MAIN FEATURES

Willi Steiner Memorial Lecture 2024

Law Librarianship: Past, Present … and an Artificial Future?

Abstract: The 9th Willi Steiner Memorial Lecture took place during the BIALL Annual Conference at the Queens Hotel, Leeds on Thursday 13 June 2024. **David Wills** delivered the lecture and looked back over the last three decades and reflected on the many changes and challenges, especially with regard to technological developments, that have impacted on the law library and legal information world. His focus then shifted to more recent times and developments in law at a global level and the associated challenges of curating resources and collections to match the wide variety of interests across legal scholarship. The lecture touched on the demands in legal education, changes to publishing models, the financial challenges facing higher education and, most recently, the impact of the Covid-19 pandemic that altered research and study patterns, and which accelerated the demand for digital resources. Finally, the lecture looked to the next 30 years and the unstoppable rise of artificial intelligence (AI), in order to determine what AI would mean for the future of law librarianship. The lecture identified the part law librarians and legal information professionals could play concerning AI and how they could help to protect academic integrity.

Keywords: law libraries; law librarianship; legal information professionals; information technology; artificial intelligence

WILLI STEINER

Willi Steiner was an eminent law librarian and a founder member of the British and Irish Association of Law Librarians (BIALL).[1] During his career he had been the law librarian at the Squire Law Library at the University of Cambridge and at the Institute of Advanced Legal Studies Library at the University of London.[2] I had joined the Squire in October 1993 as Deputy Librarian. By then Willi was very much in his retirement years though still volunteering to help the Squire with classification and cataloguing matters. He also offered some advice to the Librarian of the day about preparations for the move of the library to a brand-new building (that relocation took place during the summer of 1995). He took a keen interest in the new facilities and the architectural design and, given his advanced age and visual impairment, he was particularly concerned about accessibility issues, an aspect of the project that had been in danger of not receiving sufficient attention in the planning stages; something that is regarded as a much higher priority in today's world, and quite rightly so.

For this particular lecture, I was asked to reflect on the changing nature of our law library and legal information world and to consider where things might be heading in the future. My comments are largely taken from the academic side of our business though some aspects are common to the commercial and practitioner sectors too. Willi Steiner was an academic librarian, and for the last 30 years, I have been too. So, broadly I propose to consider the past three decades as I have known them and then to look some 30 years hence. A theme which I hope is evident throughout this paper relates to the changing nature of our legal resources and the adaptability and integrity required from within our legal information community; qualities that will, I hope, enable us to remain at the heart of the legal world even when faced with the many challenges posed by the wave of new developments, most notably the rise of artificial intelligence.

David Wills gave the 9th Willi Steiner Memorial Lecture at the BIALL Annual Conference in Leeds

THE MID-1990S

Thirty years ago saw the information revolution, characterised by the age of the internet, leave its origins in the mid-20th century and gather pace at an incredible rate, to change everything in daily and working lives for everyone and forever. But as the mid-1990s arrived, so the law library world remained essentially a print-based environment. Library activities focussed on purchasing primary sources of law in print (case law and legislation) and secondary materials (books, journals and loose-leaf publications).

We regularly visited the shelves for *The Law Reports* (published by the Incorporated Council of Law Reporting for England & Wales (ICLR)), the *Weekly Law Reports* (also by the ICLR), the *All England Law Reports* (Butterworths, later LexisNexis), the *Session Cases* (by the Scottish Council of Law Reporting), and *the Irish Law Reports* (of the Incorporated Council of Law Reporting for Ireland). There were also the associated indexes to the case law and classic reference works such as *The Digest*, published by Butterworths,[3] and Sweet & Maxwell's *Current Law*[4] and the *Irish Current Law.*[5] There were the collections and commentaries on the legislation such as *Halsbury's Laws*[6] and *The Laws of Scotland: Stair Memorial Encyclopaedia.*[7] These were some of the tools to help us find our way to the law.

There was *Halsbury's Statutes,*[8] the joys of the loose-leaf services which updated the bound volumes, including the Noter-up Service, the consolidated indexes and the wonderfully, almost Star Warsian, entitled *Is it in Force?* Of course, these tools-of-the-trade are still very much with us; in some cases, they are still on the shelves though perhaps much less well used now.

Back in the 1990s legal indexes for sourcing journal articles were key pieces of kit for the academic legal researcher. They included the *Legal Journals Index* (published by Legal Information Resources Ltd) and the *Index to Foreign Legal Periodicals* (published by the American Association of Law Libraries and a publication of which Willi Steiner was first Assistant Editor and then General Editor). Copies of Donald Raistrick's *Index to Legal Citations and Abbreviations* (first published in 1981 by Professional Books)[9] were closely guarded for fear that people might wander off with them leaving librarian and scholars completely stumped when trying to decipher an obscure abbreviation! Don had a sense of humour; within the thousands of legal abbreviations listed, many to obscure law reports and statutory material, there is the reference to Gould & Tucker's *Note on Revised Statutes of the United States*, the abbreviation inevitably being G&T and equally noted by Don among the legal abbreviations as Gin & Tonic!

