



NOCALL News

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

January – February 2006

Volume 26, Number 3

President’s Message

For NOCALL, 2006 has started with a bang!

The January Business meeting took place on January 26 and had 45 people in attendance. It was an incredibly productive and exciting meeting. The group passed the bylaws change discussed in detail on the email list and in the November/December edition of NOCALL News. According to the bylaws change, non-voting members (Associate Members) may serve on committees, as either a member of the committee or chair of the committee. The proposed changes do **not** change Associate Members’ voting status, nor do they allow Associate Members to run for Executive Board positions. The second discussion that was scheduled to take place, whether to continue having contested elections or to have run a single slate of candidates, has been postponed for the time being. The Board discovered they were working off of two different versions of the bylaws with different instructions for the nominations committee. The discussion has been postponed while the Constitution and Bylaws committee determines the correct version.

In addition to these planned discussions, the meeting also covered plans for building NOCALL’s relationship with SJSU’s library program. The new AALL training calendar was announced (see <http://www.aallnet.org/calendar/>).

The calendar is the result of the work of the AALL Education Summit which met in Chicago in September 2005. Its goal is to help members find and utilize training opportunities for professional development in AALL and beyond. A grant from AALL for a newer member of the profession to attend AALL in St. Louis was announced. Watch your email for further details on how to apply. We will also be coordinating a children’s book drive during National Library Week. This brief summary of the meeting barely touches on all the different activities and opportunities NOCALL is working on. Several of these opportunities are almost here.

February 8, 2006 will be the Winter Workshop. This is usually the Fall Workshop, but due to scheduling conflicts it is in Winter this year. The program, “a Preview of Coming Distractions” is

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designed to help attendees be better equipped to anticipate, understand, and survive the inevitable -- expected and unexpected -- changes in information technology that will affect our libraries. Expect to apply the changes in information technology within our libraries in totally new, non-traditional, and creative ways. Be able to evaluate the probable effect of the changes and to take leadership roles in making relevant decisions concerning the changes. In addition, Mr. Alexander Macgillivray, Senior Product Counsel, Google, Inc., will join our program to discuss Google Book Search, the new and controversial digitization Project undertaken by Google with library partners. It promises to be a very exciting program!

March 31-April 1, 2006 will be the Spring Institute, "Capital Resources - a Gateway to California Business Regulation." To celebrate AALL's Centennial, it is a joint institute put on by the three California chapters. In addition to four pre-institute workshops, attendees will have the opportunity to attend session on Regulating California Water: The Oil of the 21st Century, Enforcement of California Securities Laws: Protecting the Public, the Pitfalls of Regulatory Research, Effective Advocacy: Tips, Techniques and Examples, Consumer Protection, Legislative Research, and 45 Web Sites in 45 Minutes.

Attendees will also have the opportunity to attend an evening river cruise as they spend time with friends and colleagues. Be sure to check the Institute Blog, <http://heafey.typepad.com/jointinstitute/>, or the Institute website, <http://www.aallnet.org/chapter/scall/institute.htm> for more information.

I am also excited to announce that NOCALL expects to hold its first online elections this Spring - stay tuned for details as we experiment with a new format for elections. We have a wonderful slate of candidates:

VP President Elect:

Coral Henning – Sacramento Public Law Library, Sacramento / Co.

Treasurer:

Julie Horst – UC Hastings, SF / Academic

Member-at-large:

Peg LaFrance – Orrick, SF / Private

Greg Fite – Alameda Co. Law Library, Oakland / Co.

Janet Fischer – Golden Gate University, SF / Academic

Sharon Lahey – Fenwick & West, Palo Alto / Private

Thank you to our nominations committee for their hard work and to everyone who has agreed to run. We are guaranteed to have a wonderful board next year!



NOCALL News

The NOCALL News is published five times a year by the Northern California Association of Law Libraries, a chapter of the American Association of Law Libraries, and is a benefit of membership.

The Northern California Association of Law Libraries assumes no responsibility for the statements and opinions advanced by the contributors to the association's publications. Editorial views do not necessarily represent the official position of the Northern California Association of Law Libraries.

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NOCALL News 2006 Submission deadlines:

- Jan/Feb – Jan. 6
- Mar/Apr – Mar. 3
- May/June – May 5
- Sept/Oct – September 4

MUSINGS FROM MARK

Mark Mackler
California Department of Justice
San Francisco

BACK TO THE BASICS...Have you seen “Librarianship 101: Back to the Basics” in September’s *Legal Information Alert*? The premise is that we all need to be reminded of the basics every now and again. So, here we go:

Smart Internet Use: 1) Many librarians start their research on the Internet when another tool will yield the answer easier and faster. 2) If you decide that using the Internet is the best way to go, remember the difference between search engines and directories. 3) Evaluate your source.

Telephones Still Exist: Sometimes a simple telephone call to the right person is the best way to find the information you need. I recently tried to find some specific economic information. Intuitively, the attorney and I felt that “it had to be out there somewhere.” After hours and hours of work, I smartened up and tracked down a government official in Washington. He told me that they should keep statistics like that, but they don’t!

Read, Read, Read: Read press releases, advertising brochures, legal and general newspapers - both print and electronic -, professional publications, and listservs. And don’t forget to keep up with your old warhorse directories and standard reference tools. Sounds like a challenge? It is!

HOW ARE YOU AND YOUR E-MAIL GETTING ALONG?...

Time management expert Julie Morganstern’s latest book is “Never Check E-Mail in the Morning.” (I admit that after I read an e-mail about the book, I bought it!) “We are all addicted to e-mail...There is a fear that if you don’t check e-mail, you are missing something major. If you don’t answer it right away, you look incompetent...Your client, your customer, your boss will move on to the next person. That is stressful.” Estimates are that in 2000 there were 5.1 million messages sent. In 2005, there were 135.6 million messages! Besides the dangers of increasing our work stress levels and inadvertently sending an e-mail to the wrong people, there is the more subtle danger of using improper, inappropriate tone. For example, right from the start of my work at the Attorney General’s Library, all of my e-mail from a certain attorney sounded harsh. In

spite of my attempts to come by her office or to speak with her on the phone, we always missed each other. Everyone told me that she was really a very nice person. Finally, I swung by her office and she was there. We talked for a few minutes about one of the projects I was working on for her. As I went back to my office, I realized what the problem was. She writes harsh e-mail, and it’s not necessarily a true reflection of the kind of person she is. How does *your* e-mail come across?

RADICAL LIBRARIANS...Molly Ivins recently chimed in on the controversy involving domestic spy operations. She quoted from an FBI agent’s 2003 memo in which the agent complained about Justice Department’s restraints on counter-terrorism activity: “While radical militant librarians kick us around, true terrorists benefit from Justice’s failure to let us use the tools given to us.” Molly then went on to suggest to the FBI that they should tell the radical militant librarians that instead of saying “Shhhh!” the librarians should yell “Shut Up!”



PROFESSIONAL READING IN REVIEW

By Susan Llano
U.C. Davis Law Library

“Re-evaluating Web Evaluation” by Greg Notess, *Online*, v.30, no.1, Jan-Feb 2006, p.45. Greg Notess begins his column with the observation of a positive trend; more instructors are emphasizing the evaluation of web resources. Since so many people use the internet now to look for information, he wanted to revisit the topic of web evaluation. One of the problems that he cites in evaluating the web is that there is an ambiguity for some users as to what is a library resource (library-licensed databases) and what is on the web. He goes over traditional evaluation criteria and explains why it sometimes falls short. The article concludes with a discussion of the Wikipedia debate.

“Making Your Intranet Live up to its Potential” by Darlene Fichter, *Online*, v.30, no.1, Jan-Feb 2006, p.51.

Many organizations have intranets in place, but find they are not being used. The author gives tips on how to make the most of your organization’s intranet. Some of her suggestions include having senior management routinely post important documents or messages on the intranet and showing the intranet to new employees

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during orientation. She suggests finding out why an intranet is NOT being used (workplace culture? Inconvenient?) in order to begin maximizing its potential.

“In Love With Tech?” by Chrystie R. Hill, **Library Journal**, December 15, 2005, p.42,
<http://www.libraryjournal.com/article/CA6289906.html>

In this article, the author encourages librarians to “span the digital divide.” New technology is creating a divide between library staff who are very tech savvy and those who haven’t the time or support to learn about all the new bells and whistles. She suggests sharing ideas about what works with colleagues who may be less tech-savvy and using the existing technology (wikis, blogs) to exchange ideas and help break down the divide.

“2006: The State of the Industry”, Information Today, v.23, no.1, p.1.

