

# **Lawyers' monitoring and the selection of current awareness resources**

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## **NOTE BY THE UNIVERSITY**

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## **ABSTRACT**

Information-seeking research has demonstrated that knowledge workers in professions and academia are required to perform monitoring to maintain an awareness of developments in their field. For lawyers, as a particular group of professionals, keeping up-to-date is an essential part of their responsibilities. The monitoring element of David Ellis's information-seeking behavioural model was investigated using semi-structured interviews with a group of lawyers working in a publishing organisation to identify monitoring methods and resources used. The qualitative study found that participants mainly used a small number of electronic resources to keep up-to-date, with selection of these resources being based on a variety of factors. These factors - quality and presentation of content, speed, utility and trustworthiness – represent the features lawyers required in monitoring resources to effectively monitor developments. For the lawyers in this study, monitoring was rarely performed as an isolated activity but formed part of a chain of activities where information was monitored, accessed, processed and distributed and frequently incorporated other information-seeking behavioural patterns from Ellis's model. In light of these findings, some design recommendations for information systems are considered.

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## 1. INTRODUCTION

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Within the field of information science research, an extensive number of studies of information-seeking behaviour have been conducted using qualitative methods, producing many theories and models. Out of these studies, David Ellis's empirical research on information-seeking behaviours - generating a model of information-seeking behavioural patterns - has been extremely influential in the information science community. By focusing on a small group of academic social scientists using informal semi-structured interviews, Ellis derived an information-seeking model comprising six behavioural features (starting, chaining, browsing, extracting, monitoring and differentiating) (Ellis, 1989). This study was followed with an investigation into the differences between academic physicists and social scientists (Ellis, Cox and Hall, 1993), where he identified two additional information-seeking behavioural patterns – verifying and ending. Ellis's conducted his last study of information-seeking patterns (Ellis and Haugan, 1997) with engineers and research scientists in an engineering company, confirming the strength of his behavioural model.

Given that Ellis's original study (1989) and his two successive studies (1993 and 1997) have been used and cited in numerous papers, very little research has been carried out on the individual behavioural features of his model. Thus, this study will describe and analyse how lawyers *monitor* developments in their field to keep up-to-date or what electronic information providers refer to as maintaining current awareness. In Ellis's original study (1989), he found that academic social scientists kept up-to-date with developments in their field through using "*informal contacts, monitoring services and research directories, journals or newspapers, and publishers' catalogues.*" (p. 194) Given that the information science field has changed dramatically since Ellis's last study in 1997, and with widespread adoption of the world-wide-web("WWW") and internet technologies, it seems an opportune moment to investigate the monitoring element of Ellis's behavioural model with lawyers.

Ellis's studies demonstrate that for many groups of professionals, whether in academia or industry, maintaining an awareness of developments in their field is an important activity and one that often involves a variety of information sources.

For professionals such as lawyers, monitoring the latest legal developments is an essential component of their information-seeking behaviour; enabling them to keep abreast of changes and helping them make well-informed decisions that benefit their law firms and clients. Lawyers' monitoring behaviour, as a separate area of information-seeking behaviour has not been the focus of any studies and investigating their monitoring behaviour will provide a better understanding of current awareness monitoring in the legal domain. As a result of studying lawyers' monitoring behaviour, new monitoring methods and changes in monitoring behaviours (generated by the advent of the WWW and internet technologies) can be identified, making a valuable contribution to research and practice in the field of information science.

The lawyers who formed the sample for this study worked at a publishing organisation that provides a range of electronic and hard copy products to law firms and in-house lawyers. As all the participants were involved in the production of legal content, they had a continuous requirement to be up-to-date with the law and other areas such as their profession and industry sector. For five of the lawyers who produced content for an electronic current awareness product, their need to be up-to-date was paramount in that

the product they authored content for was updated daily for customers. Thus, the lawyers in this study performed current awareness monitoring to ensure that their customers maintained current awareness.

Ellis's studies have established the importance of monitoring developments for professionals. In his original study (1989), he recognised that the nature of social scientists' role – as professional knowledge workers – required them to continuously monitor their field so as to maintain an awareness of developments and keep up-to-date, using a wide variety of information sources. Subsequent studies have used Ellis's model to explore the information-seeking behaviours of other groups of professionals, finding similar results. These professionals include physicists and chemists, and social scientists (Ellis et al, 1993), engineers and scientists (Ellis and Haugan, 1997), academic lawyers (Makri, Blandford and Cox, 2008) and Jewish studies scholars (Bronstein, 2007). More recently, Ellis's original study was replicated with social scientists who used a variety of information sources (electronic and non-electronic, formal and informal) for monitoring their field (Meho and Tibbo, 2003).

In Ellis's three studies (1989; 1993; 1997) he found that participants maintained an awareness of developments in a field using the following monitoring activities:

- informal contacts – networking with colleagues, technology and equipment suppliers, external contacts and project partners; relying on gatekeepers;
- conferences – attending and contributing to conferences and international forums, browsing conference proceedings.

Printed materials:

- journals – consulting a limited number of journals containing material of interest, browsing journal current contents, abstracts, specialist research directories, bulletins of research in progress;
- mainstream media – browsing quality press such as the Times, the Independent, the Guardian, television;
- books – scanning publishers' catalogues, consulting new book reviews, continuing bibliographies and checking new library book lists;
- computer-based services – current contents search (for journals), online search printouts, searching online databases.

Current awareness monitoring resources available to lawyers to keep up-to-date consist of a number of activities and tools, often a combination of formal (e-mail alerts, e-monitoring tools); informal (past/current work colleagues, networking); electronic (RSS feeds, websites, e-mail alerts, e-monitoring tools, listservs) and hard copy methods (journals, newspapers, conference notes). Within the electronic monitoring resources utilised, information is acquired through push (e-mail alerts, website update notification, RSS feeds) or pull (searching, scanning, browsing) technologies.

The monitoring behaviour exhibited with current awareness monitoring resources can be described as *passive* (passively absorbing information) or *active* (actively seeking information) (Bates, 2002). Passive acquisition of information occurs when the environment facilitates the transfer of information via the physical layout, electronic

tools, social network or organisational role. Active acquisition of information occurs through doing something to acquire information (Attfield and Blandford, 2009).

Taken together, Ellis's information-seeking behaviour model (1989) and the previous studies have generated various monitoring methods and approaches. This study investigated (1) how lawyers maintained current awareness and (2) sought to explain why they selected and used particular monitoring resources and methods, producing a description of essential characteristics lawyers required in a monitoring resource. Furthermore, the study found that from the methods described in Ellis's original behavioural model (1989), lawyers mainly used electronic methods (e.g. website monitoring tools and e-mail alerts) and informal contacts such as networking with colleagues to maintain current awareness. Journals and newspapers were used to keep up-to-date, but primarily using online versions.

Both information science and HCI literature recognise the importance of the behavioural approach to information systems design. This study demonstrated that monitoring behaviour not only includes the locating of information, but also the subsequent interaction with, and processing of information as part of the wider task. Taking a user-centred approach of monitoring behaviour illustrates how it often involves additional information-seeking behaviours, with the wider task involving social as well as interaction activities. These characteristics can inform the design of information systems, so as to provide a more satisfying interaction between the user and system

The remainder of this paper is structured as follows. The next section (Chapter 2) presents a literature review with a description of the background to prior studies on information-seeking behaviours where monitoring is discussed. Chapter 3 provides details of the methodology used in the study. The empirical findings of the study are presented in Chapter 4, comprising a discussion on the monitoring channels participants used, a comparison against principal studies and an explanation of the characteristics of current awareness resources and Chapter 5 proposes design recommendations. The paper concludes with a discussion of the significance of our findings and opportunities for future work.



## 2. LITERATURE REVIEW

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Ellis's (1989) original study defined monitoring as "*maintaining awareness of developments in a field through the monitoring of particular sources*" with the behaviour often including other behavioural patterns from his model. These patterns include browsing (semi-directed or semi-structured searching for information); chaining (following-up links to related information); differentiating (prioritising information sources according to criteria) and extracting (identifying relevant material from a particular source).

In Ellis et al's (1993) study on the differences between physicists and chemists, and social sciences, they found that both groups monitored a small number of sources. Physicists preferred to use journals, current contents, online search print-outs, participating in conferences, conference proceedings, magazines, computer search updates. Chemists used informal contacts, journals, abstracts and television and social scientists used journals and books, newspapers and publishers' catalogues and informal contacts for monitoring current awareness. Social scientists were found to use books, newspapers, publishers' catalogues and journals to maintain current awareness.

Ellis's last study (Ellis and Haugan, 1997) focused on engineers and research scientists in an industrial context. The amount of monitoring performed depended on the type and phase of project participants were working on. Monitoring behaviour was displayed by communicating with colleagues (internal and external), technology and equipment suppliers, browsing conference proceedings, scientific journals and alert profiles. Informal contacts were the preferred method due to time constraints.

Bates' (2002) information-seeking model distinguishes between monitoring and maintaining current awareness, categorising monitoring as being passive and directed information seeking i.e. not actively searching for information of interest and acquiring information through chance, differing from Ellis's (1989) definition. Nevertheless, she acknowledges that "maintaining current awareness" includes monitoring, directed searching and browsing – a description which is closer to Ellis's (1989) definition and the basis for this study.

The remainder of this chapter discusses the different methods of monitoring.

### **Printed materials**

Information-seeking studies are still finding that non-electronic monitoring methods are being utilised to keep up-to-date. Bronstein (2007) found that Jewish studies scholars used books to maintain current awareness. They favoured books and journals as they provided them with a context where they could track citations, determine the construction of a paper and quality of writing, something that was not possible with electronic databases. Music scholars, social scientists and mathematicians' main method of keeping up-to-date was to scan current issues of journals (Brown, 2002; Francis, 2005; Brown, 1999). The music scholars also scanned new book shelves, library acquisitions lists or sight-read new compositions but overall preferred printed materials and personal communication rather than electronic materials (Brown, 2002).

## **Electronic materials**

### *Push technologies*

Electronic current awareness services ("CAS") can be provided as a pull or push technologies. Examples of push CAS used in academia are current journal table of contents ("TOC") (with links to full-text) e-mail and e-mail notifications with TOC and full-text links and abstracts of newly received books was used by engineering faculty members (Schlembach, 2001) and subscriptions, listservs and e-mail alerts used by humanities scholars (Palmer and Neumann, 2002). More recent studies have found that electronic alerts, listservs and RSS feeds have been used by science scholars (Hemminger, Lu, Vaughan and Adams, 2007) and academic users in Zainab, Huzaimah & Ang (2007) preferred e-mail alerts that provided direct links to the articles, followed by using links from TOC, article citations and keyword alerts to maintain current awareness.

### *Pull technologies*

In a study of science faculty members, participants viewing a digital library of electronic journals found the table-of-contents sufficient to keep abreast of current developments (Eason and Harker, 2000). Astronomers were found to prefer pull technologies to keep up-to-date method - an e-print service (astro-ph), followed by electronic journals and paper journals. Current awareness services such as electronic TOC and alerts were not used by the majority of astronomers in the survey (Tenopir, King, Boyce, Grayson and Paulson, 2005). A rejection of push technologies was also found with Finnish university academic staff who favoured keyword searching in journal databases (Vakkari and Talja, 2006), while academic scientists in Lee (2003) preferred to manually monitor various websites using bookmarks, rather than utilise the university library's online resources.

## **Personal contacts**

Making use of personal contacts to maintain current awareness was prevalent in the academic community (Ellis et al, 1993) and was often used to complement other monitoring methods (Palmer and Neumann, 2002). Mathematicians used personal communication and attendance at conferences to maintain current awareness, as well as scanning current journals (Brown, 1999); while humanities scholars used informal collaborative networks or the "grapevine" to keep up to date with new books or articles that did not appear in indexes or citations. Attending conferences was deemed to be a useful method of maintaining current awareness and being able to communicate with colleagues from other disciplines was a means of managing the large volume of literature published (Brockman, Neumann, Palmer and Tidline, 2001). Attending conferences and networking with their peers was also used by music, geography and social science academics (Brown, 2002; Borgman et al, 2005; Francis, 2005).

With the widespread adoption of electronic CAS, making use of personal contacts to maintain awareness has diminished. In a study of Finnish university academic staff, Vakkari and Talja (2006) found that the increasing use of journals available via digital libraries has led to a decrease in using informal communication with colleagues as a method of maintaining current awareness.

While electronic monitoring methods have been found to be useful, Fourie (2003) found that CAS had become a burden on the user due to information overload and duplication, disseminating information received, organising and managing the information and cost subscriptions. In a study of CAS used by healthcare clinicians, they reported receiving

irrelevant, duplicated and too much information caused by inadequate profiles of the alerting service (Hinze, Buchanan, Jung and Adams, 2006).

Use of CAS within the legal domain was found in Makri et al's (2008) study of academic lawyers. They found that monitoring behaviour was demonstrated in four main ways: (1) regular searching and (2) browsing of digital law libraries and law-related internet sites, (3) accessing bookmarked internet pages and (4) subscribing to e-mail alerts. These methods were further distinguished into "active" using pull technologies (searching, browsing and bookmarks) and "passive" using push technologies (e-mail alerts). The information sources utilised were all legal-related with lawyers searching digital law libraries (e.g. LexisNexis and Westlaw); browsing websites such as the Law Commission; following bookmarked web pages e.g. European Union Employment Policy and receiving alerts from government departments, publishers and sources containing information relating to practice areas.

Most of the research carried out in the legal domain has focused on lawyers' information-seeking behaviour and resources used, with very few discussing monitoring behaviour. Otiye (1999) found that lawyers maintained an awareness of new developments through their library acquisition list and browsing the bookshelves of their library; while Bunnage (1999) found that Harvard law academics who were using a manual, paper-based CAS (photocopied pages of US law journals and a monthly list of library book acquisitions) were looking forward to the widespread introduction of electronic CAS tools, even though many of the participants already using Lexis or Westlaw digital libraries, found them difficult to use and set up profiles. In a recent paper by Murley (2009), she recommends the use of RSS feeds as a credible alternative to other CAS such as e-mail alerts and performing web searches, particularly for professionals (e.g. law librarians) who are required to subscribe to multiple information sources.

In Leckie, Pettigrew and Sylvain (1996), a study was carried out following the introduction of computerised information systems and found that the main problem experienced was identifying *relevant* information from the vast assortment of information sources, rather than locating and accessing information. Although Leckie et al's paper did not include monitoring, they found that lawyers use three dimensions of information channels: formal/informal; internal/external; oral/written, together with personal contacts.

Other studies involving lawyers have reported on a preference for using informal communication as a method of information-seeking. Lawyers in a US law firm used internal office files; external electronic resources (e-mail, listservs and the internet) and people (witnesses, experts and colleagues) to follow the progression of a case (Kuhltau and Tama, 2001). A study of practising Canadian lawyers found that they preferred to use informal channels of information that are internal to their firm (Wilkinson, 2001) when seeking information and law students working at a legal aid clinic relied on informal sources such as contacting local experts for advice on problem resolution together with the electronic resources of Westlaw and LexisNexis listservs (Jones, 2006).

The lack of literature pertaining to lawyers' monitoring behaviour indicates that investigating this feature of Ellis's behavioural model can provide a better understanding of monitoring and contribute to the field of information-seeking research.

The next chapter discusses the methodology used in the study.

### **3. METHODOLOGY**

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The study utilised a grounded theory approach (Corbin and Strauss, 2008) where selected elements of this qualitative data analysis technique were used, not to generate a theory but to identify how lawyers interacted with monitoring resources. The grounded theory approach was used for this study since it has the ability to generate patterns of behaviour grounded from the descriptions of participants' activities. This was achieved by analysing the interview transcripts looking for instances of behaviour participants exhibited in relation to monitoring. Various themes emerged which ultimately led to the identification of five characteristics that subsumed the most essential characteristics of monitoring resources. The grounded theory approach was used by Ellis et al (1989; 1993; 1997) and Bronstein (2007) in their studies of information-seeking behaviour.

The remainder of this chapter discusses the design of the study, how data was collected, the participants involved and the qualitative analysis process used to analyse the data collected.

#### **3.1 Data Collection**

The monitoring behaviour described in this study is based on data collected through semi-structured face-to-face interviews with eight participants. The data collection methods of observation or critical inquiry were considered but deemed not feasible due to time constraints and the necessity of using a method that caused the least disruption to the participants' work (who were all busy professionals). Semi-structured interviews lasting approximately 45 to 60 minutes were conducted with the participants and were recorded for future transcription.

##### **3.1.1 Study design**

The structure of the interview comprised three parts and started with asking the participant to describe their role at the organisation and work experience/background. They were then prompted to discuss what methods they used to keep up-to-date whereupon they were asked to describe how they performed the activity, the reasons for choosing that method, which method they preferred and the reasons for the preference. Lastly, they were asked whether they had ever used other monitoring activities not yet mentioned, which were selected from a checklist (see Table 1). The prompting for monitoring activities at the end of the interview was to ensure that all types of monitoring were not omitted. Please see the interview structure at Appendix 1.