There was Guy Holborn's *Butterworths Legal Research Guide*, first published by Butterworths in 1993 (with a second edition arriving in 2001), and Dane and Thomas' and Peter Clinch's guides to using a law library and its resources[10] – all important entry points into the mysteries of researching the law. In the mid-1990s, there were not really alternative options to the printed sources unless you had Lexis and that had limitations back then. The ease and convenience of the internet was not available. This was just 30 short years ago!

Operationally, we were concerned with ensuring that our legal books reached the shelves, classified, catalogued, labelled (and for some of us, that still remains an important daily activity). Books were provided for use in a timely manner; we tended to have a 'just-in-case' approach (though we didn't call it that); it was not a 'just in time' world, at least not so much in higher education. We were anticipating, sometimes perhaps over-estimating (budgets permitting), sometimes over-providing for our legal scholars, our lawyers, our students; better to provide multiple copies rather than one.

In academia, it was a process-driven environment based around the stock; we were gatekeepers of our print collections, custodians of the legal knowledge that we held on premises. Re-shelving and loose-leaf filing were every day, time-consuming, activities. There were card catalogues, with perhaps fine wooden cabinets housing them. Our online catalogues were not basic but they were far from the sophisticated discovery tools of today. Indeed, we *searched* rather than *discovered*; we talked more of cataloguing rather than metadata; the technology was different, so was the terminology. Filing cabinets of microfiche and microfilm were a way of purchasing large amounts of material that could be stored with little space needed – but then there were the challenges of operating the fiche and film readers! Computer interfaces were limited in functionality. We didn't have

Windows technology. Computers were mostly standalone or networked but only to a very limited extent. Physically, computers needed more table space – they were larger, with boxy square monitors. Lexis, and a few other non-law services apart, electronic databases were mostly CD-ROMs.

Word-processing had become well established. In the late-1990s I can recall one academic colleague still refusing to get drawn into all these 'new-fangled things' like email! That said, office administration and communications remained fairly traditional. Typewriters were still in use. Photocopiers were clunky pieces of machinery which regularly jammed. Fax machines chewed up the paper and the telecoms connections would fail mid-way through an eight-page fax. Scanning was unknown, wifi was not yet available, mobile devices and Smart technology weren't on the market. Touch-screen options had not been created; the keyboard, and especially a mouse, together with a floppy disc, was still the height of technology. A phone call on the move was a phone box on the high street with a pocket full of 10 pence pieces!

We used landlines to make telephone calls, we wrote letters, we talked to each other! Our sources for news and information were more limited. We were less 'global'. Social media was unknown. Streaming and podcasts unheard of. Business transactions, indeed social interactions (unless in person) were not so instantaneous but we did have more time to consider, react and respond – an often valuable, underrated commodity. It was a different mindset; in many ways it was a simpler world. We didn't have to remember passwords, charge our mobile devices, need user authentication or have to worry about cyber-security and ransomware attacks. Computer hacking was just becoming a concept but was more a fear for the future, rather than a reality in the present. Flexible working, working from home (WFH) wasn't an option, neither contractually – nor operationally – it just wasn't a concept. Indeed, it wasn't allowed! Taking a call 'in public', perhaps on a crowded train in rush hour, as so many of us might do today, with a barely detectable mic and earpiece in evidence would have been considered unusual behaviour!

In our law libraries it was an in-person world, legal knowledge was on-site. You had to be in it – the law library, that is – to consult it. Harry Woolf, Lord Woolf, (formerly Master of the Rolls and Lord Chief Justice of England and Wales)[11] once said, "Great law libraries are the treasures of our legal system. They are the warehouse where we find the law." That was very much the picture in the mid-1990s (although he actually spoke those words later, in 2004).[12] In general terms, many libraries including academic law libraries, as well as those of the Inns of Court in London and the libraries of the Houses of Commons and Lords, and, as other examples, the Advocates Library in Edinburgh and the King's Inns Library in Dublin, were much as they might have been in earlier times. They were, indeed still are, physical collections that emanate from medieval history – with case

records, collections of laws, commentaries on the law, documents of state and scholarly writings. Perhaps with a little imagination there are even some echoes of ancient times and the earliest libraries in history, with laws recorded on stone tablets and scrolls archived in ancient libraries. There's something of great comfort and reassurance about physical places that secure and archive the history of a nation, secure the very fabric of our society and keep safe the law, the history of the law, as a way of underpinning our legal systems and helping us to preserve the rule of law. That comfort has been in libraries and archives in a time-honoured physical format. There was, and still is, something tangible about that; a solace in holding the law in your hands. However, that all feels somewhat dated and sentimental. After all, today, holding the law in your hands is having it on your mobile device.

FROM THE MID-1990S TO TODAY

Change was afoot in the 1990s. It was a pivotal moment. But it was the rate of change that was so remarkable. It's the speed and pace of technological progress that is perhaps at the heart of this review of law librarianship. This paper will now take a retrospective look back over the intervening years since 1993 up to today, before looking to the future.

To quote Lord Woolf again, when he spoke in 2004, he talked of the "forward march of technology" and how it had "dramatically increased the quantity and quality of information which is now regarded as indispensable in order to educate and train the lawyers who will be responsible for teaching, drafting, interpreting and applying the law".[13] It is perhaps interesting to consider those words "drafting, interpreting and applying" of law in the context of the new and emerging age of AI.

