we could be confident that there was something somewhere.

**Disaster Recovery Concerns**

There were also disaster recovery concerns following the recent earthquakes affecting Christchurch and Wellington. A couple of the librarians had recent experiences of being temporarily unable to access material from the National Library in Wellington due to earthquake damage:

We have tried the National Library and they have got something but the National Library collection is out of bounds at the moment because of the earthquake damage so we can’t use them.

**7.1.3 All Electronic Law Firm Libraries: Are we there yet?**

It has been at that tipping point now for the last 5 years. Look, next year everything will be electronic. But of course next year turns up and people still prefer the hardcopy. We are slowly getting there.

Overall, downsizing the print collection has been a positive experience for the law firm librarians who participated in this research. There are signs that law firm libraries are trending towards all electronic library collections but hardcopy material still has a place in their library at the present time.
IT Encouragement

The law firms’ IT departments appear to be encouraging a reduction of print and move to electronic resources: “Within 3-5 years it will be mostly online. It is the way that IT are telling us to move, so the [lawyers] are a bit slower to move”.

However there is also some reluctance by IT departments to allow additional software on their systems which has inhibited an uptake of eBooks for some of the firms:

The other problem we have is with our IT CIO is very particular about what goes on to our system, on to our network…He wants to know all the information about it what is involved before he will allow us to do it.

Commercial Office Cost Savings

Office space is one of the biggest overheads of a law firm and many of the firms that participated in this study have recently reduced the floor space of their office leases. It is not just the firm’s library space that is affected and the whole office layout can be redesigned at the same time.

Smaller regional offices sometimes may have restricted shelving space for print materials: “They have got a cupboard”. The cost of storage may also justify another round of rationalisation of print material: “Of course the admin team who pay for the storage are not keen for us to end up storing everything because they don’t want to pay for ongoing costs”.

There may be cost savings and new opportunities for the floor area previously occupied by print materials as a direct benefit of downsizing print material: “That has freed up space that is going to be used for a different purpose”. However one librarian speculated that these savings may be counteracted by additional database fees, training, IT costs and other costs associated with electronic content that are essentially transferred.

Dual Format

All of the libraries are maintaining dual format of the same resources to varying degrees although for some it may be limited to a few leading textbooks. While there is still a demand for it: “until litigation say we are not using it anymore, we would not touch it, we would not touch McGechan”, most of the librarians say they will continue with dual formats.
For some law firms, maintaining a dual format library will be a luxury going forward:

I think we will probably get in both. But increasingly there is an implication with the common law textbooks, if you buy them online, are you prepared to absorb the cost of the hardcopy as well?

Providing just electronic resources may be considered more egalitarian as all lawyers will have the same access to the same material in each office:

The other factor [going] for the electronic is that we have a small Wellington office. It is only about 15 people. But basically they kind of need the same things that we need here. They don't have any library space.

**Downsizing Experience**

Once lawyers have been sufficiently trained to find alternatives resources in commercial databases or online, they may feel comfortable giving up their familiar print resources:

The factor that has meant that we could confidently do it was that people really are more capable of using electronic materials, rather than print or a combination. They have unconsciously or by design through being taught, learnt enough to feel confident doing it.

The librarians reported that they did not feel that their clients were not missing out on any access due to the downsizing because the librarians have been able to maintain a similar level of access to the resources that were used the most:

It feels like the collection hasn’t been compromised too much because a lot of the print resources we got rid of we switched to electronic … That rule about 20 percent of your collection gets 80 percent of the use. I think we managed to keep the parts of the collection in either print or electronically that got most of the use.

**Downsizing print collections takes a huge amount of time and effort for the library staff:**

The actual experience of the downsizing exercise; that would be a negative because you are having to make hard decisions about what to keep and what not. You are having battles to try and make sure you have enough space for the resources you think you absolutely need. Disposing is a lot of work.

Gradual transitioning to electronic may help allay concerns from librarians and their clients and see downsizing print collections as an overall positive experience:

Overall yes and because it hasn’t been done under duress and I haven't been associated with something that people saw as a bad thing.

The librarian’s criteria for disposing of print material is often centred on whether the material was available online. Law report series and parliamentary materials in hardcopy were seen as early, easy targets for disposal. However print material like
textbooks take more time to individually assess whether they will be needed in the future or if they are accessible elsewhere:

We have got down to the nitty gritty in the game. We are not sure and that is why before we dispose of anything else I would really like to go online with a few more things. Just to make sure we have got what we need.

**Disposal Regrets**

The careful nature of the deselection process by the librarians appear to have avoided many disposal regrets. The general impression is that it is not possible to keep everything ‘just in case’ and it is difficult to anticipate future information needs:

We threw them out. He [says]: “why did you throw them out? I spent years collecting that stuff!” He didn’t make it very clear when he dropped them off. You can’t keep everything that is the thing.

Not a lot of disposal regret … But I sometimes wish I had taken a bit more time to kind of just check are any of these likely to be needed again.

The librarians reported experiences of library clients being unable to find legal information but in many cases the material was never held by the law firm in the first place. Where material was needed again after disposing it, the information was located elsewhere:

The one I did regret getting rid of is the Lloyds Law Reports because we cancelled the subscription to it after we had got rid of the print…But nobody has asked us for anything from them so I guess it was not a bad idea to get rid of it.

