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You Say You Want an e-Revolution?: Helping our Patrons Benefit from Developments in Personal Technology

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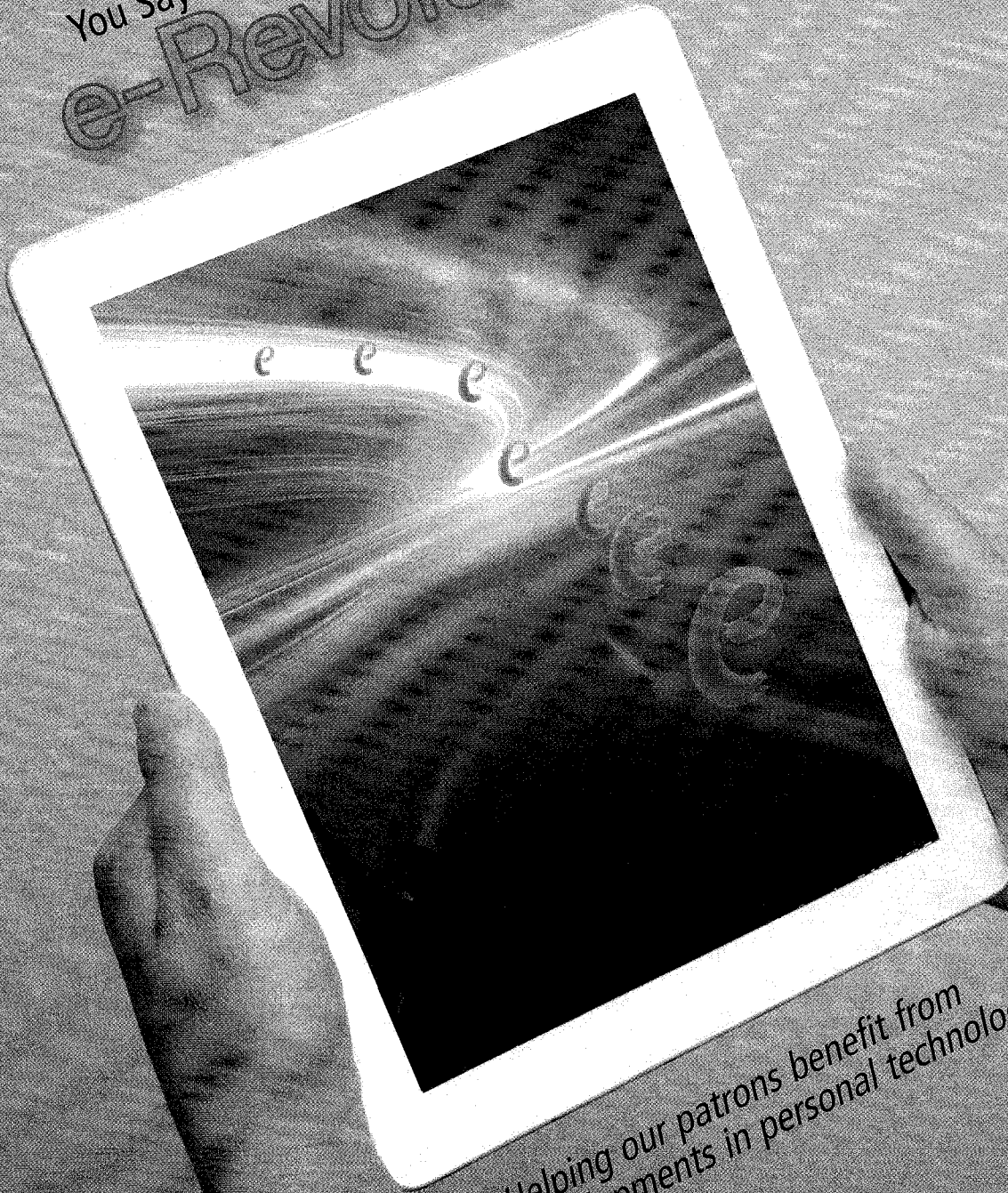
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You Say You Want an
e-Revolution?



Helping our patrons benefit from
developments in personal technology

By Beau Steenken



As anyone who survived the advertizing blitz of the 2011 holiday season (when this article was written) can attest, information technology manufacturers have increased the marketing of e-readers, smart phones, tablets, and similar devices to previously unseen levels.

Most interestingly, at least in the case of recent iPad commercials, mobile devices are now being portrayed as educational and not solely entertainment tools. Does this mean the long-awaited e-book (and e-other media) revolution has finally arrived? After all, the Beatles are now on iTunes; surely this means that old media is dead and we now live in a digital world, right? Is the Socratic Method about to be coupled with the 21st century equivalent of ancient Mediterranean tablets? More importantly, are togas going to make a comeback, and can I teach my legal research courses while pacing in an outside plaza?

