

The Next Generation of Westlaw: WestlawNext

Catherine M. Dunn, Reference Librarian, Georgetown Law Library, cmd77@law.georgetown.edu

In the spring of this year, Thomson Reuters released WestlawNext, its large-scale overhaul of Westlaw's search interface as well as the search engine behind it. A multi-million dollar project several years in the making, WestlawNext emerged with this tagline: "Legal Research Goes Human." In other words, Thomson Reuters designed WestlawNext in response to the often-repeated refrain that computers cannot think, they merely respond to commands. This lofty goal, if successful, has the power to change electronic legal research as we know it.

WestSearch

WestlawNext is built around WestSearch, a new search algorithm that uses a single search box to search across twelve different content areas. A user need only select a jurisdiction and then enter one or more search terms in the search box to retrieve results from primary law sources, such as statutes and cases, as well as a variety of secondary source materials.¹ According to Thomson Reuters's promotional materials, WestSearch provides users with the most relevant results without requiring the selection of a database, the use of a controlled syntax or a sense of the proper language for describing the relevant issues or facts. The Vice President of WestlawNext Product Development has described it as "ending the tyranny of the keyword."

¹ The complete list of content areas is: Cases; Statutes; Regulations; Administrative Decisions & Guidance; Trial Court Orders; Secondary Sources; Briefs; Pleadings, Motions & Memoranda; Expert Testimony; Jury Verdicts & Settlements; Pending & Proposed Legislation; and Pending & Proposed Regulations.

Exactly how WestSearch works remains a bit of a mystery, however, because Thomson Reuters refuses to release its exact makeup. In general terms, WestSearch uses the editorial content that West has created for more than a hundred years, as well as the search habits of its users, to cast a wider net so a researcher is not hamstrung by unknown vocabulary or search syntax problems. The editorial content includes the Key Number System, KeyCite, and secondary source content, and the search habits are gathered from tracking the user population, with the exception of academic users.

When using WestSearch, a user will receive a results overview containing the most relevant result in each content area except cases, which contains the two most relevant results. From this overview screen, a user can then choose to view the full set of results in any one of the content areas, and, once the user selects a content area, he or she can then further manipulate the results within that one area. The layout of the results can be changed based on a user's sorting preferences, and a user can also reduce the number of results using the faceted search restrictions available.

The big question, though, is how well does WestSearch work? Is it really more like a human than a machine? From what I can tell based on my own use, WestSearch works best with unique search terms and/or small jurisdictions. For example, if a researcher uses unique search terms to find information in a small jurisdiction, such as the licensing of alcohol at golf courses in Alaska, the most relevant statute will fly to the top of the results list. Similarly, using unique

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FROM THE EDITOR

Welcome!

Ripple L. Weistling, Reference & Electronic Services Librarian, American University, Washington College of Law, rweistling@wcl.american.edu

Welcome to the first issue of Volume 54 of *Law Library Lights*. The theme for this issue is teaching and training. As I have been putting this issue together, the academic year is in full swing and it is almost impossible for me not to have some sort of teaching on my mind.

I have been an academic reference librarian for slightly more than four years now, and teaching was one of the main things that drew me to this particular branch of librarianship. However, when I first started I looked forward to what was on my formal teaching schedule with a mixture of anticipation and dread that I think is familiar to anyone who has ever made a living or even a hobby of standing in front of a group of people and sharing what you know. One of the things that I looked forward to with rather more dread than anticipation was my shift at the reference desk. I once told a colleague that sitting there felt like taking a pop quiz every afternoon—a

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Deadline for Submissions

If you would like to write for *Lights*, contact **Ripple L. Weistling** at rweistling@wcl.american.edu. For information regarding submission deadlines and issue themes, visit the LLSDC Web site at www.llsdc.org.

Law Library Lights is published quarterly by the Law Librarians' Society of Washington, D.C., Inc. 20009, ISSN 0546-2483.

Beginning with Vol. 50, #1 (Fall 2006), *Law Library Lights* is now published in PDF format on the LLSDC Web site: www.llsdc.org. Notification of availability of each new issue will be sent to the LLSDC listserv. If you would like to receive individual e-mail notification when new issues are published, please send an e-mail to **Ripple L. Weistling** at rweistling@wcl.american.edu.

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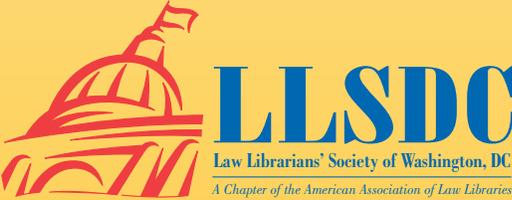
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pop quiz designed by someone with a ridiculously wide range of interests and a warped sense of humor.

It took me a while to warm up to that, and I only really did so once I realized that this was just another mode of teaching. It wasn't about knowing the answers but about seeing the questions as an opportunity. People are most interested in learning when they have something they need to know, so I find that much of my best and most interesting teaching gets done in response to reference questions. It can be a little disorganized and somewhat nerve wracking: I am almost never in control of the agenda, and some days I feel like a contestant in an oddly themed game show. Imagine Alex Trebek announcing "Our first category today is The Legislative and Regulatory History of the Clean Water Act." But as librarians know, this is a terrific way to reach people who are engaged with their material and interested in what you have to teach them.

So welcome to the teaching and training issue, where we try to capture some of what we have learned about engaging with users and teaching them how to get the most out of our resources. Catherine Dunn reports on West-

law Next, providing an overview of the new interface and search algorithm, and where the new version is better, or worse, than classic Westlaw. Melanie Oberlin and Lucas Meyers explore teaching new law firm associates to do fact-based research; Janice Fridie writes about using humor and a touch of drama to enliven research workshops at the Department of Justice Library. Richa Dasgupta and Aaron O'Brien review remote training tools. And Tracy Woodward describes the thrill of teaching law students sophisticated uses of a familiar tool and of taking teaching and training way beyond the law library.

I would like to take this opportunity to welcome our new assistant editor, Jill Smith, and our new LLSDC President, Christine Ciambella. We also welcome back our columnists, Dawn Bohls, Shannon O'Connell, and Roger Skalbeck. In this issue, Dawn reviews *Telling Ain't Training*, which offers practical advice for designing a learner-centered approach to training, while Roger analyzes the tweets from the 2010 AALL conference and describes options for capturing, saving, and analyzing Twitter content for any purpose.

If you would like to be a part of *Lights*, please let me know. I welcome article ideas as well as offers to write an article. **LLL**

Welcome to the teaching and training issue, where we try to capture some of what we have learned about engaging with users and teaching them how to get the most out of our resources.

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search terms, such as the regulation of snowmobile use in Yellowstone National Park, WestSearch will retrieve very relevant regulations and other administrative materials even when using the broad "All Federal" jurisdiction.

That said, though, every search using WestSearch seems to result in a few content areas that absolutely miss the mark. In my two example searches above, the "most relevant" secondary source listed in the results overview did not prove useful in either instance. In the Alaska search, the top result is an *Alaska Law Review* article that summarizes the important cases in the state from 1993, none of which relate to the licensing of alcohol at golf courses, and in the Yellowstone search, the top result in the secondary sources category is an article on obtaining surplus animals from certain national parks in *Federal Procedure, Lawyer's Edition*. Considering the strength of Westlaw's secondary source offerings as well as the popularity of ResultsPlus, seasoned researchers will expect better results

at the top of the secondary sources content area when using WestSearch.

