NOCALL News

Northern California Association of Law Libraries
A chapter of the American Association of Law Libraries

PRESIDENT'S MESSAGE

Jeremy Sullivan

A couple of weeks ago, my wife Christine and I took our 15-month-old back to Christine's home state of South Carolina. One day, while Christine was attending the state bar convention, I took Mina to a number of places in the capitol city of Columbia, including the Main branch of the Richland County Public Library, where I took this photo.

While I realize that those of us with kids can have a tendency to look for something profound in every picture we take of our little ones, I can't help but see some greater meaning in this photo. To me, there is a palpable sense of wonder that I can connect directly back to my own first experience in a public library, and hopefully it will resonate for you all as well. To step foot in a library for the first time is to recognize that there is a universe of wisdom and knowledge that has been made accessible to you, simply because it serves a greater good. That is a powerful thing to understand – insights and experiences from across time are meant to be collected and shared - and shared with everyone.

As a Gen Xer, I will confess to having a similar sense of wonder when I first got access to the world wide web in the mid-90's. Here was a system that was going to further democratize access to all of the world's knowledge and usher in a society of wiser, more fully engaged global citizens. I may have even had a nagging concern about the future of my profession, in a world where everyone had access to everything all at once. Of course, the internet has devolved since then, with search results sold to the highest bidders, rampant disinformation casting doubt on the most inalienable truths, and pop culture ephemera occupying far too much mindshare.

But libraries, full of thoroughly researched, footnoted and properly cited texts still exist and thrive in these times. Shelves stocked with millennia-spanning literature wait to provide windows into cultures, places and mores that we might never otherwise know. The mandate and the mission may have evolved, but in 2023, libraries still exist to create that same sense of wonder in each new patron who crosses the threshold. That is where we work. That is what we do. It's important, it's honorable, and it matters.

IN THIS ISSUE

HEADNOTES FROM HOLLY

Holly Riccio

NEW YEAR, NEW FEAR… I realize that sounds like a very strange heading, but hear me out—I'm going somewhere with this. I recently was gifted a set of oracle cards called *The Power of Surrender Cards: A 52-Card Deck to Transform Your Life by Letting Go*. I have started a daily ritual of shuffling the deck and choosing one card to keep in my mind and think about as the day goes on. The first day I did this, the card I got was "Surrender Fear." The card says: Let go of the fearful stories you are telling yourself. Stay in the moment. Focus on solutions and celebrate every baby step forward. Why am I sharing this in my column? Well, I could see parts of this applying in the work context. What if we let go of any fearful stories we tell ourselves—what if this initiative fails, what if we try something and no one responds, what if… Letting go of the "what ifs" and being in the present and focusing on solutions can be a very powerful mindset to come from.

MORE ON FEARS… While not planned, there is a theme here this time around. A Facebook memory popped up for me recently reminding me about when I went to Houston to the ABA Midyear meeting to testify on behalf of AALL (in my role as AALL President at the time) in front of the ABA Presidential Commission on the Future of Legal Services. I spent many hours preparing for this, going over my talking points and timing my remarks to make sure I didn't go over my allotted time. I was pretty nervous and a bit intimidated, but it all went smoothly and successfully. The moral of the story: I faced my fears and, after it was all over, it didn't seem so bad. (The other moral is to always be prepared, as I did not have time to get my hair/roots touched up before I went, and my hair colorist let me have it when I showed her a portion of the video of the testimony.)

PROFESSIONAL READING IN REVIEW

Elisabeth McKechnie and Kristin Brandt
U.C. Davis Law Library

"Professionalism and Body Modifications: Considerations of Library Leadership" by Manda Carol Sexton, Elizabeth Friedly & Jennifer Carter, *Journal of Library Administration*, (2023) https://doi.org/10.1080/01930826.2022.2159241

Following up on an earlier breakroom conversation and prior article, the researchers sought to discover how library policies have been impacted by tattoos, piercings and unnaturally colored hair in library managers and leaders. Role Congruency Theory claims that a person can be perceived as better in their role if they fit the stereotype. They surveyed library supervisors to determine whether the respondent was tattooed/modified and, if so, whether they hid it. They were also asked whether body modifications can be professional. Generally, the supervisors felt that body modifications could be perceived as professional, depending on the modification. Facial piercings and stretched ears were considered least professional, along with excessive and "distracting" body mods. Acceptance is gradually increasing, although the higher ranks of library leadership tend to be more conservative. Additionally, those who work "back of house" are more accepting of body mods.

