



# Law Library Lights

## Interview with Ed Walters, the CEO of Fastcase

**Amy Taylor**

*Emerging Technologies Librarian, American University, Washington  
College of Law, Pence Law Library, amy.taylor@wcl.american.edu*

**Amy Taylor:**

The theme of this issue is "Big Data/Small Data." How has the emergence of big/small data affected Fastcase?

**Ed Walters:**

Data analysis is how we got our start. Even in 1999 when we got started, we did things like integrate citation analysis into search results, so Big Data is baked into our company's DNA. We were ahead of our time then, but it seems like the legal market is really catching on to the idea of legal analytics.

A few years ago, we used data analysis to create the first big data citator in Fastcase, called Bad Law Bot. The idea was to harvest negative treatment information from the 80 million citations in

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Fastcase to help identify when cases are no longer good law.

Now we're working on new insights into judges, law firms, and corporations extracted in the aggregate from PACER. It's going to lead to an entirely new generation of analytics tools for corporations, lawyers, and judges.

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**Amy Taylor:**

What would you like to see happen with big/small data in the next 3-5 years?

**Ed Walters:**

I'm really excited about the next couple of chapters in data analysis. Right now, law is trying to collect data. It's early times. In the next stage, our profession will deploy the data that we've collected and structure it to understand the past. Then, in the third stage, we can use history and predictive analytics to predict the future, at least probabilistically.

There are great parallels to other disciplines, like meteorology. We used to rely on the Farmer's Almanac to predict the weather, then on very crude forecasts. Weather science is very complicated – fluid dynamics as a discipline is actually really hard. But we now have inexpensive sensors and superb computer models, and we can predict weather more and more accurately.

**“It's been said that data is the new oil – but who will be our wildcats?”**

The same thing will happen in countless disciplines, and especially in law. I think of all the bet-the-company questions that clients ask, things like: How much is my case worth? Should I settle for this amount? What's this judge like? How much exposure do we have in circumstances like this? Are the amounts in this contract standard in this industry?

And we answer these questions with educated guesswork – hunches based on extremely limited data. Even the most sophisticated firms, and the best lawyers, are answering these questions with teeny, tiny data sets. We'll look back on this time in amazement that we made such important decisions with so little information.

Today we answer these questions with hunches. But soon, we'll answer them with judgment informed by data.

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**Amy Taylor:**

What do you want librarians to know about big/small data?

**Ed Walters:**

It's been said that data is the new oil – but who



**“Nobody yet knows who the heroes of the data age will be, but it seems straightforward that information professionals have a natural advantage. But you can’t wait for instructions or even permission – you have to take risk and make mistakes. That’s not a departure from the plan – that’s the plan. Carpe data!”**

will be our wildcats? Oil exploration feels very established and corporate today, but not that long ago, it was very unstructured. Nobody gave wildcatters a license to drill – they bought parcels and did it.

Nobody yet knows who the heroes of the data age will be, but it seems straightforward that information professionals have a natural advantage. But you can’t wait for instructions or even permission – you have to take risk and make mistakes. That’s not a departure from the plan – that’s the plan. Carpe data!

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**Amy Taylor:**

What are a few of your favorite books or articles on the topic of big/small data?

**Ed Walters:**

I really enjoyed Nate Silver’s *The Signal and The Noise*. I’ve been quoting it and telling stories from

it since I read it. Would you believe that I’ve just begun editing a book about data analytics in the practice of law? It won’t be out for a couple of years yet, but the publishing contract is done, and I’ve started writing.

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**Amy Taylor:**

You teach a class on the law of robots. Some see robots as salvation, others as ruin. Where do you fall on this spectrum?