Although irrelevant results in WestSearch seem to be more prevalent in secondary sources, they appear in the context of primary law materials as well. One such example is a search for "stalking" in the "All Federal" jurisdiction. The regulation and administrative decision on the WestSearch overview screen relate to celery and broccoli respectively. (It is worth noting that the secondary source listed on the overview screen fares little better. It is about acting as a stalking horse bidder.) When compared to traditional Westlaw, the regulatory search largely mirrors the type of results of a natural language search for "stalking" in the CFR, so WestSearch seems to add little, if anything, beyond a pure relevancy search. Using either terms and connectors searching or the Regulations-Plus Index to the CFR, on the other hand, retrieves results relating to or otherwise referencing criminal stalking.

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Thomson Reuters is trying different pricing options, but at this point WestlawNext is basically an add-on service that charges largely based on the retrieval of documents, which a user can then continue accessing without incurring additional costs for a full year.

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The key points to take away from all of this, I believe, are that researchers who use WestSearch must have a strong understanding of the types of sources WestSearch encompasses in order to effectively manage their results, and researchers must still critically assess, limit, and rework searches when using WestSearch. This may seem obvious to information professionals, but I fear that it is a distinction that may be lost on those members of the Google generation who are fairly new to research, such as law students or new graduates. In fact, the very first presentation I attended on WestlawNext this past spring highlighted Westlaw data showing that many users expect to find their best material in the first three to five results and often will not look beyond that set of results. As such, the Product Developer who presented stated that they deliberately designed WestSearch to align with this style of research. Under such circumstances, it is hard to fault new researchers who strongly gravitate toward single search boxes for failing to understand what the content in the results overview is/means or that WestSearch results must be carefully assessed, limited, and reworked to provide meaningful research results.

Other Search Tools on WestlawNext

In an attempt to capture everything of value to a user, WestSearch deliberately broadens a researcher's search results beyond traditional keyword searching through the use of extra content, such as headnotes and user data. This results in a loss of search precision, which is further compounded by the lack of transparency in searches done via WestSearch. As mentioned above, researchers can never be sure what exactly WestSearch is using to compile the end search results, since that information is withheld from users as proprietary, so a researcher can often struggle when trying either to analyze missteps in a research path or to be sure that his or her research is comprehensive. Since precision and transparency can be so critical for practicing lawyers in their research, it is important to note that WestlawNext retains many of the search capabilities from traditional Westlaw, which can help with both precision and transparency.

For example, users can still locate databases or collections of materials from the main screen area on WestlawNext and then run either plain

language or terms and connectors (Boolean) searches in the general search box. A plain language² search will provide the same results as WestSearch, but in a single content area based on the database the user chose, rather than across all twelve content areas. A terms and connectors search, on the other hand, will override WestSearch and allow for the same level of precision as a terms and connectors search on traditional Westlaw. The user must be familiar with the connectors already, however, since the screen does not have the same "cheat sheet" type of information on terms and connectors as the search screen in individual databases on traditional Westlaw. Note, also, that a user need not browse from the main screen of WestlawNext to retrieve known databases. Instead, a user may begin to type a database name or identifier into the search box, and the system will bring up a series of options as it works to guess the database the user seeks.

Researchers who used field searching on traditional Westlaw can still search by field on WestlawNext through the advanced search function. After selecting a specific database, a user must select the "advanced" link to the right of the main search button. The search screen that appears will have a series of boxes representing the available search fields for that database, so a user can simply fill in the available boxes as appropriate to craft the search. As above with traditional terms and connectors searching, using these fields overrides WestSearch and allows for increased precision in searching.

A user can also still find materials by citation in WestlawNext. To find something using its citation, a user need only type that citation into the main search box. Assuming the citation is in a form that can be read by WestlawNext, the system will retrieve that document regardless what the jurisdiction selection happens to be.

Finally, finding aids such as indexes, tables of contents, citators (KeyCite), and the headnote system (Key Numbers) continue to be available on WestlawNext as well, although not always with the exact same functionality as on traditional Westlaw. One example of reduced functionality is the fact that a user cannot limit a KeyCite display across multiple content areas on

² Note that plain language on WestlawNext is not the same as natural language on traditional Westlaw (which does not exist on the WestlawNext platform). According to representatives of Thomson Reuters, they use different search algorithms, although both are relevancy-based searches.

WestlawNext. Unlike traditional Westlaw, where a user can easily limit a set of citing references to just cases and law journal articles, for instance, WestlawNext requires the user to select a content area from the full list of citing references before he or she can place any limits. Since cases and law journal articles fall in two different content areas (the “cases” and “secondary sources” content areas), a user must add limits and review the results for each type of material separately, which is terribly inconvenient for a sophisticated user.

WestlawNext's Interface, Organizational Tools & Pricing

While WestSearch is the cornerstone of this new system, WestlawNext also introduces a brand new interface and a series of organizational tools that were not present on traditional Westlaw. The new interface cleans up much of the clutter a user sees in traditional Westlaw, which is a welcome change. Sometimes it does so to a fault, such as in the headnotes of cases where a user can no longer see the full KeyNumber hierarchy without selecting it, but most of the time the new interface is a vast improvement with clear paths to the useful finding tools and editorial analysis Westlaw has always been built upon.

In addition, WestlawNext introduces a series of organizational tools, including folders for saving full documents or selections from documents. Users can also highlight portions of documents and attach notes that will stay with the document until the user decides otherwise. WestlawNext still allows for printing, downloading, and emailing, of course, but the new organizational system spurs users toward electronic analysis and storage of materials. Practitioners have some concerns regarding the preservation of work-product privilege, since their notes would then be stored on Thomson Reuters's servers, but these organizational tools can still be valuable purely for sorting materials from a series of projects for possible later use.

Lastly, I would be remiss if I didn't address the pricing of WestlawNext, even though it is less of an immediate concern for academic subscribers than for law firms and practitioners. Thomson Reuters is trying different pricing options, but at this point WestlawNext is basically an add-on service that charges largely based on the retrieval of documents, which a user can then continue accessing without incurring additional costs for a full year. This is a big change from the straight transactional and hourly pricing schemes

of the past, and it involves a fair bit of frontloading the cost due to the continued access component. As a result, many firms are reluctant to use WestlawNext until they determine how much of a premium they will have to pay for it, if they can continue to pass at least some of the cost on to their clients, and exactly how WestlawNext will benefit their practice. In the words of an attorney in private practice whose firm participated in a beta test of Westlaw Next:

I like the new layout and look, and I find it much easier to use and more intuitive. With that said, the whiz-bang search engine that was supposed to come along with this did not seem to work any different than a natural language search from the old system. I constantly received just as much irrelevant information as I did with the old natural language searches (which I never use anyway) and switched back to the Boolean connectors. I am not sure the higher price is worth it for a search engine that is advertised as providing greater performance but does not.