I have only missed two things and I don’t mean missed permanently. There were only two things that I could have got if still I had the hardcopy and I had not thrown it away … But I mean that was two requests $40 worth or something that I could easily get from someone else. So I think it was perfectly justified.

**Print Collections**

Print material still plays an important but lessening role in the law library collection. The librarians have all retained a core collection of relevant material in their firms’ practice areas:

In each office we have a core collection of the texts and journals … but generally that is all lessening as we move much more to an online environment and the way that is reflected then is having a webpage for each practice group, reflecting their work requirements rather than physical books sitting with them.
One set of New Zealand Statutes and Regulations are often retained for legislative histories. Print looseleafs are slowly being phased out in favour of electronic equivalents.

The reality is that it is not possible to digitise all the texts currently in the law firm library nor is it possible to access them electronically in many cases:

Yes, we are not allowed to digitise all the books we have got because of copyright and people want to use the books and the books are there.

Future Plans to Downsize Print

All of the law librarians in this study expect to continue organically weeding their print collections. More print subscriptions will be cancelled and more electronic databases will be added: “Probably continuing what we have set in motion, which is shrinking the print collections even more because we can”.

7.1.4 Discovery: More than a ‘One Stop Shop’

The librarians report that their clients are using their firm’s intranet portal, catalogue and internet sources to find legal information to varying extents. The law firm librarians become involved to find information when their clients are not familiar with the sources available or the information is not easily locatable due to the ephemeral and obscure nature of some legal information.

Catalogue

All of the firms have a catalogue that records both electronic and print materials held by their library. Many of the librarians felt that the legal staff overlooked the catalogue as a finding aid or forget about using it:

I have got this notion that our catalogue is the one source of truth. Everything we purchase has to be catalogued if it is a book or online database … We know people are using it because they request books through it … for some reason and it is possible a time constraint or just can’t be bothered searching and finding it using that catalogue, they will ask us.

Some of the firms are planning upgrades to their catalogue software in the near future.

Intranet Portal

The library intranet page is a popular and often well visited source of information. The web links are regularly checked and revised by the librarians:
I think nowadays everybody just expects answers immediately. They don't have time to fuss around finding information sources let alone what they need within the source ... We have a lot of deep links into specific parts of the main publishers’ databases and to free online resources.

The library clients may feel confused and overwhelmed by the quantity of resources and sources found on the intranet, particularly if they are not frequent visitors:

We list our all the resources on our library resources page ... when [the lawyers] occasionally use it, they might use it once a week, and then it becomes a real task for them to find anything on it.

Access Barriers

There are few technological barriers for the law firm clients to access the electronic legal material. Some barriers to access reported by the librarians were copyright and rights management restrictions, incorrect citations in sources, poor WIFI “really if they are out of WIFI range of anywhere then that is the only barrier”, and IT department resistance to eBook software. Another access issue raised was the inability, due to the intranet platform, to put context around web links:

We have tried to take as many barriers away as possible. In terms of legal materials it is all IP fixed so there are no passwords required ... The only barrier or one of the barriers I would see is that we are unable to put any actual context around our links.

The importance of using terminology and arrangement that makes sense to the end-user rather than using library terminology was also mentioned.

There is an expectation from some of the library clients that electronic legal material is up to date and available online which is not always the case:

I think the problem with this young generation is they think that everything is on the internet. Absolutely everything is on the internet. I guess as more and more stuff is digitised then more might become findable than we had before.

Some of the law firms have a storage area for their rarely used print material and deposited print material there during the downsizing process. This creates a physical barrier to this material and limits serendipitous browsing. However they are still accessible and discoverable in the library catalogue.

Need for Print Material and Print Searching Skills

There is still a need for lawyers to use legal material in print format because some information is found only in print and some tasks such as legislative histories are easier
to do with print materials. Law students still need to learn how to find material in the
print medium:

Yes I do think they should because not everything is online and because there
are different ways involved, different skills. Also it is a leap of faith more of
a leap of faith to use electronic, say search functionality, than to say do your
own hands-on research as you do in the print environment … and I think that
some of the print medium research principles and approaches still need to be
learned by students because they will still need to use books for some things.

Preferred Publisher Platforms

The librarians encourage their clients to use all of the commercial products they
subscribe to and provide in-house training or bring in vendor trainers. Some legal teams
have their product preferences based on their practice area:

It depends on your practice area … Westlaw NZ is the biggest one I would
say just because it has BriefCase and the legislation and all of that. That is the
biggest one. LexisNexis would probably be the next biggest because it has
coverage of all the areas except tax. CCH is quite a bit smaller than that but
the tax people love it.

From the librarian comments, it appears that Westlaw NZ is the preferred commercial
database platform overall. However, a ‘one stop shop’ approach that some lawyers
favour is not possible or advised as the content varies between publishers.

Requests for Librarian Assistance to Find Material

The library clients seek assistance from their library staff when they have ‘hit a brick
wall’ or have time constraints or need to use a database with restricted access. It is the
junior lawyers who use the library services the most. The librarians speculated that this
could be because more senior lawyers delegate legal research or because they are
proficient at their own practice area:

And then depending on time or the nature of the question or other pressures
they might come to us. And it kind of varies between the seniority, so the
partners will delegate a research question to the senior associate who
delegates it to a solicitor who delegates it to a law graduate who then might
then turn around and delegate it to us.