Information Today asked some information industry pundits and notables about how the industry did in 2005 and what they saw as challenges awaiting us in 2006. Of the seven people interviewed, only one did not mention “Google.” Google was the big name story in 2005 as was the changing role of the publisher; wikis and blogs were also big. The vice-president of marketing for the Copyright Clearance Center referred to what’s happening as “information chaos.” Most seem to agree that 2006 will be a great year for those that can get in front of the new technology and the changing behavior of users.



WHAT ARE YOU READING?

Nora Levine
Reed Smith LLP

LIVING TO TELL THE TALE. Gabriel Garcia Marquez

I just finished reading "Living to Tell the Tale" a memoir by the Columbian Nobel Prize winner Gabriel Garcia Marquez. This book is purportedly the first in a series he will write about himself, his incredible life, and as he says, "living to tell the tale." If you like his novels, "Love in a Time of Cholera," or, "A Hundred Years of Solitude," you will find this book fascinating. This "transcendental" autobiography of his youth launches with this simple line, “My mother came to ask me to help her sell the house.” From there, Mr. Marquez has written a tour de force of his struggle to become a writer -- a struggle submerged within the political, social & economic cycles of

Colombia. He also describes the incredible web of family and friends and luck that sustained him through his beatnik-like days of rebellion, confusion, and poverty. I suggest re-reading the beginning after you finish the book.

Pamela K. Cline
HOWREY LLP

What are you viewing?

My wife and I love to watch **MONK** episodes every Friday evening. Mr. Monk is a quirky, extremely compulsive and neurotic detective who is a misunderstood genius. Monk, with the help of his aide, Natalie Teeger (Traylor Howard) helps the police solve Sherlock Holmes-type mysteries that no ordinary police work can solve. Detective Captain Leland Stottlemeier, played by Ted Levine (the villain in 1991’s Best Picture, “The Silence of the Lambs”) and his assistant, Randy, make a great comic duo. They have had many excellent guest stars, including Willie Nelson, Malcolm McDowell and more.

You need to have cable TV (USA channel) to watch “Monk,” but I highly recommend it. All episodes are filmed in San Francisco and nearby areas, so it has that local caché that enhances the experience for me. Tune in, turn on, drop in to “Monk!” For more information: <http://www.usanetwork.com/series/monk/>

Greg Fite
Bernard E. Witkin Alameda County Law Library

BLINK. Malcolm Gladwell

An interesting study of why and how we make snap decisions. Though non-fiction, Gladwell uses stories to illustrate his point including the purchase of a piece of art and the shooting of Amidou Diallo. One of the things that I like about this book is that it explains that elusive concept of the "library mind" very well without really meaning to. Gladwell explains how snap decisions come about from a person's experiences, knowledge, background, biases, etc. All of these are tools reference librarians utilize when assisting patrons.

CONFESSIONS OF A TEEN SLEUTH. Chelsea Cain

This novel is a hilarious parody of youth fiction mystery novels such as Nancy Drew and the Hardy Boys. Quick read, could have been better written, but very entertaining to read about the various aging teen sleuths such as Frank Hardy and Nancy Drew. It is fun to see Nancy appear in various episodes in history as well.

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THE SHIPPING NEWS. Annie Proulx

This novel was recommended to me by a friend who said I would love it. It starts off on a depressing note, which made me wonder why she liked the book. Not having anything else to read at the moment, I persevered and was pleasantly surprised at how the plot suddenly took an upswing and became very enjoyable. The story is about a man who seems to have nothing going for him and how he keeps plodding along to make a place for himself in the world where he can be happy and contribute.

*Jaye Lapachet
Coblentz, Patch, Duffy & Bass LLP*

**MURDER ON NOB HILL. Shirley Tallman
THE RUSSIAN HILL MURDERS. Shirley Tallman**

Sarah Woolson is a typical new lawyer, but these mysteries aren't your typical legal thrillers, because Sarah is practicing in 1880's San Francisco at a time when women have just been permitted to practice in California. Tallman has done a lot of research on the history and atmosphere of the city at that time and gives the reader a good sense of the time and place as the scrappy feminist attorney takes on a not so receptive legal establishment. Following her track down the murderers as she travels about the city (from Chinatown to Woodward's Gardens amusement park and from lowlife waterfront establishments to upper-class law firms) is lots of fun, even if the trial scenes are a bit overdramatic.

If you like historical mysteries, these are well researched and fun reading. This is a new series and hopefully more will be coming soon.

*Paula Lichtenberg
Keker & Van Nest LLP*

**NOCALL Board Meeting Minutes**

Wednesday, August 24, 2005

4:00 p.m. to 6:00 p.m.

Redwood City Public Library Community Room

Present: Pam Rino, Tina Dumas, Prano Amjadi, Holly Riccio, Mary Ann Parker.

Pam Rino called the meeting to order at 4:06 p.m.

1. October GSI Luncheon

Pam Rino was approached by GSI about NOCALL sponsoring a luncheon that they would put on. The board discussed this and thought that the idea was one we should pursue, but that we should also ask if there could be more of an educational element included as well.

2. October Legal Administration Week

Pam Rino was contacted by the Legal Marketing Association (LMA) Bay Area Chapter President Elect, Lydia Bednerik, about NOCALL being involved in a local event, along with local chapters of other national legal management associations (i.e. NALP, ALA, ILTA) for the first Professional Legal Management Week (October 3-7, 2005). Holly Riccio volunteered to contact Lydia Bednerik and work on finding out what they have planned and how NOCALL can be involved.

3. Committee Liaison Assignments

Board liaisons were assigned as follows:

- Pam Rino: Public Relations
- Tina Dumas: Awards, Consulting, Newsletter
- Prano Amjadi: AALL Liaison, Academic Relations, Education, Spring Institute
- Holly Riccio: Constitution & Bylaws, Memorials, Nominations
- Julie Horst: Audit & Budget, Grants, Membership
- Mary Ann Parker: Government Relations, Public Access, Web Page
- Donna Purvis: Archives, Placement, Union List

Tina Dumas will forward this information to Leslie Ann Forrester to update the NOCALL web page. All liaisons should contact their committee Chairs to let them know that they are their liaison for the year.

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4. Budget Preliminaries

The Board has to pass a budget by the next meeting in September. A preliminary budget proposal, created by Audit & Budget Committee Chair Shannon Burchard was circulated at the meeting.

5. 2006 Book Drive

Pam Rino was contacted by Michael Ginsborg at Howard Rice about doing a book drive (similar to the one that the SR-SIS does each year in conjunction with the AALL Annual Meeting). The book drive would take place during National Library Week in 2006. A motion was made to have NOCALL sponsor a book drive during National Library week. The motion was seconded and passed. Pam Rino will work with Michael Ginsborg on this.

6. Nominations Committee

Pam Rino reported that last year's Nominations Committee Chair, Donna Williams, was against having a slate of candidates years ago, but is now in favor of it. The Board discussed this issue at length. Prano Amjadi stated that we did not need to make any changes in our Bylaws to allow for a slate of candidates. The Board decided to do a pro/con article in an upcoming issue of *NOCALL News* and then discuss the issue at the January Business Meeting.

7. Spring Institute Update

Prano Amjadi gave an update on the progress of the Joint Spring Institute. The hotel that we have booked seems a little small and they are looking at different configurations. The California Court and County Law Libraries (CCCLL) want to do a pre-institute workshop on legislative advocacy and invite NOCALL members to attend. They also want to sponsor a reception and invite all the legislature to attend and hold it at the Sacramento County Law Library. There was Board discussion about our opening reception and possible locations and sponsors.

8. Future of NOCALL Planning

Holly Riccio noted that another AALL chapter – The Law Library Association of Greater New York (LLAGNY) – has a Board Member position that is only for one year and is only for a librarian that has been in the profession 5 years or less. Holly Riccio will circulate more information on this to the Board after the meeting.

9. Fall Cataloging Workshop

Tina Dumas mentioned that the Mid-Size Firm Librarians Group (MSFLG) in San Francisco are in preliminary talks with Joni Cassidy (of Cassidy Cataloging) to do a 2-day 'Back to Basics' cataloging class in San Francisco following the Internet Librarian conference. Holly Riccio will forward the class outline to the Board. Fran Jones will be approached to see if she wants to include this as part of the NOCALL Fall Workshop.

10. Education Summit

Pam Rino will be attending the AALL Education Summit in Chicago on September 24th and 25th. The summit will bring together representatives from Chapters, SISs and other segments to discuss and plan for the future and continuing education for the profession.

11. Changing Bylaws

Tina Dumas will be working on bylaws changes that would alter the membership categories and allow vendors to be Committee Chairs. She is going to work on getting a coalition of past NOCALL Presidents to sign a letter supporting the change. This may also be a topic for discussion at the January Business Meeting.

12. Future Board Meetings

There are four Board Meetings each year. The rest of ours will be:

- September 2005
- January 2006
- May 2006

13. Other Business**• Union List**

There was some discussion about the status of the NOCALL Union List and it was agreed that we need to figure out what we're doing with this.