In the late 1990s we knew that the arrival of the internet would change everything. As the millennium approached in 2000, Lexis had been, more or less, in the marketplace as the key electronic online searchable provider of legal material. There were other services but Lexis was the primary law-related option. Justis had been making a strong impact with its CD-ROM products and there had been a number of other emerging electronic subscription services. On arrival at the Squire Law Library in Cambridge in 1993, I had found Lexis to be an entirely standalone piece of furniture, literally! The Squire had bought the service and the table into which the terminal was embedded, at least that was what we had, and the user (usually the librarian) dialled in and connected. Other libraries might have had the Lexis red desktop computer with slightly hard-to-press-down keys. As an academic institution the Squire had a fixed number of hours of searching available per year for a pre-determined price. Printing was possible; downloading wasn't. It was impossible to let users loose on it for fear of running up an expensive bill beyond the allotted hours of the subscription!

Although very much available in the United States, Westlaw hadn't arrived on the UK market, certainly not in academia, as a direct competitor to Lexis. That changed around the years 1999 and 2000 and I recall some competitive marketing by the Westlaw representatives, including some strikingly decorated BIALL annual dinners and lavish entertainment with glamorous pre-dinner drinks receptions to accompany the promotion of the service to the UK market.

Competition in any commercial industry is always healthy, including in legal publishing. The combination of Lexis[14] and Westlaw[15] with their expanding portfolios of legal products over the last 20 years, or so, gave greater opportunities to access, with efficiency, material for the UK and Irish legal jurisdictions, but also far beyond in the common law world (especially for the United States) and that became a significant enhancement to law library provision. Other services were growing and had developed over the years; there was Justis, as previously mentioned, now a part of the vLex platform.[16] William S. Hein & Co was, in a previous iteration, essentially a brilliant and effective warehouse in North America that could distribute print copies of legal journals, back-runs, and much more; now, as Heinonline, it is a hugely important electronic provider of legal content especially for law schools, law libraries and university libraries.[17] As we moved through the 2000s, publishing houses were beginning to be inventive and gradually begun exploring the technologies available to them to produce electronic journals and then ebooks. Takeovers and amalgamations in the legal and academic publishing industries represented major change. In such a changing world I have always been glad for the many constants, and constants are reassuring to us – Wildy & Sons Ltd, the legal book supplier, being an excellent example.[18]

Over the years, law librarianship has encountered many challenges. Adaptability has always been a defining quality for those working in this profession. Law librarians have risen to the technological challenges in relation to changing methods of communication, the growth of electronic resources and new library and information management systems. Librarians have managed the move away from print sources and balanced their e-provision appropriately. Law librarians have taught legal and library research skills, we've flipped the classroom, and promoted information literacy in the legal context among our lawyers whether students, researchers or practitioners.

Few, if any, of us (I suspect) would define ourselves purely as law librarians. Indeed, many of us have grown to be subject specialists covering a range of disciplines not only law. In some cases, we may not be law librarians at all any more. My own role could easily be characterised as that of a manager or an administrator. Some of us may be academic subject librarians, archivists, IT specialists. In some organisations we might be responsible for knowledge management; project and change management; we could be digital experts, we might work in copyright,

compliance and data protection, we might be research analysts, legal editors and many other things. But I suspect many of us remain law librarians at heart. We have always embraced the changes that have been demanded of us, our adaptability and ambition are qualities that have defined us and our unique knowledge and skills have helped benefit the lawyers who surround us.

Over the past 30 years the legal world itself has changed, and with it, given the growth of electronic access to legal material, so the very texture of legal information has altered. There has been a digital transformation. So much more law, in the primary and secondary sense, is now discoverable at our finger-tips in a virtual and digital context; and with that law librarianship has moved on to a new level of performance, requiring us to have new, different, more sophisticated professional and technological skills. In many instances, we've moved in-step with developments in the law itself and with the legal profession.

Where the law is concerned, Brenda Hale, Baroness Hale of Richmond and former President of the Supreme Court of the United Kingdom, gave the Willi Steiner Memorial Lecture in 2019 and spoke about "the massive explosion of the law into all areas of our lives".[19] She reflected on a number of significant changes regarding law and judicial decision-making that had occurred during her time in the law over some 50 years. Among those changes she spoke about the impact of judicial review, the European Communities Act 1972, international human rights law, equality and devolution. Law has grown considerably in the public law context; but also in comparative law, especially in the fields of commercial litigation and corporate governance, banking and financial law and regulation and in other areas like tax law and intellectual property. Another good example is in trust law, which has its origins in English law, and has grown significantly as a comparative subject. And many new legal areas have either emerged or gained traction in the last 30 years, or so – environmental law, sports law, space law, and much more.

Globalisation has had a profound impact on law; it has also had an effect for law libraries with an explosion of publishing making collecting and curating legal collections very challenging. The growth, and increasing relevance, of international law in recent decades has seen issues relating to human rights, and climate change, terrorism and migration being addressed in a global context within the frameworks of international law rather than the focus being purely at national level. The expansion of European Union law has been profound. The growth in scholarly, practitioner and political interest in international humanitarian law (the law of armed conflict) has also been particularly significant in recent years.

As an aside, Willi Steiner was an international law librarian; he had also been a refugee, his family having left Austria in 1938 during the rise of aggressive far right politics. In the context of that period of history and what followed, he would, I am sure, have been pleased with

the progress of many important international legal institutions – the United Nations, the EU. However, I suspect he would have been dismayed at the return of nationalism and also at the UK's decision to Brexit.