Initially, the intention was to ask participants to physically demonstrate how they performed a monitoring activity (e.g. by opening an e-mail alert and working through the e-mail as they would normally do) using their computer, with the researcher observing and making notes. However, prior to conducting the first interview, the researcher discovered that the participants worked in an open-plan office, sitting in close proximity to their colleagues and interviewing and audio recording the session in this environment would not be feasible. Thus, the interviews were conducted in meeting rooms and focused on asking "probing/follow-up" type questions about the methods participants stated they used. For example, depending on the types of monitoring participants used, they would be asked why they used one method and not another, what they did with the information they accessed, how they became aware of a monitoring resource and what criteria motivated them to access current awareness information. Most of the interview

guide tended to be used as a checklist with the first two questions being asked at the beginning of the interview and the remainder of the interview consisting of a discussion of the participants' monitoring activities. The focus of the study shifted from an investigation into monitoring *behaviour* to an investigation of monitoring *activities*, including *behaviour* and *resources* used. This shift occurred as the researcher became more sensitive to the theoretical relevance of themes emerging as the interviews progressed. As the sensitivity increased, the researcher was able to decide what topics to be aware of, what questions elicited responses pertinent to these emerging themes and recognising when something was mentioned that was associated to the emergent theme (Strauss and Corbin, 1990).

The monitoring activities (comprising both resources and behaviours) displayed in Table 1 are a combination of methods gained from a variety of prior studies, with additional methods being supplemented from the researcher's own domain knowledge. A small number of monitoring methods were not included in the list of activities as they were considered either not applicable to the legal domain and/or obsolete, for example current contents (Ellis, 1989) and television and print-outs from online searches (Ellis et al, 1993).

**Table 1: Potential monitoring methods and resources**

Monitoring method/resources	Source
<b>1. Electronic materials</b>	
E-mail alerts (e.g. Westlaw, PLC, LexisNexis)	Makri et al (2008)
Websites (e.g. BBC, discussion groups, forums)	Researcher's own domain knowledge
Citation alerting & tracking; contents and abstracts	Ellis (1989); Ellis et al (1993)
Bookmarked internet pages	Makri et al (2008)
Website update notification (e.g. Website Watcher)	Added after first interview
RSS feeds	Murley (2009)
e-newsletters/listservs	Meho and Tibbo (2003)
<b>2. Journals</b>	Ellis (1989); Ellis and Haugan (1997)
The Lawyer	Researcher's own domain knowledge
The Law Society Gazette	Researcher's own domain knowledge
Solicitors Journal	Researcher's own domain knowledge
<b>3. Newspapers</b>	Ellis (1989)
The Times	Researcher's own domain knowledge
Financial Times	Researcher's own domain knowledge
The Guardian	Researcher's own domain knowledge
The Independent	Ellis et al (1993)
The Daily Telegraph	Researcher's own domain knowledge
<b>4. Books</b>	Ellis (1989)
Scanning publishers' lists	Ellis (1989)
Consulting new book reviews	Ellis (1989)
Subscription Services (e.g. Sweet & Maxwell)	Researcher's own domain knowledge
New library acquisitions	Ellis (1989)
Browsing bookshelves (in library or shops)	Ellis (1989)
<b>5. Informal contacts</b>	Ellis (1989) ; Ellis and Haugan (1997)
Supervisor	Researcher's own domain knowledge
Colleagues (internal and external)	Ellis (1989); Ellis et al (1993)
Special interest group (SIG) meetings	Researcher's own domain knowledge

<b>Monitoring method/resources</b>	<b>Source</b>
Networking at conferences and/or events	Ellis et al (1993); Ellis and Haugan (1997)
<b>6. Knowledge transfer</b>	Researcher's own domain knowledge
Publicity for conferences	Researcher's own domain knowledge
Attending conferences	Ellis et al (1993); Ellis and Haugan (1997)
Conference papers	Ellis et al (1993); Ellis and Haugan (1997)
Special interest group (SIG) meetings	Researcher's own domain knowledge
Internal training courses	Researcher's own domain knowledge
External training courses	Researcher's own domain knowledge

### 3.1.2 Organisational setting

LexisNexis is a provider of information/knowledge and technology solutions to customers that include law and accountancy firms, corporations, the public sector and academic institutions (incorporating students, academic teaching staff and librarians).

The UK subsidiary is a subsidiary of Reed Elsevier (a global publisher and information provider), employing over 18,000 employees worldwide with 1,000 staff based in the UK. In the UK, their services are used by 60,000 organisations including all the top law firms who subscribe to LexisNexis's technology services, and research and knowledge solutions.

The study took place at the London office of LexisNexis with participants who were responsible for creating information and knowledge for legal information products subscribed to by law firms. LexisNexis's research and knowledge solutions are provided via a combination of online services, magazines and journals, and books, providing access to case law, legislation, law reports, court forms and precedents, non-contentious forms and precedents, and legal market and profession news.

### 3.1.3 Participants

Interviews were carried out with eight lawyers: seven who had responsibility for authoring and/or publishing legal content and one who worked in a managerial capacity, with responsibility for the collection of data.

Of the sample of eight participants, the recruitment of seven was arranged by a LexisNexis manager by sending an e-mail inviting participants to take part in a research study being conducted by a post-graduate student. From this invitation, seven participants agreed to take part and the eighth participant was recruited via a snowball effect (Meho and Tibbo, 2003) where a participant recommended his colleague due to their experience and knowledge of the subject matter.

Due to lack of control over recruitment of participants and the focus of the study, theoretical sampling (Strauss and Corbin, 1990) was not carried out although the sample did manage to include participants from various areas of the organisation. Theoretical sampling was unnecessary in this study as the objective was to study the range of behaviours and methods used, rather than the differences between participants, for example comparing the behaviours and methods from a range of practice areas. In any event, the participants provided diverse descriptions of their approach and experiences in maintaining current awareness, producing a rich and broad data set.

Table 2 shows a breakdown of each participant's job role, the area of law they specialise in (where applicable) and their prior experience. Five of the participants worked as professional support lawyers ("PSL") which involved authoring content for LexisNexis's online PSL product, LexisPSL, which provides regular current awareness updates along with commentary, know-how, forms and precedents, and cases and legislation.

**Table 2: Participant profiles**

Participant	Role	Practice area	Background
P1	Writes know-how and CA <sup>1</sup> content for an on-line resource	Company Commercial	Practiced as a solicitor, over 19 years PQE <sup>2</sup>
P2	Writes know-how and CA content for an on-line resource	Employment	Practiced as a solicitor, over 10 years PQE
P3	Writes know-how and CA content for an on-line resource	Property	Practiced as a solicitor, over 14 years PQE
P4	Writes know-how and CA content for an on-line resource	Company Commercial	Practiced as a solicitor in private practice and industry, over 20 years PQE
P5	Writes know-how and CA content for an on-line resource; team leader	Employment	Practiced at the bar for 17 years
P6	Publisher for a legislation resource, provided on-line and in hard copy	N/A	Graduate of law; over 24 years in legal publishing
P7	Publisher of forms and precedents, provided on-line and in hard copy	Contentious and non-contentious	Practiced at the bar for 6 years
P8	Manager working with primary sources	N/A	Practiced at the bar for 4 years and as a solicitor for more than 10 years

### 3.1.4 Transcription of interviews

As this was the researcher's first attempt at conducting a qualitative study, the interviews in their entirety (rather than selected portions) were transcribed, as recommended by Strauss and Corbin (1990). Additionally, the transcription of the interviews was performed by the researcher in order to gain familiarity and understand/"listen" to the data (Strauss and Corbin, 1990).

Each interview was recorded using a portable digital voice recorder and transcribed using Express Scribe audio transcription software into MS Word. Transcription took place as soon as possible after each interview with the interviews being transcribed verbatim. After transcribing, the eight interviews comprised 60 A4 pages of data.

### 3.1.5 Ethics

An informed consent form (Appendix 2) and information sheet (Appendix 48) was signed by the participants informing them that all data would be held in accordance with the Data Protection Act 1998 and that all data would be anonymised to prevent identification of individuals, customers and competitors. Participants were requested not to mention the names of individuals but to refer to them by job role. Permission was granted from the departmental ethics committee.

## 3.2 Data Analysis

The data analysis was carried out after all the interviews had been conducted, using three

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<sup>1</sup> Current awareness.

<sup>2</sup> Post-qualification experience.

qualitative coding principles from grounded theory – open coding, constant comparison and axial coding - in order to identify and label categories and properties from the data. Using this qualitative approach ensured the analysis was grounded in the data collected. An additional grounded theory principle – selective coding – used to generate a theory from the data by relating all the categories to a key concept was not employed as theory generation was considered outside the scope of the study. During the interview phase, the theme of what motivated lawyers to use a current awareness resource became the focus of the study along with identifying monitoring behaviours.

### **3.2.1 Open coding**

The coding was performed using an "open thematic" approach which took the form of highlighting (with a highlighter pen) any instances in the transcripts where a participant mentioned accessing current awareness and the reasons why they had decided to use a current awareness resource. Additionally, instances where a participant explained why they did not use a particular method or tool were also coded.

### **3.2.2 Constant comparison**

Performing constant comparison produced categories and properties, developed from the coded data in the first interview. Subsequently, the remaining interviews were examined to determine whether their codes were suitable additions to the existing categories. Thus, categories were expanded by comparing the codes from the remaining interviews against the newly created categories. These codes were either added to an existing category or if there was no suitable category, a new one was created so that every code was assigned to a category with an accompanying property. Existing codes were split and re-named if it became apparent that they belonged to another category.

### **3.2.3 Axial coding**

After this initial stage of coding, a set of seven categories had emerged from the constant comparison, which were later reduced to five by performing axial coding. The axial coding process took the form of re-examining and comparing the seven categories and their properties. The outcome of this process resulted in categories being re-named, two categories being incorporated into other “stronger” categories, combining existing instances of current awareness that were originally coded as being conceptually dissimilar and re-assigning codes to a different category. The resulting five categories describe the main characteristics lawyers require in a current awareness resource: content, presentation, speed, utility and trust.

## **Summary**

The next chapter will demonstrate, using excerpts from the interview data, the phenomena that gave rise to the categories and properties.



## 4. FINDINGS

This chapter discusses the findings that emerged from the interviews. Participants' method of monitoring were electronic resources because of their speed and the need to access information quickly. Due to the extent of monitoring that was required to maintain current awareness, several participants used an application called Website-Watcher that automatically monitored multiple websites. The remaining participants utilised electronic resources but to a lesser degree and relied on non-electronic resources such as their colleagues, attending meetings and networking with customers. Section 4.1 will discuss in detail the reasons behind the choice of monitoring method together with excerpts from the transcribed data to substantiate the motive behind the decision-making.

Section 4.2 will discuss how this study's findings compare against the previous studies of Ellis, (1989); Ellis et al, (1993); Ellis and Haugan (1997); Meho and Tibbo (2003) and Makri et al (2008), all of which reported on monitoring.

Lastly, section 4.3 will describe the essential characteristics a monitoring resource needs to possess for it to be selected by lawyers. This section is organised using the five categories/characteristics (content, presentation, speed, utility and trust) that emerged from the data analysis together with excerpts from the transcribed data to demonstrate and support the findings.

### 4.1 Monitoring channels

Overall, the participants' monitoring methods were similar to the findings in Meho and Tibbo (2003), where electronic resources were used as their primary source of information, supplemented by using journals, newspapers, books, informal contacts and conference materials as a secondary source. Electronic resources - digital law libraries, websites, bookmarked internet pages and e-mail alerts – were also used in Makri et al (2008) for monitoring current awareness. Table 3 shows participants' main methods of keeping up-to-date with a more in-depth discussion to be found in sections 4.1.1 to 4.1.6.

**Table 3: Monitoring methods & resources utilised**

Participant	Method	
	Primary	Secondary
P1	WebSite-Watcher, e-mail alerts	Journals, networking, webinars, conference notes
P2	WebSite-Watcher, e-mail alerts, networking	Journals
P3	Three main sources (two e-mail alerts and a website)	E-mail alerts, specific websites, LL, networking, conferences
P4	WebSite-Watcher, e-mail alerts	Newspapers, specific websites, journals
P5	WebSite-Watcher, e-mail alerts	Journals, networking, newspapers
P6	E-mail alerts, colleagues	Journals, e-mail alerts, newspapers, specific websites, weekly e-bulletin, networking
P7	E-mail alerts, newspapers, meetings	Specific websites, micro-blogging site, networking
P8	E-mail alerts, journals, colleagues	Three specific websites, networking

#### 4.1.1 Electronic materials

##### (a) Online resources

As stated previously, electronic tools were the main method participants used to keep up-to-date.

Out of five participants who wrote content for an online current awareness service, four of them used WebSite-Watcher to monitor developments. The application compares the current content of a webpage against the page's content the last time the application was run and highlights any changes. Participants who were required to monitor an extensive volume of websites explained why they used this application:

P4: *"We use Website-Watcher as we don't have half a day to spend on CA because we've got the content to write for the product but Website-Watcher does it a lot more quickly and finds out if anything has changed since the last time you used it".*

P5: *"Website-Watcher does the initial grunt work otherwise we'd be flicking through 120 different bits of the web, once an hour every day before we even thought whether things were significant".*

For these participants, Website-Watcher was a necessity given the sheer volume of websites they needed to monitor in order to effectively perform their professional responsibilities of monitoring developments, writing content and disseminating the information with a fast turnaround. Many participants mentioned that Website-Watcher's functionality (it can monitor web pages, RSS feeds and perform searches, allowing participants to scan modified web-pages) meant they had little need to use other electronic methods such as bookmarked web pages, using a search engine or e-mail alerts:

P4: *"With Website-Watcher we don't need to sign up for e-mail alerts, it's like buying four newspapers a day, once you've read one the others aren't going to tell you an awful lot else that is new."*

P5: *"You can set up bookmarks to watch any bit of the web you want; it can do a variety of different things ranging from just monitoring the contents of a flat webpage to automatically performing searches with a series of key search terms and then looking at the results and seeing if they are different from last time. An awful lot of websites that we track with Website-Watcher do alerts but Website-Watcher is such a complete product that it makes sense to keep information in one place rather than having it in Outlook as well."*

The fifth participant (P3) chose not to use Website-Watcher and employed a strategy he had been using for a number of years, comprising three e-mail alerts (Lexis Library, Lawtel and Lexology) and three websites (Estates Gazette, Department for Environment Food and Rural Affairs ("DEFRA") and Communities and Local Government ("DCLG")) that he bookmarked and monitored. P3's strategy of monitoring a small number of sources resembles the social scientists' monitoring behaviour in Ellis (1989) and the academic lawyers in Makri et al (2008) who regularly followed bookmarked internet pages.

P6 and P7, because of their roles as publishers, were not required to be up-to-date to the same extent as the participants who wrote for online current awareness services. Ellis and Haugan (1997) noticed a similar pattern with the engineers and scientists where the amount of monitoring depended on the type of project being undertaken i.e. incremental

projects required less monitoring than radical and fundamental projects. These participants tended to subscribe to one or two e-mail alerts and rely on someone else in the current awareness chain to keep up-to-date. Thus, whilst they needed to maintain current awareness, it was not to the same extent as the participants whose day-to-day business was current awareness.

None of the eight participants browsed or searched the internet on a standalone basis as a means of keeping up-to-date, although they did regularly browse digital law libraries and legal-related websites as the participants did in Makri et al (2008).

(b) E-mail alerts

Out of eight participants, seven used the passive monitoring approach of e-mail alerts (alongside other methods) as their primary method of maintaining an awareness of developments. Information sources used by participants tended to be general law libraries or applying filters to receive information according to their specialist practice area and/or modifying the filters to receive information on an area they were currently working on. Three participants used it as their preferred method, as their monitoring requirements did not warrant using an application with the depth or coverage of Website-Watcher or they had over time, developed and perfected a monitoring routine prior to Website-Watcher being implemented. Makri et al (2008) also found e-mail alerts being used to monitor current awareness.

P6, used a variety of alerts from different internal and external sources to monitor particular areas of the law he was working on, changing the subject area and reverting to receiving everything when he had finished working on that particular area of the law:

*P6: "At the moment I'm looking at charity law so for the next little while I'll have e-mail alerts on anything which has been tagged as having relevance to that but I'm going to be finishing my work on that in a week or so's time and then I'll knock that one of the head otherwise I'll just get everything and change it to whatever I move onto at that point."*

A weekly e-bulletin/newsletter was also used by P6 which he considered to be the best resource he received in terms of current awareness value:

*P6: "I'd have to say that the single most useful piece of information that I get is the weekly update that [colleague] showed you."*

P7, used four weekly alerts – three that monitored a practice area (dispute resolution) and a news alert. The participant mentioned that he would often change the subject/practice area of the alert depending on what he was working on:

*P7: "I keep up to date principally I subscribe to a number of different e-mail alerts. Those are both internal and external and I change those alerts quite a lot depending on what area I'm working on, what I feel I need to be up to date on over the course of the next two or three months ...."*

The third participant, P8 used only one alert from a law library and like P7 above, changed the subject/practice area according to what they were working on. P8 liked the fact that she could customise their preferences:

*P8: "Well I generally select things along the lines of the area that I'm working on at the moment that I'm responsible for so it'll be cases and legislation primarily and in terms of CA it's great because I can very much customise what I want to receive on a daily basis."*

Because of P8's managerial role, her main responsibilities were not current awareness and consequently she was not required to perform current awareness monitoring to the same degree as the participants who were authoring content for on-line services. Although she needed to be up-to-date, she did not need the same breadth or depth of information as the other participants (who used Website-Watcher to monitor) and instead, relied upon members of her team to update her (through meetings, e-mails and hard copy materials).

