Seeking Symbiosis

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In February, the television game show "Jeopardy!" again raised the specter of our industrial age's ongoing humans versus machines war, when when IBM's Watson computer took on previous Jeopardy! champions Ken Jennings and Brad Rutter. The competition was, in many ways, a simple reprise of 1957's match-up in the librarian cult film Desk Set.

In *Desk Set*, Katherine Hepburn plays the director of a crack team of reference librarians who research and answer questions for their television network employer. Spencer Tracy portrays the technocrat/inventor who is brought in with his "electronic brain" to streamline the reference department.

The employees, in this case, erroneously jump to the conclusion that their employer was bringing in computers to replace them — rather than to merely help ease their research tasks. While pre-dating the personal computer, the film is an early demonstration of our still-perceived ongoing battle of human versus machine, where in the legal realm, every new advance in computer automated legal research (CALR) is often met with the human response of "what will they need me for?"

The real question isn't human versus computer — the question is rather how people and computers can maintain a mutually beneficial symbiotic relationship. All *Law Technology News* readers know that CALR has made legal research better by being faster, easier, and generally more accessible. The American Association of Law Libraries has annually recognized this with its new product awards, most recently giving the award to Thompson Reuters' WestlawNext search engine.

Instead of humans versus machines, we need to think "symbiosis." To do so requires a recognition of mutual cooperation between dissimilar organisms. It is a recognition that with CALR the symbiotic relationship between the "human" and the "machine" makes each better.

There's no doubt that CALR has made all level of legal researchers better. CALR helps users locate cases, statutes, and regulatory findings, but where it really excels is in the hands of an expert legal researcher.

What then defines an expert legal researcher? Start with four required characteristics:

• Knowledge ability.

• Creativity.

• Connectivity.

• Tenacity.

Knowledge is the expert legal researcher's foundation base, and that also consists of four components:

• The reference interview.

• The realization that facts govern the search.

• A comprehensive research strategy and

• A thorough knowledge of all research tools.

Through the *reference interview* the expert legal researcher recognizes that the client's search request will rarely provide sufficient information the first time around. The interview provides an opportunity to get to the heart of what the client really wants and needs. During the interview, the researcher gathers the facts that govern the client's research request, often relying

on the journalist's general approach of "5Ws and an H:" who, what, when, where, why, and how. Who did it? What was done? When was it done? Where was it done? Why was it done? And finally, How was it done? The relationships between these questions will then lead to follow-up questions about the needed resources that will answer the client's inquiry.

Next, the expert researcher develops a *research strategy* . The research strategy includes: analyzing the facts; creating an overview of the subject area: searching legal and general authorities; evaluating resources; and last, bringing material up to date. By analyzing the facts, the legal researcher better frames the original question and defines the result to be achieved.

Assessing the general overview, filtered by the researcher's expertise, he or she can determine the best arsenal of tools — online and hard copy resources as well as the researcher's network of contacts. The tools used will depend on the time frame and availability.

While CALR is a terrific resource for a myriad of legal issues, sometimes older significant authority can only be found via a thorough knowledge of the hard copy resources. This is an area where the researcher's expertise shines. The expert researcher rarely relies on a publishers' editors or an automated analysis of discovered authority. Rather, the expert reads and evaluates the authority, and makes sure that the information she or he has discovered is current. This updating of authority is an area where CALR excels. The legal researcher relies on a vast knowledge of all legal research tools whether online or hard copy, but knows the limits of both.

An example of a hard copy resource not available online is older, historic Securities & Exchange Commission material, such as SEC "no action" letters which date from the 1960s and '70s. This material is still only available in archaic, cardboard covered "transfer binders" which further requires the knowledge of and ability to use specialized and rather difficult "finding tools."

The second characteristic of an expert legal researcher is creativity, which relies on a love of constant, continuous learning. Frequently the formal training of an expert legal researcher started with a background fostered by a liberal arts education. The expert's interests were honed in a broad, varied exposure to all areas of learning. Informal training is then carried forward by a thoroughly inquisitive attitude. A great researcher knows that knowledge cannot be "pigeon holed," that the muse may strike from any source: science, music, non-fiction, biographies, fiction, film, or poetry. The creative researcher is always flexible, never limited to or by only one avenue of investigation. The researcher is careful, thoughtful bringing his or her love of detail, puzzles, and challenges to the fore — while focused on a successful conclusion.

The third characteristic of a skilled legal researcher is connectivity. The researcher knows the importance of real and virtual network, and creates, over time, a battery of contacts. This is done by attendance at various meetings and programs, such as LegalTech, the American Association of Law Libraries meeting, as well as the more frequent chapter or bar association programs and "brown bag" lunches.

The effective researcher also builds a relationship with internal professional peers, learning co-workers' interests and expertise. Through these networks the researcher knows "who to call" in just about any situation.

The researcher is also connected through online tools, such as social media (Facebook, Twitter), blogs, podcasts, or listservs — creating an army of connections to help address a research question. The researcher knows the value of the network and reciprocates by helping peers.

Last, the expert researcher is tenacious, and rarely takes "no" for an answer. Nor is "can't do it" part of the her or his vocabulary. However, the researcher tempers tenacity with knowledge that not every question can be answered with complete clarity or conviction, and the best answers may be conditional or speculative. The expert legal researcher tries to check all relevant authorities even while realizing that that is an impossible task. The expert researcher has no qualms about seeking others for advice, and his or her approach is further tempered by a constant awareness of cost to benefit. The researcher knows that not every research project warrants the same amount of time and/or resources.

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