More positive changes such as the re-drawing of boundaries after the fall of the Soviet Union, were of great interest to him, not least from a classification perspective. Willi was a classification expert having created two classification schemes during his career – one for the Squire Law Library, the other for the law collections at the European University Institute in Fiesole, outside Florence.

Willi's scheme for the Squire has been in use since the 1970s.[20] In the 1990s I vividly recall discussing geographical changes with him and, in a flash, he started scribbling on a scrap of paper new class-marks for Eastern Europe and beyond for inclusion in the scheme – everywhere from Estonia to Ukraine; from Croatia to Kazakhstan. The main point of this little story is to illustrate again that law librarians are adaptable people. Readjusting a classification scheme to take account of geopolitical events in the form of national boundary changes, the creation of new states, countries redefined and emerging legal jurisdictions doesn't present many problems; after all, it is what law librarians do!

There has, of course, been a considerable growth in legal publishing, in direct correlation with the expansion of law in practice and as an academic discipline. So much was (is) no longer simply black-letter law. As legal information experts, we have needed to embrace a broader subject matter, widening our legal knowledge and critically evaluating more resources to support the work of our legal communities. The expansion of legal scholarship has been striking and the reach of law has moved into wider areas some of which are, for example, socio-legal – sociology, criminology, social anthropology.

A recent example of a relatively new area has been that of animal rights law. At Cambridge there is a relatively new taught course being offered on this subject and there has been considerable interest and take-up by students. New book titles are on the market and, returning briefly to classification, there have been interesting conversations about where the associated book collection should be located, indeed how the online resources on this subject should be tagged subject-wise. Should animal rights law be regarded as jurisprudence? Is it more appropriate to place materials under public international law? Should it have a place on the shelves adjacent to the human rights law section? Was it better positioned at national level within individual jurisdictions? Of course, all of the above options could be employed depending on the exact nature of the works involved. It was just one of those enjoyable interactions that law librarians and academic scholars join in and discuss. And it reminds us, as law librarians, that we play a significant role in making legal material more accessible for the benefit of our legal communities.

Also, in the academic world recent conversations have focussed on decolonisation initiatives in connection with our curricula and, for libraries, the way collecting and curating is achieved. With law collections this has been particularly relevant in terms of the philosophy of law (jurisprudence) and public international law so as to give broader representation of views globally. This also aligns with the values of the law librarianship profession regarding equality, diversity and inclusion.

Another important aspect of the past 30 years or more has been the emergence of the 'Free Access to Law Movement' which took major steps forward in 2002 at the fourth Law via Internet Conference held in Montreal, breaking down barriers to accessing legal and government-related information.[21] For us BAILII has been at the forefront.[22] This not only represented a 'rite of passage' for the general public, and everyone with an interest in accessing the law. It also served as a gentle reminder to commercial publishers that they didn't have exclusivity over access to sources of law.

In a different way, the emergence of the open access movement has impacted the academic world, including for law, where the publication of research in journals is concerned. This has seen a change in publishing models and transformative agreements promoted by publishers, but ultimately a move to ensure that publicly funded academic research, including legal research, is available free to all, regardless of a paid subscription, often via an institutional repository.

In England the introduction of student fees in 1998 to support university tuition raised student expectations including where library provision was concerned. The increase in students from overseas has been very much welcomed by universities across the UK (albeit that they are paying exorbitant fees especially at Masters level) and they have added positively to a changing academic and intellectual landscape. However, the need for a wider range of resources in the more global, comparative law sense to support and stimulate that international legal interest, especially at advanced research level, has nevertheless added to budgetary pressures for libraries which don't often reap the financial benefits of supporting greater numbers of students.

In the commercial setting, including in law firms, there have also been many changes over the last 30 years including the obvious rise of 'legal tech'. Law librarians have been managing in-house information units and research services, overseeing libraries across multi-sites, sometimes internationally, promoting current awareness services and developing intranets within their organisations. Law librarians have been at the very heart of knowledge management systems, focusing on client-centred knowledge services, creating business strategies and so on.

Returning again to academia, the growth of VLE (virtual learning environment) platforms has altered the way a law student might study and learn. A lot more of the resources supporting teaching courses are expected to be provided electronically (in spoon-fed fashion). Libraries are rarely used in the traditional sense these

days – often the books stay on the shelves. They are spaces to work in, on screen, in comfort, with reliable wifi access, coffee to hand. We witnessed the emergence of the Google Generation and there was the arrival of born-digital content. Legal research skills may have suffered and there is a danger that, despite the best efforts of law librarians, the trainee solicitor and the bar student, arriving on the practitioner doorstep, may be less well-equipped today compared to the past in terms of competency with research techniques and skills.

And then there was Covid-19. Like everyone else, we had to respond and find different ways of working. We had to pivot with our operations and change our thinking, very quickly. Our ways of delivering legal information to our users altered in an instant. How well we achieved that! The accelerated shift towards electronic provision revolutionised everything and colleagues in the legal publishing industry were often extremely supportive of our endeavours in a time of emergency.