Concluding Thoughts

WestlawNext is still very new, so only time will tell the impact it will have on legal research as we know it. Ultimately, Thomson Reuters designed WestlawNext as a replacement for Westlaw, so it will be the only available interface at some point in the future. WestSearch in particular is a very ambitious change, and it has the potential to have a monumental impact on legal research if researchers come to trust it as an effective, more “human” way of conducting digital research.

In the meantime, it is important for those of us who are using WestlawNext and teaching others to use it to emphasize the use of a variety of search methods using the system. WestSearch may be a suitable starting point for some research projects, but its breadth requires that we teach users how to use the ordering and sorting features available, as well as how to engage in more precise research using some of the more conventional research techniques that are still available on WestlawNext.

Finally, current users must remember that WestlawNext is incomplete. There is still a fair bit of content that needs to be migrated over from traditional Westlaw, which Thomson Reuters aims to complete by the end of 2011. If you notice strange results or otherwise have feedback on the system, WestlawNext has an “Improve WestlawNext” link on the bottom of every screen for user feedback. **LLL**

Developing Effective Fact-Based Legal Research Skills for New Associates, or “You Want Me to Research What?”*

Melanie Oberlin, Instructional Services Librarian, George Mason University Law Library, moberlin@gmu.edu, and Lucas Meyers, Formerly an associate at Skadden, Arps, Slate, Meagher & Flom LLP; now practicing law in Austin, Texas

Recent law school graduates are familiar with how to research general legal issues, such as the court’s interpretation of “scienter.” Another type of legal research exists, though, and that is “fact-based” research. This type of research is commonly the responsibility of new attorneys. In a fact-based research situation, the supervising attorney already knows what the law is on an issue, but he wants the junior attorney to find a case, possessing a very specific fact pattern and procedural posture, that supports his specific argument. Or he may ask a new attorney to find a case that supports a sentence that he wants to write in a brief. In both situations, the law does not drive the research so much as a particular fact pattern and holding stated in a particular way. Many junior attorneys are not comfortable with these types of assignments because they were only taught how to research the law, not facts.

Applying a “law-based” research approach to a fact-based research question may be inefficient. Headnotes and other research aids based on legal concepts will be of limited use. Instead, using full-text searches to find cases that are factually similar will yield better results.

This article seeks to provide a method for a junior attorney to follow to effectively research fact-based questions. Specifically, the article addresses the differences between Boolean and natural language searching, what kind of results can be expected, the strengths and weaknesses of each, and how to apply them to fact-based research. While librarians may think that young associates are familiar with advanced Boolean connectors, anecdotal evidence indicates otherwise. Recently, a young associate learned to force the order of operations using parenthesis and exclaimed that this had changed his life. This article can be used as a guide for young associates and for librarians working with them.

Boolean, or Terms and Connectors, Method of Searching

A Boolean search is one where the researcher is completely in control of the equation, or algorithm, that drives the search. You express your preferences using Boolean terms and connectors like “AND”, “OR”, “NOT”, “ATLEAST”, etc.

The advantage of Boolean is that the terms and connectors allow a researcher to create a very exact search once he knows the key search terms for his subject. For example, a case about wiretapping and the Racketeer-Influenced Corrupt Organizations Act (RICO) can be searched using the following terms:

Wiretapping **AND** RICO

The search results, however, may include cases about wiretapping brought in the District Court in Puerto Rico that have nothing to do with the Racketeer-Influenced Corrupt Organizations Act (RICO). In this case, the search could be narrowed, as follows:

Wiretapping **AND** RICO **AND**
NOT “Puerto Rico”

Putting a phrase in quotation marks ensures that the computer recognizes it as a unified phrase rather than as words separated by AND or OR, and any search results will only return (or exclude) that phrase.

Order of Operations and the Powerful Parenthesis

The computer reads Boolean connectors according to a set of priorities established by the database vendor. For example, OR is usually processed first (highest priority), and then connectors are processed from left to right. The order in which the connectors are processed affects the accuracy of results. Parentheses can force the

order of operations, that is, the order in which the computer processes the Boolean connectors. A good example is provided in the Westlaw help guide. In this search, the researcher wants to find documents that have the word *frisk* (or *frisked* or *frisks*) or a phrase along the lines of “search and seizure.” This can be expressed as:

Frisk! OR (search! /4 seiz!)

Here, the researcher has told the computer that “search” (or *searched*) and “seizure” (or *seize*) need to be within four words of each other. “Frisk” can be alone or anywhere in the document.

Complex Connectors

Most systems support complex Boolean connectors. Examples include specifying that words appear in the same paragraph: <Wiretapping /p RICO>, or in the same sentence: <Wiretapping /s RICO>. Complex connectors can also be used to indicate that two words should be within a certain number of each other, as in <ruth /2 ginsburg>, so that the search returns Ruth Ginsburg and Ruth Bader Ginsburg, as well as Ginsburg, Ruth. Typing <search +2 seizure> specifies that the first word should precede the second by up to two words. Entering <atleast20(RICO)> requires that the word or phrase appear at least X number of times (20 in this example).

Fuzzy Searches, Truncation and Wild Cards

Some search systems run fuzzy searches. A fuzzy search is one where very closely related words are retrieved. For example, Westlaw and Lexis automatically retrieve both the plural and singular of your term and are case-insensitive. In a search for “damage,” the system also retrieves “damages.” In a search for “RICO,” the system also finds “Puerto Rico” (because *rico* appears in both when disregarding upper and lower case).¹ Most legal databases also allow the researcher to create a fuzzy search by using wild card or truncation symbols, such as * and !, which stand in for one character or many, respectively.

Field Searches

Legal databases also allow researchers to search a particular part (“field” or “segment”) of the doc-

ument, e.g., party names, judge’s name, court, dissent, concurrence, HeadNotes, syllabus, references, byline, author, etc. In most cases, the system makes it easy to limit the terms to a particular field using a template or a drop down menu. The system will then automatically add the information to a terms and connectors search.

Natural Language Searching

In a natural language search, just as in a Boolean search, an algorithm drives the search. The difference is that with natural language searching the computer generates the algorithm and determines the relevant documents, not the researcher. In a Boolean search, all of the terms in a query have to appear in the document according to the relationships specified. In a natural language search, not all of the terms must appear, and the researcher cannot specify the relationships between the terms.

One advantage of a natural language search is that the results are shown in order of relevance in legal databases like Westlaw and Lexis. The document the computer determines is most relevant is the first document in the list of retrieved items. In contrast, a Boolean search in Westlaw or Lexis will show results in a pre-determined order, such as reverse chronological order. As the success of Google demonstrates, a good algorithm saves time by returning the most relevant results first. Factors that influence relevance according to the algorithm include: the number of search terms appearing in the document, how many times the terms are repeated, whether the search terms appear in a title or section title, and how close search terms appear near each other in the document.

The natural language search offers another advantage over Boolean when the researcher is unfamiliar with what terms or jargon relate to the question or the proper way to state the legal concept. Queries can be less precise because the researcher is not specifically directing the relationship between the words.

To maximize the results, it is best to modify the initial natural language query to reflect previous searches. The modified query need not be readable or sensible. It should have lots of synonyms and a lack of prepositions and conjunctions. In addition, it should not be too short. A query must be reasonably lengthy for the system to apply the algorithm’s rules. For example, if the question is, “When is a covenant not to compete

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¹ If needed, most systems allow disabling the automatic plurals and case insensitivity.