The property PSL (P3) preferred to use e-mail alerts (not Website-Watcher), despite being a provider of online current awareness content. E-mails were received from three sources: Lexis Library and Lawtel (both law libraries where the participant had applied no filters) and Lexology (current awareness content from law firms). The participant felt that these three alerts (plus three websites) were sufficient for him to maintain awareness for the purpose of authoring legal content and made the following comment:

P3: *"This takes about 20 minutes each morning to look at all three sources bearing in mind that this is something I've been doing for 12 years so I know what I'm looking for."*

P3's absence of filters on his alerts mirrored the scientists and engineers in Ellis and Haugan (1997) who used unfiltered information sources to maintain awareness.

P3 had chosen not to use Website-Watcher as he had perfected and refined a monitoring strategy over a number of years and believed that his method (using three e-mail alerts and a website) was far superior to the service provided by Website-Watcher:

P3: *"Methods used are routine established over a number of years..."*

*"Personally I don't use Website-Watcher, we have the facility to set it up but my view is that it produces too bureaucratic a regime, I would much rather stick to a regime I've found effective over a number of years rather than being prompted by Website-Watcher."*

P3's current awareness strategy (and rejection of Website-Watcher) may be related to the type of law he practices – property – which is not as active as contentious practice areas such as dispute resolution, family and employment where many more sources have to be monitored.

P3: *"Property is a fairly small world and its possible within property to keep tabs on pretty much on the legal and industry side through things like the Estates Gazette which is the house journal of the property industry, Property Week which is the house comic (gossip) nothing too serious, the Lexis library updates would actually be enough in most cases the only reason I look at Lawtel is to cross-check so even there I'm going beyond what I need to just to kind of have a bit of a safety-net but I personally don't see the need to go much beyond that."*

In contrast, P5 (employment PSL) remarked on the constant activity in employment:

P5: *"We're really monitoring CA stuff every working day; employment law is a very active area of the law. There's a great deal happening literally every week and in fact every day we will find items of interest coming out .... "*

Both employment participants had signed up to an e-mail distribution list to receive alerts from a practising barrister, to supplement the Website-Watcher method although both participants remarked that they had made a conscious decision to only sign up for alerts that were not monitored by Website-Watcher. As the PSL explained:

P2: "it will be rare that I get an e-mail about something that I haven't already spotted and that will usually be because either because I've been away or yes we do need to change something"

This behaviour mirrors the findings in Savolainen (2007) where a "withdrawal strategy" – deliberately avoiding information sources by not signing up for them - was adopted.

Despite Website-Watcher's utility, participants still subscribed to e-mail alerts due to a website's poor interface and search functionality, making it more convenient to receive information via a push technology, rather than actively attempting to search for and find information:

P2: "I'm on the mailing list for the European Court of Justice .... so I'm on their e-mail list and it comes in a slightly more readable form than trawling your way through things."

P5: "But in a very small number of cases the e-mail alert method yields better results than any of the others. European Court websites and general websites relating to the EU are particularly poorly designed."

One participant subscribed to an e-mail alert (in addition to using Website-Watcher) due to the condensed and summarised presentation of cases which could be read and digested quickly:

P4: "The first place I go to is the All England Reporter is a very short report of very recent cases and this comes in on e-mail. It's a subscription service and I look at it daily to see if there are any new cases which are uploaded every day."

In the main, participants who were required to monitor numerous sources had rejected e-mail alerts in favour of Website-Watcher.

#### 4.1.2 Journals

Journals used by the participants were read for information relating to different types of current awareness including practice area, industry sector and the legal profession generally. Only two participants used journals as their primary source of current awareness (P3 and P8) whilst the remainder used journals to supplement their primary method, using them as a form of quality control to ensure that current awareness had not been omitted from authored content. Participants used both electronic and hard copy versions.

P1 and P3 were the only participants who used online versions of journals for current awareness. P1, who wrote content for the practice area of company/commercial, used the industry journal, Society for Computers and Law, while P3 used the Estates Gazette website, a specialist property resource delivering news, review and analysis of the commercial property market. Both P1 and P3 had prioritised selected journals and limited the amount they monitored to sources that had a high probability of carrying relevant material. This differentiating behaviour was demonstrated by the social scientists in Ellis (1989) where they had identified sources and selected them on the basis of their potential utility.

For others, electronic versions of journals would be read for background information or as a way to "top-up" the current awareness information they had received from other electronic channels. For example, P2 (employment PSL) read journals such as The

Lawyer, Legalweek and Personnel Today through Website-Watcher as the online sites of these journals were monitored by Website-Watcher.

On the whole, for the participants who wrote content for online services, only online journals were used for current awareness and apart from P3, they were only used to supplement other online monitoring methods as the publication of hard copy were considered too slow:

P5: *"We don't rely a lot of journal articles; it's a question simply for speed again and by the time a journal has published something its several weeks after we're reported it so the fact that someone may have something interesting to say about something; it's too late for us."*

This finding echoes that of the engineers and scientists in Ellis and Haugan (1997) who considered journals to be too out-of-date for current awareness purposes, although hard copy journals were used to check for omissions, for general background or profession/industry news rather than to keep up-to-date:

P3: *"So again it's another kind of checker so you would quickly scan through a hard copy journal to make sure you've not missed anything or if you have there's a reason why you didn't."*

A few participants mentioned that they would still read hard copy journals because they could read them on their journey to and from work or take them home to read, something they found very helpful in managing the volume of information they were required to read. P3 commented on his use of hard copy format:

P3: *"I've got a three and a half hour commute so there's enough time on the train for me to be doing something and that's really when the journals come in."*

The physicists in (Ellis et al, 1993) scanned journals for relevant material, as a method of maintaining current awareness due to time constraints.

P8 remarked that she often read the printed version of a journal simply because it was physically handed to her:

P8: *"... it's actually a question of the best use of my time as well so it may well be that I'm on the circulation list of a journal and because I get it physically handed to me in the internal mail that I'm more likely to look at it."*

Accordingly, participants who used hard copy journals did so to maintain awareness of non-legal developments, e.g. the profession, practice and general background information rather than to monitor developments in case law or legislation which has a "time is of the essence" factor.

#### 4.1.3 Newspapers

Most of those interviewed read The Times either in hard copy and/or online. Many of them would buy a copy on Tuesdays (when law reports are published) and read it on the way to work and access the online version during the day:

P7: *"I always read the Times Law Reports on a Tuesday. I specifically buy the newspaper on the way to work so I read it on the way in to work."*

P4: *"I'd read the hard copy on the bus in the morning; I sometimes look at the electronic version as it has some quite interesting articles, its not really relevant to CA but is relevant to legal knowledge on who's important in particular areas of the law."*

As with journals, participants still chose to read a printed version of a resource and liked the convenience of being able to read on the way to work. The act of reading a newspaper on the way to work as a method to monitor developments mirrored the findings in Savolainen (2007) where environmental activists read a newspaper at breakfast. Additionally, making use of The Times for general information and not for current awareness reflects the behaviour of the chemists in Ellis et al (1993), where they used the Independent as a source of general information

#### 4.1.4 Books

Materials such as publishers' lists, new book reviews and new library acquisitions (Ellis, 1989) were not used by any of the participants to monitor legal developments. However, books (both hard copy and online) were used by participants to help their understanding and support the authoring of content.

P1: *"Would read books for general law but not for CA as I would get that online."*

P3: *"I have a copy of McGarry & Wade, which is the main land law textbook and I sometimes use that to go back to basic principles to help with understanding of the CA stuff."*

This finding reflects the physicists' behaviour in Ellis et al (1993) where books were considered too out-of-date for current awareness monitoring.

#### 4.1.5 Informal contacts

Many of those interviewed used colleagues, meetings and networking at conferences as a means of keeping up-to-date. For participants who were not authoring content for online services or were in a managerial position, this was used as a primary method via interacting with academics, customers and former colleagues (who are practitioners in law firms and barristers). P6 explained how his academic contacts keep him up-to-date:

P6: *"They'll [academics] call me up and say the chapter I just sent you; you need to re-write this because there's been a new case or we've just heard that the charity commissioners have said X/Y/Z."*

Participants who were part of an editorial team often had weekly and monthly meetings where current awareness was discussed in the context of what had taken place and brought to their attention, as P7 remarked:

P7: *"I meet with them [managing editors] once a week and at those weekly meetings one of the things we cover is what's changing, what are the latest updates, what can inform the publishing schedule so that's definitely one way."*

P8, who worked in a managerial capacity relied on members of her team to help her keep up-to-date:

P8: *"By monthly report; regular one-to-one meetings with members of my team and of course e-mail correspondence."*

P6-P8's method of monitoring – depending on informal contacts – was identified with the social scientists in Ellis's (1989) study.

For participants who were producing online content, informal contacts were used to supplement their primary monitoring methods. P2 and P5 were both members of an employment PSL network which hosted meetings and had an e-mail listserv where members discussed current legal points which fed into their current awareness:

P5: "*[PSL network] has a group e-mail list ..... which people use to discuss legal points so somebody will raise a point; somebody else will chip in and effectively a thread develops and that does feed into our CA sometimes because they tend to be right on the cutting edge.*"

All the participants reiterated that maintaining a network of contacts (ex-colleagues, practitioners, customers etc) was important for current awareness purposes as it gave them a good idea of how changes in the law might affect their customers. They used semi-formal methods (the employment e-mail) and immediate colleagues (meetings with managers and team-members) as did the social scientists in Ellis (1989). The social scientists in Meho and Tibbo's (2003) study also found that the internet facilitated increased participation and development of informal networks, enabling them to share and acquire information.

#### 4.1.6 **Knowledge transfer**

Current awareness gained through attending and speaking at conferences was used if participants were able to spare the time to attend. Due to time constraints, P1 was planning on using a copy of conference notes as a source of current awareness, as did the scientists and engineers in Ellis and Haugan (1997):

P1: "*At the moment a colleague of mine is at a conference and I have asked her to bring me a copy of the notes as I couldn't go so that should be useful for a current awareness point of view because presumably what they're talking about at the conference will be the latest issues.*"

Participants who managed to attend conferences found them useful for acquiring another point of view on a current awareness issue:

P2: "*I will go to things like the Industrial Law Society annual conference and that's very good to go to, to get other peoples' views on things and to make sure that you are up to date.*"

P3: "*The conference I was at this week was fundamentally an academic conference on housing law and policy and that's useful because again it tends to give you a different perspective on issues as they're unfolding.*"

Another participant found attending a conference useful as it acted as a form of quality control for the participant's current awareness system:

P3: "*That provides a really useful cross-check because if they come up with a case I dismissed or hadn't even seen then something has gone wrong with my system and it's also useful to kind of see the sort of selection criteria they are applying because that helps over a number of years to kind of refine my own selection process.*"



## Summary

The methods used to maintain current awareness do not relate to the findings in Ellis's three studies as the WWW and internet technologies have revolutionised information-seeking behaviour, although participants' use of secondary sources to complement a primary method is comparable to the social scientists in Ellis (1989).

### 4.2 Previous studies

Findings in this study differed substantially to the monitoring methods described by Ellis (1989). Ellis's study occurred before the widespread use of information systems and internet technology, together with his study being conducted in an academic setting where the requirements for current awareness were likely to be less demanding than lawyers authoring content for online services. The only monitoring methods that were found in both studies were the use of informal contacts, journals and newspapers – some of which was performed through electronic sources in this study. In Ellis's two further studies on information-seeking, computer search updates (Ellis et al, 1993) and searching online databases (Ellis and Haugan, 1997) were the only methods of electronic sources used to monitor developments. pressure

Contrary to the findings of this study concerning methods of monitoring, other information-seeking behaviours from Ellis's behavioural model were found (Ellis and Haugan, 1997). For instance, participants displayed *distinguishing* behaviour where they ranked information sources according to how useful they could be for the task in hand; they used *filtering* mechanisms to acquire relevant information; they *browsed* the acquired information; backwards *chaining* was performed where citations were followed-up; information was *extracted* from selected materials before authoring content for publication and *ending* activities were performed by checking additional information had not been published prior to distributing their work.

With the internet achieving widespread adoption and the increase in more sophisticated information systems, the participants in Meho and Tibbo's (2003) study more closely mirrored the findings in this study with the use of listservs being the most popular method of maintaining current awareness, attendance at conferences and using the WWW also being used as monitoring methods. They also found that information resources would be differentiated and selected on the basis of their nature, quality, relative importance and usefulness.

The participants in Makri's (2008) study (academic lawyers and students) displayed similar approaches to monitoring - e-mail alerts, searching law databases, websites and bookmarked internet pages – found in this study but as with the studies described above, the Makri (2008) study investigated information-seeking behaviour, with monitoring comprising only a small part of the study.

In Ellis (1989) and Ellis et al (1993) selecting resources according to their characteristics was exhibited. The findings in both these studies identified (1) the topic of study, (2) the perspective or approach adopted and (3) the quality, level or type of treatment as influential factors in social scientists' decision to use a resource. Ellis calls this "source prioritisation" which is subsumed within differentiating behaviour. Source prioritisation was exhibited in this study and will be the focus of the next section.

### 4.3 Characteristics of monitoring resources

This section discusses why participants selected to utilise certain resources or what Ellis and Haugan (p. 399, 1997) refer to as "*the conscious orientation towards particular sources*". Each of the five categories identified through the data analysis have a number of lower-level properties that sufficiently encompass the features participants required in a monitoring resource. These characteristics are applicable to the resources that were available in this study and are based on monitoring methods (behaviours and resources), which include electronic and non-electronic resources in addition to participants' monitoring requirements that were not supported.

The five characteristics (Table 4) of monitoring resources represent the major features lawyers' expressed a desire for. These categories do not form a hierarchical classification for monitoring resources but do attempt to explain why particular resources were selected. The following sections will describe the characteristics in detail and compare the findings to previous information-seeking studies.

**Table 4: Categories and Properties**

Categories	Properties
Quality of content	Relevance: practice area; customer; novel; age; secondary Sense-making: guidance; informative; perspective; verification; trends; historical
Presentation of content	quantity; succinctness; comprehensiveness; structure
Speed of receipt of information and task-completion	alerted; availability; in-advance; task-time
Utility of content	acquisition; search; filter; edit
Trustworthiness of content	recommendation; respect; status

#### 4.3.1 Content

The findings reveal that participants selected resources containing content that was relevant to, and helped them complete their current awareness task. The category of content had two main properties: **relevance** and **sense-making**. For the purposes of this study, relevant materials are ones that are considered to be relevant to the current task of the participant. Sense-making refers to the analysis and synthesising of information to create meaning, facilitating task completion.

##### (a) Relevance

Information was deemed to be relevant in a number of ways, with practice area taking precedence. All the participants displayed "differentiating" behaviour (Ellis, 1989) where they had a good knowledge of which resources had the potential to be relevant to them and the differences between them, enabling them to make an informed decision on the basis of their potential usefulness. Thus, participants would select resources which provided relevance to their practice area, customers, novelty, age and secondary relevance. Five types of relevancy were identified:

- Practice area – related to the participant's specialist area of law e.g. employment, company commercial, property etc.;
- Customer – having the potential to be beneficial to LexisNexis subscribers;

- Age – how current the information is;
- Novelty – information that is original;
- Secondary – non-legal information relating to industry sectors, profession, background.

### **Practice area**

Participants who produced current awareness content used resources that provided information for the particular *practice area* they specialised in e.g. employment, company commercial or property, rarely changing the search or filter criteria. Participants who were not involved in producing current awareness content changed the practice area according to the area of law they were currently working on.

The British and Irish Legal Information Institute ("BAILII") website, containing case law and legislation was widely used by all participants to find case law transcripts from the relevant court for their practice area:

*P8: "BAILII is something that we monitor constantly and generally speaking and its people knowing what they're looking at and the most up to date version of a case."*

P2, an employment PSL explained how Website-Watcher and a listserv (prepared by an employment barrister) enabled her to acquire information relevant to her practice area of employment.