But those conversations in the corridor, at the coffee machine, in the margins of meetings, suddenly disappeared. All interactions went virtual in a flash. From March 2020, we met online in a Zoom or a Microsoft Teams world; we were working from home, in our own spaces, more distant from colleagues and yet able to stay in touch in an entirely virtual way. It became, overnight, a much more focussed approach whereby meetings dealt with the business, less with social interactions. Again, law librarians and legal information professionals reacted, under considerable pressure, to a different way of operating. Mental health suffered; we focused on well-being. It was understandable, the rate of change in that instant was extraordinary, unprecedented as we went into lockdown; as we went into the unknown.

THE NEXT THIRTY YEARS

Post-pandemic … Into the unknown is still where we find ourselves today, following so much change. So, what is the future, perhaps some 30 years hence?

Prudent financial planning has always been a skill of law librarians. Managing our budgets and convincing our finance managers to invest more heavily in costly resources, while negotiating with our suppliers, often a critical aspect to our work. Rising costs and diminishing budget lines have always played a part in our stress levels. In the era of post-Covid recovery, economic pressures, set against the cost-of-living crisis and inflationary pressures have led to financial constraints in our organisations. This all sits uncomfortably and entirely at a juxtaposition to publishers' rising prices. Budgets are not increasing, certainly not in higher education – indeed, they are diminishing; there is financial stringency. Legal publishers must heed the warning signs. Certainly, in academia the prices of law-related resources are sometimes eye-watering at a time when our governments are not likely to increase funding for universities. Some of the major players in legal publishing may be in danger of

pricing themselves out of the market. For some institutions this has been the picture over many years while for others the costs are now, in the post-Covid era, beginning to bite hard. We won't be able to provide our students and our law teaching colleagues with choices. Reading lists will suffer. We are easily reaching, if it was not reached many years ago, a point whereby the teaching of law could be dictated by affordability, regardless of student fees and teaching and academic freedoms. Funding through research grants and philanthropic initiatives can only stretch so far. Publishers are regularly revising their digital platforms and constantly reinventing their marketing strategies. Packages of legal books that were contained in fixed catalogues are increasingly being subjected to fragmentation into subject-based offerings at greater costs. While we can have sympathy for our legal publishing community who are appealing to several different markets – practitioner, commercial, academic – the extraordinary growth in legal publishing over the last 30 years has meant that it is impossible now to adequately collect in all areas of legal interest or indeed all aspects of a single area of law. It is a challenging time for law librarians.

Another feature of our world today, and the future, concerns the threats of cyber-security and the way that a ransomware attack can bring a service, an organisation, largely to a halt. The British Library's unfortunate experience in October 2023 is a case in point, and that feels just a little too close to home.[23]

So, financial pressures and cyber-security risks apart, as of now in 2024, where does all this leave us as we look to the future? What might the next 30 years begin to look like for legal information professionals. Of course, the elephant in the room is AI.

If the mid-1990s was witnessing such a profound shift with the explosion of the internet, then surely the mid-2020s, more than a generation on, is experiencing the next major change, happening at lightning speed, with the proliferation of artificial intelligence. AI is of course a broad piece of terminology covering many different applications and facets, among them machine learning and natural language processing. The OED defines AI as "the capacity of computers or other machines to exhibit or simulate intelligent behaviour".[24] Collins, that other dictionary publisher, announced AI as "the most notable word of 2023".[25] To quote Declan Peters of the Law Society, "The rise of AI within the public consciousness has been nothing short of astronomical."[26]

AI maybe the talk of the moment, the buzzword of the day, but it is actually nothing new. Alan Turing, mathematician, computer scientist and code-breaker, researched into 'machine intelligence', as he termed it, as far back as 1950.[27] 'Artificial Intelligence' was so named in 1955 by the American computer scientist John McCarthy.[28] In 1976 the computer scientist, Joseph Weizenbaum, wrote a book entitled *Computer Power and Human Reason: From Judgment to Calculation* in which he made the case, on a cautionary note (and summarised on

the Wikipedia entry for the book) that "while artificial intelligence may be possible, we should never allow computers to make important decisions because computers will always lack human qualities such as compassion and wisdom."[29] It was a brilliant example of an important work, published nearly 50 years ago, resurfacing with true relevance for today. As a supplementary point, it is also why curating a library collection today can be significant for tomorrow.

The legal profession is traditionally a conservative one, that takes time to adapt to change and incorporate it into practice, especially where new technological developments are concerned. However, uncharacteristically the legal world is embracing the change; it is embracing AI, exploring its possibilities and we, in our information and library settings, are also feeling that shift – and we will continue to do so over the next 30 years. It may be impossible to predict 30 years ahead or even 10 years given the day-to-day technological progress.

I've always enjoyed and appreciated a quote from John Larkin, former Attorney General for Northern Ireland, who spoke at the BIALL conference in 2012, and, in his conclusion, said, "Lawyers can (just about) be lawyers without law librarians but it is only in partnership with librarians that excellence in lawyering is ever possible."[30]

In line with that quote, that partnership between lawyers and law librarians has always been fruitful; with a healthy respect for each other's professional expertise and knowledge. But now I would suggest, there is another identifiable actor coming into play – that actor being artificial intelligence. Is AI really a partner to lawyers and librarians? Is AI a threat, to law librarians, to lawyers – indeed, a threat to legal education, legal practice, to the integrity of our legal system? These are real questions and we are in the moment, grappling with those issues.