• Membership

AALL has offered to take over the task of maintaining the NOCALL membership information. Membership Committee Chair Ramona Martinez attended a session at the AALL Annual Meeting about this. More information is needed about the annual cost from AALL to do this. However, if we did this, AALL would be able to produce our directory from their database. In addition, this would allow us to consider the possibility of electronic voting.

The meeting was adjourned at 5:53 p.m.

Respectfully Submitted,

Holly Riccio
NOCALL Secretary

NOCALL Board Meeting Minutes

Tuesday, September 27, 2005

2:00 p.m. to 4:00 p.m.

Bernard E. Witkin Alameda County Law Library

Present: Pam Rino, Tina Dumas, Prano Amjadi, Holly Riccio, Mary Ann Parker, Julie Horst, Donna Purvis.

Pam Rino called the meeting to order at 2:29 p.m.

OLD BUSINESS**1. Approve Minutes of Last Meeting**

The minutes from the previous Board Meeting were reviewed and approved.

2. Professional Legal Management Week

Holly Riccio reported that NOCALL is co-sponsoring a cocktail reception with the local chapters of LMA (Legal Marketing Association), ILTA (International Legal Technology Association) and ALA (Association of Legal Administrators). The event will be held on October 5th from 5:30 p.m. to 7:30 p.m. at the MacArthur Park Restaurant in San Francisco. An electronic invite has been created and sent to the NOCALL listserv. Each participating organization will pay for ¼ of the total cost of the event, which will probably be about \$200.

3. Spring Institute Update

Prano Amjadi reported on the status of the upcoming Spring Institute. She said that they are going to have a pre-Institute workshop on cataloging. This will run concurrent with the West pre-Institute workshop. There will also be concurrent sessions on the Friday of the Institute. They have created an internal blog for the Spring Institute Committee and will do a public blog before and during the Institute. The CCCLL (Council of California County Law Librarians) wants to do a reception and Legislative Intent wants to do an event/reception as well.

4. Approve Budget

Julie Horst circulated copies of the Treasurer's Report (as of 9-27-05) and the Proposed Budget for 2005-2006. After some discussion and a few changes to some of the amounts, the Proposed Budget for 2005-2006 was approved.

5. Fall Cataloging Workshop

The Mid-Size Firm Librarians Group (MSFLG), a group of law librarians at small to mid-size firms in San Francisco, have asked for NOCALL's support of a cataloging workshop that they were able to organize. The workshop will be taught by Joni Cassidy of Cassidy Cataloging and it will be a two-day workshop following the Internet Librarian conference. There will not be any on-site

registration, so registration and payment needs to be sent to Sara Fox by October 21st. They need to have 10 people sign up for each day to break even. The site is still being worked out: if they have 12 or fewer people each day, it will be held in a conference room at Severson & Werner, but if they have more than 12 people each day, they will have to make arrangements to have it somewhere else.

6. AALL Education Summit

Pam Rino reported on her attendance at the recent AALL Education Summit, held in Chicago. In attendance were representatives from 20 AALL Chapters, 12 AALL SISs, AALL Executive Board Members (both past and present) and a facilitator. One of the decisions that came out of the discussions was that the AALL Chapters should be responsible for education and that AALL should be turned into a clearinghouse of information and resources. The official report will be available from AALL (on AALLnet) shortly.

7. Changing Bylaws

Tina Dumas reported that there will be a vote at the January NOCALL Business Meeting on the proposed bylaws changes. The proposed changes would allow non-voting members (Associate Members) to serve on committees, either as a member of the committee or chair of the committee. Tina will work on getting an article together about this for *NOCALL News* that will include comments from Past Presidents of NOCALL.

8. One Slate of Candidates (vs. Contested Elections)

Donna Williams and Mary Hood will work on a Pro/Con article for *NOCALL News* on this idea. Donna Purvis will work with them on this.

9. New Member Board Position

This was an idea that Holly Riccio brought up at the last Board Meeting in an effort to get new people more involved in NOCALL. Pam Rino said that she had gotten some feedback on this and one of the questions that came up was that, if another Board Member was added, then the Board would be 8 people and an odd number of Board Members is preferable, in the event of a tie vote. If we kept the same number of Board Members, we could just change one of the current positions to a 'New Board Member' position and this would just require making a change to the procedures for the Nominations Committee.

10. Book Drive

This project is still being coordinated by Michael Ginsborg and there was nothing new to report at this time.

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NEW BUSINESS**1. Meet SJSU President (re: Team Teaching Legal Bibliography Class)**

Pam Rino told us that there is a new San Jose State University Library School President and that she is working on setting up a meeting with him to talk about how NOCALL can work with the library school. Susan Nevelow Mart is working on proposing a legal bibliography class that would be team taught by NOCALL members. Pam welcomes any suggestions on what else we can offer them.

2. Mentoring/Internships

Pam Rino reported that Liza MacMorris at Wilson Sonsini has an internship to offer and that Ellen Platt is interested in working with SJSU on this as well.

3. NOCALL Union List

The Union List has been out of date and not produced for the last three years. Pam Rino reported that we are in discussions with Joni Cassidy to convert the data we have to a password-protected online version. Joni is currently doing this for another Chapter (NJLLA) and, once she has completed theirs, she can give us more information on pricing.

4. Committee Reports

Holly Riccio has collected reports from many of the committees and they will be presented at the NOCALL Business Meeting by the Committee Chairs that are in attendance, or read by the Secretary in their absence.

5. Upcoming Meetings

Pam Rino reported that the January NOCALL Business Meeting will be held somewhere on the Peninsula and the May NOCALL Business Meeting will be held in San Francisco.

The meeting was adjourned at 3:55 p.m.

Respectfully Submitted,

Holly Riccio
NOCALL Secretary

**NOCALL Business Meeting Minutes**

Tuesday, September 27, 2005

County of Alameda Conference Center, Oakland, California

Pam Rino called the meeting to order at 4:10 p.m. There were approximately 20 members in attendance.

Old Business

- A motion was made to approve the May Business Meeting Minutes. The minutes were approved.

New Business

- **Professional Legal Management Week**

Holly Riccio reported that NOCALL is co-sponsoring a cocktail reception with the local chapters of LMA (Legal Marketing Association), ILTA (International Legal Technology Association) and ALA (Association of Legal Administrators) during the first annual Professional Legal Management Week (October 3-7, 2005). The event will be held on October 5th from 5:30 p.m. to 7:30 p.m. at the MacArthur Park Restaurant in San Francisco. An electronic invite has been created and sent to the NOCALL listserv.

- **Education Summit**

Pam Rino reported about her attendance at the recent education summit put on by AALL to discuss librarian professional development. The invitees included representatives from all AALL Chapters and SISs. One of the ideas that came out of the summit was that AALL should be made a clearinghouse and facilitator for professional development, since local groups are better at assessing their local needs, but they need help (money, technology, etc.) to address them. Another idea was to create a database of classes and teachers. A summary report from the summit will be forthcoming and posted on AALLNET.

- **Cataloging Workshop**

Pam Rino reported that there was a handout that had the registration information and a syllabus for the upcoming two day cataloging workshop. The workshop is being co-sponsored by NOCALL and the Mid-Size Firm Librarians Group (MSFLG) in San Francisco. Joni Cassidy, of Cassidy Cataloging, will be running the workshop. The cost is \$100 for both days and \$70 for a single day. The details about the location will be announced shortly. There will be no on site registration and the deadline for registering is October 21st. This is one of the first attempts at responding to discussions at the previous NOCALL Spring Institute, where members wanted training on specific topics.

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- **Past President Gift/Recognition**
Tina Dumas presented a plaque to Susanne Dyer in recognition of her service to NOCALL from 2003 to 2004. Susanne accepted the plaque, saying, "Thank you all. NOCALL is you."
- **Nominations Procedures Change**
Pam Rino stated that NOCALL currently runs contested elections, but that it had been challenging over the last few years to get enough candidates to run. NOCALL has lost some good people because they ran, lost and then decided not to run again. The Board is proposing that NOCALL have a single slate of candidates. This is a fairly big change with lots of pros and cons. There was some discussion of the idea and Pam stated that further discussion could continue on our listserv. Susanne Dyer did point out that our Bylaws were amended in 2004 to allow for this.
- **New Librarian Board Member**
Pam Rino reported that it had been brought to her attention, in her efforts to get newer law librarians involved in NOCALL, that another AALL Chapter (LLAGNY) has a position on their Board specifically for a newer law librarian, which they define as someone who has been in the profession for 5 years or less. The question is whether this will mean a change to the Bylaws, or just a change in the procedures for the Nominations Committee.
- **Joint Spring Institute**
Prano Amjadi reported that the Joint Spring Institute will be held on Friday, March 31st and Saturday, April 1st in Sacramento at the Holiday Inn Capitol Plaza. They are in the beginning programming stage right now. There will be a pre-Institute cataloging workshop, and both West and the CCCLL (Council of California County Law Librarians) will be doing pre-Institute sessions as well. Susanne Dyer suggested that we try to get Mary Alice Baish as our AALL Chapter visitor and invite her to attend the pre-Institute workshop on legislative advocacy.
- **Relations with San Jose State University**
Pam Rino reported that there is a new president of the library school and she is working with Tina Dumas and Amy Wright on setting up a meeting to talk with him. Susan Nevelow Mart reported that SJSU hasn't had a legal bibliography course since 2002. She is working on putting together a course that would be done by team teaching by NOCALL volunteers. Pam Rino stated that she knows about one internship being offered by a law firm library and asked that if anyone else have an internship available, to let her know.
- **Public Relations Chair Opening**
Pam Rino reported that NOCALL is still looking for someone to chair the Public Relations Committee.