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enforceable?”, then the query might be: <covenant compete “non-compete clause” “non-compete agreement” enforce enforceable restraint trade reasonable elements>. The query may or may not be stated in the form of a question, and prepositions and conjunctions can be omitted. Common words such as if, when, where, why, how, and whether can also be eliminated.

One last advantage of the natural language search is that in some systems (Westlaw, for example) the researcher can skip through the results to the point in each document where the algorithm found the best match. Going to the “best” paragraph or section in each document allows the researcher to determine very quickly whether the document is relevant.

A major disadvantage of natural language searching is that it will always return a standard number of results. Westlaw and Lexis, for example, by default, both return 100 results with every natural language search. In contrast, a Boolean search always gives the exact number of results that meet the search criteria. This is useful because the number of results will show whether the search terms should be modified because they return either too few or too many results.

Like Boolean searching, natural language searching is also literal and depends on the exact words used. The research system can assist by spell checking, suggesting synonyms, or suggesting “more like this” options, but it is up to the researcher to enter the right words into the search query.

Boolean v. Natural Language for Fact-Based Research

While people’s preference for Boolean or natural language varies most research, and especially fact-based research, requires a mixture of the two.

At the outset, a natural language search should be used. Fact-based research focuses on finding a case that that supports a particular sentence or a specific holding. Type the sentence or holding, as well as other key words, into the natural language search to quickly determine whether any “perfect” case exists. It is worth trying a few different iterations of the search, and at least (quickly) skimming² through all of the results that are returned. Turn to a Boolean search as familiarity with cases and phrasing increases.³

Perfecting a Fact-Based Approach

Using the concepts listed above, you should feel confident that you will find what is called for. But remember these general, good techniques for research, too.

Narrow the Scope of the Potential Research

First narrow the scope of the research as much as possible. The best way to do this is to begin research in the negative by excluding as many possible databases from the search. The following questions, though not exhaustive, will help narrow the scope:

What is the applicable jurisdiction? Does the research require Southern District of New York opinions, all New York federal opinions, all Second Circuit opinions, or all federal court opinions? The more specific the jurisdiction, the smaller the database and the fewer results that will need to be sorted through.

Who is the judge assigned to the case? Use the field, or segment, limiters to find cases authored by a particular judge. It is worth spending a few extra minutes to see if there are any relevant cases authored by the assigned judge.

What is the procedural posture of the case? If the research calls for cases deciding a motion to dismiss under Fed R. Civ. P. 12(b)6, then exclude motions for summary judgment, motions to stay, motions to dismiss for *forum non-conveniens*, etc.

What is the case about? For example, search queries relating to gross negligence in the tort context should exclude gross negligence in the fiduciary duty context as inapposite.

Finally, double-check the accuracy of the principle or question. Most attorneys handle multiple cases at once, and it is easy to conflate concepts from different cases.

² Westlaw and Lexis both allow the researcher to change the amount of the text shown underneath a case in the list of search results. Setting it to around 50 words (Westlaw) will allow one to quickly determine whether that particular case is worth clicking on and reviewing in its entirety.

³ As a practice tip, be sure to check all 100 documents when searching in a natural language database. If a particular issue only appears briefly in the opinion, it may be near the end of the search results.

Know the Law, Know the Facts, Know the Terms

The key to any type of search, Boolean or natural language, is to identify the terms that will most likely yield the desired results. This requires an understanding of the law underpinning the assignment. For instance, “garnishment” in New York includes the act of accessing the funds held in a judgment debtor’s bank account. “Attachment,” however, is a prejudgment remedy in New York that can only be used in specific situations. Lawyers often refer to both concepts as “attachment.” If the fact pattern involves a judgment debtor, searching the term “attachment” will only waste time. Accordingly, reviewing a treatise will ensure a workable knowledge of the relevant legal issues.

Cost-Effective Search Tips

Research costs the client money, not only in terms of an associate’s time but also the time spent utilizing the research service. The strategies discussed above will help you search more efficiently by being creative and careful in your use of terms and connectors or natural language search query. You can also use the “focus terms” (LexisNexis) or “locate in result” (Westlaw) function to further narrow your results.

Focus and Locate Functions

The “focus terms” or “locate in result” feature allows a researcher to search, for no additional transactional charge, any number of search term combinations within the documents returned in the initial search. For example, suppose the research calls for a case that says “claims cannot be both direct and derivative, rather they must be one or the other.” If the initial Natural Language search did not yield any usable results., the researcher could try a broad Boolean search, such as:

both /s direct /s derivative

But if this search did not yield any results, one would have to type in new search terms, and the client would be charged for the new search. The better search is:

direct or derivative

This search will probably result in thousands of cases, but now the “focus” or “locate” feature can be used to reconfigure the search terms as

many times as needed, and the client will not be charged. The key is to construct an initial search that will yield all possible relevant results and then use the complex Boolean connectors discussed above to refine and focus within those results.

Conclusion

There are three constant truths for all research, be it in books, online, through direct study, or through interview. Truth One: research takes time. The longer the time spent researching a question, the more likely relevant information will be found. Truth Two: research is an iterative process. The first search is rarely the perfect search. One must search, review results, modify the search, review the results, and repeat until satisfied. Truth Three: research takes practice. The more one practices running complex searches and analyzing the results, the better one will be. The same is true for fact-based research. While it may initially seem frustrating, a fact-based research strategy that emphasizes a structured and creative approach to problem-solving will result in relevant and cost-effective results. **LLL**



FROM THE PRESIDENT

How Can LLSDC Educate You?

*Christine Ciambella, Adjunct Reference Librarian, American University, Washington College of Law,
Christine.ciambella@gmail.com*

“In the non-stop tsunami of global information, librarians provide us with floaties and teach us to swim.”—Linton Weeks, *Washington Post*, January 13, 2001

Teaching and training is an apt theme for this, the fall issue of *Lights*. Even though I’m no longer a student, fall always fills me with that “back to school” anticipation of a new year, a new adventure. Learning is a lifelong process and nowhere is that more true than in our profession. Librarians are both the students and the teachers as we face the non-stop tsunami of information. LLSDC is committed to helping our members in both of these roles.

Many of LLSDC’s programs and activities focus on educating our members in all facets of librarianship. Our Education Committee recently conducted a survey to determine members’ interest in different types of programs and will be developing programs based on survey responses. If you have a program idea, please contact the committee chair, Todd Venie, tmv22@law.georgetown.edu.

Other groups within LLSDC also host training and education programs. The Special Interest Sections, Committees, and Focus Groups sponsor events that are of particular interest to their members, but these events are usually open to all. Additionally, many SISs, Committees, and Focus Groups provide reference materials on their web pages. Many of these resources are used by librarians all over the country. And of course, award-winning *Law Library Lights* is the go-to resource for instructional information on a wide variety of topics.

How can LLSDC educate you? We want to be a valuable resource to our members, so please share your ideas for programs and events. **LLL**

AALL ANNUAL MEETING

Congratulations to the LLSDC members who won awards, grants, and scholarships from AALL this year and who participated in programs during the AALL annual meeting in Denver, Colorado this summer.