**Ed Walters:**

The whole point of the class is that we’re at a turning point. We can still decide which. But we need to think differently about machines than we do now. We have good legal models for human decision making, and for machines as property – but not for machines that make life-or-death decisions for us behind the wheel of our car. Weaponized drones, manufacturing robots, self-driving cars – the legal, moral, and ethical choices are here and now, not off in our distant future. Robotics won’t be salvation or ruin, but they will be as transformative as the Industrial Revolution or the Internet. ■

**“Robotics won’t be salvation or ruin, but they will be as transformative as the Industrial Revolution or the Internet.”**



# From the Editor

## Constant Change Is the New Normal

**Amy Taylor**

*Emerging Technologies Librarian, American University, Washington College of Law, Pence Law Library, amy.taylor@wcl.american.edu*



Welcome to the 59th year of *Law Library Lights*! I am thrilled to be serving as your editor for the upcoming year. I would like to thank our outgoing editor, Judy Gaskell, for her excellent work on volume 58 and welcome our new assistant editor, Shannon Roddy, and our new Tech Talk columnist, Jill Smith.

The theme for this issue is “*Big Data/Small Data: Effects on the Law Library*.” This year’s volume of *Lights* will explore how technology and data are changing the way we work and the work we do. Ed Walters from Fastcase agreed to be interviewed via email, and he provides a fascinating look at data analytics at Fastcase as well as his thoughts on how technology will shape the future. Scott Wales’ *Is Legal Research Dead in the Age of Google?* reiterates the importance of legal research experience.

All of our columns return for another year, but with some changes in authorship. President Pam Lipscomb starts off our new year with an informative column about *Lights*’ bylaws revisions, including how you can participate in the committee’s work. Last spring Roger Skalbeck stepped down from writing the Tech Talk column. Jill Smith has taken on the authorship of the column with a review of Slack, a new tool for managing conversations in the workplace. Anne Marie Guha has taken on authorship of the book review column, with her first review appearing in the winter issue. Assistant Editor Shannon Roddy has volunteered to compile the Member Spotlight and the Member Question column.

Please start thinking about writing an article for our next issues. The topic for the winter issue will be “Knowledge Management & Information Architecture in the Law Library,” the spring theme is “The Technology Issue,” and the summer theme is “Year-End Round Up & AALL Conference Preview.” We welcome articles on those subjects or on anything else you want to write about. ■



### Submission Information

If you would like to write for *Law Library Lights*, contact Amy Taylor at amy.taylor@wcl.american.edu. For information regarding submission deadlines and issue themes, visit the LLSDC website at [www.llsdc.org](http://www.llsdc.org).



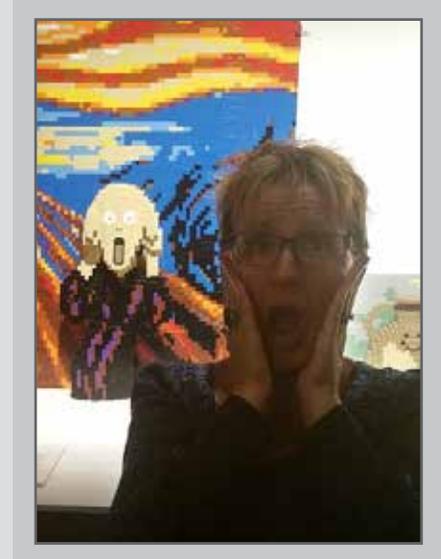
# President's Column

## Updating Our Bylaws

***Pamela Lipscomb***

*Manager of Reference Services, Arent Fox LLP*

*Lipscomb.pamela@arentfox.com*



When the LLSDC Executive Board started working on updating the Society's Procedures Manual last year, one comment kept coming up: "when I was working on this, I noticed that it doesn't match the by-laws." The further we got into the process, the more we realized that perhaps more than the Procedures Manual needed updating. Since we have already been mandated by AALL to update our nondiscrimination clause, it seems like a good time to go through and update everything so that we can have one vote and hopefully create a set of bylaws that will stand the test of time.