"Citation Stickiness, Computer-Assisted Legal Research, and the Universe of Thinkable Thoughts" by Aaron S. Kirschenfeld and Alexa Z. Chew, *Legal Communication & Rhetoric, JALWD*, vol. 19, pp. 1-22 (Fall 2022)

Has our understanding of the law changed since we began using computer-assisted legal research (CALR)? The authors wanted to know whether judges in the

1950's tended to cite to the same cases as the parties or whether that has changed over time with the broader application of computer searching, versus use of prepared digests and indexes. Examining the work of both practicing attorneys (pleadings) and judges (opinions), the authors studied the level of agreement between the parties and the courts about which cases were most relevant. The authors consider a citation "sticky" if it appears in the court opinion and in at least one party brief. They analyzed Federal cases (4th Circuit) in Westlaw for 1957, 1987 and 2017. The older opinions had fewer "sticky" citations, the 2017 had the most and the 1987 fell in the middle. In 1957 the court introduced new cases into its opinions 52% of the time. Influenced by computer-assist, this fell to 45% of the time in 2017. The authors concluded that there were many reasons this may be occurring. These causes include more rigorous legal research education, judicial minimalism or that the algorithmic search creates a more uniform result than using a print digest does. They conclude that more research is merited, lay out potential study topics and suggest that another time block be added to the current study in 2037.

"Incivility and Dysfunction in the Library Workplace: A Five-Year Comparison," by Jo Henry, Rebecca Croxton & Richard Moniz, *Journal of Library Administration*, vol. 63 (1), pp. 43-68 (Dec. 2022)

Many may envision libraries as civil, functional, low-conflict places to work, but are they? According to the authors, unique characteristics make libraries different from typical workplaces. Library workers and administrators are consistently asked to do more with less and are often called on to justify the library's role and existence. Following up on a 2017 study, the authors conducted a survey to explore the level of incivility and dysfunction in library workplaces. Over 50% of participants reported being bullied, an 11% increase since 2017. Workers over the age of 52 were more likely to experience bullying than younger workers. The most common bullies were supervisors, who used bullying to intimidate, isolate or silence employees. Younger workers (aged 21-34) experienced more incivility than workers over 35, with public library workers significantly more likely to be on the receiving end of rude behavior than their academic counterparts. Uncivil behavior came from co-workers, supervisors, and patrons, in that order.

Survey participants identified communication issues, disconnect, leadership, inadequate staffing, heavy workload, and differing political and DEI views as the primary causes of workplace dysfunction.

"The Airing of Grievances: A Look at Complaint Behavior in Library Reddit," by Yue Ming & Miriam L. Matteson, *Journal of Librarianship and Information Science*, vol. 54(4), pp. 770-778 (December 2022)

It should be no surprise that librarians, and sometimes library students, patrons, volunteers and even librarian spouses, post grievances in library Reddit. The authors examined three library subReddits to examine anonymously shared areas of concern related to libraries. The majority of posters (86.76%) were librarians, followed by library students and patrons (and only one by a librarian spouse). The prime topics of complaints were patron behavior (21.69%), negative work environment (16.18%), job expectations (11.76%), and service expectations (10.66%). Citing research on "employee voice" and the positive effects for organizations when employees are given opportunities to provide voluntary feedback with the goal of bringing about positive change, the authors argue that organizations should institute processes for employees to share concerns without fear of retaliation.

LEGAL TECH RECAP

Kristie Chamorro, UC Berkeley Law Library

For the last few months, legal tech news has been dominated by ChatGPT, the game-changing AI tool created by San Francisco-based OpenAI. With the media frenzy surrounding this new text-generation tool, I'm skipping my usual format and zeroing in on ChatGPT. As we've all watched our inboxes fill up with ChatGPT news, this is just a start!

What Does ChatGPT Do?

ChatGPT (which stands for Generative Pre-Trained Transformer) was released to the public as a free prototype in late November and gained over a million users within five days. If you're already taken ChatGPT for a spin, you've experienced that it is simple to use: you interact with a chatbot and ask it to assist you with a task, from explaining a subject, drafting an email, writing an essay or article, to helping draft computer code. ChatGPT is "trained" on dialogue scripts and text from millions of internet pages to produce conversational responses that *look* surprisingly accurate (the text it generates is often incorrect and can also be biased). It is also unexpectedly good at using context and refining and building on earlier responses. For an in-depth look at how ChatGPT works and the issues it presents for educators, watch *Who is ChatGPT? Academia Disruptor or Teaching Collaborator?*, a recent presentation by a U.S. Naval Academy computer science professor to faculty.