Alright, perhaps my rhetoric overstates things a bit, but that does not mean that a belief in an impending, revolutionary, digital age is not widely held. As early as the 2008-2009 academic year, I remember one of my information school professors, Dr. Megan Winget, suggesting that e-books and other digital technologies that allow information to transcend the physical were about to impact the world as no technological development had since Gutenberg rolled out his printing press. She implied—or at least her coterie of graduate students happily inferred—that sweeping social changes lurked just around the corner, just as the Scientific Revolution, the rise of democracy, and increased literacy rates swiftly followed the proliferation of typeset. Interestingly, during the discussion period for that class, we decided that information medium revolutions fit into two broad categories: transformative and democratizing.

On the one hand, we deem transformative revolutions to be those that cause people to interact with information in a new way. Examples that come to mind include the way politics changed in response to television following the Kennedy-

Nixon debates or the hullabaloo over whether or not the internet destroys users' attention spans. Thus far, e-books as transformative devices have only appeared as plot devices of speculative fiction, such as Neal Stephenson's *The Diamond Age* (in which an e-book serves as both parent and mentor to the protagonist). Democratizing revolutions, on the other hand, refer to those technological developments that lead to greater access to traditional forms of information by reducing the costs of both production and consumption. The printing press, of course, leaps out as the prime example of technology greatly reducing the cost of information access. However, e-books hold the potential to reduce costs to a dramatic new degree, a potential widely recognized and encouraged by librarians.

Librarians All Want to Change the World

It does not surprise me that librarians, specifically law librarians, have so readily embraced the revolutionary potential of e-books. (As an example of law librarian enthusiasm for the topic, please note that in the span of the single month preceding the writing of this article, Law Librarian Blog featured nine posts about e-books, e-text, or e-readers.) After all, as information professionals we should be instantly aware of and open to adopting anything that aids our central mission. Although part of our professional eagerness to be in the vanguard of the new e-wave may stem from a fear of being perceived as obsolete or redundant in the face of new technology, and though part certainly stems from a natural inclination to play with shiny new toys and to joyfully organize and describe exciting new types of information, I believe most of the

willingness to engage with new types of media derives from an honest desire to be able to provide more (accurate and relevant, of course) information to ever greater numbers of library patrons and other information seekers.

For example, in their article "Citation Advantage of Open Access Legal Scholarship" in Vol. 103, No. 4 of *Law Library Journal*, James M. Donovan and Carol A. Watson demonstrate how individual pieces of scholarship receive a greater number of subsequent citations if they are published in freely accessible digital form than if just published conventionally in print. They argue, therefore, that if legal scholars want their ideas to reach more readers, they should opt to publish their work in free, remotely accessible electronic forms.

A similar sentiment lies behind the Legal Information Institute (LII) movement, which—not coincidentally—began at an academic law library at Cornell University. LII's homepage proudly proclaims: "Open Access to Law since 1992." It also describes the organization as a "not-for-profit group that believes everyone should be able to read and understand the laws that govern them, without cost." LII, as well as its foreign and international equivalents, are, of course, freely accessible to anyone with an internet connection anywhere on the planet.

Law librarians also extend the view that relatively low-cost technology can enable increased access to legal information via e-books and e-readers. One clear articulation of the idea as applied directly to e-books can be found in the April 2011 issue of *AALL Spectrum*. Cheryl Cheatham's "E-Reader Revolution: How to get the most 'book' for your buck"—besides serving as the inspiration of

this piece—succinctly sums up the strengths, weaknesses, and potential of e-books and e-readers. Cheatham identifies a relatively low cost per volume, through services such as NetLibrary, and the availability of many free works as strengths but notes textbooks—at least for now—as a weakness. However, the part of the article that I find particularly engaging deals with the “lesser known feature of e-books”—self-publishing. Here lies the true revolutionary potential of e-books. Whereas the printing press reduced not only the cost of book consumption but also the cost of book production, e-books render the cost of production practically nonexistent. Could e-books, in all their revolutionary glory, be the answer to defraying the escalating costs of legal information?

For True e-Revolution, All I Can Tell You is You Have to Wait

Before getting too carried away in revolutionary rhetoric, I should point out that the founding principle inherent in all the grand plans for using e-books and similar technologies to liberate legal information remains the expectation that a naturally occurring e-revolution will be taking place among us at any moment. Features of this e-revolution are not often fully spelled out, but they certainly involve users voluntarily abandoning traditional information objects for new, groundbreaking ones. They also generally, in an unspoken sort of way, imply either the overthrow of the current perceived hegemony of legal publishers or the conversion of those same publishers to some form of sensible populism whereby they pass production savings on to the consumer. In point of fact, however, both user behavior and publishing interests represent counter-revolutionary pressures that should be taken into account.