At the AALL conference in July, I attended the Chapter Leadership summit as a representative for LLSDC. In the afternoon, we heard from Barbara Dunn, general counsel for AALL, who talked to us about the fiduciary duties of the boards for AALL chapters. As we were going through the duties, one thing she said stuck in my mind. She noted that many organizations are streamlining their bylaws to remove processes and procedures. This made a lot of sense to me, especially given what we had been discussing in our board meetings. It also dovetailed with an article I read entitled "The 15 Most Common Nonprofit Bylaw Pitfalls: How to Avoid the Traps," by Jeffrey S. Tannenbaum and Kristalyn J. Loson, which had these salient points:

### **Keep your bylaws current.**

Frequently, organizations inherit bylaws that have been patch-worked together over time. Thus, nonprofits sometimes end up with antiquated bylaws that are not appropriate for how the organization functions today. Sometimes the best solution is to scrap the original bylaws and



# President's Column, Continued

start over from scratch, using a good, proven model provided by legal counsel or others as a starting point.

## **Keep your bylaws flexible.**

How the organization functions today may not be exactly the same as it will need to function in the future. Building flexibility into the bylaws, such as including a range for the exact number of board members and allowing the board to designate additional officers not named in the bylaws, can help the organization moving forward. Bylaws should provide an outline of the governance structure but also allow some flexibility if and when changes are needed in the future.

## **Reserve the details for policies, not bylaws.**

Some details are more appropriately placed in board-approved policies rather than in the bylaws. These often include items such as membership criteria, membership dues determinations, and the operation of committees. It also is helpful to place all board-approved policies into a single physical and/or electronic policy manual. Bylaws generally should be a relatively concise and easy-to-navigate document, leaving the details to policies, which can be more easily revised in the future. This way, bylaws will not need regular amendment.

(Source: <https://www.venable.com/the-15-most-common-nonprofit-bylaw-pitfalls-how-to-avoid-the-traps-10-14-2013/>)

With these goals in mind, the board has approved a Bylaws and Procedures Manual Update Committee as a subcommittee of the current Bylaws Committee chaired by Jeff Berns. Co-chaired by Jeff Berns and Jennifer Dollar, this subcommittee has been meeting to comb through the current bylaws language to remove language that is no longer applicable, update language that is out of date, and remove details that are better served in the procedures manual. The subcommittee will work with the AALL Bylaws Committee to make sure that our new language complies with the rules of the national organization. The subcommittee has a good working draft, and I would like to highlight some of the major changes that we will be bringing to the Town Hall for discussion.

- 1.** The subcommittee is proposing to remove the geographic restrictions from our regular membership and institutional membership requirements. LLSDC is a regional chapter with a



## President's Column, Continued

broad reach. Our Sourcebook and *Law Library Lights* are read and used by librarians from coast to coast. The subcommittee felt that instead of being restrictive, the membership bylaws should reflect the Society attitude, which is welcoming and collaborative.

2. The subcommittee is proposing to streamline the section describing the board members and their duties. The current bylaws reference an executive director that we have not had for some time. The committee also felt that since, with the exception of the Vice President/President-Elect position, all of the board positions were for an equal length of time, LLSDC should apply the third guideline above and define board member positions in the Procedures Manual. This allows the board to modify and update duties as the Society evolves without having to make any additional bylaws changes. The proposed change would call for a Vice President/President-Elect that would serve for 3 years and 7 members of the board to serve terms of two years. The positions would be defined in the Procedures Manual, and the Nominations Committee will continue to select potential candidates to fill those positions.
3. The third major change proposed by the subcommittee is to remove the procedural details from the elections portion of the bylaws. The timing and procedures for holding elections should be a policy matter, and moving this to the Procedures Manual will allow for more flexibility for those years when deadlines are harder to meet. This also falls in line with the third tenet above.
4. Finally, AALL audited our bylaws this past year and found that we were not compliant with the AALL standard for nondiscrimination clauses. After some discussion, the subcommittee proposes that we adopt the nondiscrimination clause of the District of Columbia with the addition of veteran status.