The incredibly wide range of what ChatGPT can be used for has made the news, including: writing a passing AP English Essay, fooling scientists with a convincing article abstract, finding and fixing bugs in computer code, passing a Wharton business school exam, and even generating the theme, menu, and recipes for a ChatGPT generated dinner party.

Why is ChatGPT such a big deal?

The launch of ChatGPT has propelled us into what has been described an "iPhone moment" and a "tipping point" for AI. A recent NYT article reports that as of early February, it has more than 30 million users and about five million visits a day; other reports cite even higher numbers, possibly making ChatGPT the fastest growing app of all time.

ChatGPT is making waves both for the exciting opportunities it presents and the complex concerns it raises. From the declarations that ChatGPT will be the end of both the high school English and the college essay, to it being banned by New York City Schools over fears of misinformation and cheating, alarms have been sounding. Others contend that these fears are overblown. A college professor explains that although ChatGPT has many of his colleagues "shaking in their Birkenstocks," he isn't worried, pointing out that some students finding ways to cheat is nothing new (a recent Leiter Reports post contains interesting faculty responses). In a recent NYT article, Don't Ban ChatGPT, Teach With It, educators share ideas for practical uses of ChatGPT, including creating essay outlines that students could work from, writing personalized lesson plans, and generating ideas for classroom activities.

Not surprisingly, there has also been media buzz around a growing market for tools that can detect the use of AI-generated content. OpenAI has launched a new AI classifier to distinguish between human and AI generated text and is in the process of adding watermarking to ChatGPT generated content. GPTZero, created by a Princeton University student, allows users to paste in content to check for "AI involvement" and was used by more than 30,000 people within a week of its launch. The founder of PowerNotes has proposed a "proof-of-work" tool that will focus on "observability of the essay writing process." Other tools in this space include GLTR, AI Writing Check, AICheatCheck, and CrossPlag. For a terrific summary of where we are in the AI generator/detection arms race, check out Christine Park's recent post on AALL's RIPS Law Librarian Blog, AI vs. AI v. AI.

ChatGPT and Legal Education

The worry and excitement surrounding ChatGPT in legal education is also making news. So far, the reports on ChatGPT use in the legal classroom indicate it has a long way to go before law schools should panic. In a recent 3 Geeks and A Law Blog post, Greg Lambert argues that labeling AI content generation tools like ChatGPT as "the new educational bogeymen" is an overreaction, pointing out that "even with expert prompt creation and a high level of expertise, ChatGPT et al. are not yet capable of producing student work that is indistinguishable from real student work." However, ChatGPT is able to churn out some impressive work for an AI chatbot. Professors at the University of Minnesota Law School demonstrated that ChatGPT earned an average grade of a C+ on four exams that they ran through the tool. It passed the Evidence and Torts sections of the MBE section of the Bar Exam, but had a harder time with questions about the U.S.

Supreme Court asked by the SCOTUS blog team, missing 26 out of 50 questions.

In The Efficacy of ChatGPT: Is it Time for the Librarians to Go Home?, the former Dean of Libraries for Bingham University notes that one of the main problems with the use of ChatGPT in academic writing is the lack of citations and "phantom citations" to authorities that don't exist. Jennifer Wondracek and Rebecca Rich, of Capital University Law School, both tested ChatGPT in their law school classes. The results included wrong answers, incorrect cases and statutes, cases that didn't exist, and significant research gaps.

On the opportunities side, some law schools are already experimenting with how ChatGPT might be used as a tool for both writing and legal research. Andrew Pearman, Dean of Suffolk University Law School, contends that ChatGPT is "the way of the future for lawyers," and should be taught in legal research and writing classes (take a look at his recent article, co-written with ChatGPT, The Implications of ChatGPT for Legal Services and Society). In Who's Afraid of ChatGPT? An Examination of ChatGPT's Implications for Legal Writing, Ashly Armstrong examines "how legal writing professors and law students might (effectively and ethically) use ChatGPT as a tool for certain tasks." The Advanced Legal Research team at the University of Wisconsin Law School recently summarized their students' impressions and concerns after a few demos; and Sarah Gotschall's February RIPS Law Librarian Blog post looks at how ChatGPT might make life easier for law students and attorneys.