The AALL/LexisNexis Call for Papers Awards Program, Student Division:

Deborah E. Shrager, The Catholic University of America, School of Library and Information Science, “Moving Past Web 2.0h! An Exploratory Study of Academic Law Libraries”

AALL & Thomson West/George A. Strait Minority Scholarship

Jeffrey Nelson, Washington, D.C.

AALL Scholarships

Jeffrey Nelson, Washington, D.C.

AALL Grants

Jill Smith

AALL Program Moderators/Speakers

Charlene Cain, Howard University Law Library

Vicenc Feliu, University of the District of Columbia, David A. Clarke Law Library

Kumar Percy Jayasuriya, Georgetown University Law Library

Clara Liao, Georgetown University Law Library

Sarah J. Rhodes, Georgetown University Law Library

Sara Sampson, Georgetown University Law Library

Roger V. Skalbeck, Georgetown University Law Library

Kelly Vinopal, American Society of Law Librarians **LLL**

The Spy Who Came in from the Stacks

Janice Fridie, Librarian, U.S. Department of Justice, Janice.fridie@usdoj.gov

The “operatives” arrived at 10:00; level of interest varying from attentive to “just point me to the caffeine and keep the volume low.” They got five minutes to collect coffee, pens, and notepads.

At 10:05 precisely the telegram arrived and I read aloud:

*The U.S. liaison at Interpol needs DOJ directive number **** and any other current or superseded orders covering the same topic.*

*Mission Critical, Time Sensitive,
Respond Immediately*

So, we were off. A volunteer ran the computer while I provided directions: first to the Virtual Library’s home page, launch pad for all our databases, then to the DOJ- specific resources and a brief description and demonstration of how it was organized. Our volunteer located the directive on “Witness Protection.” We discovered that a subject search could pull in the orders.

Mission accomplished. “Now, tell me,” I asked “what else you notice about the database.” Several operatives pointed out different search categories and we wrapped up with a review of how we had located the documents. Just in time.

10:20 a.m. “Agent” Smith arrived with a second set of instructions. She detailed another operative to run the computer and briskly outlined how to obtain the habeas briefs demanded by Interpol. “Agent” Smith passed around samples from the print collection and explained how to read the map to their library location. Also, as our microfiche collection has been declassified and “Agent” Smith could give them directions to it.

10:35 a.m. The phone rings at the reference desk. An operative takes the call, scribbles a coded message, then hands it to me for translation:

Urgent! Deliver—U.S. extradition treaty with Bulgaria via secure channels. Interpol US

A final change of operatives, navigation through two of the available treaty databases,

and a call for questions finishes the hour. Before the operatives disperse, we discover a carelessly dropped newswire that puts all our work into context:

Delayed-fuse bomb detonates in Hawaii Witnesses recognize International Terrorists fleeing the island

We librarians at the Department of Justice Main Library give coffee hour training sessions once a month. In the open space of our reading room we set up a large urn, a tray of cake or cookies, and a circle of chairs. Drop-ins are encouraged to listen to a research topic that we’ve advertised on our intranet. While I’ve lectured in the past, this month I tried an interactive approach. Using suggestions from the Master’s in Education program at Drexel University, Agent Smith and I co-presented those basic resources for researchers.

Normally, I wouldn’t be so dramatic. Unfortunately, the coffee hours are the least conducive to hands-on teaching techniques. Our space is both open and limited. The transitory nature of attendees (“I stopped by for a cup of coffee not Library Science 101”) means I can’t send them into the stacks. The single computer terminal means I can’t have multiple people online. So I opted for theater to enliven the lectures.

These are the three Drexel Program principles I was able to use and two that didn’t work in that space.

Principle I. Keep it short.

I notice that I can only absorb the first 15-20 minutes of any presentation. No matter how stimulating the topic or how polished the speaker, at a quarter of an hour my memory reaches capacity. Not only do I not take in new material, the first entries start to erase.

In the spirit of “do unto others as I would be done” I speak for no longer than fifteen minutes before asking for class participation. Research suggests that far from being a personal problem, this is a universal yardstick.

continued on page 12

The Spy Who Came in From the Stacks *continued from page 11*

Principle II. Engage as many senses as possible.

Each additional format provides an additional memory link, and using multiple formats recognizes that people use different or “multiple intelligences.”

I concluded that:

The kinesthetic learners were the ones who volunteered to run the computer;
The visual learners watched the screen;
The aural learners listened and retained the directions, the description, and review of the databases.

Note-taking seems to transcend these boundaries, having a foot in each of the three camps.

Principle III. The subject should be relevant.

Our “operatives” were drawn from a constituency that needed to access the databases and the type of documents we retrieved. I chose the Interpol narrative because September was the anniversary month of our worst terrorist incident and because it is undeniably attention-getting.

Space did not permit me to (IV) split the participants into two smaller groups or (V) to allow the groups to teach each other. The smaller groups permit more personal interaction while teaching someone else reinforces the teacher’s own understanding. However, the year is still young. And next month, I teach a U.S. treaty retrieval class. **LLL**

AALL NEWS

Volunteer for an AALL Committee

AALL is accepting applications for 2011-2012 committee volunteers. Go to AALLNET, <http://www.aallnet.org/committee/committees.asp>, for information about the various committees and fill out the volunteer form. Most applications are due by December 1; if you are volunteering for the Annual Meeting Program Committee (AMPC), please submit the form by November 1.

Call for Nominations for AALL Distinguished Lectureship Award

The AALL Research and Publications Committee, <http://www.aallnet.org/committee/research-pub.asp>, is seeking nominations for the AALL Distinguished Lectureship Award. This award is an opportunity for members with a unique perspective on the history, practice, or philosophy of law librarianship to share their knowledge and expertise with other members in a prestigious setting. The lecture, which can be on a topic of the individual’s own choosing, will be presented at the Annual Meeting and published in Law Library Journal. The award also comes with a \$500 monetary award. Visit AALLNET for more information. Nominations are due by November 1.

AALL/Wolters Kluwer Law & Business Grants Program Seeks Applications

The AALL Research & Publications Committee is accepting applications through Monday, November 15, 2010, for research grants from the AALL/Wolters Kluwer Law & Business Grants Program that may total up to \$5,000.

The committee will award one or more grants to library professionals who wish to conduct research that supports the research/scholarly agenda of the profession of librarianship. The AALL Research Agenda offers suggestions for possible research projects that cover a wide segment of professional interest, including the profession of law librarianship, law library patrons, law library services, legal research and bibliography, legal information resources, and law library facilities. However, projects are not limited to those described in the agenda, and the committee will consider all applications and research projects. To review AALL’s Research Agenda, please visit www.aallnet.org/committee/research/agenda.asp.

The grant application and complete guidelines are available at: http://www.aallnet.org/about/wklb_grant_application.asp.

The submission deadline for applications is Monday, November 15, 2010. For more information about the grants, please contact Adeen Postar, chair of the AALL Research & Publications Committee, at apostar@wcl.american.edu. **LLL**

Reference Librarians: Teaching on the Move and Going Global

Tracy Woodward, Reference Librarian, Howard University Law Library; Peace Corps Volunteer

Hello, *Olá!*

MMy name is Tracy. I'm a Reference Librarian at Howard University Law Library in Washington, D.C. I've worked in academic law libraries for ten years.