The subcommittee will be sending the first draft to the AALL Bylaws Committee soon. Any member who would like to see a redline version can request it from me at [president@llsdc.org](mailto:president@llsdc.org). I would like this process to be as transparent as possible. The goal of this overhaul is not to change the spirit of the bylaws, but to bring them into alignment with how the Society runs today. From there, we will update the Procedures Manual and upload it to the website, both in its full format, but also with topical sections accessible to applicable areas of the website (such as Legislative SIS procedures on the Legislative SIS page). I hope that the board will have your support in this process. We look forward to fruitful discussions on this topic and to be able to move forward from this process with a cleaner set of bylaws that will grow with the Society in the future. ■



# Member Spotlight

## **Shannon Roddy**

*Student Services Librarian, American University, Washington College of Law  
roddy@wcl.american.edu*

### **Heather Rories**

In March, Heather Rories became a Research Librarian with the Cadence Group, working in the U.S. Department of Justice Main Library.

### **Gwendolyn Vinson**

Gwendolyn Vinson is now the Resource Services Specialist at Hogan Lovells.

### **Nena Robinson**

Nena Robinson is hoping to develop a survey for her firm's library usage and would appreciate receiving templates from anyone who has already developed one. Nena can be reached at (202) 467-6370 or [ndr@dwgpc.com](mailto:ndr@dwgpc.com).

### **Shannon Roddy & Khelani Clay**

There have been some changes at American University, Washington College of Law's Pence Law Library. Shannon Roddy, formerly the Special Projects Librarian, is now the Student Services Librarian. Khelani Clay is the new Special Projects Librarian.

## Member Question

### What did you do on your summer vacation?

Gwendolyn Vinson went to Montego Bay, Jamaica for summer vacation.

I spent two weeks in Alabama in late July. It was hot, hot, hot, and I loved every minute of it. I ate my way through barbecue, fried okra, fried squash, fried catfish, fried chicken, fried green tomatoes, cornbread, hot Delta tamales in Corinth, Mississippi, and corn, tomatoes, watermelon, cantaloupe, green beans, and peaches straight from the garden.

–Amy Taylor, *Emerging Technologies Librarian, Pence Law Library*



# Is Legal Research Dead in the Age of Google?

**Scott Wales**

East Coast Librarian, Sheppard Mullin Richter & Hampton LLP  
swales@sheppardmullin.com

*Reports of the death of legal research are greatly exaggerated.*

Well, once again it is time to wax nostalgic about the “olden days.” A good number of the people who were mentors when I began working in law libraries over thirty years ago have left, although a number of folks are still around. I hope that I am not the only one who remembers Shepardizing by the old books or calling the Supreme Court when it was in session to find out what opinions had been issued. How about standing in line for the new budget? Or the old public reference rooms? Were those the days?

Cue the old Mary Hopkin song, and if you don’t know what I am referring to, I guess you can just Google it.

And that raises the question. “Isn’t it all on Google?” Well, maybe it is and maybe it isn’t. To recall President Clinton’s debate over the meaning of the word “is,” I do not think it is all that simple.

I am looking through Kent Olson’s second edition of *Principles of Legal Research* (West Academic, 2015). The first chapter begins with a discussion of the United States legal system, and the forms of legal information. So, just like the toy that needs “some assembly required,” your attempt at research comes with “some basic background knowledge required.” Even if it is all *on the Internet* you still have to know what *it* is.

The Internet and Google are not synonyms. We in the library know that there is a wealth of

**“Knowing where the information is found is important, but it is also important to have an understanding of what it is.”**



information available today online, wealth being the operative word here. While much information is available via Google Scholar and the like for free, much is lacking. Much may be unreliable. Again, Professor Olson in his *Legal Research in a Nutshell* reminds us that even if much of what we call a library may be found online, the need for legal research experience is no less critical.