I think some of those really practiced people in criminal they just know what
they are doing. Certainly the younger ones are quite heavily dependent on the
[library] service.

The librarians do not like to deliver the news to their library clients that the information
they need is not retrievable. Generally speaking the lawyers are grateful for the attempt
made or the options they are given. Sometimes they react as if they do not quite believe it cannot be found: “often with annoyance and incredulity!” However as long as all the bases were covered, they generally accept the situation:

Well, it happens fairly often. Either there simply isn't an answer that we can find within the time-frame or within the resources available. For me it is sort of explaining ok I have looked in all these places, I can't find an answer here. This is my sort of intuition about whether there is an answer. We could possibly try these approaches that could take a bit longer or be a bit more expensive.

If it is vital or urgently needed for court, the lawyers may ask for another search attempt to be undertaken.

7.1.5 User-friendly? Diving into the Online Environment

It always takes a while for people to get the hang of it I think. Some people just dive in … Most people have embraced the online environment.

The lawyers have the capability to use the available electronic sources to at least a basic level of legal research. The law librarian’s expertise helps guide and train the legal staff in using the sources more effectively and the librarians may be delegated the more complex legal research enquiries.

Training

Comprehensive staff training is organised by the librarians and is seen as the key for lawyers to being able to successfully transition from print to electronic resources:

In order to get to this point, there has been training, - everyone has had training and I run ‘winter refresher series’... This is in addition to the ad hoc, on-the-fly ‘teachable moment’ training described before, and to inductions for all newcomers, and to team-specific sessions on demand.

Knowledge of Library Systems

It is a surprise to some of the librarians that the lawyers are not always familiar with library systems. Basic knowledge of how to use a catalogue is sometimes lacking: “it makes me wonder, did they go through university not using a catalogue?”

It’s on the catalogue yes. If they know what the catalogue is. This is the thing with training, they first arrive and they probably get a week’s worth of IT training and everything is crammed into that week and then they start work. And then most of it goes out the door so we need to follow up.
Customising intranet pages for the different practice teams, having a library liaison person in each practice team and observing workflows are some of the ways librarians are ensuring that the lawyers are using the electronic library resources more efficiently:

Get amongst them and see them at the keyboard as often as you can and just see how they actually work. Calling things what they would call things.

The librarians offer ‘how to’ guides, practical research strategies and research templates. Generally speaking the new staff are familiar with how to use the databases when they arrive at the law firm but require assistance to know where to find them in the firm’s library system.

**Lawyers’ Research Skills**

From the librarians’ observations, the lawyers are doing their own research. However it seems that the lawyers’ individual personalities and attitudes have an impact on their research skills. From one extreme of over-researching to wanting to do the barest minimum effort:

It is my role to identify potential issues. So the people who are the worst are actually my main target. One of the things that often makes them the worst in that respect is their personalities. So it can be hard to help some people because you have got to find the way of getting alongside them … There are other people who are probably the opposite i.e. over-do things which is a danger too. You have got to learn the art of brevity.

Scheduled training sessions are not always well attended by the legal staff and some firms have replaced them with on demand training and ‘teachable moments’:

“Sometimes I will say I have got it, I will show you how I got it. They are forced to have ‘a lesson’; like it or not”.

Sometimes simple search tips can be life changing for the lawyers:

I had one of those the other day. It was something like how do I know what regulations are there under a particular act (involved going in to Westlaw NZ and there it is on that other tab). I showed this simple thing but she shouted out: “oh [redacted], you are a genius!”

Training is seen as worthwhile when the lawyers do attend training sessions organised by the librarians: “I mean I had Westlaw last week and I think 8 people came. What they learnt was really valuable and everybody walked away thinking: Oh wow!”

The lawyers are expected to do their own research up to a certain level of complexity and then the librarians will provide assistance or continue the research. They will often
find material by rechecking the sources that the lawyers say they have used. The librarians report that they are able to manipulate the databases by searching or browsing in different ways or look in locations that may not have occurred to the lawyers:

As a librarian you have spent a lot of time now looking at online content and figuring out how it works and the ins and outs of it and what it can and can't do or won’t do. You are probably getting a bit more out of it than most people.

**Technology Challenges and Opportunities**

It seems that both law librarians and their clients may sometimes find it difficult to adapt to new ways of searching, website changes, new database platforms, cancelled subscriptions or content removed from databases:

Every year one of the publishers launches a new platform - e.g. we have LexisNexis Advance coming up - so that will mean a focus on their database, so we always hang other training opportunities on that hook. It is irritating having to have to redo all our links and training guides etc. It gives us an opportunity to bring that resource into people’s consciousness again.

Resistance to change may be resolved with more training and time to get used to the new product or content. Often the information is available in a different format or in a different database:

I think they are a lot more adept these days. Five years ago I remember I cancelled a database and someone was most upset about it. The change and the thing of not having it was really difficult for them but we had it in another format.