Like at most libraries, teaching is an important function of our role and enables us to reach students, faculty and patrons at our law library. Each semester some of Howard Law School faculty generously invite the reference librarians to guest lecture in their classes. Today I helped second and third year law students by showing them resources to help them choose paper topics for their seminar course and demonstrating research methods.

Each semester I am surprised by how many students rely on Google for research. And most don't even use Advanced Search or Google Scholar. As an example, I recently visited a professor's Law & Aging Seminar. One student in the class was also on the Howard Law Journal and was fully up to speed on how to use our WebCatalog, Worldcat.org, HeinOnline, and InterLibrary Loan.

When I asked the students if they used Google for research, they all said yes, but when I asked if they used the advanced features, most said no. In response to this need, I taught them that there's more to Google than just Googling. Advanced searching allows searching within specific domains, like .org, .us, and .edu. Some of the students nodded as I explained this and began noting it down on their laptops and notebooks. So I moved on to Google Scholar as one more legal research tool.

I demonstrated that Google Scholar has two radio buttons on the main page. The first radio button searches journals, including law journals, as well as non-legal scholarly journals. They may have used that one as undergraduates. But the second one, which is just over a year old, is the really useful tool for legal researchers; I demonstrated that you could use it to search case law and restrict by jurisdiction.

Even after I left the class, the students were still buzzing about Google Scholar. That's a

good way to know that our law students learned something very useful to supplement their research knowledge: when they chatter about library resources and research techniques after the reference librarian has left.

Teaching is an integral part of what reference librarians do every day. We are always teaching on the move; from our websites, research guides, blogs, when we visit classrooms, or when students bump into us at Starbucks we are always in helpful teaching mode.

May I invite you to transition with me from teaching in law libraries to teaching globally? After ten years of working in academic law libraries I decided to accept an invitation from the Peace Corps to teach English in Mozambique. This exciting volunteer project is a two year teaching and learning commitment.

I intend to submit a couple of articles to *Law Library Lights* about my teaching experiences in Mozambique. I hope it will be fun and interesting for you to follow a reference librarian from the law library to a rural schoolhouse in Southeast Africa. I started a blog and invite you to join me on this journey. Here is the link to my blog—<http://twoodard.weebly.com>; I hope to see you there.

As always, reference librarians are on the move and going global. Thanks, *Obrigada.* **LLL**

Teaching is an integral part of what reference librarians do every day. We are always teaching on the move; from our websites, research guides, blogs, when we visit classrooms, or when students bump into us at Starbucks we are always in helpful teaching mode.

Training Tools We Love

Richa Dasgupta, rdasgupta@fastcase.com and Aaron O'Brien, aobroen@fastcase.com, Fastcase, Inc.

Fastcase is a small Washington, D.C.-based business that provides legal research services to customers all over the country. Our customer support team, which is responsible for providing training, technical, and research support, is located in our Outreach department. Because our Outreach team is small and our customer base is geographically dispersed, accomplishing our training goals effectively and efficiently requires creativity—and solid software tools. As a software company that strives to create tools that are powerful and easy to use, we really appreciate well-designed, intuitive software tools that help us train users more effectively. Here are three products we use regularly that really stand out.

Webinars—GoToWebinar from Citrix

We need to reach users located in nearly every state. While we conduct various live, in-person trainings, our virtual trainings conducted using GoToWebinar are an efficient and effective way to provide substantive, interactive training sessions. GoToWebinar's software allows us to train users anywhere in the country without leaving our home office. Last year alone, we used it to reach more than three thousand users—far more than we could possibly reach using traditional methods.

What is a webinar? A webinar is simply an interactive Web-based seminar. Using web-conferencing software, an instructor located in Washington can present to attendees anywhere in the country (indeed, anywhere in world) with little more than a laptop and an internet connection. Our instructors can share with attendees essentially anything that appears on their computer screens, whether it is a slideshow or a live demonstration of our legal research software.

The webinar format conveniently enables attendees to participate right from the comfort of their own computers by automatically loading GoToWebinar's free webinar viewing software on their machines. This eliminates travel time and allows attendees to get as much training as possible during the 30-60 minute sessions (we suspect more than a few lunches have disappeared during our webinars).

In addition to its convenience, GoToWebinar's software has a number of other useful features:

- Attendees can interact with instructors by instant messaging questions during the presentation.
- The software automatically tracks registration and attendance, allowing us to easily generate attendance reports and track the effectiveness of our programs.
- It is easy to set up automatic email reminders for registrants as well as follow up messages for both those who attended and those who missed the presentation.

Live Chatting—Live Person

Equipping users to conveniently contact our Outreach team in a number of ways is essential to our service model. Along with phone and email, our Outreach team also fields user questions using a live chat program. Live chat is exactly what it sounds like: think instant messaging with a live team member.

For many of the same reasons that offices use instant messaging programs to communicate internally, live chat is an important supplement to traditional phone and email support. Indeed, live chatting incorporates the best of both worlds. It also affords instant, anonymous, real-time communication like a telephone conversation. However, like email communication, live chat also allows our users to easily multitask while our team members assist them.

The written format of live chat carries a number of added benefits. It enables us to offer step by step instructions that can be unwieldy to communicate orally. Furthermore, users can paste their search query or results into the chat window, allowing a team member to review it and identify the problem. Our Outreach team can even include “tangible” resources, like hyperlinks, outside resources, and help materials like feature-specific training videos as responses to customer queries.

While there are many live chat applications

on the market, we have found that LivePerson is fully-featured in addition to being simple and reliable. Among the features that set LivePerson apart from other live chat products are:

- **Simple page-pushing.** One of our favorite LivePerson features is the ability to send users a set of search results based on a search we have helped them construct. LivePerson's page-push feature allows us to very easily enter in the URL for the search results page and automatically open a browser window with the search results on the user's computer.
- **Robust visitor monitoring.** Although we do not use this feature is fully as we could, LivePerson does a good job identifying the path that our users have taken as they navigate our website—often providing useful information that can help us trouble-shoot more easily.
- **Relatively straight-forward agent console.** This is a user interface for the live chat operator that allows the operator to access the full spectrum of features offered by the product.

All in all, LivePerson provides a powerful and user-friendly platform to simultaneously train users, answer urgent questions, and distribute the resources that will allow them to use our research application more effectively in the future.

Video Tutorials—Camtasia

Finally, verbal and written explanations can only go so far; sometimes a user really needs to see a feature or function in action. Video tutorials produced with Camtasia are an effective solution, and short video tutorials are one of the most popular, effective training resources we provide.

Camtasia literally records your screen, allowing viewers to see exactly how to navigate your website or software. After we record a demo of a particular function, we spruce up the video by adding “call out” effects that highlight important areas on the screen, as well as adding title menus and various media (classical music typically accompanies our instructional videos).