Another crucial component of legal research is currency. While state codes and regulations may be found on government websites, nothing matches the up-to-date currency of Lexis or Westlaw. But, then again, our organizations pay top dollar for these services, so they should be absolutely up-to-date. Also important is the melding of the regulations or laws into the codes long before the official government version is released. So is the ability to redline amendments to laws and regulations.

The necessity of these features is not easily apparent to a novice researcher. Would you know how to search or where to search with no legal experience or background? Of course not. Experience tells us that simply using Google or Yahoo or any other search engine is no substitute for the experienced researcher. Knowing where the information is found is important, but it is also important to have an understanding of what it is. The experienced researcher has acquired a use of *legal language* that is crucial to finding information.

For example, let us look at the wonderful world of SEC research. Actually, oddly enough it is quite wonderful. Yes, the documents are filed online and available using the SEC's website. But isn't it helpful to know the difference between a 10K and a 10Q? How about understanding that merger agreements or bylaws may be commonly found as exhibits to other filings?

So, here is my usual library pep talk, as those who have read my past articles in *Lights* may remember.

As you look through the other pieces written by other librarians in this issue, whether in a firm, law school or agency, they are adapting as they have been since we went from scrolls to bound books. Legal research is not dead, but is more vital than ever. ■

**While much information is available via Google Scholar and the like for free, much is lacking. Much may be unreliable. Again, Professor Olson in his *Legal Research in a Nutshell* reminds us that even if much of what we call a library may be found online, the need for legal research experience is no less critical.**



# Tech Talk

## Slack

**Jill Smith**

Instructional Technology Librarian, Georgetown Law Library  
jas515@law.georgetown.edu



*“Everybody talks about the weather, but nobody does anything about it.”*

– Charles Dudley Warner

A modern twist on this classic quip (frequently misattributed to Mark Twain) could be, “Everybody complains about e-mail, but nobody does anything about it.” Internal e-mail can be especially pernicious. From the person who issues a “Thanks!” reply-all to the entire organization (and the person who unironically uses reply-all to castigate that person for misusing reply-all) to the person who fails to reply-all in a group discussion, e-mail is responsible for a great many fractured, frustrating interchanges.