*" .... well it [Website-Watcher] can be anything from 20 to 50 pages depending on (a) what's going on in the world of employment ..."*

*"It [listserv] will be anything of interest so it can even be an employment tribunal decision or it might be a press release which will be about something that is interesting."*

P3, a property PSL used a similar method (listserv) to keep up-to-date in his practice area:

*"... property PSL network has always been very active; lots of e-mails flying around about the latest thing people are scandalised by in the property world."*

Conferences specialising in areas of law were also useful methods of acquiring relevant current awareness:

*P1: "One of my colleagues is out today at a competition law conference so she will take the opportunity to talk to other people who are at the con to catch up on current activities in the industry and in that particular field ..."*

### **Customers**

A common theme throughout the study was selecting a resource with information that was relevant and would benefit *customers* in terms of what was important and interesting. One participant who wrote current awareness content compared his job to that of a newspaper editor:

*P4: "It's a bit like a newspaper editor in that we have to go with what the majority of our customers will find interesting."*

P2 explained how she selected information based on its relevance to customers:

*"The information I decide to read now (as opposed to private practice) is information I think our clients and customers will want to read, those who buy our product will be of interest and relevance to them."*

A few participants received an e-mail from a service called "Lexology" which publishes a series of articles from law firms' websites, which are of interest to LexisNexis's customers:

*P7: "I find that very helpful because they are taken from law firms' websites someone has applied their mind to the latest case and had a go at giving their view on what the impact on their customers might be."*

Non-legal resources were also used if they were considered relevant to customers as P4, a company commercial PSL explained:

*"...we keep an eye on OFGEN and OFCOM and the utilities regulators because they're important to clients."*

Since the participants were involved in producing content for customers, they were interested in news concerning law firms and their competitors. They tended to use industry journals for information on the status of the profession. The industry journal, *The Lawyer* was used to monitor the legal profession:

*P4: "Everybody reads the Lawyer for gossip. Gossip is important, you know what the trends are, who's moving and shaking, who's about to open an office in Prague or something. Information is useful. There's no point in pushing to sell to a firm if they are about to split up."*

*P5: "Mostly for gossip but one does keep abreast of that sort of thing mostly not so much because we are doing CA reporting but because it's useful to know what's going on in the world of your potential subscribers so if for instance they are making vast numbers of redundancies that may well affect if they are going to buy your product."*

Other current awareness providers were monitored to acquire competitive intelligence:

*P5: " ... but it's always useful to monitor what your competitor's doing; if they think that's a good way of doing things for clients and we're not doing it that way perhaps we should think about whether we should ..."*

Interacting directly (via meetings and e-mail) with customers was also used as a method to obtain customer-relevant information:

*P7: "We see fairly frequently probably once a week ... meeting with a customer to discuss either updates not typically about the law but about how we can improve what we're doing and it normally leads to a conversation about "there's an interesting new piece of legislation coming about, how are you planning to deal with it in your encyclopaedia?"*

*P7: "We have a customer query line and have a lot of queries coming through that to my team which I'm also copied in on and that's a way of getting on top of information."*

Informal contacts (past and present colleagues) were frequently mentioned as being a good source of information in that they provided valuable feedback on LexisNexis's products:

*P6: "Most people have got friends and former colleagues all round the place that they chat to and for some reason when people hear that I or my team work on Halsbury's Laws they are usually quite interested and say how they use it and therefore we can pick*

*up some information about what people find valuable and hopefully tailor what we do around what they've said."*

P8: *"I'm also in contact with ex-colleagues who can say they will let us know the quality of what we're producing and we can find out if we're competitively priced."*

## **Age**

The *age* of information or the time period for which information remained relevant was a deciding factor in its selection. Like the scientists in Ellis and Haugan (1997) participants who authored content for online services, did not use hard copy journals for current awareness as they were considered too out-of-date.

As one participant commented, they needed up-to-date information to stay on top of developments:

P4: *"CA is stuff that is still hot off the press and is still warm out of the oven."*

P8, who works with primary sources, acknowledged that LexisNexis was always under pressure to increase the speed at which they publish information:

*"... my job is primarily kind of strategic and moving things through re-developing systems applications in order for us to report on legislation and cases better and faster ..."*

Electronic versions of newspapers were one method that helped participants stay on top of developments:

P6: *"At the same time we're following the same pieces as far as we can in the online versions of newspapers which usually are that bit ahead and of course they develop during the day in the way that a print paper won't."*

BAILII was recognised as being constantly updated, providing up-to-date information:

P8: *"BAILII is something that we monitor constantly and generally speaking and its people knowing what they're looking at and the most up to date version of a case."*

## **Novelty**

Participants suggested that they preferred information that was *novel* and tried to use resources that provided them with unduplicated content. As P1 commented:

*"The information comes to you but it comes in many forms and often duplicated so I think that's where's there is an inefficiency."*

Website-Watcher was used because it identified novel content:

P4: *"... it [Website-Watcher] just finds what's changed since yesterday even if its only the date and you can program to ignore the date but what we're looking for is new content."*

P5: *"It [Website-Watcher] acts as a newsreader. It will show you within the RSS list which ones are new items."*

## **Secondary information**

As with the chemists in Ellis et al (1993) participants expressed an interest for relevant

information (legal and non-legal), relating to industry sectors (their practice area operated in), secondary legislation and other practice areas (other than their own).

P1 explained how she used the online versions of journals the Law Society Gazette and The Society for Computers and Law, which contained industry information relevant to her practice area of company commercial:

P1: *"The periodicals tend to give you to the sort of disseminated views on current topics or particular changes to particular areas of law."*

P4 found Website-Watcher a good source of industry information relating to intellectual property:

*"You do tend to find that what Website-Watcher throws up there's an awful of cases in IP and particularly trademarks and it's a good way of keeping up to date on what trends are in business generally."*

Topical or newsworthy information was considered useful as general background. P6 found the weekly e-mail bulletin helpful because it provided this information:

*".... so the must-have information is there and also a notion of what's not only important in terms of subordinate legislation but also interesting, newsworthy and the assistance it gives you to go further if you need to look at anything else."*

Information on other practice areas and jurisdictions that had the potential to affect participants own' practice areas was deemed useful. P3 specifically tailored his alerts so that he received information on contract law:

*"I've always taken the view that I need to have ongoing awareness of general contract cases of the regulatory material that increasingly bears on property."*

While P4 was interested in information relating to Europe:

P4: *"European Commission is a political body not a legal one; what goes on at the European Court is of more interest to us but again as we do with UK parliament what the Commission has on the stocks is likely to important if it goes through so we keep an eye on that."*

P4: *"We look at the European Patent Office among other things ... but we keep an eye on what's going on in Europe because a lot of it feeds through into the UK law."*

## **Summary**

The different kinds of relevance demonstrate that information was deemed useful not only if it related to participants' practice area, but if it had the potential to be helpful to customers and was relevant in the wider non-legal context. Participants displayed "extracting" behaviour when they examined content to identify relevant material (Ellis, 1989).

### **(b) Sense-making**

As all but one of the participants' responsibilities involved authoring content, they selected resources that supported the cognitive demands of their writing activities. Dervin's (1983) theory of sense-making refers to how information is used to bridge a gap between the situation (the task of authoring content) and the outcome (the completed

content). In the legal domain, Makri et al (2008) found that academic lawyers displayed "analysing" behaviour where acquired information was analysed in combination with a problem or the current task, producing a piece of authored work.

The six sense-making properties of information identified were:

- Informative – enhances and develops knowledge;
- Guidance – clarifies the impact of developments in the wider context;
- Perspective – includes point of view or opinion;
- Historical – underlying background information;
- Trends – describes emerging and/or future developments;
- Verification – checker for omitted information.

### **Informative**

Participants commented that they would use a resource because they found it *instructional* and highly *informative*. For example, resources such as journals and the law reporting service were used by P6, a publisher to develop his current awareness skills:

*"... so we will take not news so much from journals as comment and assistance in how we evaluate the primary sources."*

He used the Law Society Gazette and the New Law Journal for the expert commentary:

*"So it's another person's perspective in the hope that the people writing for journals are experts in their subject and we get the benefit of what they've written to help us."*

P4 used books to help him write content:

*"They are very important in terms of writing the content not just for the information but to mentally structure how we go about it ..."*

### **Guidance**

Resources which contained information that was combined with meaningful analysis was selected. This value-added material acted as a form of *guidance* in highlighting important parts of the material, providing insight for participants on the impact of developments.

P1 explained how her role required her to identify new developments and their impact:

*P1: "... if I wanted to get more of an insight of the effect of those changes and an analysis of those changes then I would look at probably some particular websites ..."*

P7 found the Lexology alert the most helpful current awareness resource as it offered an insight into the effect of changes:

*P7: "... this is the change in law and this is how we think it will affect our clients and so it's a helpful digest of what someone has produced after applying their mind to it and that brings extra value for me."*

### **Perspective**

Participants selected resources where the written content expressed a *point of view* or opinion. Ellis (1989) identified this behaviour with social scientists where they

distinguished between resources on the potential basis of it containing material with a specific approach or perspective.

Incorporating another viewpoint into their written content made it more objective. As P5 commented:

*"... we might sort of say the CBI has expressed this viewpoint so we get a balanced viewpoint as to what outside interests are saying about this particular development."*

Another person's treatment of a subject also generated new ideas.

P6: *"... because I'm dealing with academics I'll have a more esoteric view but certainly together we share this information and it enriches what we can do generally."*

P3: *"... so looking at the law firm generated material just opens up another avenue of thought and that in turn feeds into drafting notes and material for subscribers."*

P6 explained how The Times was used as a tool to understand the wider effects of legal developments on existing materials:

*"When we look at the rest of the law supplement in the Times most of that is opinion .... There we're clearly interested in the views and comments expressed. It's helpful because it doesn't feed directly into what we do but it does help us understand our assessments of the materials that we work with."*

## **Historical**

Participants performed a type of backward chaining (Ellis, 1989) of *historical* information where previous cases or legislation cited in material were followed and accessed, helping them understand the significance of new legal content:

P4: *"... a new case might mention a series of previous cases and you might want to look at those to see why the judge has referred to them and what relevance they have because in writing and analysing the piece you're probably going to want to analyse the significance of the previous cases as well as the current one."*

Being able to view and compare previous cases/legislation against new material helped participants understand the implications of new legal content:

P5: *"if you're looking at a case which related to a previous period of history you want to know about the law that was in force then not now so you want to look at historic statutes."*

P5 would arrange the windows on his screen so that he could compare the previous case with the current position whilst writing content:

P5: *"You might have a judgment on one side and it might be referring to bits of legislation and you might want to look at that legislation and you might be typing your report on the third window."*

Using citations to follow historical information was displayed in Ellis et al (1993) where physicists used backward chaining to maintain awareness. The academic lawyers in Makri et al (2008) also displayed the same behaviour where they followed previous cases and legislation.



## Trends

As well as information being up-to-date, participants utilised resources that provided information on emerging and future *trends* in courts and parliament.

P3, a property PSL used the court reporting service for this reason:

*"... so far and away the most effective shift or innovation of the last year has been the ability to talk to the court reporters and get their take on what's going on in the courts at the level not what is today's decision but can we spot any discernible trend in the way the judge's are deciding cases."*

P6 believed that the weekly e-mail bulletin was helpful in this regard:

*"It's very helpful and I shouldn't really say this but it's probably the best piece of company information that we get in the business. ... almost nothing else except those "what's about to happen pieces". It's very helpful and informative."*

Attending conferences and networking with practitioners was a good source of discovering legal trends:

*P5: "But its [Industrial Law Society Conference] also frankly a very good way of keeping in touch with professionals because a lot of members of the bar are there, judges, solicitors people I know and its nice to be able to keep in touch with them and see what's going on in terms of legal industry, practice and generally."*

The participants' behaviour is similar to the scientists and engineers in Ellis and Haugan (1997) who monitored developments in technology to gain an awareness of emerging trends for long-term planning purposes.

## Verification

As all the participants had developed a monitoring strategy, various resources were selected if they performed as a type of *verification* on the effectiveness of their system. Verification was normally carried out at the end of a task and involved checking for omissions in their authored content using additional resources. This behaviour is unlike the verification behaviour displayed in Ellis et al (1993) where individuals checked the accuracy of their content for errors.

P2 used the employment listserv to do this:

*"... so to have an external checker as it were is I think it's very useful to make sure you've caught everything and you're not missing out a substantial thing ..."*

She also used a journal to confirm the reasoning behind a decision to exclude material:

*P2: "We get journals and you do check to make sure you've covered things. So again its another kind of checker so you would quickly scan through a hard copy journal to make sure you've not missed anything or if you have there's a reason why you didn't."*

P3 (property PSL), used his attendance at a property conference to check the quality of his monitoring system:

*P3: "that provides a really useful cross-check because if they come up with a case I dismissed or hadn't even seen then something has gone wrong with my system and it's*

*also useful to kind of see the sort of selection criteria they are applying because that helps over a number of years to kind of refine my own selection process."*

## **Summary**

The findings show that current awareness resources were selected if they could support task completion of authoring content. Pirolli and Card (1999) refer to this as knowledge-crystallisation tasks where information is gathered and made sense of in order to produce knowledge for consumption.

### **4.3.2 Presentation**

Participants expressed a desire for information that was displayed effectively so as to support fast and easy discovery of important content. Many participants expressed frustration at large amounts of information that made it difficult to find information and the omission of summaries or headnotes that highlight the main principles.

The four properties of presentation identified were:

- Quantity – the amount of information;
- Comprehensiveness – all information required is displayed;
- Succinct – information is comprehensive but concise;
- Structure – the layout of information on-screen.

### **Quantity**

Participants were particularly concerned with the *amount* of information presented within the resource that often made it difficult for participants to find relevant information, as P3 commented:

*P3: "things that are too long are a problem and having to scroll through acres and acres of text to get to what you want."*

P4 preferred to use the All England Reporter as the reports were relatively short:

*"I skim-read cases particularly if they are long ones. There's no point in printing out 40 pages of stuff as it takes too long to go through. I skim-read it for the important bits and if its from AER then the report will be quite short anyway so you can read it on the desktop."*

Participants found a small amount of information they could read and manipulate useful:

*P7: "typically it is a fairly small number of articles under each practice area so there's not as much information there to filter."*

*P5: "a weekly summary of everything that been happening in parliament without burying it too much background detail."*

### **Comprehensive**

Although participants required content that was concise, they suggested it also needed to be *comprehensive* in its coverage. P6 rated the weekly e-bulletin as his preferred current awareness resource:

P6: *"The single most useful piece of information that I get is the weekly update that [colleague] showed you. As an overall picture of what's happening in parliament .... any Act which has been passed will be mentioned, any commencement orders which have been made they're going to be mentioned so the must-have information is there and also a notion of what's not only important in terms of subordinate legislation but also interesting, newsworthy and the assistance it gives you to go further if you need to look at anything else."*

P4 used the Lexis Library due to the breadth and depth of information:

P4: *"It's a very comprehensive database and if you need any cases it would be unusual if it wasn't on LL. Some very older ones aren't there and specialist ones but everything else is."*

Website-Watcher was favoured because of its wide-ranging coverage:

P2: *"It's extremely comprehensive but it won't capture everything but that is if you're kind of prioritising in order to do my job that's the thing I need most"*

### **Succinctness**

Given that legal information is extremely word-intensive, participants preferred to read content that was concise and *summarised*. P4's preferred resources for cases was the All England Reporter ("AER") for this very reason:

P4: *"The first place I go to is the All England Reporter is a very short report of very recent cases and this comes in on e-mail."*

P4 had also adopted this approach when writing current awareness content for the online service, understanding the time constraints experienced by customers.

P4: *"I can write about it in 10-20 lines; no longer than that. Practitioners don't have time to go through judge A said this. There will be four lines on what the case was about then another 5-10 lines of what the principles are and what it means for them in practice."*

The condensing of information made it easier for the participants to read and process, reducing the amount of time they are required to spend on a particular resource.

P4: *"The AER are easier to use in that one of our court reporters has actually gone and listened to the case and prepared a bite-size chunk (10-15 lines in print) as to what it's all about so yes, it's easy to digest the principles of the case."*

The weekly e-bulletin also used a "less is more" approach which P6 found helpful as the content was summarised and written in an enjoyable style:

P6: *".... a weekly summary of everything that goes in parliament both everything that's been passed, all the principal SI, commentary on the major ones, a note of what's about to happen in parliament of forthcoming debates." ".... it's probably the best piece of company information that we get in the business. Partly because it's informal and beautifully written."*

### **Structure**

Finally, participants expressed a preference for concise and summarised content that had been *structured* so as to support fast discovery and determination of the relevancy of the

information. Website-Watcher's highlighting function supported fast locating of information:

P5: *"The RSS feeds are painted in a different colour so its immediately obvious whether there are any new items in the feeds."*

P4: *".... because everything new is highlighted so it cuts out that part of the work."*

When content was well-structured, this enabled participants to determine how much content they needed to read:

P2: *"what he always starts off with is a brief summary of what it is and it will either be a case report, a new piece of legislation, something odd that has happened in the employment world and it will usually contain a link to the source and then if you want to read further you can do by clicking on it or that's enough."*

P4 explained how he had to read a judgment in its entirety to ascertain the decision:

P4: *"If it's a full judgment of the court of appeal and there are three judges who all say something you've got to read them all because the first chap may be dissenting and its the other two whose view prevails but that won't necessarily be obvious from the first judgment until you get to the end."*

With this knowledge, participants recognised the benefit of structuring content for customers so that the key topic can be identified immediately:

P3: *"... is to get to the point very quickly..... to get directly to the principle, directly to the practical implication of a point and that's something I'd like to see more of in legal writing."*

## Summary

Participants required well-structured information so that they could quickly "extract" (Ellis, 1989) relevant material. Resources were selected if the content was organised making relevant information quickly identifiable, reducing the time spent on tasks. Completing tasks quickly was an important factor in the selection of resources and will be discussed in the next section.

### 4.3.3 Speed

Because a number of the participants wrote content for an online service, they required notification and access to information instantly or as near as possible to publication. As with the category of presentation, participants frequently mentioned a lack of time and using resources that reduced their task-time.

The four properties of speed identified were:

- Alerted – prompted when new information is available;
- Availability – the speed of accessing information;
- In-advance – accessing information prior to publication;
- Task-time – features that reduce the overall task-time.