We like to keep our videos brief. Rather than risk overwhelming viewers and losing their attention with a comprehensive ten-minute tutorial, we have produced one four-minute, basic

overview video. We chose to include only the most commonly used features in the overview video and address other topics in separate targeted pieces. We then identified eight topics that warranted their own tutorials and produced even shorter videos, ranging from 30 seconds to two minutes on these topics with very little voiceover.

Camtasia is surprisingly simple to use, especially if you have used other basic video editing programs like iMovie. After producing the video in high definition, we upload it to our Facebook page and YouTube channel and embed the video's code from YouTube on our website so folks can watch them without ever leaving our website. Because it provides a simple and affordable way to offer first-class training in high definition, Camtasia is a great investment.

At Fastcase, training is an integral part of our outreach mission. Tools like Go to Webinar, LivePerson, and Camtasia help us reach out and train customers all over the country in an efficient, straightforward and helpful manner. **LLL**

Dawn Bohls, Reference Librarian, Bingham McCutchen LLP, dawn.bohls@binghamdana.com

Stolovitch, Harold D. and Erica J. Keeps. **Telling Ain't Training**. Alexandria, VA: ASTD Press, 2002.

With fall associates arriving any day and with training as the topic of this issue of Law Library Lights, I decided to review a book that might help me brush up on my own training skills. I opted for the book *Telling Ain't Training*, a volume that, despite the bad grammar in its title, had received some very positive reviews on Amazon.com. Having now read the book myself, I agree with those positive reviews. *Telling Ain't Training* is an excellent tool for designing training programs for adults that will engage their interest and get results.

The main point that Stolovitch and Keeps make over and over again in different ways is summarized in the book's title: telling ain't training. For the most part, adults are not attending training sessions just to be able to repeat content. They are being trained so that they will be able to do their current jobs better or so that they can take on new tasks, tools, or functions. For training to succeed, it must be both learner-centered and performance-based, as opposed to instructor-centered and content-based. In other words, it doesn't matter how much content knowledge an instructor has if that knowledge isn't passed on to the learners in a way that allows them to enhance their own job performance.

Learner-centered training must, first and foremost, keep the learner's attention. Keeping the learner's attention involves engaging as many senses as possible to get the material into the learner's short-term memory while organizing the information in a way that it will be stored in (and then retrievable from) long-term memory. To be able to effectively organize the information to be shared, the instructor must understand the learner's abilities, prior knowledge, and motivation to succeed. If content is too difficult or too easy, the learner's attention will be lost, and if the learner doesn't understand the value and relevance of the content in performing his or her job, the information won't be retained and applied.

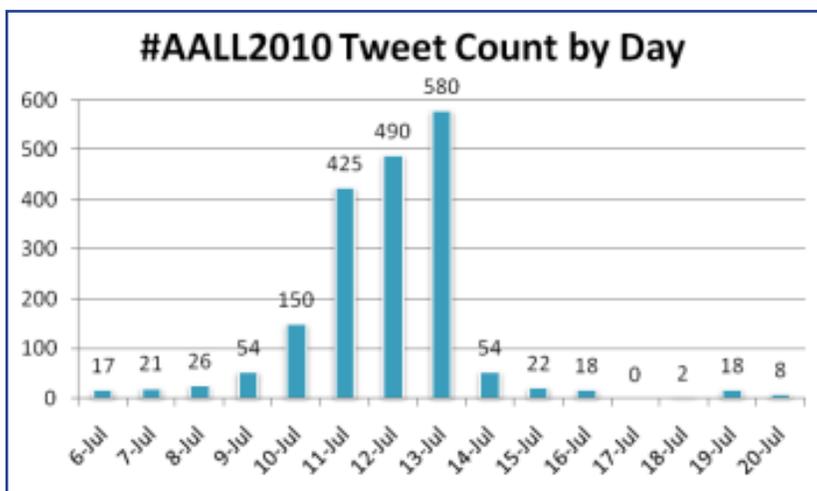
The special value of this book is that it actually makes you, the trainer, think about how you tend to approach training and offers specific suggestions for making training sessions much more interesting and effective. The types of training are divided into receptive training ("telling"), directive training ("follow me"), guided discovery (shared control of the learning process), and exploratory learning (learner control). A single training session can be designed to incorporate multiple approaches. Each approach is valuable for different reasons, and different learners will respond differently to each type of training. For example, exploratory learning is most beneficial for learners with advanced cognitive skills, relevant prior experience to draw upon, and high motivation. The authors offer numerous suggestions for providing interactive learning experiences, such as role-playing activities, team problem-solving, and quiz games. So many suggestions are offered that any instructor will be able to incorporate at least one or two of them into future training.

The chapter I found most interesting is simply entitled "Getting Learners to Remember," but the chapter deals not just with mnemonic devices (e.g., the acronym HOMES to remember the names of the Great Lakes) and other memory retention tricks. This chapter also discusses the difference between "good" and "poor" learners—those who possess strong metacognitive skills and those who don't. Metacognitive skills include the ability to create a plan for learning the new material, selecting the most critical elements, connecting the new material to prior knowledge, fine-tuning understanding of the new knowledge, and monitoring one's learning strategies to apply the most successful ones for a particular training session. Lucky instructors will have only participants with high metacognitive skills, but Stolovitch and Keeps provide specific remedial strategies for helping learners whose metacognitive skills are less than optimal. For example, with learners who have trouble applying their prior knowledge automatically, the trainer can ask them to think about how their previous experiences might be useful, or provide concrete examples that will help them link prior knowledge with the new material.

initiate an archive through their site by selecting key words, such as a hashtag, to collect. For example, #AALL2010 content collection began on September 29, 2010 when Yale law librarian Jason Eiseman started an archive for it. This archive is still active, but only 2,117 were analyzed for this article. TwapperKeeper has recently released their software, so you can run it on your own server: <http://your.twapperkeeper.com/>

#AALL2010 Tweet Summary

Once an archive is created on **TwapperKeeper**, you can download them as a compressed .tar file. On Mac and Windows, a program like StuffIt Expander will let you view this content in a spreadsheet such as Excel. Following are charts showing some characteristics of conference Twitter traffic using this data. Unsurprisingly, traffic peaks on the last day of the conference and drops off significantly by Wednesday, July 14, when most people had left Denver.



Random metrics from the Twitter traffic:

- 197 (9.3%) tweets sent to specific users (begins with @username)
- 366 (17.2%) retweets (these are forwarded messages)
- 60 (2.8%) tweets use geographic location tags

Top 15 Twitter Users by Posts

Twitter Name (Tweets)	Real Name
sglassmeyer (91)	Sarah Glassmeyer
pcbrannon (86)	Pam Brannon
aallnet (86)	AALL
jbnann (76)	John Nann
cpdblibn (73)	CPDB Librarian
mak506 (72)	Meg Kribble
Librynth (61)	Cindy Bassett
glambert (60)	Greg Lambert
mdaniels3000 (58)	Michael Daniels
montserratlj (57)	Lyo Louis-Jacques
johnny42 (45)	John Beatty
libraryfocus (44)	Marie Kaddell
jeiseman (43)	Jason Eiseman
stephdavidson (43)	Stephanie Davidson
hlakatos (38)	Holly Lakatos