- **Committee Reports**

Reports were received from the following committees:

Archives

Regina Wallen reported that in May, Jaye Lapachet donated photographs from the NOCALL May Business Meeting. In April, the Archives requested copies of all institute material from 1998 to 2005. To date, no copies have been received.

Audit & Budget

Shannon Burchard reported that the NOCALL budget for 2005-2006 had been submitted.

Consulting

Sharon Lahey reported that since June, she has had four inquiries. One was a question about getting help taking stock of a library collection before converting to EOS Web, one was a corporate librarian interested in becoming a law librarian, one was from a Southern California librarian inquiring about filing services in Northern California, and one was an in-house consultation, of which she is working on the follow-up report.

Membership

Ramona Martinez reported that our membership currently stands at 300. She reported that there were 28 members that had not renewed for two years straight and they have been deleted from the database. There are a total of 80 members that renewed last year that have not renewed so far this year and she will be in touch with them soon. She reported that the final changes to the directory have been submitted to the Daily Journal and our new directory should be printed soon.

Newsletter

Tina Dumas reported that Mary Pinard is the new editor of *NOCALL News*. The new deadlines for submission of articles for each issue will be updated on the NOCALL web site soon.

Nominations

Donna Williams reported that her committee has started contacting members to run for office for the 2006-07 year and that they are making good progress.

Placement

Mary Staats reported that the committee continues to post all positions on the listserv and NOCALL web site. The problems she was having with the web site have been resolved and the web page is full of jobs. She stated that she would continue to attempt to reach more trained library personnel, since we have many positions and few qualified personnel applying for them.

- **2006 Book Drive**

Pam Rino reported that this event will coincide with National Library Week in 2006 and more details will be coming next year.

(continued on page 10)

- **Union List**
Pati Traktman has been in contact with Joni Cassidy of Cassidy Cataloging. Her company has implemented a web-based Union List for other AALL Chapters and is currently working with the New Jersey Chapter (NJLLA). She is working with Joni to figure out pricing and other details.
- **Meeting Sponsors**
Pam Rino thanked Certified Personnel Group, Legislative Research, Inc. and NOLO for sponsoring the refreshments for the meeting.

Pam Rino adjourned the meeting at 5:20 p.m.

Respectfully Submitted,

Holly Riccio
NOCALL Secretary



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Our Reputation for Consumer Advocacy: Why the Proposed Membership Bylaw Amendments are Controversial

Michael Ginsborg*

January 12, 2006

On December 8, 2005, NOCALL Vice President Prano Amjadi posted an announcement on the NOCALL listserv about two articles in the November-December 2005 NOCALL News.¹ One article bears collective authorship because Past President Tina Dumas compiled it. It concerns proposed bylaw changes to allow associate members to serve on NOCALL committees.² I am writing before the planned vote on this proposal at the January 26, 2006, Business Meeting. Whatever the outcome, I want to explain why this proposal is controversial. Despite the admirable aims of its supporters, the unforeseen consequence of the proposal would be to further undermine NOCALL's standing as a consumer advocacy organization.

In her compilation, Tina sets out the proposed amendments, statements in favor by eight former Presidents, and endorsements by three more. She does not reference any statements in opposition. In her December 8th announcement, Prano noted that "there was some discussion" of the same proposal in the spring of 2004. In fact, when she invited the membership to comment on it in April 2004, she identified one objection: "Companies could fill the association with members that might steer the direction of the Association towards the interests of their company."³ I made related objections in a listserv discussion that followed.⁴

Of course, proponents want to do what is best for NOCALL. As past presidents, they have not only exceptional dedication to NOCALL, but also insights from firsthand experience. Their opinions on bylaw amendments merit considerable deference. Therefore, I would not revisit the debate unless, sharing their concern about professional ethics and NOCALL's future, I believed that NOCALL News should record why the proposed amendments were debated. However unlikely the prospect, a record of the debate could also set a precedent for other Chapters and AALL. The debate may be novel, and it raises a serious question about the adequacy of one of AALL's Ethical Principles on "Business Relations."⁵

The reasons for the proposal are certainly compelling. In the 2004 listserv discussion, former Board Member Eric Wade observed that "many associate members have been valuable participants in NOCALL."⁶ According to three past Presidents, one class of associate members – vendor members – have participated in NOCALL committees. Thus former President Linda Weir says that "[m]any of our vendor members have been with NOCALL for a while now and have contributed much to NOCALL."⁷ Because current bylaws do not allow associate members to serve on committees, the proposed amendments would formalize recognition of a practice that has been informally accepted and even welcomed.⁸

Adoption of the bylaw amendments may encourage more associate members to serve on committees. Their increased participation would aid recruitment at a time when NOCALL has been challenged to engage enough volunteers among active members. Many active members can not serve as committee members or chairs, while some associate members have not only been able to serve, but have made uniquely valuable contributions. Both AALL⁹ and SLA¹⁰ already allow associate members to serve on committees, as do several AALL Chapters,¹¹ so NOCALL would simply be following their examples.

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¹ Posting of Prano Amjadi, PAMJADI@scu.edu, to nocal-list@aallnet.org (Dec. 8, 2005) (on file with author).

² *Proposed Bylaws Changes to Allow Associate Members to Serve on NOCALL Committees*, NOCALL News, Nov. – Dec. 2005, at 5, <http://www.nocall.org/nocallnews/0511.pdf> (last visited Jan. 8, 2006).

³ Posting of Prano Amjadi, PAMJADI@scu.edu, to nocal-list@aallnet.org (Apr. 23, 2004) (on file with author). See also 2004 [NOCALL] Bylaws Changes, <http://www.nocall.org/nocallnews/2004Bylaws.doc> (last visited Jan. 11, 2006).

⁴ Postings of Michael Ginsborg, mginsborg@howardrice.com, to nocal-list@aallnet.org (May 10, 11, 13, 15 2004) (on file with author).

⁵ *Ethical Principles*, in AALL DIRECTORY AND HANDBOOK 2005-06, at 423 (2005), available at http://www.aallnet.org/about/policy_ethics.asp (last visited Jan. 10, 2006).

⁶ Posting of Eric Wade, eric_wade@lb9.uscourts.gov, to nocal-list@aallnet.org (May 13, 2004) (on file with author).

⁷ Statement of Linda Weir, *supra*, note 2.

⁸ Posting of Prano Amjadi, *supra*, note 3 ("This is a change to reflect current practices, as associate members have been serving on committees and as chairs for the past few years.")

⁹ The AALL Bylaws (revised October 2003), Art. IV, §2(a), in AALL DIRECTORY AND HANDBOOK 2005-06, at 382 (2005), available at <http://www.aallnet.org/about/bylaws.asp> (last visited Jan. 10, 2006) ("Members in all categories have the right . . . to serve on and chair AALL committees, and to vote in elections.")

¹⁰ SLA Bylaws (revised June 2005), Art. XIII §2, <http://www.sla.org/content/SLA/governance/bylaws/index.cfm> (last visited Jan. 10, 2006) ("The president shall appoint the members and designate the chair of all committees except the nominating committee.") See also Statement by Linda Weir, *supra*, note 2 ("The Special Libraries Association does not to my knowledge make a distinction between vendor members and the regular membership who are interested in working to advance the Organization's goals and willing to serve.")

¹¹ For example, see Bylaws of Minnesota Association of Law Libraries (revised February 22, 2005), Art. III §3.2(b)-(c), <http://www.aallnet.org/chapter/mall/bylaws.pdf> (last visited Jan. 11, 2006) (By paying dues, anyone may become an active member, and all active members "are entitled to vote and have equal rights and preferences."); Bylaws of the Atlanta Law Libraries Association, Art. III §5, <http://www.aallnet.org/chapter/alla/bylaws.htm> (last visited Jan. 11, 2006) ("Associate members shall have the right to hold office, to vote, [and] to serve on committees."); Bylaws of the Chicago Association of Law Libraries (revised April 28, 2004), Art. IV §4.3,

Proponents contend that associate members – including vendor members – have served on committees “for a number of years” and “without any conflict of interest.”¹² Proponents also believe that if a conflict of interest might arise, the proposed bylaw on conflict of interest will be adequate to prevent it.