There may be a generation of lawyers who were trained in and prefer legal material in hard copy or even CD-ROMs:

The thing is most of the juniors work for senior partners who prefer hardcopy so they get into that sort of system where they use the hardcopy resources as well. And so it is sort of bred into them when they get into the firm to use those.

However partners have often now come up through the electronic system, and the librarians report that many of their more senior library clients have embraced the electronic environment as well:

But some of the younger partners are slowly moving electronic so they carry their iPads around with all their Lexis Red Books and their things like that. So we are slowly getting there.
Reading Preferences

The preference to read text in print was a point bought up by several of the librarians. Their clients often like to find legal information using electronic sources but print out to read it: “People still print everything. Even though you have everything online, people learn by marking up and tagging and reading a piece of paper. That is the reality”.

The librarians maintain dual formats of the leading textbooks because all types of clients are still asking for the hardcopy: “As an aside this may surprise you but I am getting an increasing number of young people who don’t want electronic they want the hardcopy”. One librarian suggested this could be because lawyers like to take a break from the screen and find it easier to flick between the pages. They like to put sticky tabs in paper versions even though annotation is possible with the electronic versions.

7.2 Theme Summary

The library clients of the large law firms that participated in this study are well-resourced and have access to a comprehensive range of electronic legal material. The firms subscribe to a variety of commercial subscription based providers in a mix and match model based on their firm’s information needs, user demand and budget. These resources are supplemented with freely available internet sources such as government websites and open source databases such as NZLII and the firm’s internal databases. The librarians make access to both paid and free electronic sources visible and easy to find by their clients on their library intranet pages and often provide deep links to relevant search templates in databases.

The librarians are generally able to fill any gaps in their library collection or when information is not readily available online by approaching external sources of legal information. Each law firm has their preferred external providers and it is clear that it is the librarian’s networking and negotiating skills are a significant factor in successfully acquiring material. Some of the librarians mentioned preservation and disaster recovery concerns and queried if some of the more obscure and uncommon legal material will be available in the future.

None of the law firms in this study are at the point of having all electronic library collections. The firm management, librarians and lawyers appear to be supportive of the
reduction of the print material footprint that has occurred so far. All of the firms have
retained a core collection of print material and many are continuing with dual formats
due to lawyer demand and preferences. Overall, the librarians do not feel that the
lawyers are missing out on any content due to electronic alternatives being available and
they have few disposal regrets. All however expect to continue to further reduce their
print collections in the future.

The law firm libraries provide finding aids to the lawyers to help them find relevant
sources of legal information but regular use is needed for end users to become familiar
with the range of sources and avoid the ‘one stop shop’ mentality that the librarians
report. Some lawyers appear to have very high expectations that the legal information
they need is online and up to date which may be unrealistic. Some legal material is not
retrievable and lawyers will still need to find and use information in print resources
when it is the only or best format available. Junior legal staff members are more heavily
dependent on library services and the librarians speculate that this probably because
more senior members of staff delegate legal research to more junior staff.

Most lawyers, even the older generation of lawyers, appear to have embraced the online
environment and make an attempt to do their own legal research using electronic
sources before engaging librarian assistance. The librarians report that the lawyers are
often unfamiliar with using the library catalogue, have gaps in their knowledge of
databases or website functionality and can resist changes to their preferred sources.
Training opportunities, time and practice can help the lawyers make more efficient use
of the electronic sources of legal information available to them.
8. DISCUSSION

In this section, the themes and descriptions in the previous section are interpreted and the larger meaning, lessons learnt and implications of the data are explored.

8.1 Interpretation

Downsizing Print Resources Experience

The librarians involved in this study described the downsizing of print material in their library as a mainly positive experience for their library and their library clients. This could be attributed to the collection management skills of the librarians managing the downsizing process because “phasing out the physical collection will be the last step in a long and carefully laid plan” (O’Grady, 2014). The feedback from the librarians was not all positive. One librarian felt that the benefits gained from the process was balanced out by the negative aspects such as the time and effort required by the library team and the potential risks of disposing important material. The actual ‘disposal regrets’ expressed (or admitted to) by the librarians were few in number. At this point in the journey, the process of downsizing print collections has not negatively impacted on access to legal information for the library clients. However, all of the law firms involved in this study expect to further downsize in future, they are now at the “nitty gritty of the game” and it is possible that the risks of losing valuable material are becoming greater.

The success of the transition from print to electronic collections and access appears to be making sure the process goes at the pace of the library client’s ability to transition. Dual formats and retention of some print materials are maintained while there is still user demand and only withdrawn when the lawyers are comfortable with the electronic alternatives. Gradual weeding of print material may be less disruptive to clients than large culls over a short time period due to an office refurbishment or relocation. Both pathways are time consuming for the library staff. Careful planning is needed to create a digital law library with resources that offer the format and functionality which lawyers are willing to use (O'Grady, 2014).
External Factors beyond the Control of the Law Firm

There may be external factors that can make access to legal information challenging that are beyond the control of law firms. Law librarians often make decisions to dispose print material based on whether material is held elsewhere. However, other institutions may not maintain their current level of print collection and will not necessarily make collection decisions in the future that benefits law firms. The librarians in this study mentioned their preservation and disaster recovery concerns and recent earthquakes demonstrates that access to rare print material held in national repositories can be compromised. Even when legal material exists, there is no obligation for other institutions to hold it or to make it easily accessible or affordable.