## **Alerted**

Resources that *alerted* participants to changes in existing information or to new items of potential interest as soon as possible after the event were selected. P5 explained how Website-Watcher notified them of developments:

P5: "*We have that [Website-Watcher] running on an hourly basis and in employment we're monitoring in excess of 120 bookmarks now ranging across a whole variety of different websites and all Website-Watcher does is tells you when something has changed.*"

## **Availability**

One resource that was widely used by participants was a court reporting service where a judge's signed-off report is *available* minutes after signature. According to the participants, content is accessible faster than other resources:

P5: "*Court reporters load their digests where they make their initial comments and reports on a case and that's speeding up amazingly something that's usually later that same day which is something good.*"

P6: "*What the law reporters do then is make a digest of it which they feed into our system instantly.*"

Having fast access to recent court decisions benefited the participants who wrote for online services as it gave them the advantage of being able to produce content much faster than their competitors.

P1: "*... so we can produce current awareness before the cases are reported. It is literally straight from the judge's hand.*"

Participants who worked in a publishing role (where the deadlines are not as stringent as the online services) used a resource due to its fast availability:

P6: "*We will follow the justice department website because it carries a certain amount of standard legal information which isn't available very quickly in hard copy.*"

## **In-advance**

As well as being able to access information quickly, participants used a resource if it provided access to information *in advance* of its publication in the public domain.

P2: "*They [European Court of Justice] send out their press releases before they put the actual judgment on the webpage so you get it marginally faster, not significantly may be 1-2 hours.*"

P2: "*I signed up for [barrister] because of his connections, he will get things that might not be available as quickly because not all court of appeal judgments will go up online or may go up online later.*"

P7 described how informal contacts provided him with access to a report in an area he had been monitoring before its publication in the public domain:

"*What I suspect will happen is that someone in the dispute resolution team here will get hold of an early copy of it and circulate it.*"

P7's use of a personal network for gaining access to information which would otherwise be inaccessible through formal channels was demonstrated by the scientists and engineers in Ellis and Haugan (1997) as a method of keeping up-to-date.

### **Task-time**

Resources that reduced the overall task time were preferred by participants. In particular, features such as a statement of purpose or explanatory note before the main body of content helped the participants determine whether they needed to read the entire content.

P6 would use the headnote at the top of a case:

*"If it's a case which has been reported it will have a headnote and that will tell us whether we need to look at the full judgment."*

The academic lawyers in Makri et al (2008) also used the headnote or summary when they were experiencing time constraints and quickly wanted to assimilate the main principle of a case.

In a similar manner, P7 found the court reporter's digest of a case helpful as he could avoid reading the entire case:

*"I'm happier with material that's been digested and someone has expressed an opinion on, that's helpful to me because it means I don't have to read a 50 page case."*

P2 explained how she subscribed to an e-mail alert rather than using Website-Watcher as it was faster than attempting to find the information on a website:

*".... it comes in a slightly more readable form than trawling your way through things..."*

### **Summary**

Resources will be prioritised if they alert users to new developments as soon as practicable after they have occurred and/or before the information has been published in the public domain, together with resources that facilitate fast task-completion.

#### **4.3.4 Utility**

Given that participants frequently mentioned a lack of time, the usefulness of working with a resource was a determining factor in their selection. Participants wanted to *acquire* information efficiently, and thereafter *search*, *filter* and *edit* the acquired information.

The four properties of utility identified were:

- Acquire – the ease of acquiring information;
- Search – finding and searching within information;
- Filter – customising and refining information received;
- Edit – the ability to cut/copy and configure information.

### **Acquisition**

Resources that are "passive" or facilitated by push technologies were considered useful

e.g. e-mail alerts, Website-Watcher and RSS feeds.

P4 used RSS feeds (through Website-Watcher):

*P4: "It's a convenient way of getting of what the owner of the site thinks of new things; you're dependent on what they're feeding you but assuming you all the stuff that is new and the news that they think is fit to print then it is a useful way of getting hold of things."*

An employment PSL explained how Website-Watcher automatically searches for new content hourly:

*P5: "We have that running on an hourly basis and in employment we're monitoring in excess of 120 bookmarks now ranging across a whole variety of different websites and all Website-Watcher does is tells you when something has changed."*

Using informal and external contacts was considered to be a useful method of acquiring information; resources employed generally took the form of colleagues and customers. Due to P8's managerial role, her colleagues often acquired and hand-delivered information to her, with the consequence that she was much more likely to be read it:

*"because I get it physically handed to me in the internal mail I'm more likely to look at it."*

Passive information acquisition often occurred through colleagues who had a customer-facing role with regard to non-legal current awareness:

*P8: "The sales team will report back and a number of our sales force are responsible for getting products published and are often our "eyes and ears" into publishing opportunities."*

Using informal contacts was also considered to be a convenient method of acquiring current awareness information in relation to sales and business development:

*P8: "I'm also in contact with ex-colleagues who can say they will let us know the quality of what we're producing and we can find out if we're competitively priced ..."*

*P7: "... externally we're regularly meeting with customers and so that's a good opportunity to discuss the changes in the industry or profession."*

Participants viewed conferences as being a useful resource for acquiring current awareness information due to the diversity of attendees:

*P3: "... academics curiously tend to pick up on legal developments a lot earlier than practitioners would ... that's useful because again it tends to give you a different perspective on issues as they're unfolding. I find that sort of conference very useful for keeping ahead of developments."*

## **Search**

If passive information acquisition was not feasible, participants wanted to be able to search for, and within content easily. P6 explained how the links in the weekly e-bulletin made it easy to find relevant information:

*P6: "Another bit about that which is so useful is the number of links to full-text of Instruments, Acts and government websites, explanatory materials so I use that one a lot."*

P3 used the House of Lords website because content was easy to find:

*"with the Lords' website I know where the weekly list of hearings and judgments is and if its moved around as it was when there was a bit of a re-jig of the parliament website it's easy enough to find."*

P5 explained how Website-Watcher could locate material from multiple websites, using key search terms:

*P5: "... to automatically performing searches with a series of key search terms and then looking at the results and seeing if they are different from last time."*

Even though Website-Watcher was efficient at finding information, P5 used an e-mail alert (rather than Website-Watcher) to acquire information from European Court websites because their design made it difficult to find information:

*P5: "But in a very small number of cases the e-mail alert method yields better results than any of the others. European Court websites and general websites relating to the EU are particularly poorly designed."*

Difficulties with searching for information was experienced by the social scientists in Meho and Tibbo (2003), with certain online newspapers.

### **Filter**

Participants wanted to maximise the receipt of relevant and minimise irrelevant information. This was achieved by using filtering criteria and unlike the scientists and engineers in Ellis and Haugan (1997), participants tended not to be anxious about excluding important information through using filters.

Both P6 and P8 changed their e-mail alert filters according to the practice area they were currently working on:

*P6: "Yes, which I change according to the subject that I'm interested in at any particular time."*

*P8: "in terms of CA it's great because I can very much customise what I want to receive on a daily basis."*

The academic lawyers in Makri et al (2008) used filtering usually based on the level of court that a case was reported at, rather than the practice area.

A filtering strategy (Savolainen, 2007) was used to minimise information overload and irrelevancy, and was a factor for using Website-Watcher:

*P5: "... so you can filter the results to a degree so that you only get things which are genuine changes..."*

*P4: "...we've got to skim read what comes up and filter out what's relevant and what's not"*

Participants also understood that their role was to filter content for customers to support their sense-making:

*P6: "I take primary sources of law and turn them into a categorised narrative of the law"*



*so that people can research according to the subject they are interested in rather than according to the primary source that they're working from."*

## **Edit**

Having acquired information, participants often wanted to amalgamate and modify content from different sources for future use. P4, a company commercial PSL described why they wanted content in a flexible format:

*P4: "... we'll go back now to the database that we hold behind Lexis Library for a more editor-friendly format which will mean getting a Word or RTF version of the Act which we can then go into and be more creative editorially in it."*

An employment PSL explained how a lot of content from certain websites was "locked":

*P5: "I think the only thing that really affects me is if somebody has unnecessarily locked down a PDF so that I can't copy and paste from it that's quite irritating so it has been known for me to crack the odd PDF document allowing me to copy material out of it."*

This editing behaviour was displayed by the academic lawyers in Makri et al (2008), who cut and pasted content from a digital library into a word-processing application.

## **Summary**

Participants clearly favoured information resources that supported them in locating information and the subsequent completion of their task by being able to manipulate and configure information.

### **4.3.5 Trust**

Participants were more likely to use a resource if they trusted the source of the information or it had been recommended to them.

The three properties of trust identified were:

- Recommendation – from peers acts as an endorsement;
- Respect – the participant perceives the source as being well-respected;
- Status – is widely recognised in the profession.

## **Recommendation**

Participants considered information trustworthy if they had been recommended to use it. This was often accomplished through peers – internal or external to the participant. P2 discovered the employment PSL network through this method:

*P2: "... it was an e-mail that a colleague knew that this was being set up and was I interested and that was a number of years ago."*

Meho and Tibbo (2003) found that social scientists acquired information through recommendations from colleagues, but to circumvent the issue of lack of access.

## **Respect**

P5 and P7 both used information sources that were well-respected in the legal profession

and had the potential to provide useful information:

P5: *"[Barrister] is a unique phenomenon. He uses his notoriety which has been going through people getting the e-mail ..."*

P7: *"I'm following an employment law firm called [X] who are a customer of ours and we've spoken to them and they're quite forward thinking so I've been following them and checking them periodically to see what they're doing."*

P7's behaviour mirrors the behaviour of "searching" from Ellis's model where the searcher aimlessly browses a source in order to identify material that is worth reading (Ellis, 1989).

P6, (similar to the scientists and engineers in Ellis and Haugan (1997)) collaborated with well-respected academics to keep up-to-date:

P6: *"Eventually even practical law comes up against problems which need quite sophisticated answers and the academic contribution to those debates is usually what informs things like the Law Commission. All the law commissioners are highly respected academics."*

These information sources were considered to be credible and fostered confidence amongst the participants. The physicists in Ellis et al (1993) selected materials in this way, relying on the source and author, while the academic lawyers in Makri et al (2008) selected law journals and citations on the basis of their perceived credibility.

Alternatively, participants recognised that information from certain sources that was presented as neutral was in fact heavily biased:

P1: *".... there is a question as to how far this is neutral information and how much of it is propaganda because it's presented as the government wants it presented."*

The issue of determining the neutrality of information was experienced by social scientists in Meho and Tibbo (2003) where they expressed concerns with information from government resources.

## **Status**

The perceived authority of sources of information was a deciding factor in selecting a resource. As one participant explained, he would be more inclined to read content from a partner than an associate or newly qualified lawyer. He discusses clicking on a link in an e-mail alert:

P7: *"The first thing I did was click through to his profile to check who he was to see whether or not he was worth reading and he was a partner and so I thought and decided that this would be interesting."*

Likewise, content from law firms that are considered to be either specialists in a practice area or are considered at the top of the profession will be used.

P3: *"I get a daily e-mail from a website called Lexology which is essentially just a gathering together of law firms' output so sort of law firms' press releases, articles, content from their website."*

P7: *"It's helpful to know that it comes from a good place so you know that the article you're reading comes from a top law firm so that gives you some confidence immediately."*

## **Summary**

Valuing particular resources over others because of their perceived trustworthiness was identified in Ellis and Haugan (1993) as "distinguishing" and helped participants to determine how useful a resource would be prior to its selection. The trustworthiness in this study mainly related to authored content (e.g. commentary, analysis, articles) than cases and legislation.

## 5. DESIGN RECOMMENDATIONS

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The monitoring behaviour and resources found in this study comprise a chain of activities where information was monitored, accessed, processed and distributed. The constraints of locating relevant information and information overload were not deemed a problem (apart from Website-Watcher) as all the participants had developed a monitoring strategy, where they had identified and used a select number of information sources that provided quality information.

The findings from this study provide some useful insights as to how interactive systems can support monitoring and the subsequent processing of current awareness information in the legal domain. As a result, there follows a discussion of some high-level design requirements for systems that support current awareness monitoring.

### *Information retrieval*

Support the retrieval of *relevant* information. At present, Website-Watcher can only identify changes on a web page. To identify relevant content, web pages would have to be created using a semantic web mark-up language, enabling machines to read, interpret and infer web content. This machine-readable data is annotated using tags (metadata) so that other tools can read and infer the meaning of a web page and retrieve relevant information, improving the retrieval performance significantly (Shah, Finin, Joshi, Scott Cost & Matfield, 2002).

### *Information presentation*

A frequent constraint experienced was that of lack of time and large quantities of information, coupled with a desire to perform tasks with minimum effort. Consequently, to support fast understanding of the purpose and significant points of information, a summary of the content should be positioned at the top of content. This will enable users to quickly determine whether the information is relevant and requires further reading, avoiding the reading of irrelevant information.

E-mail alerts frequently contain links to content on external sites. To support fast decision-making of a link's relevance and prevent effort being expended on accessing irrelevant material, a profile (containing details of an author's role, firm, experience etc) can be displayed with the link. Alternatively, the link could display (e.g. by hovering the mouse over the link) user-generated content in the form of a short summary rating the trustworthiness of an author and summarising which users would find the content useful.

### *Support sense-making*

Knowledge-crystallisation tasks often require the synthesising information from multiple sources so as to construct and package that knowledge in a product (i.e. content for publication). To support these sense-making activities, systems could provide users with the option of displaying the underlying legal background information such as the previous version of an Act and/or the related case history so comparisons can be made between historical and current information. This would involve partitioning the interface into three sections to display the previous and present versions, together with a section used to author content. Alternatively, the previous and current versions could be compared

highlighting deleted, modified and new content illustrated using discriminating colours and effects.

A user's current awareness monitoring strategy could be enhanced by providing explanations as to why particular resources and content have been selected i.e. making the selection criteria of exemplar current awareness resources (e.g. the weekly e-bulletin) transparent. Selection criteria can be made transparent by providing feedback on why each piece of information has been included and explanations as to why other content was excluded in the exemplar. Presenting this information allows the opportunity for reflection and supports the novice user in gaining an understanding and developing current awareness monitoring expertise.

#### *Dissemination of information*

Support informal collaboration and the sharing of information by incorporating Web 2.0 technologies (discussion forums, wikis, blogs, RSS feeds) into existing applications (to prevent burdening users with excessive applications). Informal networking (e.g. word of mouth) can be disseminated using RSS feeds to publish important information. Colleagues who want to recommend current awareness resources can do this via blogs within the existing intranet (Nielsen, 2009), adding relevant information they believe their colleagues will find interesting. Forums could be used for practice-area networks e.g. employment, property rather than using e-mail alerts, with the ability to integrate content from external websites.

## 6. CONCLUSION

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The investigation into the monitoring behaviour of lawyers provides empirical knowledge on the various behaviours and resources used to maintain current awareness of not only legal developments, but other secondary topics. The study revealed that monitoring developments to keep up-to-date consisted of a combination of electronic and non-electronic methods, producing a multi-dimensional socio-technical system. Given the range of electronic resources available, selection of them depended upon a variety of factors that were advantageous to lawyers' work tasks in the context of a publishing organisation.

The extent of current awareness monitoring was more acute for individuals whose tasks required a fast turnaround. The "current awareness chain" tended to dictate the extent of monitoring undertaken with PSL's who authored current awareness content for online services positioned at the top of chain and publishers of legal information positioned lower down, whose role necessitated current awareness monitoring but not to the same extent as the PSL's. In this regard, the website monitoring application made possible the monitoring of an extensive number of electronic sources.

While electronic resources were predominantly used to monitor developments, non-electronic resources such as hard copy journals, newspapers and networking were also used, often being selected because they were convenient or possessed unique information, not available elsewhere.

Monitoring rarely occurred in isolation and other patterns of behaviour from Ellis's behavioural model were displayed when participants performed current awareness monitoring, confirming the robustness of Ellis's behavioural model. Although the use of electronic resources have significantly changed how monitoring is performed, behavioural features from Ellis's information-seeking model continue to be performed, particularly because monitoring frequently forms part of a wider task or current awareness chain of activities where information was monitored, accessed, processed and distributed. These activities influenced the selection of current awareness monitoring tools in that participants not only utilised them to monitor developments, but required them to support other activities such as validating their monitoring strategy and developing their legal knowledge. Selection of resources was therefore influenced by these additional activities.

The strength of Ellis's behavioural model has been verified and the empirical research in the legal domain (Makri et al, 2008) concerning monitoring behaviour has been extended, thereby adding a valuable contribution to information-seeking research.

Further work could include a study comparing the differences in monitoring behaviour between lawyers from a range of practice areas. Other professions such as accountancy, architects and investment bankers could be investigated to determine the extent and type of monitoring being performed. Alternatively, the study design could be altered by observing monitoring behaviour using contextual inquiry and/or think-aloud rather than relying on accounts of behaviour.

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## **Appendix 1 - Interview structure**

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### **Greeting**

Introduce myself and briefly discuss the objective of the research which is studying how lawyers keep up-to-date with developments in their practice area.

### **Explain procedure**

I'll start with some basic questions and then let you describe things in your own words. I will probably be asking a lot of "why", "how" and "then what" questions as you describe things to me to properly understand the nature of your work.

### **Let participants know I am recording the session**

I will be recording the session so that I don't have to take many notes and can listen to you during our conversation. The recorded data will be transcribed and analysed by me, and anonymised from the outset.

Ask participant to read and sign consent form, and the information sheet

Promise confidentiality, get permission to tape and start recording

### **Questions**

- Can you describe your role?
- How long have you been in your current role at LN and number of PQE (post-qualification experience) years they possess?