The conflict-of-interest bylaw applies to all members, and (a version of) its language was initially adopted as a policy in September 2003.¹³ Former President Susanne Dyer tells us that “it is not directed at any one member or any one class of members, but it would serve as a useful reminder to all members of what we owe to our association and our fellow NOCALL members.”¹⁴ Indeed, it fits the characterization of a useful reminder to *all* members. Unlike other Chapter conflict-of-interest bylaws,¹⁵ it reflects an express concern about a conflict between the Chapter’s interests and the duty of a member to his or her employer. As Susan has pointed out, non-vendor members may have or have had such conflicts.¹⁶ But it is unclear why a reminder, adopted as a policy, should also take the form of a proposed bylaw, unless a primary concern emerged about the implications of a proposed bylaw amendment to let associate members serve on committees. Thus former President Lauri Flynn acknowledges “a chance that some [associate members] might have a corporate mandate to promote their product or service and make decisions that do not benefit the Association . . . The conflict of interest language gives us a way of handling this issue.”¹⁷ At any rate, the proposed membership bylaw amendment, qualified by the additional conflict-of-interest article, would distinguish NOCALL from AALL and some AALL chapters that allow vendor members to serve on committees.¹⁸

The proposed conflict-of-interest article does not include a provision for enforcement, but we are told that we can depend on vendor members to police their own conduct. Probably no one would disagree with Prano that “we have many hard working and caring associate members, who see themselves as librarians first, and company employees second.”¹⁹ It may seem unfair to single out vendor members for special scrutiny just because of their employers. To suppose that self-compliance might not suffice risks impugning them for lacking dedication to NOCALL. Worse still, if we have such misgivings, we even risk creating the unwelcome perception that vendor members – our colleagues! – are armed, Machiavellian schemers, and that “we need to ask them to check their weapons at the door.”²⁰

The reasons for the proposal have wider application than some proponents may realize or accept. If the reasons are persuasive, they should dispose us to favor, not just committee service, but *any* level of service by vendor members, including such elected offices as NOCALL President.²¹ Linda favors eligibility of vendor members for Executive Board Office.²² Former NOCALL President Mary Hood, another proponent, would oppose qualification for elective office by

<http://www.aallnet.org/chapter/call/publications/bylaws2004.pdf> (last visited Jan. 11, 2006) (“Associate members shall have the right to hold an appointive position, [and] to serve on committees.”); Bylaws of the Colorado Association of Law Libraries (page last updated November 18, 2004), Art. III §3 and Art. VII §2(c), <http://www.aallnet.org/chapter/coall/bylaws.htm> (last visited Jan. 11, 2006) (only active members may hold elective office, but no distinction between active and associate members for the purpose of committee assignment). *But see* Bylaws of the Law Library Association of Greater New York (revised March 31, 2000), Art. I §2(c), <http://www.aallnet.org/chapter/llagny/bylaws.html> (only regular members may serve on committees and hold elective office; regular members include those who have worked for law libraries within the last 7 years); Bylaws of the Law Library Association of Maryland, Art. III §1(a) and §2, <http://www.aallnet.org/chapter/llam/bylaws.htm> (last visited Jan. 11, 2006) (only active members can hold elective office or serve on committees; active members include those who have worked for law libraries within the last 3 years); Bylaws of the Western Pennsylvania Law Libraries Association (amended May 2005), Art. I, §1(a) and (2), <http://www.aallnet.org/chapter/wplla/wpllabylaws.htm> (last visited Jan. 11, 2006) (only active members can hold office; active members must have some “connection” with a library).

¹² *Supra*, note 2.

¹³ NOCALL Board Meeting (Sept. 17, 2003), NOCALL Executive Board Meeting Minutes, NOCALL News, Jan. – Feb. 2004, <http://www.nocall.org/nocallnews/0401septboardmin.html> (last visited Jan. 11, 2006) (“Draft Conflict of Interest Statement” adopted as a policy) *See also* Susanne Dyer, *President’s Message*, NOCALL News, Sept. – Oct. 2003, at 1, <http://www.nocall.org/nocallnews/0309sepocpt.pdf> (last visited Jan. 11, 2006) (“[T]he Board is considering a Conflict of Interest Policy to apply to officers and committee chairs and members. As far as I can determine, this would be a first for NOCALL and possibly a first for any AALL chapter. Essentially, the proposed policy reiterates what most of us do automatically, i.e., place the association’s interests first when we are working on NOCALL matters, but it might be a good reminder for all of us.”)

¹⁴ Statement of Susanne Dyer, *supra*, note 2. *See also* Susanne Dyer, *President’s Message*, *id.*

¹⁵ *Infra*, note 18.

¹⁶ Posting of Susanne Dyer, susanne.dyer@acgov.org, to nocall-list@aallnet.org (May 13, 2004) (on file with author).

¹⁷ Statement of Laurie Flynn, *supra*, note 2.

¹⁸ None of the Chapter bylaws in my sample (*supra*, note 11) has a provision on conflicts of interest, except the bylaws of the Chicago Association of Law Libraries. *See* Bylaws of the Chicago Association of Law Libraries, Art. II §2(c), *supra*, note 11 (“No part of the net earnings, properties, or assets of this Association, on dissolution or otherwise, shall inure to the benefit of any private person or individual or any member or director of this Association.”). For a more expansive conflict-of-interest bylaw, *see also* Bylaws of Southern California Association of Law Libraries, Art. XII (added June 2001), http://www.usc.edu/dept/law-lib/scall/bylaws.htm#_edn4 (last visited Jan. 11, 2006) (“SCALL officers, committee chairs or committee members shall not use their positions for personal gain.” Other conflicts of interest may be interpreted to fall under this Article.).

¹⁹ *Supra*, note 1.

²⁰ *Supra*, note 6. I hope that I have not quoted Eric too far out of context.

²¹ Vendor members have been elected to office in other Chapters. For example, Lori Hedstrom, Sales/Marketing Representative of Vendor/Supplier to Law Libraries, West Librarian Relations, Thomson-West, had her current position when she was President of the Minnesota Association of Law Libraries in 2001-2002. *See* Minnesota Association of Law Libraries, Past Association Presidents, <http://www.aallnet.org/chapter/mal/officers.htm> (last visited Jan. 9, 2006); AALL Profile, AALL Member: Ms. Lori A. Hedstrom (American Association of Law Libraries, Members Only Section, Member Search through 2006).

²² *Supra*, note 2.

denying vendor members the right to vote in NOCALL elections, but Mary does not address the wider application of reasons for the bylaws proposal.²³

So why is the proposal controversial? The controversy involves how far we should go to avoid appearing less than completely independent consumer advocates for our patrons and employers.²⁴ Can we justify the unqualified trust of our patrons and employers if vendor members, whose firms help fund NOCALL events and activities,²⁵ may also chair NOCALL committees? Vendor sponsorship or other subsidy already creates an appearance of conflict of interest for NOCALL.²⁶ Inviting vendor members to chair our committees adds to the problem of how we are perceived. We can, of course, reasonably disagree about whether ethically suspect appearances affect our independence in consumer advocacy. But unless we at least acknowledge reasonable grounds for disagreement in the first place, we will not appreciate how the proposed bylaw amendments could further damage the ethical standing of our organization with respect to consumer advocacy. I will show how the controversy also reveals significant failings in AALL's permissive Ethical Principle on conflicts of interest.²⁷

Our credibility as consumer advocates matters more now than ever in light of legal publishing economics and the impact on law libraries. Kendall Svengalis has recommended cost-savings strategies for law libraries,²⁸ because escalating price increases in "legal serial subscriptions" reflect "policies instituted since their acquisition by the [legal publishing] conglomerates."²⁹ "[T]wo giants with integrated product lines control 65% of the market in legal information and the big three 80%."³⁰ Given this concentration of market share ownership, it is not surprising that "prices move inexorably upward, propelled by market forces generally and those peculiar to the market for legal information."³¹ The latest findings by Dr. Mark McCabe, a former economist with the Justice Department's Antitrust Division, support Svengalis' contention that the conglomerate mergers have contributed to recent annual price increases.³²

Svengalis was "told by one former industry executive" that law librarians "are viewed as the major obstacle to the publishers' ability to roll over the lawyer market" for legal information.³³ If legal publishers have viewed us an obstacle for our consumer advocacy, we deserve that compliment for fulfilling the trust of our patrons and employers. NOCALL, as an AALL Chapter, shares AALL's goals of consumer advocacy. We know too well the cumulative impact on our constituencies of escalating publication (and online subscription) prices. As a result, we have a heightened responsibility to appear independent as consumer advocates. So to protect our standing as consumer advocates, how much independence should NOCALL have from the very legal publishers that subsidize NOCALL's and AALL's events and activities?