The librarians have all established good supply channels to fill gaps in their firm’s collections and online access. It would appear that lawyers in these firms are often reliant on their library staff to locate information from external sources and may struggle to find some uncommon legal information without the librarian’s assistance. Lawyers in firms without an information professional employed in the firm may be disadvantaged in this respect.

Electronic material can also be removed from fee based and freely available electronic sources without consultation with the end-users. There were multiple reports from the librarians in this study of important content being removed from the Westlaw International database platform and government websites. The reality is that law libraries cannot rely on the legal publishing world to be steady and stable with regards to their content and pricing (Wu, 2005, p.242-244) and law librarians have had to adapt to these conditions to provide access to electronic material for their clients. Website content can change without notice and although the librarians have said that they and their clients are using the internet archive ‘Wayback Machine’ to retrieve important material that has disappeared, not every page is archived (Wu, 2005, p.245).

Law Client Research Skills using Electronic Sources

There are some indications that the law firm library clients are not always finding access to alternative electronic sources discoverable or user friendly. Librarian observations and interactions with their clients suggests that assumptions that lawyers can design basic search strategies using the electronic library resources available may not always
be true. Training is seen as a key factor for successful transition to electronic sources but librarians report that the training opportunities offered are not always well attended or the knowledge retained. Waiting for a teachable moment and proactively working with clients at the keyboard appear to be effective methods of educating lawyers about the scope of sources available and the best practice ways of manipulating those sources. The lawyers may be able to retain the training if it relates to what they are currently working on and have frequent opportunities to put the training into practice.

The librarians report that they have developed strong communication channels with their clients and many have created customised intranet resources pages for each practice area. There may be an issue with too many resources and guides uploaded on to the firm’s library intranet pages. An abundance of choice may be overwhelming and confusing for the library clients who rarely need to do their own legal research.

The librarians do not interact with the senior legal staff members as much as the junior staff. It could be because, as many librarians suggested, it was a better use of the senior staff’s billable time to delegate and they have other responsibilities. The Lewis study indicated that lawyers of all levels of seniority preferred to do their own research independently but some lawyers lack the necessary information literacy skills. This research relies on any issues or triumphs of the library clients coming to the attention of the librarians. As a result this research may have failed to fully explore how some lawyers in large law firms feel about the availability and user friendliness of alternative sources to print collections after a downsizing of print material.

8.2 Comparison to Other Findings

Availability of Alternative Sources

Access to subscription databases was found to be a key determinant if lawyers are able to undertake electronic research efficiently (Lewis, 2014, p.35-36). In the Lewis study over half of the participants have no access to specialist legal databases relying instead on open sourced information and outsourcing legal research to the NZLS library. The law firm clients in this study have access to a range of subscription based legal resources. There is a vast difference between the resources and services that are offered by large or international law firms compared to smaller law firms (Durrant, 2006,
A survey of academic law libraries found that the three most popular legal databases in the UK were Westlaw UK, LexisLibrary and HeinOnline (Gee, 2015, p.64). With the addition of CCH, the same equivalent legal publishers dominate the market in New Zealand.

A survey of law firm library directors found that most large law firms in the US were hesitating to adopt e-Books downloaded on portable devices as a substitute for print material due to the complicated licensing models and the inability to circulate. (Cohen, 2012). Most of the law librarians in this study had provided some legal material on tablets for a particular purpose. However many also found that the non-circulating licensing models and other issues didn’t suit the large law firm environment and had adopted a ‘wait and see’ approach to this mobile space.

Several years ago a Law Commission report noted feedback from the NZLLA and other submitters that “they found it easier to read Acts in up to date hard copy than on a computer screen” (New Zealand Law Commission, 2008, p. 32). The belief that print versions of legislation still has benefits over the online versions seems to have prevailed and some of the law librarians in this study continue to retain a set of annotated statutes in their collections. One librarian commented “I think somehow it is easier to self-check with print materials due to contextual clues being more evident”.

Partnerships and collaboration with other institutions was seen as a solution for law firms to eliminate some underutilised print resources onsite but still provide access to them (Cohen, 2012). It is evident that all of the law libraries in this study have established borrowing and sharing arrangements with other libraries and suppliers but understandably have a reluctance to collaborate with other law firms due to commercial sensitivity.

A lack of knowledge of the range of resources available through electronic sources was found to be a factor holding back some participants in the Lewis study from obtaining quality legal information (Lewis, 2014, p.32). The library clients in this study are directed to the best available sources via training and resource guides created by the law librarians. However several librarians have also observed that library clients are not always aware of what each source contains and consequently fall back on familiar sources due to time constraints and convenience. One librarian suggested that more
context is needed around the links in resource lists. It is probable that more law firm
library clients would also like to upskill and learn more about the variety of sources
available to them but training opportunities have to fit in with their busy schedules of
everyday legal practice.