### **PROMPT FOR MONITORING ACTIVITIES**

- Can you tell me what methods you use to keep up-to-date with developments in your practice area?
- FOR EACH [monitoring activity] can you describe exactly what you did the last time

OR

- How do you decide what information to read?
- Which method do you prefer?

### **PROMPT FOR MISSING ACTIVITIES**

- Have you ever used [provide monitoring examples] as a means of keeping up-to-date?

### **Wrap up**

Summarise the main points the participant made, ask if they have any final thoughts about anything that was discussed and thank them for their time.

## Appendix 2 - Informed consent form

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### Informed Consent Form for Participants

(This form is to be completed independently by the participant after reading the Information Sheet and/or having listened to an explanation about the research.)

Title of Project: Information Seeking in the Context of Work

This study has been approved by the UCL Research Ethics Committee [Project ID Number]: MSc/0809/009

#### Participant's Statement

I .....

agree that I have:

- read the information sheet and/or the project has been explained to me orally;
- had the opportunity to ask questions and discuss the study;
- received satisfactory answers to all my questions or have been advised of an individual to contact for answers to pertinent questions about the research and my rights as a participant and whom to contact in the event of a research-related injury.

I understand that once gathered my data will be anonymised. I understand that extracts from my data may be reported in the researcher's thesis and potentially academic publications and that in either case confidentiality and anonymity will be maintained and it will not be possible to identify me. I understand that I am free to withdraw from the study without penalty if I so wish and I consent to the processing of my personal information for the purposes of this study only and that it will not be used for any other purpose. I understand that such information will be treated as strictly confidential and handled in accordance with the provisions of the Data Protection Act 1998.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

#### Investigator's Statement

I .....

confirm that I have carefully explained the purpose of the study to the participant and outlined any reasonably foreseeable risks or benefits (where applicable).

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### **Appendix 3 - Information sheet**

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You will be given a copy of this information sheet.

**Title of Project:** Information Seeking in the Context of Work

This study has been approved by the UCL Research Ethics Committee [Project ID Number]: MSc/0809/009

**Name, Address and Contact Details of Investigator:**

Stephanie Ellis

[•]

E-mail: stephanie.ellis@ucl.ac.uk

I would like to invite you to participate in this research project. You should only participate if you want to; choosing not to take part will not disadvantage you in any way. Before you decide whether you want to take part, it is important for you to read the following information carefully and discuss it with others if you wish. Ask us if there is anything that is not clear or you would like more information.

#### **Details of Study**

- You have been asked to participate in a study being carried out by University College London's Interaction Centre, the aim of which is to study how lawyers maintain an awareness of developments in a field through the monitoring of particular sources.
- The study will last for approximately 45 minutes and an audio recording will be made.
- The results of the study may be published in academic publications.
- During the session we request that you do not mention names of individuals (even yourself) whilst being recorded. Please refer to others by role if you can.

It is up to you to decide whether or not to take part. If you choose not to participate it will involve no penalty or loss of benefits to which you are otherwise entitled. If you decide to take part you will be given this information sheet to keep and be asked to sign a consent form. If you decide to take part you are still free to withdraw at any time and without giving a reason.

All data will be collected and stored in accordance with the Data Protection Act 1998.

#### **Appendix 4 - Description of products**

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<b>Product</b>	<b>Description</b>
All England Reporter	an on-line resource comprising full text and short reports of very recent cases heard by the House of Lords, the Privy Council, the Court of Appeal and the High Court
Court Reporting Service	an on-line service providing instant access to a judge's signed off report (only available internally)
Lawtel	an e-mail alert delivering a daily or weekly bulletin of the latest legal developments.
LexisLibrary	an on-line legal library containing case law, legislation and expert commentary with an e-mail alert facility to keep up-to-date on changes to case law and legislation
LexisPSL	an on-line resource organised by practice area comprising law and legal practice know-how, expert commentary, forms and precedents, case law and legislation, a current awareness service, practice notes and checklists
Lexology	a e-mail alert from a web-based service providing in-depth free practical know-how from commercial law firms
Website-Watcher	Automatically checks web pages for updates and changes

## Appendix 5 - Interview transcripts

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### P1

#### Your Role

I am writing content for a know-how service and also monitoring current awareness and updates on it; then there are also additional activities with developing the products; developing different ways of getting information to lawyers just generally and other ways we can work in business. The key role is providing content for the service that we created and has just been launched. That's LN PSL. It was only launched in March.

Me: was this produced aimed at small firms that don't have an in-house PSL?

To some extent the original rationale was to appeal to smaller or medium sized law but also with the view to making it available to the whole range including large law firms and in-house and in fact the in-house side they are quite interested and its proved quite interesting to the in-house market.

Me: can you describe what area of law.

My area is what we call company and commercial although on the coco side I have only had experience with private, not public companies and listing and that side/area of law and on the commercial side I cover a fairly wide range and particular areas of IP, IT and competition law but also quite a few other areas of commercial law as well.

Me: how long have you been in your role at LN?

For just over one year and before that I was in private practice. I did work briefly in-house but most of the time private practice. I qualified in 1990 so nearly 20 years PQE.

Me: can you tell me what methods you use to keep up-to-date with changes?

Well all of those, there are so many different ways to use that the problem is filtering it because there is a lot of duplication as well. I get RSS feeds and e-mail updates coming to both my work and home e-mail; I do current awareness tracking myself because that's part of the product that we provide and I use some software which we have called website watcher which actually does the job of tracking different websites and notifying us of changes in those websites so some of the sites are case law sites; some government sites and a variety of other different ones so when they change we check it on a daily basis and it flags up the changes. I also use our own resources because in our LN library we have CA sections so at the moment I was just looking at reported cases today and the key areas that I'm covering. Also other ways of doing it are through periodicals (Law Society Gazette or specific ones like the Society for Computers and Law produce information on their website; they also produce feeds to your inbox but they also give you a printed publication) and through networking as well. The periodicals tend to give you to the sort of disseminated views on current topics or particular changes to particular areas of law. A more traditional way of doing CA is through industry journals such as the LSG and SFCL. And obviously with networking talking to other lawyers in a field; there are blogs now where you get a regular daily feed through and you can check them on-line that tends to happen more than physical networking but the main one is online.

Which method do you prefer?

I think it depends on what your trying to do; if you are trying to just look at the up to date changes, the raw data then a combination of the software that tracks website changes and the software we have which produces reports of new cases and new changes to the law is what I would use to track the raw data and changes in the law at that stage but if I wanted to get more of an insight of the effect of those changes and an analysis of those changes then I would look at probably some particular websites and possibly periodicals which are specific to the industry like in my industry the site for computers and law and also relevant blogs on the internet.

Me: do you use on-line or the print version of periodicals?

If I want to pick up on a key topic straightaway ideally I would look at them on-line because that is going to be quicker but from the point of view of ease of reference and being able to read them in different situations then a periodical is something I can carry around with me but having said that I do look at things on my blackberry as well. If I can look at an update on a mobile say when I am on the train that is really useful and I think a lot of lawyers must find that quite a good way of catching up/keeping up with CA.

Me: through using a blackberry with e-mail alerts or RSS feed

I suppose it can be both. What I have are e-mail alerts that have links so that I can go through and read an article and usually there will be a link and a series of brief headlines and links to articles online. So if I can read those articles on a mobile device I can look at them in the same way I would a periodical when I am out and about or snatch a moment when I can just sit and have a quick look through something.

Me: have you used any CA this morning and can you talk me through what you did and how?

That's what I was actually doing when you arrived. I was looking for changes in new case law and legislation and also possibly any other key topics of interest but the core ones are case law legislation. So one thing I did was ran a search in LN library using our own CA resource where I set it up to check selected courts for any new case law since yesterday and it had just produced a result for me of a couple of cases which were one was a European court case which I was just looking at to see if it was of interest to me and we also are in touch with our court reporters directly and we can tell them if there are cases we want them to follow or tell us about so that the people actually sitting in the courts taking the information down are there for us as well. So that's something we are just in the process of setting up that relationship.

Me: how do these court reporters report back to you?

We have a resource that we've just started using that actually works more quickly than our reported decisions. Before they are actually put into a stage where we can publish them into the LN library we can also get access to the judge's signed off report which is just a pdf that they literally take from the court and scan in fresh from the judge having reviewed and signed it and we can search for those and look at those pdf's.

Me: where do you search for them?



That's a resource we have online in LN library but is only available internally so we can produce CA before the cases are reported. It is literally straight from the judge's hand. From the point of view of government things, consultations and legislation. L is where we track the changes to the websites but we also have people internally who track L changes and report on those so I can track it both internally and externally. Consultations we are getting information on what consultations are coming through so once again we can track those. Generally that is directly from the government websites but again we have some internal resources for that.

Me: do you do CA through networking with colleagues?

To a certain extent, being in an open-plan [office] in a way it is counter-productive to chatting to colleagues but there is an element of that going on. At the moment we are all quite busy producing what we're having to turn out the web content but there is still a certain amount of discussion between us informally if somebody has a question or refers to a case we'll e-mail each other and say have you seen this one or do you want to do a report on this one because someone will happen to see something in passing while they are looking in another area so there is a certain amount of exchange there, often this is by e-mail rather than verbally simply because of the open-plan environment. We do chat sometimes but it's the method that's at your fingertips especially if its someone who isn't literally next to you. There is some external networking as well. One of my colleagues is out today at a competition law conference so she will take the opportunity to talk to other people who are at the con to catch up on current activities in the industry and in that particular field and also if we belong to discussion groups then we may go to meetings on particular topics and again we catch up on current events that way.

I suppose it depends to some extent on the nature of the business you are in and the opportunity you have to get out and about but for a lot of people their main networking is through blogs and e-mails and looking at online stuff simply because the justification for going out and going to external lectures and other networking events is hard to find and even more so if you can do it sitting at your desk. So there are things like webinars where people can sit and spend a happy lunch hour watching a lecture or a discussion group on their PC. There are some things where you can join in or submit questions but in general the webinars are taped so you can watch a live webinar or afterwards but the live one you have the advantage that it is very up to date. That's the thing people tend to be stuck at their desks a bit more these days.

Me: have you ever used a method that didn't work?

The real bugbear that people have at the moment is too much information because there are so many websites; a lot of firms put out information on websites and there are some very good ones around giving analysis of cases and updates on cases and also information coming through on e-mails and blogs but the problem is in filtering it and duplication as much as anything and finding the time to read all this information and go through it. That's more of a problem than going out and getting the information. The information comes to you but it comes in many forms and often duplicated so I think that's where there is an inefficiency in that the stuff comes into your inbox and it simply gets ignored a lot of the time because there isn't time to look at it so I'm not sure how much more effective that is in reality to physically setting aside time to sit down and hear someone telling you or having a meeting session with people to discuss updates. The problem is finding the time to follow it; its always been a problem to a certain extent but because the

information is coming into your desktop unless you can look at it on a mobile device its only available when you are at your desk using your computer. [pdfs on blackberry] but of course it's quite small and the quality may not be terribly good so a lot of the information is sent through as html but then again if there are a lot of busy graphics what you need is text for the sort of things/information we need but everything comes with a lot of graphics.

Me: so what do you do with the information overload situation?

Well I think its, I would say there's a very precise process in some cases one might find that one's source is quite consistently usable so tend to check that source quite regularly also if there is a particular area that you want to look at or a particular case or something you may do a search, say a Google search to pick up the information you want; that's a reasonable efficient way of doing things but of course it is subject to the vagaries of any Google search as to what comes up and what order it comes in and the ranking in Google people assume it is qualitative but of course its not so unless you want to spend the time actually going through the results you've got then people will tend to look at the first few things that come up of course and then it depends on the quality and depth of information that's provided and the sources.

Me: do you use Google?

Yes I do. I have been in the situation more than once in the past when I've been in a firm where they will not pay for any resources so the only way of getting information is literally by going onto Google which is not a very good way of practising but when you're presented with that you haven't got any choice so it comes down to your skill and using what you've got on there and making a judgment as to how far you are prepared to trust and use it. But the thing is because there is a lot available free to a certain level that is something that some firms will do without really considering the quality of what they are producing because of the fact that the clients don't know any different and they assume the lawyers are using quality information.

Me: what about using law firms' websites with know-how?

Yes, that takes you to a certain point and will quite often give you the information you want like government websites are carrying more and more info these days and its surprising how much you can get free from a government website but once again it depends whether you trust the source and if you have some information yourself then sometimes when you look at these sites you see where they are missing detail or where they're wrong but people rely on them and get a lot of free legal resources from them but the quality is another matter.

Me: What about the government websites?

I've used them quite a bit before for example the IP office website has a lot of info which you can look at for nothing basic information about IP rights and the site is set up as a lot of government sites are set up now to encourage the consumer as it were to do things directly themselves which is good in some ways but it actually doesn't take account of a lot of the underlying legal background and information which isn't apparent when you use a government website and do it yourself. [Do they publish CA?] Yes they do, they publish to a certain extent their own CA their own updates particularly for consumers.

Trading Standards have a website for consumers and government websites for consumers and the OFT as well. They all have web pages that are designed for consumers and give them some information but I think also similarly with the Intellectual Property Office website there is a question as to how far this is neutral information and how much of it is propaganda because its presented as the government wants it presented. For example on consumer sites and the OFT website they will present issues in a particular way and with particular headlines and write them in a certain way which is not neutral; which does have a bias to it so it is more propaganda although it is presented ostensibly as neutral information or as a legal resource.

Where would you find information that is neutral?

You would have to pay for it. If someone is providing something for free they are doing it for a reason. There are a few sites where it is being provided free and in a neutral way for example case law you can get free from British and Irish Legal Information Institute ("BAILII"). They produce case reports which are free on the web but they have failings too which the type of law I practice is not heavily dependent on case law so I'm not so up on the flaws in BAILII but my colleagues who do focus more on case law particularly employment or dispute resolution but that's a way of accessing case law quite neutrally but only a practitioner would do that unless one had a particular interest in a particular case because it is just presented as a flat resource it's a list of case links and you click on them and read the judgement so from that point of view Justice is another site which has a similar sort of set up but I haven't look at it for a while.

Me: what do you do with the information when you've decided you want to use it?

It depends sometimes if I look through it if I don't have time to read it through properly I may print it out so that I can read it on the train; I will probably save it, I may save a particular article in a sub-folder relevant to that topic. I will also probably save the whole of the one I've read to a folder [in Outlook] but I may also save it to my hard drive under a separate section while I've got legal reference so that if I want to look up a particular topic or case report or commentary I can just go to a folder and find the information in there so that's something if I was probably going to for example write an article or write some commentary I would have looked for anything relevant, stored it in a folder then when I came to the article I would go through that to refresh my memory on what I'd read and refer to it. If it was talking about a particular case I would also look for the original case itself and also search our legal library and the internet for anything else relevant.

Me: do you ever look in books or journals?

I might do, yes I probably would do that so far as I have access to those; some of those things are online and sometimes I will print out what I see online because as a medium reading it on a hard copy is different to reading it on the screen so yes I will and if I want general information I will go to a book or a journal; if I want real CA I will tend to look online. I might look in a journal but to find that I would probably see if there was an online search facility to locate the one I wanted and then find it but I wouldn't generally manually look through a row of journals now though I would've done at one time. Imagine life without computers.

Me: can you tell me which methods you've used?

Electronic materials - used all and including sites such as BBC if there is something topical. Uses blogs.

Journals - The Lawyer for gossip not for legal reference; LSG for gossip and CA and the Society for Computers and Law. Used to get The Register from Companies House but it is online now. A lot of publishers have stopped printed journals but now only have an online version.

Newspapers - the only time they would come up is would be online searching but not hard copy at all. Would browse the online version but doesn't have time.

Books - probably search online and then look at the hard copy; sometimes look at loose-leaf books. Would read books for general law but not for CA as I would get that online. They do have online versions for example Butterworth's Competition Law is a loose-leaf publication and I search it online but if I want to sit down and read a section I prefer to read the hard copy.

Informal contacts - from a CA point of view we don't use SIG for CA. We're organised in practice areas in our team so by the nature of a bunch of us sitting together topics will arise but that's talking as colleagues not through a specific SIG. At the moment a colleague of mine is at a conference and I have asked her to bring me a copy of the notes as I couldn't go so that should be useful for a CA POV because presumably what they're talking about at the conference will be the latest issues but if I'd been going to the conference I would be picking up the notes, hearing what they said and talking to the other people who are there for the same reason. What is really useful are the ones that are intended as updates as I know the background and basics and just want to get the latest stuff and any changes but conferences which are just giving you basic principles and the general law on something. I suppose they would be useful for CA they are in the sense that I'm assuming what they're telling me is the up to date position on that day so that does make them useful for a current awareness point of view. Networking with other delegates would be useful as you would expect to talk about what points have been discussed in the conference but I don't often attend external conferences. Its just a question of pressure of work and having the time to get to conferences; its always difficult to get out to go to conferences because its not constructive time in some views particularly if you are in private practice; it might be difference if you are a practising lawyer its not chargeable time.

There has been an incredibly rapid change from having no on-line resources, whether it be e-mail or internet to having too much. Its gone from a famine to a feast and the problem is one is expected to be up to date on all that whereas at one time the expectation would not necessarily have been so high now you're expected to be up to the minute on everything at all times. So its more a question of filtering these days rather than getting the information.

Me: so 15 years ago you would wait to receive something through the post.