Have things moved so quickly that we are already finding ourselves moving into a three-way human, algorithmic and jurisprudential partnership. I fear the answer may be yes. AI is already a part of our language, our legal work, our law library world, part of how we discover the law, how we conduct our legal research and how we manage our sources of law.

As I have already indicated, law is traditionally, and has doggedly been, a slow-to-change profession but AI is already starting to set a pace of change unseen previously. The commercial law sector is investing heavily in AI tools with some gusto. Allen & Overy, just one example, has developed an AI contract negotiation tool which has integrated the AI platform, known as Harvey.[31] Many other law firms and commercial organisations have also been jumping on-board the AI bandwagon. The legal world is clearly in a period of great transformation and it is moving extremely quickly.

There are suggestions that AI will improve legal process, allow lawyers to offload burdensome administrative tasks: change business models, drive efficiencies, save time, save money. There is no doubt about the ability for AI systems to sift through, at high speed, enormous amounts of data that would take lawyers and their teams, hours, days and months to work through. There is the potential to model litigation risk and predict the outcome of court cases. A view from the Law Society has been: "Routine basic tasks can be the best place to employ AI models, since more complex tasks (requiring a personal understanding of the client's motivations) are still far better suited to human judgement."[32]

ChatGPT, which is based on large language models, was only launched in November 2022;[33] how quickly it has become a part of our language and activity today. But the journey was (is) only just beginning. By the launch of ChatGPT-4 (Generative Pre-trained Transformer 4) in March 2023 its memory had already improved significantly.[34] It had a vastly improved memory on ChatGPT-3, could analyse text – whole books, extract the essential and salient points – it could problem-solve. Lots of scope in legal education then, and in the context of legal practice itself – if used appropriately; and that is the critical point.

There was the widely reported legal case in the United States in June 2023 whereby two lawyers submitted, unintentionally, a legal brief that included referencing six cases that turned out not to be real – they were fictitious.[35] They were AI generated and clearly hadn't been checked by the lawyer and their legal assistants against more reliable sources – where was their law librarian when they needed them? This hasn't been the only such case of 'AI hallucinations' where AI bots have generated false, made-up or misleading information. And, of course, there can be liability risks there. But as the AI technology improves, becomes more sophisticated, so the errors, misrepresentations and hallucinations, and, hopefully and most importantly, all the biases, will inevitably dissolve. Generative AI, like ChatGPT, will become ever more developed, more reliable, more powerful and more accurate – after all, even though things are moving fast, these tools are still in their infancy.

At the start of this year (2024) the Bar Council of England and Wales published guidance on the use of generative AI acknowledging that there is "nothing inherently improper about using reliable AI tools for augmenting legal services, but they must be properly understood by the individual practitioner and used responsibly."[36]

So, what about our law library world? Where do we fit into the AI scenario? Many of our library management and information discovery tools already use elements of AI. It is also a part of the many legal research tools to which we subscribe. As we know, many legal publishers have enthusiastically embraced and developed AI-related technology. Thomson Reuters launched Westlaw Edge and its 'Generative AI-Powered Solutions'.[37] LexisNexis has Lexis+ AI.[38] vLex launched Vincent AI.[39] The ICLR has Case Genie,[40] and so on. It seems it is not just the legal profession that has been galvanised into action, our legal publishing industry has too.

We have become used to the launch, not always entirely satisfactorily, of new AI platforms and products in the legal publishing industry. As legal information professionals we need to make it our business to continue being the conduit between the publisher and the legal practitioner or legal researcher so as to better ensure that the final product meets the requirements. We have that expertise, the professional connections, we have a voice and publishers do need to hear us.

In an article for *The Law Librarian* (as LIM was then known) written in 1995 Willi Steiner was reflecting on the changing character of librarianship and, in that context, noted the growing importance of information technology. He wrote, "The librarian should be in a position, in particular, to demand that the computer be bent to suit the job rather than the job be bent to suit the computer."[41] I think he had a sense of what the technology issues of the future could be. And there is some relevance in that sentence regarding our AI-infused world today.

As law librarians, our task is to continue to engage with the technological developments, to play our part in shaping the future (the next 30 years) of the AI landscape. The BIALL conference was a part of that with many aspects of the 2024 programme referencing AI-related themes. It is pleasing to see that legal information professionals are researching, writing, commentating and speaking about AI developments. BIALL's journal, *Legal Information Management*, is a space in which writers can express their views and share their knowledge.[42] That engagement is so necessary. We have a duty to understand, educate and advise our lawyers, our law students, our legal researchers, our practitioners who may be less familiar with AI and the risks involved.

Our opportunity is to play a part in terms of good AI governance. In the context of higher education, the opportunity for the law student to employ ChatGPT, or a similar application, to write their essays, write their online examinations, draft a job application is hugely tempting. But this activity carries warnings as the results generated can be incorrect or misleading. A student's academic integrity and career may be at risk as is the student's intellectual progress. Law Librarians can help students guard against the risks, understand the power and limitations of AI, to ensure that their legal education is not compromised in any way. Equally, law librarians can help to explain the benefits – how AI can be used in a helpful, imaginative and responsible way.