User Satisfaction with Alternatives

There are been a number of recent studies that have examined the behaviour of lawyers
using legal resources. The Lewis study found that there was a correlation between
finding electronic resources easy to use and a positive attitude towards electronic
researching (Lewis, 2014, p.32). The Gow study found that difficulty using or accessing
resources will deter users from those resources and this is due to a lack of information
literacy and legal research training (Gow, 2013, p.91). One attitude that could be a
problem for lawyers is misplaced overconfidence in their researching abilities (Gow,
2013, p.88). The librarians in my study reported that while their library clients
demonstrated a variety of different attitudes towards electronic legal researching, most
people have positively embraced the electronic legal environment. This may be a due to
the extensive training from new starts to refresher skills training for existing staff
provided by the librarians. The librarians have developed strategies to get alongside
some lawyers who may not want or feel they need research skills training which may
involve matching training methods to suit the individual personality type.

Generation and Age Factors

The librarians report that their interactions are mostly with junior legal staff members
and this aligns with the finding in a recent LexisNexis commissioned survey that
graduate attorneys with 5 years or fewer experience spend 43 % of their time, on
average, on legal research (LexisNexis, 2015, p.3). The Lewis study found that the over
45 age group had the most difficulty with electronic legal research and the under 45 age
group were more confident with using legal databases and online searching (Lewis,
2014, p.31). The librarians in this study had also observed generation differences but
were reluctant to make generalisations based on age. The delegation of research work
was more of a rationale for any lack of librarian interaction with senior staff members.
Research Queries

A worldwide survey of information professionals in law firms found that while lawyers are more self-sufficient carrying out basic research tasks, some basic queries relating to database searching and locating information are still directed to librarians. This is due to poor information literacy skills using a computer which can be more challenging than using hardcopy (Wiggins, p.44, 61). The librarians in my study also reported their surprise at the basic level of some of their enquiries from clients using databases but welcomed the training opportunity. The alternative is lawyers wasting time unsuccessfully searching for an item that a librarian could find immediately (Wiggins, 2011, p.57).

8.3 Implications

Downsizing print collections and transitioning towards a digital law library collection may be an achievable goal for law firms in New Zealand. There are however some cautionary notes to heed during this process. Lawyers need easy and reliable access to quality electronic legal resources and sufficient training to find and use the digital resources to their full potential. There can be factors external to the firm’s control, such as content being removed from databases and websites that may restrict access to digital information in the future. Some legal information will never be digitised and made freely available and there is no one repository of uncommon print or electronic legal material. Law firms will need to rely on a variety of commercial document supply and Inter-Library Loan arrangements to access legal information that is not easily accessible. A sustained effort may be required among law librarians in New Zealand to ensure that rarer items are preserved for continued access.

Law firm librarians are uniquely placed within the firm to help minimise the limitations of electronic resources and the risks of downsizing print collections. They are in the best position to evaluate whether legal material will be difficult to retrieve elsewhere and it is important that this institutional knowledge is not lost during library staff changes and law firm restructuring. As an intermediary role, librarians have established deep and far-reaching contacts and networks in the legal information world that benefits their library clients. Law librarians can tailor training to suit the lawyer’s immediate need to upskill in information literacy skills. A digital library may make the role of law librarian more
relevant to the firm than before as one of the librarians in this study commented: “our reduction in collection has possibly made us busier because we have to get things from all over the place”. Law firms that do not employ information professionals may find they are at a disadvantage.

Some lawyers in law firms, particularly senior lawyers and partners, may not be using electronic resources to their full potential. This may be due to a lack of confidence that other studies show can be gained through training, practice and experience. It is also likely because delegating legal research to more junior staff members is a more economic use of staff time. There could be negative implications of delegating research queries such as inferior research work and repetition of effort by multiple lawyers and library staff potentially wasting time and effort unnecessarily. It is in the interest of quality control and risk management that any resistance to upskilling in the use of electronic resources is discouraged and opportunities to retrain are encouraged by law firm management.

It is possible that as law libraries in all sectors move away from holding and training in the use of print material, some of the traditional legal research skills such as using print indexes will be lost. Graduate lawyers joining a firm may struggle to know how to find and use non-digital resources (Mishkin, 2017, p.53). All of the librarians in this study commented that there was still a place for print material in a law firm library collection and to prove this point one law firm has recently reverse downsized their print collection by acquiring print material off disposal lists.
9. CONCLUSIONS AND RECOMMENDATIONS

9.1 Conclusion

The aim of this research was to discover whether the trend to transition law firm libraries to electronic collections has had any effect on access to legal information for the law firm library clients. Interviews with six large law firm librarians revealed their perceptions and insights from experiencing a downsizing of the print collection in their law firm library and their observations of how their clients are finding and using alternatives to print legal information.

It is possible to conclude that there are sufficient alternatives to print collections of legal information available for library clients in large well-resourced law firms. The library clients have access to a wide variety of alternative sources to print collections: primarily quality subscription based sources supplemented with free internet sources, and external sources of print and electronic material to fill most information gaps. Downsizing print collections has not materially disadvantaged the participating law firms or their library clients because the process of downsizing has been carefully managed by the library staff. The obscure and hard to locate legal information that is only found in print is unlikely to have been originally held by law firm libraries. The law librarians are adept at using their experience and networking skills to access legal information, not held in their own collections, for their library clients.