You would get your weekly LSG; you would probably attend more conferences; you would have more face to face networking to get information; you would get your loose-leaf updates and you might subscribe to specialist publications so that how's you would generally keep up to date whereas these days you're bombarded with the information in all sorts of different forms and the problem is managing it within the time available

because you don't have any more time but a lot more information to manage and a lot of it is duplicated but you don't know that until you look at it.

Me: do you prefer the old days?

I don't know, I think there are good/bad things; it's great to have ready access to things and have a ready resource because it's quite difficult when someone wants advice on something and you just don't have the resources or you aren't confident that the resources you have are up to date whereas having a ready on-line resource that you look at so quickly is really useful but as I say the problem is that the investment in time and effort required to manage that is under-rated in a lot of ways and a lot of people don't have the facilities to do that and that's begs the question as to whether they are actually better informed than they were before. What we have now is great but what we lack is an awareness of the volume of info that is coming in and the means of managing it because the other thing is that when previously before the onset of online resources and computers on desks and things ever solicitor would expect to have an administrative resource a sec or somebody and that person's job was largely to manage the information and everything that was coming through so that the solicitor was able to focus on what they were trained to do whereas now the solicitor has to do that all that themselves and with much more volume coming in so the job becomes more challenging in that way

They have one PA for the department and they have to do all that themselves. The logic in reducing the number of support staff and bogging highly paid people down with doing tasks which really they don't need to be doing escapes me. I can see why it happens because of people who write accounts and want to show savings and things and it looks very impressive but I don't think it's actually as positive as it may appear it just means a lot more stress and a lot less productivity from people who are highly paid and highly trained. Unfortunately the ones that make those decisions are not the ones who have to deal with it. I don't have time; I'm so flooded with information that most of it gets bunged to one side and look at it later.

Me: how do you prioritise incoming information?

It depends if I have time; I get several a day apart from when I go and look for myself and if I have a moment to look at them I might go through and look at them and find loads of useful stuff in there but to spend the time managing that it going to take me half an hour if I get an e-mail with 30 news items in it each of which clicks through to an article and may be 10 of those are useful to me how much time have I got to click through and read all those articles and save them or print them or do something with them - I don't. So its just gets shoved to one side to read later. It may all be good stuff but I haven't got the time to sit there at my desk spending an hour reading them because I have too many other things I'm supposed to be doing; I could all day just reading the stuff that comes in.

## P2

### Your Role

What I do here is very different to what I would do in practice. My role here is to write to one of the on-line products; I write for know-how and Lexis PSL in employment. I've been here a year but what I do would be different to what I would do in private practice. My job title is solicitor. We are currently working on products; we're talking about specifically practitioner solutions as a department which would be different as to how solicitors in other department will work or they may well in-house counsel here but so I'm only talking about my experience of practitioner solutions and at the moment I write for both know-how and Lexis PSL but that may change and I may contribute to other things so its probably better to kind of identify me by department rather than necessarily by what I do. Solicitor doesn't really kind of tell you anything other than I am a practising and qualified solicitor.

How many years PQE?

Over 10 years.

What CA methods do you use?

Well here which is very different to private practice we use a product Webwatcher which we have decided what are the particular websites that we want to monitor of which there are several hundred and then this product does a check over it every hour; we can decide when we want it to run a check and it will compare what the website says now with what it said the last time it ran a check over it and it will highlight changes. Webwatch is an external product but I'm not sure.

Do you use e-mail alerts?

I do; there's a barrister called [X] who specifically does e-mail alerts and is widely used throughout the profession specifically for employment so he does e-mail alerts; I also get e-mail alerts through our Osmosis product so I will get that and I will also get the awareness ones from LN from the Lexis Library product ("LL") you can set up to do CA but on the whole I would expect to already know stuff that has come through on the e-mail alerts because I would expect to have already found it through my web watching. The WW are either set up on web pages or RSS feeds.

How does the RSS feed work?

I don't hugely know I just know that we know the feeds because they come out with; I think if you subscribe to them it's a bit like an e-mail when they've got something new; its another way of updating yourself because some websites you can sign up for their e-mails but RSS feeds if you have the capability to take them are easier and more automated.

How does it appear on your PC?

As they all do. No, I use it through the WW product so it comes up through that which may be different to how it would appear if I had just clicked on "use RSS feed". With the WW you decide web links you want to check and one of those may well be the RSS feed for that webpage.

Do you bookmark internet pages?

I do yeah, because its another way of getting to something quickly so if I want to go back and check on something I'll go through a bookmark I won't go through WW. Sometimes I don't bother I just start typing it and your browser fills in the space so you just choose it from that, but yeah I did a lot more bookmarking in PP than I do now because I don't need to now because I web watch.

What about forums/blogs?

I don't know unless they come up through WW than I'll look at a blog.

What about The Lawyer, LSG?

One of things that we WW are journals and newspapers anyway so The Lawyer comes up as part of WW because we do it on newspapers anyway so I don't need to have so many separate e-mails coming into my inbox.

WW is my primary source, I belong to a network of PSLs called "The PSL Employment Network" and people will send round e-mails along the lines of "did you know about" or "this case is going to be heard" or "can anyone give me information about" such and such case.

Is that PSLs from other firms?

Yes, it's a nationwide network and other practice areas have similar networks; it's an informal information sharing and bandying about ideas; its not a particularly formal process.

How did you find out about this?

Because I've been a PSL for a long time; it was an e-mail that a colleague knew that this was being set up and was I interested and that was a number of years ago but we have also tried to make sure that it is widely know amongst the profession because its not meant to be a group of only specific individuals it is open to anyone but not in an anti-competitive kind of way; we're very careful about, but it is about yes sharing information that is publicly available but other people may not have known about discussions of ideas and things. What do you think about such and such?"

So the three main ways for CA are WW and e-mails.

WW is a primary way for me now but also e-mails and peers really.

Can you describe what you've done this morning?

I look at it first thing most of the time; it may not always be me WW but it would be one of the first things I would do depending on how much stuff there already for us to write about and then we may not do as many because we've got so much stuff already to write about but we do it every day and some days we do it 5-6 times a day; other days it may only be 2-3 times.

WW is a program which you open up and then it runs because you've asked it to run but

what it can also do is if you are the person who didn't WW the previous time is you can they will save where they've got up to on a WW and you can make sure that you're program starts from the latest one as opposed to when you last did it. For example, I didn't work yesterday so I didn't do any WW yesterday but WW was done so my computer would only remember it from Tuesday but there's no point me WW from Tuesday because it will only repeat what somebody has done yesterday so there's the ability on it for them to back up what they've done and for me to then load that onto my computer so I make sure I WW from the last person who's done it as opposed to the last time it was done on my computer so I would open it up and then I would restore the bookmarks to the latest version as it were and then it just does it and goes over everything and then it highlights in red all the pages that have got something new on it which usually is about, well it can be anything from 20 to 50 pages depending on (a) what's going on in the world of employment; but (b) how when the last one was done so it can either take you half an hour or it can take you 2 hours to work your way through and then you click on each one; look at it; see/decide whether there is something there you might want to look at later and then you download it. We have a particular folder that we download this information to or you just move onto the next one but you have to look at everything and make an initial view as to whether or not it is something that is worth looking at in depth properly later.

Can you tell by the information displayed in red whether its useful?

P2 draws a sketch of the WW. Screen is split into two so here will be the list of all the web pages so for example, ACAS, BAILII, AET etc anything we've decided is useful so all of these are listed down here and this is a page that shows you a particular webpage, so you've clicked on ACAS because that's in your list of red things that something has changed and it will take you to the page on the ACAS website that has been changed and all it may highlight is the fact that a date may have changed and that may just be it in which case you move on so you've clicked on that and it will give you a preliminary view here or in the case of BAILII it will show these are some new cases that have come up and they weren't on the webpage before so that means you then open it up; there's a particular button that does this, you open up that page so you get the whole page and open up each individual case and look at it and then actually no, that's to do with property it has no relevance to employment at all I don't need to worry about that and go on to the next case, check it or you go onto it and go actually that might be relevant, not sure we might want to write about it, I'm going to download it into my log and then I'll look at it later in more detail and take a decision on it. It can be a lengthy process, it can take up to 2 hours, just clicking on links and reading the cases, reading it to even see whether its worth you looking at it or it can be a quick process it could be that you've seen there's date or its obvious pretty quickly that its not interesting or not all relevant particularly in the cases. It can't highlight information pertaining to a specific field i.e. employment because there is a specific employment appeal tribunal but there is also court of appeal or house of lords which hear employment cases but some of the high court cases will be relevant because there will be contractual issues which will be relevant so and it can't search for cases and a word within that because all its highlighting is changes, its not highlighting words but if you go to the EAT website if there's a new case on there yeah absolutely its going to be an employment one so you quickly open it up and download it and look at it later to decide how interesting or otherwise it is. Even on the Business Innovation and Skills but its now been merged with something else or sometimes the Human Rights and Equality Commission will have something that just generally in the field of diversity but is really



relevant to employment or its something to do with human rights which does have an impact on employment but that particular story doesn't have an impact on employment so you just can't tell. You look at the EU website you look here for things that might have something to do with employment and then you need to look at the changes and take a decision about it.

P2 shows me an e-mail from [X]. The e-mail is sent whenever there is something to send an e-mail out about and he's a practising barrister but some people will feed him information so for example he's said here thanks to so and so who's provided him with the information or he'll know about it from other sources and you are on an e-mail distribution list that you sign up for to receive these e-mails and as I say this is profession-wide pretty much and there may well be employment lawyers who don't receive this but pretty much all the majority of employment lawyers will receive this and HR professionals as well so anybody with an interest in employment law really will receive this.

It will also have adverts because that's how he funds the e-mail and sponsored links and whatever but what he always starts off with is a brief summary of what it is and it will either be a case report, a new piece of legislation, something odd that has happened in the employment world and it will usually contain a link to the source and then if you want to read further you can do by clicking on it or that's enough. Usually they will only have one piece to report; if more they will come out in separate e-mails but some things he will do more than one thing. It will be anything of interest so it can even be a an employment tribunal decision or it might be a press release which will be about something that is interesting.

Is this and the PSL e-mail the only CA e-mails you receive?

They're the only ones I receive and also the Osmosis which is an internal product that enables you to monitor certain things and I get the internal e-mails so LN do various internal e-mails for example this is one from Lexis PSL which is an automatically generated one and there's one that comes from Lexis library and these are automatically generated and then this is the one that I write for so it doesn't provide me with information because hopefully I know it already apart from there may be ones that my colleagues have written in which case I will look at those and just check that I know what's going on but that is what we produce on a weekly basis which goes out to clients but obviously I receive it as well but anybody with a subscription will receive it.

It seems to me that you're volume of e-mails is manageable?

Yeah mine is here certainly. A lot of things you have to physically sign up for and I don't bother signing up for them because I WW and its just duplicated because I get the press releases from BIS on employment because I've seen them when I WW so to that extent that's why is very different to now to when I was in private practice because now I get the information and it will be rare that I get an e-mail about something that I haven't already spotted and that will usually because either because I've been away or yes we do need to change something. Actually there is another e-mail I get I'm on the mailing list for the European Court of Justice and that has provided kind of useful stuff because on the whole they send out their press releases before they put the actual judgment on the webpage so you get it marginally faster, not significantly may be 1-2 hours so I'm on their e-mail list and it comes in a slightly more readable form than trawling your way through things but I

don't have lots of e-mails because I don't need them.

You've made a conscious decision not to sign up for everything?

I signed up for him [X] because of his connections he will get things that might not be available as quickly because not all court of appeal judgments will go up online or may go up online later and also because he has interesting slants on things and also because I think to take some external stuff gives yourself a check so you know that you've captured things and that you're not missing lots of things because you can't be complacent that you've caught everything so to have an external checker as it were is I think very useful to make sure you've caught everything and you're not missing out a substantial thing and if you are you then need to look at the pages that you're WW and do we need to update them because that's its an organic process there will be things that come around that you think actually that would be really good to make sure that we're looking at that particular page so you do need some external sources.

Are there any other barristers or solicitors that run this type of service?

Barristers chambers in particular if they have been involved in a big case or something that's newsworthy will send out but they will tend to send them to solicitors who they've instructed or there is another set of chambers who when I was in private practice would send out an e-mail that kind of consolidated everything but to be honest I should have already known about most of that stuff; some of the stuff I wouldn't have done I wouldn't have necessarily picked up on but on the whole whereas this is much more quicker because it's shorter so its sent out faster but he's the one who mainly does it but other barristers will send out press releases or information about cases particularly that they've been involved in but as I say that tends to go to contacts which tends not to be someone like me working in LN but it would have been me in private practice.

What about using peers for CA?

Its an informal network and it will be someone saying "Oh, I read about this case does anyone know anything else about it or does anyone happen to have a copy of the judgment" for example so you get to hear about stuff in that way.

What about external contacts, ex-colleagues?

If I know they been involved in something because of something that I've read yes I will e-mail them and ask them and say do you happen to know anything about this, can you help me so yes you always use your contacts if you can.

What information do you decide to read?

The information I decide to read now (as opposed to private practice) is information I think our clients and customers will want to read so those who buy our product will be of interest and relevance to them.

Out of these three methods which one is the most efficient/best?

Well, the one that works the most frequently is obviously WW because I do it most often and its extremely comprehensive but it won't capture everything but that is if you're kind of prioritising in order to do my job that's the thing I need most.

Have you ever looked at WW when something has occurred and it doesn't appear?

If it hasn't appeared its because we haven't got the right page; now it may be that a WW hasn't been done quickly enough so I heard about it through other sources before I've seen it on WW; it can occasionally happen with the European Court stuff because press releases will go out sometimes before somebody has uploaded it onto their web page but as we said before that's a matter of an hour or so rather than any significant kind of delay. So as I say on the whole there are things like employment tribunals decisions which can sometimes be of relevance which you can't get online so that will be because someone has a copy because they were involved in it or you've requested a copy from the tribunal or its appeared in the newspaper so there may well be that. But that's simply because it can only do stuff that is online and if it isn't online then it can't do it so yeah, its not infallible it has its limitations but on the whole that's the best.

Have you ever attempted to use something but then discarded it?

Not here no.

What is the difference between here and private practice?

Well the difference is that here I provide the information that in PP I would have been a client of so in PP you're not going to get WW, its not a product that is going to be used in a law firm probably because I don't know how much it costs but its not a law firm's day-to-day business whereas it is my day-to-day business providing CA; making sure absolutely everything is up-to-date that's the business I'm in now whereas as a PSL in a law firm you have a different slant - you are the recipient of it so I would have signed up to a lot more e-mails certainly the EU ones that I sign up to now, the barrister one that I sign up to now, products like the Lexis PSL the CA that we do on that provided that my firm had subscribed to it then I would get CA through that. I would also get it through the journals that came through and the law reports so the kind of physical things I would look through newspapers; I would look on the EAT and BAILII websites myself but you have to kind of rely on to some extent your own memory as to what is new and what isn't and I would have a lot more e-mails coming into me and alerting me to changes on websites. To be honest I didn't know about RSS feeds when I was working in private practice so I may have tried to do that; I would have relied in peers much more; you would rely on barristers much more to be sending out kind of press releases so it's a different way of information gathering but then I was a support lawyer in a firm and again if I was a practising solicitor I might have done things slightly differently as well because you have a different function than you do if you're a PSL which is what I was so my role was to gather the information for the department but the tools by which you do it are very different to what you use in PP. Well, not very different but are different because that's not your day-to-day business whereas it is now.

My duties in PP were updating precedents, training, business development and so not completely dissimilar to what I do now but as I say I would have been the client of those products and I would have used them in a different way so the kinds of information that I needed would have been different depending on the type of practice I was in; depending on what I was doing at a particular point; what I needed to write or prepare; the type of clients that we had. It would differ to that so in terms of what I would think was relevant I have a different clientele than the clientele that I have here so what is relevant will change depending on who you need to disseminate it to. A lot of my job in PP was CA

because you need to keep up-to-date but you rely on providers of CA whereas now I am a provider of CA. I'm at a different stage along the chain so its not that we don't both need similar kind of information its just where you are in the chain and therefore what I would use it for would be different to being a provider of CA as opposed to a user of CA.

I would have though that you would use more CA products here than in PP?

Well, you do you use WW and as far as I know PP don't use WW but I only know a small number. You do a web watch yourself in PP but there is a product now that does it for me that I'd have loved in PP but as I say I'm in a different position.

Do you ever use things like citation alerting, TOC links or journals?

We get journals and you do check to make sure you've covered things and WW does newspapers so it covers things like The Lawyer, Legalweek and Personnel Today and those kinds of things so it would be wrong to say I didn't use journals but its usually within WW although we do get hard copies of journals that you do check that you've covered things that are in there. So again its another kind of checker so you would quickly scan through a hard copy journal to make sure you've not missed anything or if you have there's a reason why you didn't.

I wouldn't have thought many people would use hard copy journals any more?

In PP you would do; because the time when you can do it is usually on something like a train and also because hard copy have had more time to prepare analysis may be although we do analysis here so it can be more in-depth; it can have picked up a tribunal decision but it is also interesting to get another person's point of view on something so hard copy can be useful from that point of view as well. Its usually shared around the department.

What about conferences?

Yes, we go to conferences, sharing of ideas again making sure that you are up-to-date making sure that what we do now is relevant to people who are our potential clients and that you understand what is going on in the world.