Because NOCALL welcomes financial support from vendors, perhaps we surrender little or no meaningful independence if we also allow legal publishing employees to chair our committees. We are invited to trust vendor members to anticipate and avoid conflicts of interest because they are librarians first and company employees second. However, it may also look as if, having already surrendered an important share of our independence from vendors, we compound the damage to our integrity by surrendering more of it.

²³ *Id.*

²⁴ Appearances of organizational conflict of interest undermine our professional integrity. Peter C. Schanck, *Conflicts of Interest in Law Libraries*, 90 LAW LIBR. J. 7, 17 (1998) ("If the profession, the public, and commercial vendors observe librarians in what appear to be frequent conflicts of interest, there may be indirect harm to libraries and the profession. This is why a 'mere' appearance of conflict can be as damaging as the real thing.") Schanck is discussing conduct by individual librarians, but he is aware that his comments equally apply to organizations that represent librarians.

²⁵ *Id.* at 20 ("[M]any other law library professional conferences, including chapter meetings, have vendor-sponsored events.") For examples of NOCALL's practice, see April 15 & 16, 2005, NOCALL Spring Institute, The Future of Legal Research: Legal Resources and Access Today and Tomorrow and NOCALL's 25th Anniversary, <http://web.archive.org/web/20050316012224/http://www.nocall.org/Spring+Institute/spring2005.htm> (last visited Jan. 9, 2006) (The banquet was sponsored by Thomson-West, and the luncheon was sponsored by LexisNexis.); Susanne Dyer, *President's Message*, NOCALL News, Nov. – Dec. 2003, at 2, <http://www.nocall.org/nocallnews/0311novdec.pdf> (last visited Jan. 11, 2006) ("Thomson-West is once again underwriting the luncheon, and we are very grateful for their generosity."). I do not want or mean to impugn the integrity of the Institute's organizers, whom I hold in high regard. Vendor sponsorships have become routine for many AALL Chapters. Such sponsorships should be abandoned because they can not withstand the kind of ethical scrutiny that routine practice requires.

²⁶ Schanck, *supra*, note 24, at 21 ("If a law library association receives substantial financial support from certain publishers or vendors, the association will have difficulty maintaining objectivity in its public positions on key professional issues in which those commercial firms are interested. In any case, there will be an appearance of a serious conflict of interest.") See also *supra*, note 13, Susanne Dyer, *President's Message* (on the circumstances of a sponsorship by Global Securities, prompting a Board discussion of "some guidelines for commercial sponsorship of NOCALL events.")

²⁷ *Supra*, note 5.

²⁸ Kendall F. Svengalis, *Law Library Responses to Rising Serial Costs*, THE CRIV SHEET, November 2003, at 9, available at www.aallnet.org/committee/criv/news/crivsheet-0311.pdf (last visited Jan. 8, 2006).

²⁹ Svengalis, THE LEGAL INFORMATION BUYER'S GUIDE AND REFERENCE MANUAL 14 (2002 ed.).

³⁰ Svengalis, *The Current State of the Legal Publishing Industry and Its Implications for Law Libraries*, presentation to the Ohio Regional Association of Law Libraries (October 23, 2003), at http://www.rilawpress.com/orall_presentation.ppt (last visited Jan. 8, 2006).

³¹ *Id.*

³² Mark McCabe, *Merging West and Thomson: Pro- or Anti-Competitive*, 97 LAW LIBR. J. 423 (2005), available at http://www.aallnet.org/products/pub_llj_v97n03/2005-25.pdf (last visited Jan. 8, 2006). See also Mark McCabe, *Legal Serials Pricing and Mergers: A Portfolio Approach*, 3 CONTRIBUTIONS TO ECON. ANAL. & POLY 11 (2004), available at <http://www.informationaccess.org/mccabe.pdf> (last visited Jan. 9, 2006).

³³ *Supra*, note 29, at 15.

Vendor members, on this account, bring to committee service an inherent risk for conflict of interest that no other members do. Vendor members have a unique imperative – to retain and expand market share among customers who are employers of law librarians, and to increase revenue and profit from such customers. Because vendor members are law librarians, they are uniquely positioned to influence how we think of their companies and the products and services these companies sell. We may not feel comfortable seeing vendor members in such commercial relationships to us, because they are our colleagues, and because some of us count them as our friends, even our close friends.³⁴ Nevertheless, their commercial imperative carries an inherent risk that they will not judge conflicts of interest as objectively as other members do. Police officers, in the business of arresting criminals, are generally mindful of the Fourth Amendment. But they are also understandably liable to interpret “probable cause” in a way that violates the Fourth Amendment against unreasonable searches and seizures. By promoting vendor products and services, vendor members who serve on our committees run a comparable risk of bias in their judgment, even if we share their view that they are librarians first and company employees second. Incurring this risk adds to the appearance that in exchange for vendor subsidies, we are now willing to let vendor members, as committee chairs or members, directly influence NOCALL’s affairs and policies.

Just as it is up to judges to uphold the Fourth Amendment, it is up to us maintain and enforce appropriate ethical standards in order to uphold our professional integrity. Society needs police officers, who, against their best intentions, may violate the Fourth Amendment. But does NOCALL need vendor members who, against their best intentions, may engage in conflicts of interest, especially if we leave it up to vendor members to police their own conduct? Despite the challenge of recruiting active members to committees, we do not have to incur a risk for vendor-member conflicts of interest. And we do not have to test or depend on the objectivity of vendor members, whom we would entrust to see when, by their own lights, they have crossed something less transparent than the “bright ethical line” of bribery. We can draw another line ourselves and say enough is enough, even as we accept the consequences for committee recruitment. For our standing as consumer advocates, it is already problematic that NOCALL takes any form of financial support from vendors. We need not make matters worse by letting vendor members run our committees.

A strict interpretation of conflicts of interest will strike many of my colleagues as too rigid. At issue are the “appropriate ethical standards” for our profession. Unfortunately, one of AALL’s Ethical Principles on “Business Relationships” has serious failings, because it conflicts with another Ethical Principle and a core tenet of librarianship. I have numbered these conflicting Ethical Principles³⁵ as follows:

- (1) "We have a duty to avoid situations in which personal interests might be served or significant benefits gained at the expense of library users, colleagues, or our employing institutions."
- (2) "We strive to obtain the maximum value for our institution's fiscal resources, while at the same time making judicious, analytical and rational use of our institution's information resources."

These principles apply to us not only as individual employees in our daily practice, but as members of a profession, whose reputation for integrity NOCALL showcases to our legal community and the public. Indeed, the Preamble to AALL’s Ethical Principles³⁶ declares that one of our “core tenets” is a belief “in open access to information for all individuals.” This tenet is a defining ideal of our profession, even if it is not part of our job descriptions. So the Ethical Principles apply not only to the conduct of individual librarians, but by extension to the conduct of AALL and its Chapters.

If we follow Principle 1, on conflicts of interest, we may, without ethical problem, allow vendor members to serve on our committees, although their employers subsidize NOCALL events and activities. Indeed, we should be grateful for their willingness to serve. Their involvement may create the perception that we are not unimpeachable consumer advocates. But we can assess the actual risk that vendors will incur conflicts of interest, and we can do so quite objectively – without the slightest trace of bias – even though some of us count vendor members among our friends, and even though NOCALL already receives financial support from vendors. We can compare substantial benefits to our organization with a “remote possibility” or abstract chance of detriment to our constituencies, and conclude that the benefits obviously outweigh the costs. We lose none of our professional integrity to this utilitarian calculation, but gain the enriching contributions of vendor members.

But Principle 1 is problematic precisely because it accommodates “situation ethics.”³⁷ We are to evaluate each situation in isolation for conflict of interest, ignoring the totality of similar situations. We must then pretend that we have no susceptibility to bias when weighing whether certain benefits are “significant” enough or whether our personal interests are advanced. It might be thought that such a standard is unworthy of our professional integrity. “Integrity is not a factor

³⁴ *Supra*, note 24, at 19 (“I know of law librarians who consider particular representatives to be closer friends of theirs than virtually anyone working in law libraries.”).

³⁵ *Supra*, note 5.