It may not be possible to conclusively find that the library clients are satisfied with alternatives to print collections in this study. Library clients still have a preference for print formats for some types of legal material and most law firms are fulfilling this demand with dual format acquisitions of high use items within budget constraints. There are indications that law firm clients are embracing the convenience and added value associated with quality electronic legal information sources. However some library clients may not be using these sources to their fullest potential. This is an ongoing issue that the law librarians are aware of and are addressing through a variety of research skills training strategies to suit the information literacy gaps and the client’s immediate information needs.
To borrow a phrase from another researcher: “Librarians are one of the unique resources available at the library, after all, just as much as any of the print or electronic materials which users commonly access” (Gow, 2013, p.88). Large law firms appear to be slowly downsizing their print collections and transitioning to an all electronic library but their library clients have the advantage of another great resource, their law librarian, to help facilitate access to the legal information they need.

**9.2 Recommendations**

- Familiarise both librarians and library clients with the availability of print collections in other institutions, such as national, academic and law society libraries, by visiting and browsing their shelves.
- Consider offering rare or obscure print material to national and academic libraries for future Inter-Library Loans or NZLII for open access to legal material.
- Develop practice area intranet pages to replicate satellite collections of print material and provide more manageable and focused resource lists.
- Continue to build strong relationships between library staff and library clients. This will encourage research queries and teachable moments as well as improve client confidence.
- Record the rationale for retaining print material, in a formal report, so that institutional knowledge is retained in the law firm for future decision making.

**9.3 Ideas for Further Research**

- Survey or interview a cross section of lawyers in large law firms to discover their attitudes to the use of electronic resources.
- Explore how law firm librarians are meeting off site legal staff’s information needs. How do law firm librarians communicate and train off site staff members?
- Explore how the law firm librarian’s role is adapting to the trend to relocate librarians as ‘embedded librarians’ in practice areas and changing the library space in law firms. How is this cultural shift impacting on the library service offered to lawyers?


11. APPENDICES

11.1 APPENDIX A: Introduction Email

Dear

My name is Keri Tilsley and I am the inter-loans library assistant at the Davis Law Library in the University of Auckland. I am also a MIS (formerly MLIS) student at Victoria University of Wellington and I have started a research project to complete my professional library qualification.

The research project’s working title is *Downsizing print collections in law firm libraries: What are the implications (if any) for access to legal information for their users in New Zealand?*

I am approaching you to participate in my study to agree to be interviewed and contribute your experiences and perspectives as a law firm librarian. I am hoping to discover some useful insights and draw some conclusions using a qualitative approach. However I expect it will be a snapshot in time analysis as law libraries transitioning from print material collections to alternative sources is a rapidly evolving phenomena.

I expect the interviewing to take place during February 2017 and the interviews will take no more than one hour. The data collected will be confidential and no participant will be identifiable in any research report.

Please indicate whether you might be available and willing to participate and I will send you information and consent forms when I have received approval from the ethics committee. If I need to request permission from your organisation, in addition to your consent, please let me know.

Yours sincerely and gratefully,

Keri Tilsley

tilslekeri@myvuw.ac.nz
11.2 APPENDIX B: Participant and Organisation Information Sheet

Downsizing print collections in law firm libraries: What are the implications (if any) for access to legal information for their users in New Zealand?

INFORMATION SHEET FOR PARTICIPANTS AND PARENT ORGANISATION

Thank you for your interest in this project. Please read this information before deciding whether or not to take part. If you decide to participate, thank you. If you decide not to take part, thank you for considering my request.

Who am I?
My name is Keri Tilsley and I am a Master of Information Studies (MIS) student in the School of Information Management at Victoria University of Wellington. This research project is work towards completing my qualification.

What is the aim of the project?
This project will explore if reducing print collections in law firm libraries impacts on access to legal information by their users in New Zealand. I would like to discover what sources of legal information are available for law firm library clients as alternatives to print collections and how satisfied law firm library clients are with using these alternative access points to legal information.

This research has been granted approval by the VUW School of Information Management’s Human Ethics Committee (Application ID # 23958).

How can you help?
If you agree to take part I will interview you at your work or another location if you prefer. I will ask you questions about your experiences and observations as a law librarian in a law firm. The interview will take no more than one hour. I will record the interview and transcribe it. You can stop the interview at any time, without giving a reason. You will receive a copy of the transcript and you may request that data be edited, added or deleted. You can withdraw from the study by contacting me at any point before 31 March 2017. If you withdraw, the information you provided will be destroyed or returned to you.

What will happen to the information you give?
This research is confidential. This means that the researchers named below will be aware of your identity but the research data will be aggregated and your identity and identity of your law firm will not be disclosed in any reports, presentations, or public
documentation. However, you should be aware that in small projects your identity might be obvious to others in your community.

Only my supervisor and I will read the notes or transcript of the interview. The interview transcripts, summaries and any recordings will be kept securely and destroyed 2 years after the research ends.

What will the project produce?  
The information from my research will be used in my MIS research report and the results may be used in a journal article or in a presentation at a conference.

If you accept this invitation, what are your rights as a research participant?  
You do not have to accept this invitation if you don’t want to. If you do decide to participate, you have the right to:

- choose not to answer any question;
- ask for the recorder to be turned off at any time during the interview;
- withdraw from the study before 31 March 2017;
- ask any questions about the study at any time;
- receive a copy of a transcription of your interview recording and request editing or deleting of its contents;
- receive a report summary of this research.