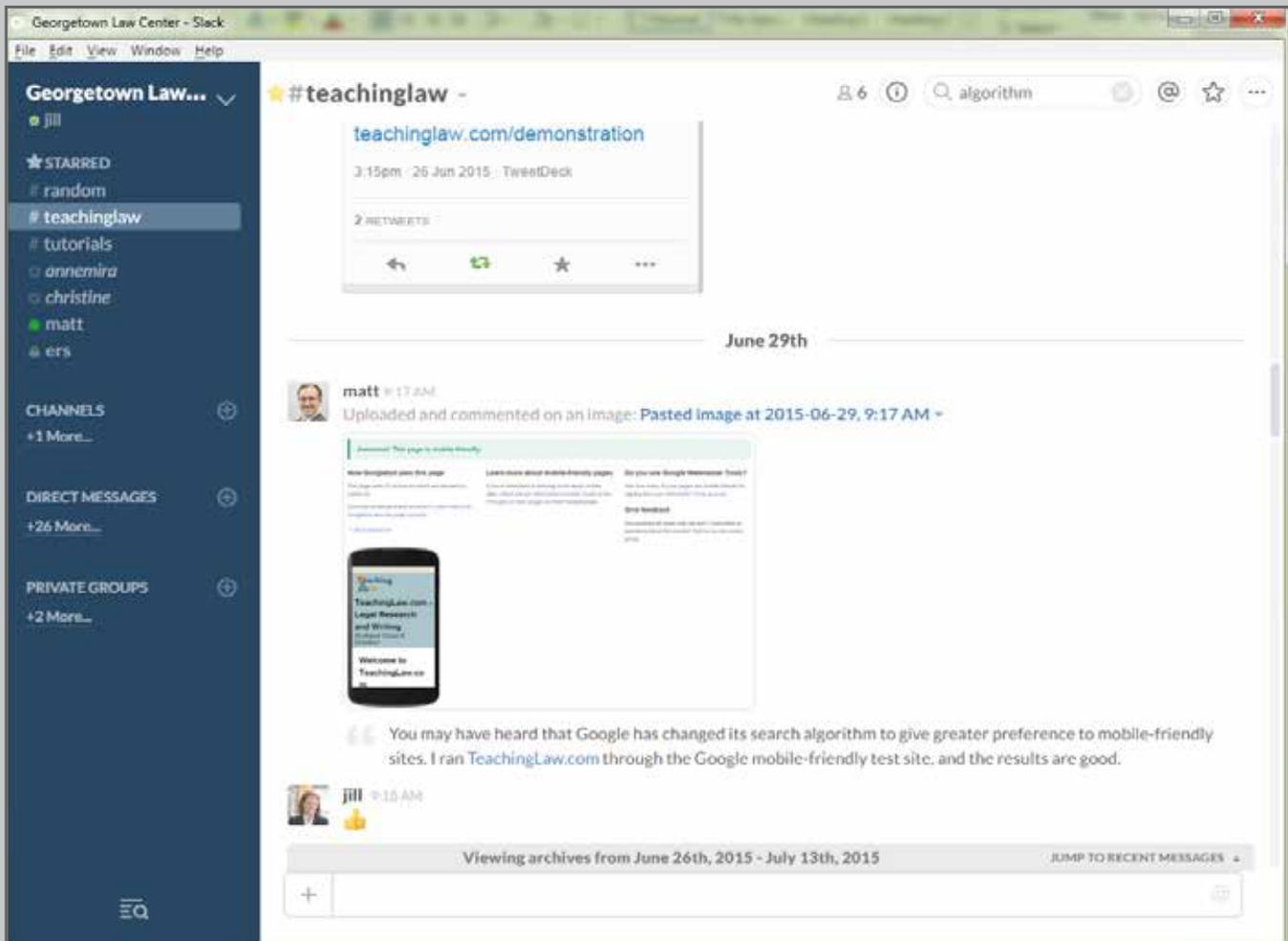
Finding a crucial e-mail can also be an exasperating chore – searching for that original e-mail (you know, the one with the attachment), which brings up not only the e-mail you wanted but also every single subsequent message in a long chain of discussion, can take far longer than it should. Of course, only after you have reviewed that long list of search results for the telltale paper-clip icon do you remember that you put that message safely in a folder and forgot all about it.

E-mail is also terrible at helping people determine which communications are truly urgent. A red exclamation mark next to a message is all well and good, if you open your e-mail to see it. But e-mail is mostly a passive form of communication, which leads the obsessive to check it constantly and the lackadaisical to miss time-sensitive communications.

# Tech Talk, Continued

Perversely, people seem very attached to e-mail, no matter how much they complain about it. It is a comfortable irritant and one that everyone knows how to use. There is, however, an alternative in Slack, the relatively new communications platform from the same team that created the photo-sharing site Flickr.

Communications on Slack are in two modes: **channels** (group messages usually revolving around a single project or mission) and **direct messages** (private, one-on-one discussions similar to text messages on your phone). Using channels to facilitate group discussion on a project is a fantastic way to keep everyone involved up to date on the latest things that are happening without any reply-all failures or fractured e-mail chains. Each team member can read all the messages (and new team members can get themselves caught up by reviewing the message archives). Channels can be public or private, depending on the sensitivity of the project. Slack also handles images with ease, with drag-and-drop sharing enabled.



# Tech Talk, Continued

Search is another area where Slack can ease the usual frustrations. Not only do you not have to wade through multiple iterations of the same conversation as you do in e-mail where the text of every reply is repeated, but Slack also gives you contextual snippets that can be expanded to view the larger conversation.