³⁶ *Id.*

³⁷ *Supra*, note 24, at 15-18 (on “why situation ethics doesn’t work in conflict situations”).

that one weighs against financial and professional benefits . . . Most of us are convinced of our own objectivity and integrity. People, however, are always the worst judges of these characteristics.”³⁸

Worse still, Principles 1 and 2 are at odds: if we follow Principle 1, we must violate Principle 2, and even a “core tenet” of the Preamble. Principle 1 addresses conflicts of interest; Principle 2, together with the Preamble’s ideal of “open access”, underlie our commitment to consumer advocacy. Two problems of unethical appearance arise from following Principle 1. These problems harm our reputation for independence in consumer advocacy. By becoming less credible in that role, we also become less effective.

Because NOCALL represents our profession to the local legal community and the public, NOCALL also represents our commitment to independent consumer advocacy. But we already appear less than completely independent by accepting vendor sponsorships of NOCALL events and activities.³⁹ We will only compound the problem by allowing vendor librarians to serve on our committees. An appearance of conflict of interest by our organization damages our collective reputation for professional integrity, no less than the real thing.⁴⁰ It undermines the confidence of our patrons in our professional duty to “maximize the value” of their library’s “fiscal resources,” and it undermines public confidence in our professional ideal of “open access” for all to sources of legal knowledge.⁴¹ Without the unconditional trust of those we serve, our prestige suffers. The harm to our reputation would further impair us when we try to realize the consumer advocacy goal of Principle 2 and the “open access” ideal of the Preamble.

Another problem of appearance arises from the apparent commercialization of our profession. “How far can we go with the attachment of association names and logos to companies and products before our profession is perceived – fairly or not – as a pawn of commercial interests?”⁴² By allowing vendor members to serve on our committees, we reinforce the appearance that our organization is a pawn of commercial interests, whether or not that appearance is justified. The problem of commercial co-option also jeopardizes our credibility as consumer advocates. If our integrity in this respect has been damaged, then so is our ability to maximize the “fiscal” value of library resources, as Principle 2 requires, or to live up to our ideal of open access – an ideal stated in the Preamble.

On a strict interpretation of conflicts of interest, another principle might be thought to better warrant our allegiance, for the sake of our reputation and integrity:

“Law librarians have a duty to avoid any situations posing a possible conflict of interest or appearance of a conflict of interest, including, but not limited to, accepting gratuities[,] or compensation [or other benefits] for services[rendered,] from any information provider or other firm that is doing business or may do business with their libraries.”⁴³

This principle can also be applied by extension to NOCALL or any other AALL Chapter. The logical extension would be that NOCALL avoid situations posing a possible conflict between the interests of its members and any other interest, and that NOCALL avoid the appearance of such a conflict.⁴⁴ Because we have a duty of consumer advocacy, a commensurate standard of care would require heightened scrutiny whenever the potential conflict involved vendors. A possible conflict of interest of this kind, or at least an appearance of a conflict, arises whenever NOCALL receives financial support from vendors, and whenever vendor members become committee chairs or elected officers. We can not justify the unqualified trust of our constituencies if we allow *any* risk that tangible or subtle influences will compromise, to whatever degree, our independence in advocating the consumer interests of library users and legal researchers. On this view, recent legal publishing economics makes the risk for conflict of interest – however apparently marginal or insignificant – more urgent to consider, when rapidly rising costs to our constituencies are weighed in the balance.

Therefore, despite significant benefits that vendor member chairs would bring to NOCALL committees, NOCALL’s increased appearance of conflict and commercialization would exact too high a cost to our professional integrity, no matter how substantial the benefits would be or how marginal the risk of conflict. “Ethics would be meaningless if they always coincided with the most advantageous practical action . . . Ethics are inconvenient; it’s in their nature.”⁴⁵ Better,

³⁸ *Id.* at 15-16. Examples abound of the dangers of bias in one’s own favor. In Shakespeare’s *Hamlet*, King Claudius may present an extreme example, because his is the guilty conscience of a murderer. But just because his circumstance is so extreme, his soliloquy conveys the power of such bias even among non-murderers: “What if this cursed hand / Were thicker than itself with brother’s blood, / Is there not rain enough in the sweet heavens / To wash it white as snow?” (*Hamlet*, Act III. Sc. III.) Claudius appreciates the absurdity of his appeal.

³⁹ *Supra*, note 26.

⁴⁰ *Supra*, note 24.

⁴¹ I prefer “sources of legal knowledge” to “legal information.” Information is not knowledge.

⁴² *Supra*, note 24, at 22.

⁴³ *Id.* at 26.

⁴⁴ This standard would be more stringent than that adopted by the Special Libraries Association. See SLA’s Conflict of Interest Policy (adopted October 21, 1994), <http://www.sla.org/content/SLA/governance/Policies/06-94.cfm>. It exceeds my purpose to compare the proposed conflict-of-interest provision with provisions adopted by other library associations. For the ethical codes of other library associations, see Does SLA Have Its own Code of Ethics? <http://www.sla.org/content/membership/Genfaq.cfm> (last visited Jan. 10, 2006).

⁴⁵ *Supra*, note 24, at 23.

then, that we should limit or curtail NOCALL's events and activities, by forgoing the participation of vendor members (and vendor subsidies), than that we should appear to compromise our credibility and independence as consumer advocates. The losses to NOCALL can hardly be underestimated, but neither can the gain in our professional integrity.

Legal publishing economics requires us to be especially vigilant in protecting this independence. The proposed bylaw amendments are controversial just because some of us prefer strict rules about conflicts of interest, and others prefer "situational" rules that afford more latitude. I obviously favor strict rules by which to maintain our professional integrity. I believe that NOCALL has – or perhaps, by the time of this publication, had – a unique opportunity to set a new example about the appropriate limits of vendor involvement in an AALL Chapter.

Against the odds, news of a controversy in NOCALL deserves to reach a larger audience among AALL members. It is long overdue for AALL to renew debate about the role of its own vendor members and the adequacy of its Ethical Principle on conflicts of interest.



WE NEED YOUR NEWS!

If you or your staff members have attended a seminar, published an article, received an award, been elected to an office, or if you have done anything interesting, personally or professionally, please let us know!

Submit articles of any length to Mary Pinard at mpinard@saclaw.org.

2005-2005 Submission deadlines:

Mar/Apr – Mar. 3

May/June – May 5

Sept/Oct – September 4

A PREVIEW OF COMING DISTRACTIONS *NOCALL (not) Fall Workshop*

DATE AND LOCATION:

Wednesday, February 8
8:30 - 2:00 (approx.)

Milton Marks Conference Center
455 Golden Gate Avenue
San Francisco, CA 94102

Registration fee, including lunch, is \$25.00.

Information and registration form: <http://www.nocall.org/Fall%20Workshop/fallworkshop%2005.html>

PRESENTER(S):

Joan Frye Williams, Library Information and Technology Consultant

Joan is best known as an acute--and sometimes irreverent--observer of emerging library trends. She is internationally recognized as a successful consultant, vendor, planner, trainer, evaluator and user of library services, with a special emphasis on innovation, technology and emerging trends. As president of her own library and information technology consulting firm, she serves a wide array of clients, including large and small libraries of all types, local government agencies, professional associations, software manufacturers, and architects.

Second presenter, Mr. Alexander Macgillivray, Senior Product Counsel, Google, Inc.

Mr. Macgillivray will discuss Google Book Search, the new and controversial digitization Project undertaken by Google with library partners.

PROGRAM AND SCHEDULE

8:30 - 9:00 - Registration, Continental Breakfast and Library Tours

Tours of the historic courtroom will be available at 8:35 and 8:50; tours of the California Judicial Center Library will be available after the program, for anyone who is interested.

9:00 - Welcome and Introductions

9:15 - 10:00 - Trendspotting: Importance; interpretation; sharing trend information with/among colleagues; when and how to get outside assistance, and - importantly - what can be ignored.

10:00 - 10:15 - Break

10:15 - 11:00 - Thinking Strategically: When/how to embrace a new trend; what to let go; your seat at the table with information services/systems; identifying and implementing leadership opportunities.

11:00 - 11:45 - Top trends likely to affect law library practice in the future.

11:45 - 12:15 - Participants' panel: response and recommendations

12:15 - Luncheon

The program is designed to be interactive and Joan will conduct learning exercises for all. Program handouts will be available.

Our program is designed to enable NOCALL members to:

- Be better equipped to anticipate, understand, and survive the inevitable -- expected and unexpected -- changes in technology that will affect our libraries.
- Expect to apply the changes in technology within our libraries in totally new, non-traditional, and creative ways
- Be able to evaluate the probable effect of the changes and lead in making relevant decisions concerning the changes

Learning Objectives

Participants will:

- Identify a methodology for selection and assessment of key information technology trends for law libraries.
- Evaluate key IT trends that are of immediate importance for the type(s) of law library they serve.
- Evaluate the impact of IT trends upon librarians; identify areas for future learning.
- Assess the ongoing value of collaboration among libraries and librarians.