If you have any questions or problems, who can you contact?  
If you have any questions, either now or in the future, please feel free to contact either:

**Student:**  
Name: Keri Tilsley  
University email address: tilslekeri@myvuw.ac.nz  
Phone: (09) 923 5378

**Supervisor:**  
Name: Dr Philip Calvert  
Role: Senior Lecturer  
School: Information Management  
Phone: (04) 463 6629  
philip.calvert@vuw.ac.nz

**Human Ethics Committee information**  
If you have any concerns about the ethical conduct of the research you may contact the Victoria University HEC Convener: Associate Professor Susan Corbett. Email susan.corbett@vuw.ac.nz or telephone +64-4-463 5480.
11.3 APPENDIX C: Organisation Consent Form

Downsizing print collections in law firm libraries: What are the implications (if any) for access to legal information for their users in New Zealand?

PERMISSION TO GRANT THE RESEARCHER ACCESS TO THE ORGANISATION AND INTERVIEW AN EMPLOYEE

Researcher: Kerli Tilsley, School of Information Management, Victoria University of Wellington.

- I have read the Information Sheet and the project has been explained to me. My questions have been answered to my satisfaction.
- I agree to allow my employee ______________________ to be interviewed as a participant for this research study.

I understand that:
- I may withdraw my permission for access to the employee at any point before 31 March, 2017, without giving any reason, and any information that has been provided will be returned to the organisation or destroyed.
- Any information provided by the employee will be destroyed 2 years after the research is finished.
- Any information provided by the employee will be kept confidential to the researcher and the supervisor. I understand that the results will be used for a Masters report and a summary of the results may be used in academic reports and/or presented at conferences.
- The organisation and employee’s names will not be used in reports, nor will any information that would identify the employee or organisation.

- I would like to receive a copy of the summary of the research report and have added my email address below. Yes ☐ No ☐

Signature of Senior Officer: ________________________________

Name of Senior Officer: ________________________________

Date: ________________________________

Contact details: ________________________________
11.4 APPENDIX D: Participant Consent Form

Downsizing print collections in law firm libraries: What are the implications (if any) for access to legal information for their users in New Zealand?

CONSENT TO INTERVIEW

Researcher: Keri Tilsley, School of Information Management, Victoria University of Wellington.

I have read the Information Sheet and the project has been explained to me. My questions have been answered to my satisfaction. I understand that I can ask further questions at any time.

- I agree to take part in an audio recorded interview.
- I understand that:
  - I may withdraw from this study at any point before 31 March, 2017, without giving any reason, and any information that I have provided will be returned to me or destroyed.
  - I will receive a copy of the transcript and I may request that data be edited, added or deleted
  - The information I have provided will be destroyed 2 years after the research is finished.

- Any information I provide will be kept confidential to the researcher and the supervisor. I understand that the results will be used for a Masters research report and a summary of the results may be used in academic reports and/or presented at conferences.

- My name and the name of the organisation that I work for will not be identifiable.

This research has been granted approval by the VUU School of Information Management's Human Ethics Committee (Application ID # 23958). If you have any concerns about the ethical conduct of the research you may contact the Victoria University HEC Convener: Associate Professor Susan Corbett: Email susan.corbett@vuw.ac.nz or telephone +64-4-463 5480.

- I would like to receive a copy of the report summary and have added my email address below. Yes ☐ No ☐

Signature of participant: ___________________________

Name of participant: ___________________________

Date: ______________

Email contact details: ___________________________
APPENDIX E: Ethics Approval

Dear Karl,

Your application for amendment/extension of Human Ethics application number 0000023958 (Downsizing print collections in law firm libraries: What are the implications (if any) for access to legal information for their clients in New Zealand?) has been approved.

Thank you

ResearchMaster

*****This is an automated email. Do not reply to this email address*****

Information Management subcommittee queries: vanessa.venter@vuw.ac.nz
11.6 APPENDIX F: Interview Questions

Contextual / Background Questions:

1. Please describe your library to me?
   - services
   - clients
   - collection
2. Please describe your role in the organisation?
   - interaction with clients
3. Could you briefly explain to me the main factors that lead to your library downsizing its print collection?

Research sub-question 1:

4. Please describe the non-print sources of legal information that are currently available to your clients.
   - free-to-internet online sources
   - formal or informal sharing arrangements with other libraries
   - document supply
   - commercial databases
   - EBooks?
   - List-serv community
5. What do you consider to be your last resort backup when all other sources are unavailable?

Research sub-question 2:

6. How effectively are your clients accessing these non-print sources?
   - barriers – inexperience / unfamiliarity
   - training
   - guides
   - changing technology
7. Please give me an example recently when a client was unable to locate legal information that was needed?
   - process/ availability – what happened?
8. What happens if your clients are unable to access legal information?
   - reaction / feedback
9. Overall, has the downsizing of print material been a positive or negative experience for your firm?

Wrapping up:

10. How do you think access to legal information will change in the next 5 years?
    - Further downsizing of print?
11. Would you like to ask about or bring up anything we have not covered before we finish?