Top Twitter Posting Tools

Client/Source	Posts	Percentage
TweetDeck	638	30.14%
Web	568	26.83%
Twitter for iPhone	269	12.71%
HootSuite	139	6.57%
Twitter for BlackBerry	111	5.24%
Twitterrific	68	3.21%
Twitter for Android	61	2.88%
Seismic	44	2.08%
API	33	1.56%
UberTwitter	28	1.32%
Twitpic	23	1.09%
TweetChat	22	1.04%
mobile web	21	0.99%
Text	11	0.52%
Echofon	9	0.43%

Conversation Zeitgeist

Here are selected key words and their occurrence in Twitter posts for the conference:

Work	Play
Librarian (175)	Fun (44)
Library (85)	Enjoy (24)
Booth (83)	Party (21)
Vendor (63)	Karaoke (8)
Drupal (36)	Reception (5)
Bluebook (29)	World Cup (3)
Frugal (22)	Beer (1)
Academic (9)	Bowling (1)
Firm (7)	Relax (0)

Finally, here are some interesting ways Twitter was used during the 2010 AALL conference in Denver:

- Somebody set up an account called AALL-BLUEBEAR, pretending to be the large bear statue outside the convention center. Fifty-one people signed up to get the bear's friendly Tweets. <http://twitter.com/aallbluebear>
- Based only on Twitter messages, law student and blogger Laura Bergus wrote a post about her impressions of a session involving interaction between Lexis, Westlaw & Fastcase, while home in Iowa. <http://laurabergus.com/2010/07/fans-of-fastcase/>
- During the 2009 American Library Association conference, attendees used an anonymous Twitter account "ALA Secrets" to share gossip and snarky comments. This was emulated later that year for the AALL conference in Portland. The same account "AALLSECRETS" was available in Denver, but it generated fewer than 20 posts.
- People at the conference also used Twitter to monitor other programs, in case one you did not choose was more interesting than the one you did. A post to AALLSECRETS reveals how seat selection might work for those who hedge their bets.

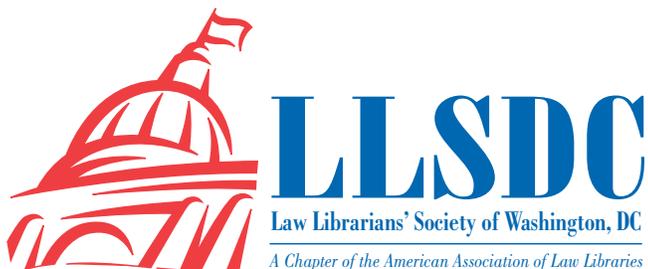


Accessing Archived Tweets

University of Nebraska Library Director Richard Leiter showed a live stream of all #AALL2010 Twitter posts during his session on preserving online ephemera. On the panel, Bill LeFurg, from the Library of Congress, talked about how his library selects content to preserve digitally for their collections. In particular, he mentioned that they are receiving the entire collection of Twitter posts to archive. There was no announcement on how or when this data will be available.

Until the Library of Congress archive comes online, people archiving Twitter content need to do so on their own. If you're interested in ephemera from the AALL 2010 conference, the Twitter hashtag archive is a great place to start. Interestingly, the archive I got from Twapper-Keeper for this article had disappeared by early September (formerly at: <http://bit.ly/duOFTY>), though it could perhaps be requested again from the service.

Thankfully all posts analyzed for this article are posted online here: http://scholarship.law.georgetown.edu/digitalpreservation_publications/5/ in the Georgetown Law Center institutional repository hosted by Berkeley Electronic Press. The company's president, Jean-Gabriel Bankier, was also a panelist in on Rich Leiter's session on digital ephemera. During the talk, #AALL2010 tweets were streamed live on the screen. Jean-Gabriel commented that they were distracting while presenting. Now that they are preserved on a system his company created, anybody can access them without distraction. **!!!**



EXECUTIVE BOARD

President

Christine Ciambella
703/993-8111
christine.ciambella@gmail.com

Vice President/ President-Elect

Sara Sampson
202/662-9114
Sas234@law.georgetown.edu

Recording Secretary

Bill Grady
202/551-1258
williamgrady@paulhastings.com

Corresponding Secretary

Matthew Braun
202/701-3190
mbra@loc.gov

Treasurer

Emily Phillips
202/247-2433
emily.phillips@wilmerhale.com

Assistant Treasurer

Elizabeth Ann Blake
202/803-1353
eblake@wilkie.com

Immediate Past President

Cameron Gowan
202/861-6654
cgowan@groome.com

BOARD MEMBERS

Edward O'Rourke
202/637-7967
edward.orourke@bakerbotts.com

Mary Ann Keeling
202/325-0162
maryann.keeling@dhs.gov

SPECIAL INTEREST SECTIONS

Academic

Mary Kate Hunter
202/994-5914
mhunter@law.gwu.edu

Federal

Jennifer McMahan
202/616-8942
jennifer.mcmahan@usdoj.gov

Foreign & Int'l Law

Herb Somers
202/994-5177
hsomers@law.georgetown.edu

Interlibrary Loan

Renee Talley-Cuthbert
202/274-4365
cuthbert@wcl.american.edu

Legislative Research

Richard Palmer
202/247-4112
richard.palmer@wilmerhale.com

Private Law Libraries

Michael Vander-Heijden
202/508-8777
mvanderheijden@crowell.com

COMMITTEE CHAIRPERSONS

Arrangements

Pam Lipscomb
202/857-6269
lipscomb.pamela@arentfox.com

Bylaws Revisions

William H. Grady
202/551-1258
williamgrady@paulhastings.com

Education

Todd Venie
202/662-9141
tmv22@law.georgetown.edu

Elections

Mike Gentile
202/942-5409
michael_gentile@aporter.com

Government Relations

Leslie Street
202/662-9139
las232@law.georgetown.edu

Catherine Dunn

202/662-9627
cmd77@law.georgetown.edu

History & Archives Vacant

Joint Spring Workshop

Abigail Ross
202/434-4148
ross@khlaw.com

Margaret Bartlett

202/512-5386
bartlett@ga.gov

Law Library Lights

Sara Sampson
202/662-9144
sas235@law.georgetown.edu

Membership

Frances Brillantine
202/319-4331
brillantine@law.edu

Nominations

Judith Gaskell
202/479-3037
jgaskell@supremecourt.gov

Placement

Dawn Sobol
202/319-5956
sobol@law.edu

Publications

Keith Gabel
202/466-2388
kgabel@stewartlaw.com

Scholarships & Grants

Karen Silber
301/294-6776
ksilber@bna.com

Web Site

Emily Carr
202/707-3790
ecarr@loc.gov

LAW LIBRARY LIGHTS

Editor

Ripple Weistling
202/274-4382
rweistling@wcl.american.edu

Assistant Editor

Jill Smith
410/706-6855
jasmith@law.umaryland.edu

Book Review

Dawn Bohls
202/373-6008
dawn.bohls@bingham.com

Tech Talk

Roger Skalbeck
202/662-9158
rvs5@law.georgetown.edu

Member News

Shannon O'Connell
202/434-5303
soconnell@wc.com

Publisher/Graphic Designer

Cindy Dyer
Dyer Design
703/971-9038
dyerdesign@aol.com
www.cindydyer.wordpress.com