ChatGPT and the Practice of Law

ChatGPT is also causing a stir beyond the law school classroom. Jenna Green asks, Will ChatGPT make lawyers obsolete? (Hint: be afraid). A judge in Colombia made international news when he revealed that he used ChatGPT in preparing a ruling in a medical rights case and a ChatGPT "robot lawyer" created by DoNotPay was scheduled to argue a traffic ticket in court for a client, but was abandoned after threats of criminal charges. Speaking of robot lawyers, take a look at Bob Ambrogi's summary of the recent Twitter takedown of DoNotPay.

Other legal news is focused on the opportunities presented by ChatGPT. Greg Lambert explains in a January 3 Geeks and a Law Blog post how ChatGPT could be used by legal professionals to organize and summarize legal information. A recent Reed Smith post discusses how ChatGPT could be used in E-Discovery.

Ambrogi has also been reporting on ChatGPT legal innovations, including his January 25 post on LawDroid Copilot, a ChatGPT-based app for legal research and document drafting, and his January 31 post on Docket Alarm's release of a ChatGPT integration that auto-summarizes litigation filings.

There has also been hopeful news on how ChatGPT might be used to improve access to justice. In a recent Legal Rebels podcast, Should Lawyers Embrace or Fear ChatGPT?, ABA Journal's Victor Li discusses the opportunities presented by ChatGPT in the legal field, including bridging the access to justice gap.

Other ChatGPT Resources to Check out

If you want to dig deeper into recent ChatGPT news, there have recently been a number of great ChatGPT roundups: ChatGPT and the Law (Paul Riermaier, PennCary Law); Lawyer Ex Machina #27: the AI Generation (Eli Edwards, UCLA School of Law), ChatGPT Link Roundup (Shay Elbaum, Reference Librarian at the University of Michigan Law Library).

OpenAI has launched a new subscription plan, ChatGPT Plus, that will be available for $20 a month. This upgraded version will give users faster access to ChatGPT during peak times and priority access to improvements and new features. If you are interested in this plan, go to the ChatGPT Plus Waitlist.

Also keep your eye out for ChatGPT competitors. On February 6, Google announced Bard A.I., a ChatGPT rival, followed by Microsoft's February 7 announcement of new AI-powered "copilot for the web" on its Bing search engine and Edge browser.

Wait, did ChatGPT write this article?!

No, but I did ask it to "Write an article for the Northern California Association of Law Libraries (NOCALL) about what law librarians should know about ChatGPT." Check out what it came up with. I also asked ChatGPT a few other questions about how it might be used in the legal field. I don't think I'm going to pass off the NOCALL Legal Tech column to ChatGPT just yet, but I have to admit the answers were better than I expected. Stay tuned for more ChatGPT updates in the next issue.

Karen Calarco
Farella Braun + Martel

How did you choose law librarianship as a career?

My dad was a lawyer and my mom worked as a librarian so I think I was born into it!

After graduating from Cal with a B.A. in English, I spent a few years wandering around, backpacking in Europe, waitressing in Carmel, temp jobs in Boston…I ended up living in Oakland with friends from high school and thought I should get serious about this work thing. One of my roommates was pursing her MLIS at Berkely and looking through her application materials, a light bulb went off – I like books! I like libraries! - and that put me on the road to this career. As a graduate student at Berkely, I ended up taking the legal research classes taught by Joan Howland and Bob Berring at the Berkeley School of Law and enjoyed those so much I abandoned my original plan to be a children's librarian, and decided to pursue law librarianship instead.

If you were not working as a law librarian, what would you most likely be doing?

I'd be a journalist, or working in investigations in law enforcement in some capacity. Or I'd be semi-retired and working as a campground host in one of the California state parks on the north coast.

Who or what has had the greatest impact on your law librarian career?

The local community of mostly mid-size firm librarians has been a constant support over the years, sharing so much practical knowledge and providing perspectives that are especially useful when working as a solo or as part of smaller teams. A special shoutout to the late, dearly missed Schelle Simcox, former librarian at Paul Hastings – so brilliant and funny and full of good advice about all things related to legal research and working with attorneys.

And clearly dating myself, but obviously the internet is the "what" that has had the biggest impact at the beginning of my career. I remember when I was at my first job at McCutchen, Doyle, Brown and Enersen, and going to an informal get-together of "San Francisco firm librarians who were using the Internet" – there were six or seven of us, talking about Archie and Veronica. More recently, the impacts the pandemic had on accelerating the transition from print to digital, and from onsite to remote work have been far-reaching. It's been an interesting time to work in this field!