Volunteers also needed:

Volunteers to assist with registration and onsite arrangements are needed and will be very much appreciated again this year.

For additional information, contact Fran Jones at 415-865-7170 or fran.jones@jud.ca.gov We look forward to seeing everyone on February 8th!

NOCALL Awards Committee Call for Nominations

NOCALL AWARD FOR PROFESSIONAL ACHIEVEMENT

Deadline for nominations: March 15, 2006
<http://www.nocall.org/awards%20nominations.htm>

The purpose of the NOCALL Award for Professional Achievement is to recognize a member for notable and enduring contributions to the Chapter and the profession. The Award represents a cumulative evaluation of an individual's career and emphasizes local activity and leadership of an exemplary nature.

Past recipients of the Award include:

- Joan Loftus 1998
- Iris Wildman 1999
- Barbara Friedrich 2000
- Shirley David 2001
- Mark Mackler 2002
- Mary Ann Parker 2003
- David Bridgman 2004
- Jaye Lapachet 2005

This is an opportunity to acknowledge the work of a NOCALL colleague. Nominate a fellow member by completing the form below. All nominations are completely confidential.

The Awards Selection Committee consists of three members, with the current past President serving as chair. To be eligible for the Award, a nominee must be a current Chapter member, active or retired, in good standing. Current members of the Executive Board and the Awards Committee are ineligible for nomination.

Any Chapter member may submit nominations, and self-nominations will be accepted. All Nominations must be accompanied by a brief justification that should describe the achievement(s) or contribution(s) to NOCALL and/or law librarianship on which the nomination is based. Also include pertinent biographical data about the nominee. Please include the following as a cover page to the narrative:

NOMINATION FORM

NOMINEE _____

NOMINATED BY _____

Signature _____

Phone number _____

Date _____

On a separate sheet, please describe the achievement(s) or contribution(s) to NOCALL and/or law librarianship on which the nomination is based. Please include pertinent biographical data for the nominee.

Forward in confidence to:

Tina Dumas, M.L.S.
 NOCALL Past President 2005-2006
 Reference Librarian
 Nixon Peabody LLP
 Two Embarcadero Center - 2600
 San Francisco, CA 94111
 p: 415-984-8378
 f: 415-984-8300

Email with a confidential note in the subject line, to: tdumas@nixonpeabody.com

MEMBERSHIP NEWS

The names of members who have joined NOCALL since publication of the 2003-2004/2004-2005 NOCALL Directory and since the last newsletter are listed below, as well as changes and corrections for continuing members. Any corrections, changes, or additions to the Directory should be sent to:

Ramona Martinez
 NOCALL Membership Chair
 UC Berkeley School of Law Library
 227A Boalt Hall # 7210
 Berkeley, CA 94720-7210
 Phone: (510) 643-2947
 Fax: (510) 642-9122
 Email: rmartinez@law.berkeley.edu

DIRECTORY UPDATE: The new directory has gone to the printer! I am in contact with our tireless member from the Daily Journal to find out when we might expect to be able to send out the directories to members. I am hoping it will be very soon. Thanks again for your patience!!

New Members

Mark Estes
 Director of Library Services
 Holme Roberts & Owen
 1700 Lincoln #4100
 Denver, CO 80203
 Phone: (303) 866-0260
 Fax: (720) 528-2603
 Email: mark.estes@hro.com

Andrea O'Neill
 Email: andoneillmlis@earthlink.net

Mary Sexton
 Foreign, Comparative and International Law Librarian
 Heafey Law Library
 Santa Clara University
 500 El Camino Real
 Santa Clara, CA 95053-1500
 Phone: (408) 554-6938
 Email: msexton@scu.edu

Kendra Stoll
 Library Research Assistant
 Kirkland & Ellis LLP
 555 California Street, Suite 2700
 San Francisco, CA 94104
 Phone: (415) 439-1939
 Fax: (415) 439-1500
 Email: kstoll@kirkland.com

Continuing Members

**Changes are noted in bold.

Colleen Cable
 Manager, Librarian Relations
Thomson West
425 Market Street, 4th Floor
 San Francisco, CA **94105**
Phone: (415) 344-5160
Fax: (415) 344-4960

Pamela K. Cline
Howrey LLP
1950 University Avenue, 4th Floor
E. Palo Alto, CA 94025-3453

Terry Richards
Law Librarian
Folger Levin & Kahn
275 Battery Street, 23rd Floor
San Francisco, CA 94111
Phone: (415) 365-7270
Fax: (415) 986-2827
 Email: trichards@flk.com

NOCALL OFFICERS 2005-2006

President Pam Rino · 650/364-7172 · prino@evarino.com
 Vice President/President Elect Prano Amjadi · Santa Clara University · 408/554-5320 · pamjadi@scu.edu
 Secretary Holly Riccio · O'Melveny & Myers · 415/984-8761 · hriccio@omm.com
 Treasurer Julie Horst · Hastings Law Library · 415/565-4792 · horstj@uchastings.edu
 Past President Tina Dumas · Nixon Peabody · 415/984-8378 · tdumas@nixonpeabody.com
 Member at Large Mary Ann Parker · California Department of Water Resources · 916/653-8001 · mparker@water.ca.gov
 Member at Large Donna Purvis · Morrison & Foerster · 415/268-7272 · dpurvis@mofo.com

NOCALL COMMITTEES AND CHAIRS

AALL Liaison · Ellen Platt · Santa Clara University · 408/554-5139 · eplatt@scu.edu
 Academic Relations · Thomas Deguzman · Santa Clara University · 408/554-5327 · tdeguzman@scu.edu
 Cynthia Papermaster · Gibson, Dunn & Crutcher · 415/393-8248 · cpapermaster@gdclaw.com
 Archives · Regina Wallen · Stanford University · 650/723-2475 · rwallen@stanford.edu
 Audit & Budget · Shannon Burchard · University of San Francisco · 415/422-2249 · burchards@usfca.edu
 Awards · Susanne Pierce Dyer · Alameda County Law Library · 510/272-6486 · susanne.dyer@acgov.org
 Constitution & Bylaws · Mary Hood · Santa Clara University · 408/554-2732 · mhood@scu.edu
 Consulting · Sharon Lahey · Fenwick & West · 650/988-8500 · Slahey@Fenwick.com
 Education · Fran Jones · California Judicial Center Library · 415/865-7170 · Fran.jones@jud.ca.gov
 Government Relations · Judy Janes · University of California at Davis · 530/752-3328 · jcjaner@ucdavis.edu
 Grants · Lille Koski · Sideman & Bancroft LLP · 415/733-3927 · lkoski@sideman.com
 Membership · Ramona Martinez · Boalt Hall School of Law · 510/643-2947 · rmartinez@law.berkeley.edu
 Memorials · Mark Mackler · California DOJ, San Francisco · 415/703-5786 · mark.mackler@doj.ca.gov
 Newsletter NOCALL News · Shelley Blackman · Thoits, Love, Hershberger & McLean · sblackman@thoits.com
 Nominations · Donna S. Williams · California Court of Appeal, Sixth District · 408/494-2529 · donna.williams@jud.ca.gov
 Placement · Mary Staats · Farella, Braun & Martel · 415/954-4451 · mstaats@fbm.com
 Public Access · Coral Henning · Sacramento County Law Library · 916/874-6013 · CHenning@saclaw.lib.ca.us
 Public Relations · Kurt W. Shuck · Foley & Lardner · 415/984-9853 · KShuck@foleylaw.com
 Jennifer Marshall · Heller Ehrman White & McAuliffe · JSMarshall@hewm.com
 Spring Institute · Pam Rino · 650-364-7172 · prino@evarino.com
 Union List · Pati Traktman · Rogers, Joseph, O'Donnell & Quinn · 415/956-2828 · ptraktman@rjoq.com
 Web Page · Leslie Ann Forrester · Pachulski, Stang, Ziehl, Young, Jones & Weintraub · 415/263-7000 · lafsmwb@well.com
 Law Library Consortium Task Force · Janet L. Fischer, Golden Gate University · 415/442-7826 · jfischer@ggu.edu

2006 CALENDAR OF EVENTS

For more details, see <http://www.nocall.org/calendar.html>

January 26, Tuesday

[NOCALL Business Meeting, 4 p.m. Heller Ehrman, Menlo Park, CA](#)

February 8, Wednesday

[NOCALL \(not\) Fall Workshop, California Judicial Center Library, San Francisco](#)

March 31 - April 1, Friday and Saturday

[Third All-California Joint Institute, "Capitol Resources: Gateway to California Business Regulation." Sacramento, CA](#)

July 8 - 12, Saturday through Wednesday

[99th Annual AALL Meeting & Conference, "Pioneering Change." St. Louis, MO.](#)