Law librarians can also educate our law colleagues about the ethical aspects – privacy, transparency and the warnings around AI bias so that prejudice and discrimination can be addressed, and eradicated. But first, we need to educate ourselves, ensuring that we have a firm grip on AI literacy. Having an awareness of the regulation, and future legislation, concerning AI will be important. It was in March 2024 that the European Parliament approved the world's first comprehensive framework for constraining the risks of AI.[43] In both the UK and Ireland, we need to keep an eye on government advice, statements, strategy and regulation on AI. In the UK we now have the Office for Artificial Intelligence, part of the AI Policy Directorate in the Department for Science, Innovation and Technology.[44] We, as legal information professionals, need to keep a watching brief on developments.

IN CONCLUSION

To conclude and to return to the title of this lecture, does law librarianship have an artificial future? Well, the way of the future is artificial, but in tandem with us – assuming we, as law librarians, ensure that we remain in the conversation. AI is here to stay and grow and our task is to be up-to-speed; to engage with the developments, to lead in partnership with our publishing colleagues, to be in a position to educate our lawyers, to critically evaluate AI tools and to recognise our role in ensuring appropriate controls, checks and balances will always be in place. As AI takes hold further, human compassion, empathy, imagination, integrity, judgment and intellectual rigour will continue to give humanity the upper hand. But I don't doubt that the rate of change over the next 30 years will be extraordinary.

While I am not an AI expert I recognise that we all have a part to play where AI awareness is concerned – law librarians, legal information professionals and BIALL members collectively and as an association. There is an urgent need to ask:

- How can we better identify the AI challenges in our business?

- How can we better understand how generative AI can work for our world? What services and processes could be automated in beneficial ways for our lawyers?

- With our professional development, how can we support our colleagues, co-learn, give ourselves safe spaces to talk and engage with the implications and progress of AI where legal information provision is concerned?

DISCLAIMER

The views expressed in this article are the author's own personal views and do not necessarily reflect the views of the organisations with which the author is associated.

Endnotes

[1] A brief summary of Willi Steiner's career together with the Memorial Lectures that have celebrated his life can be found Cambridge University Press' Cambridge Core website for *LIM* at: <www.cambridge.org/core/journals/legal-information-management/lim-article-spotlight-collections/willi-steiner> accessed 22 October 2024

[2] A more extensive account of Willi Steiner's life, career and professional achievements can be found in the article: Jules Winterton, 'In Celebration of Willi Steiner' (2003) 2(3–4) *Legal Information Management* 140–149. <www.cambridge.org/core/journals/legal-information-management/article/in-celebration-of-willi-steiner/BDD5F7D7C2305117F58EDB9AA1F0EB1F#article> accessed 22 October 2024

[3] The full title is *The Digest: Annotated British, Commonwealth and European Cases*. It is now published by Butterworths LexisNexis.

[4] *Current Law* and the *Current Law Year Book* were published jointly by Sweet & Maxwell Ltd and Stevens & Sons Ltd. More recently this title has been published by Sweet & Maxwell and Thomson Reuters.

[5] The *Irish Current Law,* the *Irish Current Law Monthly Digest* and the *Irish Current Law Year Book* were published by Round Hall Sweet & Maxwell, latterly Thomson Reuters (Professional) Ireland Limited.

[6] *Halsbury's Law of England* was published by Butterworths, later LexisNexis Butterworths.

[7] *The Laws of Scotland: Stair Memorial Encyclopaedia* was published by Butterworths, latterly by Butterworths LexisNexis.

[8] *Halsbury's Statutes of England and Wales* was published by Butterworths, latterly by Butterworths LexisNexis as bound volumes together with its associated publications as mentioned in this article.

[9] The 2nd edition of Raistrick's *Index* was published in 1993 by Bowker-Saur while the 3rd and 4th editions were both published by Sweet & Maxwell in 2008 and 2013 respectively.

[10] Jean Dane and Philip A Thomas, *How to Use a Law Library* (Sweet & Maxwell, 1979). 2nd, 3rd and 4th editions followed in 1987, 1996 and 2001 respectively. Peter Clinch has written a number of publications about legal research. The reference in this article is to *Using a Law Library: a student's Guide to Legal Research Skills* (Blackstone Press, 1992). A 2nd edition was published in 2001 with a reprint in 2007 (also published by Blackstone).

[11] Lord Woolf has an entry on Wikipedia: <https://en.wikipedia.org/wiki/Harry_Woolf,_Baron_Woolf>.369 accessed 22 October 2024

[12] Lord Woolf, 'The Rule of Law and a Change in the Constitution' (2004) 63(2) *The Cambridge Law Journal* 317–330. This article was a published version for the *CLJ* of the Squire Law Library Centenary Lecture 2004 delivered at the Cambridge Faculty of Law, University of Cambridge on Wednesday 3 March 2004.

[13] Ibid.

[14] <www.lexisnexis.co.uk/> accessed 22 October 2024

[15] <https://legal.thomsonreuters.com/en/westlaw> accessed 22 October 2024

[16] <https://justis.vlex.com/> accessed 22 October 2024

[17] <https://home.heinonline.org/> accessed 22 October 2024

[18] <www.wildy.com/> accessed 22 October 2024

[19] Brenda Hale, 'The Changing Legal Landscape' (2019) 19(4) *Legal Information Management* 217 – 223 <www.cambridge.org/core/journals/legal-information-management/article/changing-legal-landscape/D8286D44BCF0775B8B9F04FEB2342A93> accessed 22 October 2024

[20] M.A. Lekner (compiled by) and W.A.F.P. Steiner (under the direction of), *Law Catalogue* (14 volumes) (Oceana Publications, Inc, 1974).