What was the last book you read that you really enjoyed and why?

The two that come to mind would be *This is How You Lose the Time War* by Amal El-Mohtar and Max Gladstone and *Drive Your Plow Over the Bones of the Dead* by Olga Tokarczuk, Antonia Lloyd-Jones (Translator). Unique, beautifully written page-turners with characters I loved. Highly recommend!

Candidate for Vice-President/President-Elect

Bianca Randall

Senior Research Librarian
Baker & McKenzie LLP
San Francisco
August 2021- present

Education:
MLIS, San Jose State University
BA Philosophy, San Jose State University

Previous Employment:
Seyfarth Shaw LLP
Librarian
Years Employed: 2

Candidate Statement

After I completed my MLIS in 2018, I was dedicated to finding good employment as soon as possible. I was on fire hunting down opportunities, reading company mission statements, writing unique cover letters, and all the other tasks that go with job hunting. My spouse was very supportive and watched with a (metaphorical) fire extinguisher in case I exploded. To alleviate my stress, he offered this wisdom to change my mindset: Obstacles, Not Barriers. There will be issues with any situation, but they can be overcome.

It worked. At my interview at Seyfarth, I was asked repetitively how I could succeed in a law firm without a legal background. My answer was Obstacles, Not Barriers. That's my law librarian origin story

I would like to serve as NOCALL VP/Pres Elect to similarly embolden and support others to find more satisfaction in their careers. There's inevitably going to be a "grind" in any job, where you find yourself repetitively doing the same task in the hopes of moving ahead. NOCALL can't eliminate that. But our chapter can offer inspiration and support to our work life. We can create opportunities to experiment with new ideas, schedule events to connect with peers, and open the chance to grow professionally. It would be my pleasure to assist our NOCALL members with these goals.

NOCALL Committees, Offices and Activities

• Member at Large at NOCALL May 2022-May 2023

• Member of NOCALL 2023 Spring Institute Planning Committee. See you there!

Other Professional Activities

Authored *Excelling as an Entry-Level Law Firm Librarian* to be published in upcoming AALL *Spectrum* January 2023

Candidate for Secretary

Holly K. Herndon

Research & Instruction Librarian
UC Hastings
San Francisco
Years Employed: about 4 years

Education:
University of Washington, MLIS
Boston College, JD

Previous Employment:
California Department of Justice, Office of the Attorney General
Librarian
Years Employed: 1 year

Candidate Statement:
I have had the privilege of serving as Secretary for the past two years during the pandemic. NOCALL remained an important way for law librarians to connect, learn, and develop professional competency throughout lockdowns and remote work. It has been fun and rewarding to participate in those efforts. I am hoping to serve another term during more normal times.

NOCALL Committees, Offices and Activities

• NOCALL Secretary, 2021-2022

• NOCALL 2023 Spring Institute Planning Committee

Other Professional Activities

ACRL Instruction Section, Research & Scholarship Committee

• Member, 2020-present

• Secretary, 2020

Candidate for Member-at-Large

Laura Moorer

Law Librarian
DC Court of Appeals
Washington, D.C.
Employed since 2019

Education:
BS, Virginia Tech
J.D., Mercer Law School
MLS, Univ. of Maryland

Previous Employment:
Public Defender Service for DC
Law Librarian
Years Employed: 13 years

Candidate Statement:
My family moved to Hollister, CA in the summer of 2019. We move here after my husband accepted a job as a park ranger at Pinnacles National Park. I am a remote librarian and travel back to D.C. quarterly to update the physical library and otherwise work remotely the rest of the year. I am a solo librarian and our library is not open to the public. The DC Court of Appeals is the equivalent of a state supreme court, if D.C. were a state.

Other Professional Activities
Member of AALL and LLSDC

Candidate for Member-at-Large

Courtney Nguyen

Reference Librarian
San Francisco Law Library
San Francisco
Years Employed: 11 Years

Education:
B.A., Classical Languages, UC Berkeley
J.D., UC Hastings College of the Law

Candidate Statement
I am excited to have this opportunity to serve the NOCALL community and assist the Board in its duties.

NOCALL Committees, Offices and Activities
Public Relations Committee Chair 2018-present

Other Professional Activities
AALL Member

2022-2023 NOCALL Officers and Committees

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