The image displays two side-by-side screenshots of the Slack search interface, illustrating how search results are presented and expanded.

**Left Screenshot:** Shows search results for "algorithm". The search bar contains "algorithm". Below the search bar, there are tabs for "Recent" and "Relevant". The results are categorized into "Messages (2)" and "Files (1)". A message from @matt is shown, with a snippet expanded to show the text: "... commented: You may have heard that Google has changed its search algorithm to give greater preference to mobile-friendly sites. I ran TeachingLaw.com through the ...".

**Right Screenshot:** Shows the same search results, but with the message from @matt fully expanded. The full text of the message is visible: "uploaded a file: Pasted image at 2015-06-29, 9:17 AM and commented: You may have heard that Google has changed its search algorithm to give greater preference to mobile-friendly sites. I ran TeachingLaw.com through the Google mobile-friendly test site, and the results are good." A red arrow points from the snippet in the left screenshot to this full message.

The [basic](#) Slack plan is free. More robust plans are available from about \$7.00 to \$13.00 per month. ■



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

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202/508-8776  
kkitts@crowell.com

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202/626-6752  
Kris.roth@squirepb.com

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#### Access to Justice

*Laura Moorer, Co-Chair*  
202/824-2409  
lmoorer@pdsdc.org

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202/724-8159  
rkatz@post.harvard.edu

#### Arrangements

*Alicia Pappas*  
202/533-4943  
apappas@kpmg.com

#### Bylaws Revisions

*Jeff Berns*  
202/879-4055  
jeff.berns@spiegelmc.com

#### Education

*Arlene Fletcher*  
202/508-8950  
afletcher@crowell.com

#### Elections

*Nancy Ciliberti*  
202/521-4586  
nciliberti@ustaxcourt.gov

#### Franklin Square Focus Group

*Scott Larson*  
202/789-6166  
slarson@bdlaw.com

### GENERAL LEGAL PUBLICATIONS

---

#### Union List

*Keith Gabel*  
202/466-1267  
kgabel@stewartlaw.com

#### Joint Spring Workshop

*Thanh Nguyen*  
202/662-9073  
nguyenth@law.georgetown.edu

#### Law Library Lights

*Amy Taylor*  
202/274-4324  
amytaylor@wcl.american.edu

#### Law Library Managers' Group

*Ann Green*  
202/408-4706  
ann.green@hugheshubbard.com

#### Membership

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

#### Mentoring

*Alicia Pappas*  
202/533-4943  
apappas@kpmg.com

#### Nominations

*Steve Mellin*  
202/639-6012  
smellin@jenner.com

#### Placement

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

#### Public Relations

*Louis Abramovitz*  
202/383-3420  
labramovitz@wbkllaw.com

#### Scholarships & Grants

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

#### Website

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

### SPECIAL INTEREST SECTIONS

---

#### Academic

*Iris Lee*  
202/994-2385  
ilee@law.gwu.edu

#### Federal

*Janice Fridie*  
202/305-9618  
Janice.fridie@usdoj.gov

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202/344-4534  
ajaffee@venable.com

### LAW LIBRARY LIGHTS

---

#### Editor

*Amy Taylor*  
202/274-4324  
amytaylor@wcl.american.edu

#### Assistant Editor

*Shannon Roddy*  
202/274-4332  
roddy@wcl.american.edu

#### Book Review

*Anne Guha*  
202/662-9180  
amg300@law.georgetown.edu

#### Tech Talk

*Jill Smith*  
202/662-9165  
jas515@law.georgetown.edu

#### Member News

*Shannon Roddy*  
202/274-4332  
roddy@wcl.american.edu

#### Publisher/Graphic Designer

*Catherine Walter*  
847/708-4047  
cswalter@gmail.com

*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](http://www.llsdc.org). Notification of availability of each new issue will be sent to the LLSDC listserv.*

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