You Tell Me That It's Evolution of User Behavior?

Barring the development of a mind-control device by Apple, Microsoft, Google, or one of the other major players, it strikes me as highly doubtful that user behavior will change overnight. Technologically inspired change tends to happen on a generational level. (How many of us have to help our parents or grandparents with home computers?) In the case of e-reading devices completely replacing traditional texts, the generation in question would logically be those individuals born within the past couple of years. As such, they are roughly at least two decades away from partaking of legal education. Of course, there will be increasing familiarity with and prevalence of mobile devices in classes before the born-digital generation arrives, but I suspect many of those students will continue to favor print for some things.

Thus, I view user behavior as much more likely to happen by evolution than revolution.

An informal poll of the current 1L class at the University of Kentucky (UK) College of Law, conducted during its legal research course, confirms my suspicion that our primary users are not yet ready to go completely digital. Slightly less than a quarter of respondents (roughly three-quarters of the 1L class responded to the inquiry) reported owning an e-reader or tablet. Furthermore, though nearly 80 percent of respondents claimed smart phone ownership, less than a third of them use an e-reading app on their phone. Perhaps most significantly, only about 30 percent of respondents characterized past experiences with e-books as positive, and of those, only about half reported being equally comfortable with electronic and print sources, while the other half deemed e-books appropriate for novels but not textbooks or other educational materials. Clearly, if there are members of a born-digital generation walking among us, they have not yet reached law school.

For Now, You Know You Can Count Publishers Out

The second counter-revolutionary force to take into account when discussing the potential of e-books takes the form of the current legal publishing industry. This should not be entirely surprising, as ancien régime property holders usually stand to lose the most in revolutions. In terms of technological revolutions, a relatively slow and measured approach usually prevails (in terms of profits) over a headlong rush to embrace new technology without first considering how to make money from it (for example, the millennial dot-com bubble). Current publishers, then, should have plenty of incentive to take their time in adapting their products to new media. A research project I did for the UK College of Law administration, in which I found that of all casebooks assigned for the 2010-2011 academic year, only a handful were available electronically and at very negligible savings to students, reveals just such a cautionary approach.

What is interesting about the current situation, however, is that in large part the publishers seem to be deriving their slow approach from their perceptions of user demand, perceptions I believe are accurate.

For example, consider some of West's recent actions in terms of emerging technologies. Although it has been a bit slow in providing e-book versions of casebooks, it offers, among other things, a WestlawNext iPad app, a *Black's Law Dictionary* iPhone app, and a subscription plan for electronic versions of the Thomson Reuters-published study aids. This selective approach to electronic

versioning shows West responding to what current users actually want. WestlawNext, of course, represents merely a shift from computer to tablet, so those users are not giving up print. A dictionary works incredibly well as an app because users just look up specific terms and do not really read consecutive paragraphs. Students might prefer print study aids, but in my anecdotal experience, they will take free (the subscription costs are borne by the UK College of Law Library) and second-choice format over first-choice format at personal cost. Conversely, I have a difficult time picturing any of my current students hunched over laptops or smart phones dutifully reading casebooks. (There's a reason why the free printing offered by West and Lexis is popular with students.) All in all, the publishers' caution in entering the e-book fray, at the moment, accurately reflects the majority of user attitudes.

We'd All Love to See the Plan for Realization of e-Potential

Although I do not view the e-revolutionary moment as having yet arrived, and though I think user views and the likelihood of evolution over revolution of the same need to be taken into account, I think that we, as law librarians, can take certain steps to help our patrons benefit as fully as possible from developments in personal technology.

First, we can continue to actively participate in the development of institutional repositories, as well as LII-type services. Furthermore, when engaging in these endeavors, we should strive to use formats that can be easily imported to e-readers, such as PDFs, and we should provide clear instructions on that importation. Second, we can develop research resources with electronic and even mobile access in mind. For instance, the LibGuides system (which we use at UK College of Law for our research guides) makes it easy for librarians to provide an alternate, mobile interface. (An added benefit of designing library resources specifically for digital is that they can then be transformative, as well as provide greater access through the inclusion of nonconventional media, such as YouTube clips.)

By taking these small steps, we can provide immediate benefit for our patrons while also laying the groundwork for more sweeping changes down the road. Revolutions should not be rushed. In the current instance, there is no need to jump the gun, as we have time to adjust along with our users. In doing so, you know everything is going to be all right. ■

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