[21] See: <https://lexum.com/conf/conf2002/en/index.html> and <https://en.wikipedia.org/wiki/Free_Access_to_Law_Movement> accessed 22 October 2024

[22] <www.bailii.org/> accessed 22 October 2024

[23] See: <www.bl.uk/cyber-incident/> and <https://en.wikipedia.org/wiki/British_Library_cyberattack> accessed 22 October 2024

[24] <www.oed.com/> accessed 22 October 2024

[25] <collinsdictionary.com/> accessed 22 October 2024

[26] Declan Peters, *10 Ways AI is Changing Law Firm Management* (AI and Lawtech) (Law Society, 2023) <www.lawsociety.org.uk/topics/ai-and-lawtech/partner-content/10-ways-ai-is-changing-law-firm-management> accessed 22 October 2024

[27] <https://en.wikipedia.org/wiki/Artificial_intelligence#History> and <https://en.wikipedia.org/wiki/Artificial_intelligence#Philosophy> accessed 22 October 2024

[28] <https://en.wikipedia.org/wiki/John_McCarthy_(computer_scientist)> accessed 22 October 2024

[29] Joseph Weizenbaum, *Computer Power and Human Reason: From Judgement to Calculation* (WH Freeman and Company, 1976). The quotation is taken from the Wikipedia website relating to this publication: <https://en.wikipedia.org/wiki/Computer_Power_and_Human_Reason> accessed 22 October 2024

[30] John Larkin, 'Lines on Maps and the Frontiers of Legal Research' (2012) 12(4) *Legal Information Management* 246 – 251 <www.cambridge.org/core/journals/legal-information-management/article/lines-on-maps-and-the-frontiers-of-legal-research/AC4AEBABC9FADD245E8A26B65BD21F30> accessed 22 October 2024

[31] See: <www.aoshearman.com/en/news/ao-launches-saas-partnership-with-microsoft-and-harvey> and Cristina Criddle and Suzi Ring, 'Allen & Overy rolls out AI contract negotiation tool in challenge to legal industry' *Financial Times* 21 December 2023 <www.ft.com/content/f1aff4d0-b2c5-4266-aa0a-604ef14894bb> accessed 22 October 2024

[32] Op.cit. 26

[33] <https://en.wikipedia.org/wiki/ChatGPT> accessed 22 October 2024

[34] Ibid.

[35] Alexander Dittel and Scarlet Mitchell, 'AI-Generated Pleading: Separating Facts from Fictions' (*PLC Magazine*, January/February 2024) <https://uk.practicallaw.thomsonreuters.com/w-042-1346?transitionType=Default&contextData=(sc.Default)&firstPage=true> accessed 22 October 2024

[36] The Bar Council, 'New Guidance on Generative AI for the Bar' (*Press Release*, 30 January 2024) <www.barcouncil.org.uk/resource/new-guidance-on-generative-ai-for-the-bar.html> accessed 22 October 2024

[37] Thomson Reuters, 'Thomson Reuters Launches Generative AI-Powered Solutions to Transform How Legal Professionals Work' (*Press Release*, 15 November 2023) <www.thomsonreuters.com/en/press-releases/2023/november/thomson-reuters-launches-generative-ai-powered-solutions-to-transform-how-legal-professionals-work.html> accessed 22 October 2024

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[39] https://vlex.com/ and Legal IT Professionals, 'vLex Launches Vastly Expanded Vincent Legal GenAI Toolset, and AI-Focused Co-Development Lab' (Legal IT Professionals Latest News, 17 April 2024) <www.legalitprofessionals.com/global-news/13801-vlex-launches-vastly-expanded-vincent-legal-genai-toolset-and-ai-focused-co-development-lab> accessed 22 October 2024

[40] <www.iclr.co.uk/products/iclr-4/case-genie/> accessed 22 October 2024

[41] William A Steiner, Future Trends in International Law Librarianship (1995) 26(2) *The Law Librarian* 316–320.

[42] The '*LIM* Article Spotlight Collections' on Cambridge University Press' Cambridge Core platform highlight a selection of articles concerning AI related matters, written for *Legal Information Management*, some of which are authored by law librarians: <www.cambridge.org/core/journals/legal-information-management/lim-article-spotlight-collections/lim-collection-law-legal-informatics-ai-and-information-retrieval> accessed 22 October 2024

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Biography

David Wills joined the Squire Law Library, at the University of Cambridge, in 1993 and has held the position of Squire Law Librarian since 1996. He manages one of the largest legal libraries in the UK which supports the research and teaching activities of Cambridge's Faculty of Law. Previously, he worked as Assistant Librarian at the Home Office (1990–1993). In the wider context of the academic library environment he has also held, alongside his post at the Squire, a variety of senior management roles within Cambridge University Library. David has been an active member of the British and Irish Association of Law Librarians since 1998, was President of the Association in 2010/2011 and was awarded Life Membership in 2017. Between 2011 and 2022 he was the editor of the journal *Legal Information Management*. He was elected to the Board of the International Association of Law Libraries (IALL) for 2022–2025.