Would you ever see an advert for a conference and think the subject area is quite interesting but not actually go and research the area yourself or make a note.

I would have done but not now because we run conferences so I could go to one of those but because I don't particularly I would do it previously in PP because training was one of the things that I did so if there was something that looked interesting then yeah I might well think actually those are good ideas let's think about them but I probably wouldn't do so much of that here; I would be interested in what conferences were going on but I will go to things like the Industrial Law Society annual conference and that's very good to go to, to get other peoples' views on things and to make sure that you are up to date and you know what's going on in the profession.

When you've found something on WW that you want to look at do you normally print it out or save it?

Sometimes I print it out because I read on the train and also I like to be able to underline stuff and continue and then go back and I find that difficult to do on a screen. I have a

Blackberry but I don't use it to WW or use the internet, just for e-mails because I find the internet on my Blackberry immensely difficult to read and it also doesn't do Word documents so for the things like the EAT because all their documents are Word so you click on a document and you can't open it because it's a Word document so it has limited use but can do e-mails and stuff.

Would you use it more if you could download a decision in HTML/pure text format?

I think I might do if I really needed to but actually I would prefer not to.

Anything else?

I don't think so, I think its an understanding of where we are in the chain and what the differences between what I do now and what I would have done in PP.

What about the differences now and prior to the electronic age?

I've been doing it for nine years more is online; life becomes easier there is more out there and there are more products out there to help you so yeah, life is easier from when I first started

So you're not bombarded with information?

I think it depends on what your role is and my role is even more now but even before my role is information so yeah bombard me with information because my job is to filter and sieve my way through it and really understand what is going on out there so I don't have a problem with that but that's why I say it will differ depending on the role that particular individual is performing and it will differ depending on the firm and the practice area because different areas have different needs and its all about understanding what ultimately you need to get out. Just having CA is all well and good but actually you need it for a purpose and different people will have different purposes depending on the department and firm there're in; where they are in the chain if you see what I mean.

### P3

#### Your role

My role is to write content for Lexis PSL which is an online resource for practitioners essentially to provide a point of entry for the deeper resources in Lexis Library and to act as a day-to-day toolkit for busy practitioners in firms which don't have their own PSL's and also the public sector and local authorities but I think its origin was in the idea that a lot of smaller and mid-size law firms haven't invested in PSL's and given the state of the economy are not likely to do so now and also I think to reflect the fact that the PSL job itself has changed radically over the last 10-12 years and at the moment the need for PSLs in individual firms is diminishing.

So does that mean that maintaining CA has diminished?

No, maintaining CA is more important than ever but it makes very little economic sense for even larger firms to employ frankly very expensive lawyers to do the same job that another very expensive lawyer is doing in the firm next door down the road and there is simply no economic rationale for the PSL job on a firm by firm basis unless what the PSL is doing is providing a higher level of service going beyond basic maintenance of CA and becoming involved in things like business development and very specific training for the departments that they were in and if you like a more value-added role.

So the PSL work constitutes a third of their time and they are doing other stuff as well?

It depends on how you define PSL work. CA doesn't necessarily occupy a smaller proportion of the time but the nature of the CA work differs from the basic exercise of finding and tracking CA. To try to explain that a bit further there is no point in having a lawyer sitting in Charles Russell and a lawyer sitting in SJ Berwin or Slaughters - each of those lawyers simply saying what the latest case says those lawyers only have a role if they can say what that latest case means for that firm and for that firm's clients. So in other words for the PSL role to have value it has to reflect either the work that the department is currently doing or specifically geared to tooling that department up for work it is actively seeking; anything other than that is a waste of resource.

Length of time at LN?

I joined LN in April 2008. There was and still is a product called "Know-how" that was only in employment and dispute resolution and that essentially was a pilot scheme and from there the decision was taken to expand into other practice areas so a team of lawyers was taken on in the early part of 2008 to produce material for the other practice areas that have now been launched.

What about PQE?

I qualified in 1994 so 10+ years.

What monitoring methods do you use?

Methods used are routine established over a number of years but begins with about a 20 minute routine each morning that begins with the Lexis Library update which I've set generally in other words I don't limit that to property cases even though I'm writing for

property I've always taken the view that I need to have ongoing awareness of general contract cases of the regulatory material that increasingly bears on property so I've applied no filters to that I get everything I possibly can. Then I supplement that with looking at the Estates Gazette website EGI and then cross-check those against the Lawtel e-mail and again I have set no filters. I need to see pretty much every practice area. This takes about 20 minutes each morning to look all three sources bearing in mind that this is something I've been doing for 12 years so I know what I'm looking for. Most days the exercise is a pretty swift scan that picks up may be two or three items that require reading in full that may generate some content but it is very much a bulk reducing industry.

What about any other websites?

I get a daily e-mail from a website called Lexology which is essentially just a gathering together of law firms' output so sort of law firms press releases, articles, content from their website and again that serves as a sort of cross-check to the daily process the purpose of looking at it really is to pick up either on something if there is anything I've missed or to pick up on any angles I may not have considered. For example, cases in the employment context there's one recently looking at pre-pack administrations so insolvency and that although it wasn't directly a property topic its a useful sidelight on how pre-pack administrations are operated in property so looking at the law firm generated material just opens up another avenue of thought and that in turn feeds into drafting notes and material for subscribers.

What about WW?

Personally I don't use WW, we have the facility to set it up but my view is that it produces too bureaucratic a regime I would much rather stick to a regime I've found effective over a number of years rather than being prompted by WW.

Have you used WW?

I have used it and it wasn't doing any more than I was doing myself so I couldn't see the point of putting an extra prompt which all it is on something that I'm doing anyway

So it would have taken longer with WW?

It wouldn't have necessarily taken longer but its doing a job that I'm already doing myself. I can see its value if its going to prompt you to do something you wouldn't otherwise be doing to check something you wouldn't otherwise check but if its not doing that its serves no purpose. I should add to the list of websites that there's the DEFRA and DCLG websites and press releases, both of these websites are bookmarked.

Is CA the first thing you do in the morning? You look at your LN e-mail and then you go on to the Estates Gazette website and look at your Lawtel e-mail. Is that when you combine those three. What do you do after you've looked at the Lawtel e-mail?

Well at that stage I've either decided that there is something significant to be writing about or investigating further or it's a continuation of the scan. It's probably worth saying that the process starts on the train each morning so I have my e-mail alert set up to arrive in time for my train at 6.30 am so by the time I get into the office I've been through most of that process and that really defines the working agenda.

So you'd look at these three things - the e-mail alerts on your Blackberry on the train; so what do you do when you come in and turn on your PC?

Then it's a case of following up what I've decided what I need to look at further. If its for example one of yesterday's cases that needs to be talked about then I would generally print the transcript out rather than a report of it if that's available and read it and decide really what content it needs to generate within case law I guess the mental filtering process has been complicated by the sheer volume of cases that are available a lot of cases simply turn on their own facts; a lot of cases for example in rent review are about the interpretation of a particular document in its own context and those cases don't necessarily say anything that has wider relevance so a lot of that initial activity in the morning is excluding its discarding things that don't need to be looked at further. Clearly if there is anything that has gone to the court of appeal then that requires a closer look and anything that has gone to the House of Lords has only got there because there is a generally significant point to be resolved at that level so having been through the process of checking and dismissing a lot of material the process then narrows down to the things that are worth talking about. Other categories of material then feed in to the e-mail alerts might have thrown up a new consultation paper and the activity there is really to have a look at the press release that goes with the consultation paper and check the closing date and what we've set up with property PSL is a CA planning service that's modelled on the news planning service that's used for example by the Today programme or the Times to keep a running list of consultation closing dates and implementation dates for legislation and the full process is really (1) does this consultation directly relate to property; is it something that subscribers to LN PSL would either want to be responding to themselves or at the very least they ought to know about the proposals being put forward again if I consider it significant enough I will print it out and read it and report on it in whatever is the appropriate format.

Have you found anything this morning that you felt was relevant?

This morning I've been mainly focusing on HL ruling from Wednesday which I worked on yesterday (Thursday). Its one of the HL rulings where there are separate discrete elements that and so in essence there's been nothing this morning to leapfrog that in terms of priority. So this morning's output so far has been a CA piece on an aspect of that case from Wednesday and a journal article picking up on the same issues; a new paragraph for an existing practice note that needed to be tweaked in order to reflect the Lords' ruling and putting that case and a couple of others on the landing pages the list of cases on Lexis PSL. The material I will probably go onto later today and then goes back into the realms of government consultation and Law Society consultations. There's a LS consultation on the conveyancing process and while it's not time critical its something I wand to be writing about within the next couple of days in order to prompt responses from subscribers.

Are the sources you use sufficient or do you have to perform further searches?

It really depends, because it's an ongoing process the level of preparedness depends on the nature of the thing I'm looking at so to try to put that into context I know when primary legislation is coming into force because you know when royal assent takes place; secondary legislation because the departments have got much better about publishing their in-force dates so DEFRA, DCLG AND BUR (Business Enterprise and Regulatory Reform) departments publish their programme usually in about January/February each



year giving the in-force dates for Sis and that gives a framework of the whole year when for example I know that 1 October there's the next batch of Companies Act sections coming in and so I have this running list of what those sections are, which ones are going to impact on property and more or less diarised backwards from 1 October to identify the weeks where it will be useful to write something about those. So there's a high level of ongoing preparedness there. With Lords' rulings you know when the hearing is taking place and you know when the ruling is going to be handed down because the HL publishes the information every Friday during the term. They publish it on the HL website.

Has the HL website got an alert service?

I've no idea I don't use it. I wouldn't use it in any event because I know where it is when it's published and again one alerts can be really irritating if you have too many of them and there comes a point where you need to switch off a lot of the push services that shove information at you which going back to my point about WW that's one of my fundamental or what I call my lack of interest in WW because I don't need it to tell me what I'm doing anyway and so with the Lords' website I know where the weekly list of hearings and judgments is and if its moved around as it was when there was a bit of a re-jig of the parliament website it's easy enough to find.

Do you look at the HL weekly?

I look at it on Fridays when the list is published during term-time and on the day a judgment is handed down it's usually on the website by around 11.00 am and so because I know it's there its in my diary to look and the preparation then goes into that is Lords' rulings are very often on a Wednesday or Thursday so Monday or Tuesday would be a case of reading the previous stages of that case a court of appeal ruling and essentially re-familiarising myself with the issues that are up for appeal and that's speeds the process of reading the HL ruling itself when it comes out they're very often long, the last one was 42 pages and so get through that quickly and efficiently it really helps if you've just been through the high court and court of appeal so you know what you're looking for.

The next wavelength of CA is the stuff you can't plan for or predict so much is the High Court rulings where there's very little advanced warning of what's occurring. We talk to the court reporters and get a very rough idea of they're looking at and you can look at daily cause lists but generally it's a case with High Court rulings of waiting for the decision to show up on an internal system we have here with the court reporters load their digests where they make their initial comments and reports on a case and that's speeding up amazingly something that's usually later that same day which is something good. The pdf judgments are all you have to go on but because the court reporters are constantly doing their thing you very often have by later that afternoon or in the evening the court reporter's digest of the case and in other cases where there is no written judgment all you have is the court reporter's digests, what was done, what was decided.

Any other journals that you use?

I go through Property Week and New Law Journal, the Law Society Gazette to an extent if I can ever be bothered to take the cellophane off it. These are hard copies. Generally I have a glance at The Times law reports and other than that its I suppose its general news print. [All in hard copy form] I've got 3.5 hour commute so there's enough time on the

train for me to be doing something and that's really when the journals come in. I really don't use books that much these days. I have a copy of McGarry & Wade the edition which is the main land law textbook and I sometimes use that to go back to basic principles to help with understanding of the CA stuff but on a day-to-day basis I really don't use books.

What about informal communication?

Yes, that happens a fair bit. There are a couple of scenarios there one would be if I am aware of something I very often get in touch with the barristers who are involved and ask what's next so for example if they've just taken a case through the high court and it looks ripe for appeal it's very often useful to just get in touch with a barrister and ask whether what they know about the process. I still get quite a lot of phone calls from people I've worked with before which are either just general information on what's going on or specific questions where they are essentially using me as a sounding board on legal issues and property PSL network has always been very active; lots of e-mails flying around about the latest thing people are scandalised by in the property world.

What is the Property PSL network?

It started out in the late 1990's as with any of these things its kind of crystallised and ossified something with rules and membership criteria, constitutions and stuff which is really irritating and so outside that rather stifled environment there is a far more informal e-mail exchange that goes to interesting issues rather than frankly very dull stuff that characterises PSL meetings such as gossip.

What about things like conferences?

I do a fair bit of those the main reason for going to conferences is to get outside the narrow confines of practice so the conference I was at this week was fundamentally an academic conference on housing law and policy and that's useful because again it tends to give you a different perspective on issues as they're unfolding. Academics curiously tend to pick up on legal developments a lot earlier than practitioners would; practitioners tend to be focused on this month's billing and the files on their desks and so I find that sort of conference very useful for keeping ahead of developments there are other types of conference. One of my other areas is telecommunications and a lot of law and regulation in that sector is driven by technological changes so its very useful to keep up with what is the next standard say for wireless broadband or wimax and so I guess that network is slightly separate from the core legal issues.

If you take say a CLT conference on a property issue very often there's an end of the day slot which is a cases roundup and so whoever is doing that session has had to go through the whole body of property case law for the previous six months or a year and they've had to select the ones they consider important enough to talk about at a conference training session and again that provides a really useful cross-check because if they come up with a case I dismissed or hadn't even seen then something has gone wrong with my system and it's also useful to kind of see the sort of selection criteria they are applying because that helps over a number of years to kind of refine my own selection process.

Why would you be interested in telecommunications?

Because property involves everything that bolted to the ground and so base stations, mast sites have a direct impact on property law. There are really significant questions about potential for raising revenue for generating income by using bits of buildings that would otherwise be dead space for telecoms purposes and that's thrown property owners and occupiers together with telecoms companies so it is an important relationship within property and equally one of the other areas I do a lot of work is in environmental which starts if you live from contaminated land that's the obvious point of entry that extends to at the moment carbon reduction commitment to cap and trade scheme for greenhouse gas emissions which looks as though it is fundamentally set to affect the relationships between landlords and tenants or environmental policy to date has been based warm, fuzzy feelings of responsibility and niceness. Carbon reduction commitments is the first thing to hit landlords in the pocket if their tenants waste energy so all of a sudden there's a cash incentive on landlords to make their tenants behave more responsibly and obviously that becomes a property issue.

What about training?

Generally I attend a conference or training session that I've been invited to speak at and so an awful lot of the information I pick up is from hearing other speakers at those events and if I go to a day conference I usually have a 40-60 minute slot to talk on a subject myself. That's ideal for development purposes because you only know when you understand something when you have to explain it to a bunch of surly lawyers and then and it's always worth sticking around for the other sessions because other people have been through the same process of having to get to grips with things.

How do you decide what information to read, you can quickly scan something and you know whether to read it and you don't subscribe to things you don't need because you've got your own alert system?

The danger of that approach is that getting into a routine like that becomes a habit and it's been quite useful over the last six to eight months because I've been trying to train/guide a few other Lexis authors in exactly that process so I've had to unpack the process I go through to try to help them to spot cases generally that are worth writing about and so that's generated an explicit list of checkpoints and principles that are applied to cases as they roll in so I suspect I'm probably in a better position than I was six months ago to be explicit about how I select things.

You don't suffer from information overload do you?

I think probably everybody does; the whole process of filtering and selecting cases or legislation or consultations is really a defence mechanism against information overload if you didn't develop that filtration then you simply wouldn't have a chance of keeping up with developments even in a relatively confined area of law.

What about your Blackberry? P3 shows me Blackberry; only shows the case.

It gives you essentially the top of the digest so you are able to identify the court, a very quick snapshot of the issue and if its court of appeal or house of lords that would be something I would be looking out for anyway. The length of the alert varies from day to day; Monday is generally very sparse; Thursdays and Fridays quite a lot.

So you read one of these alerts do you ever click on the link.

No, not on a Blackberry. On the way in on the train I would be using that and Lexology which is the law firm one and Estates Gazette e-mail alert really just to set the agenda for the day to identify the things that I want to look at on a somewhat bigger screen and/or print out or scribble on.

How would you remember when you arrive which ones you want to look at?

I just do.

What about if there were 18/20 cases you want to look at further?

That would be incredibly rare on a weekly basis it would be a curious week if there were more than 8-10 over a week that are really relevant, normally a couple a day. But the context where your point does arise would be in the very specific context of the budget or the pre-budget review where then it's a case of several hundred pages of technical papers and budget materials and in that context there really is no point in trying to remember between the train station and the office what I need to be looking at and that's a much more sort of brutal mechanical process of printing out chunks of the budget material and manually going through it although that only happens twice a year.

So with the two items you need to look at so then do you just go into your e-mail on your PC and lick on the link and then print something out?

Yes

When you've clicked on that link do you save that case or decision into a folder or something?

It depends what I'm doing with it. If it is something that is worth writing as a CA piece then I would print it out, read it, scribble on the paper, write a CA piece then put paper into the recycling bin because in essence if it is important enough to merit a CA piece then I'm going to be able to find it again because its going to be in LN library and other sources. CA is if you like the jumping off point for releasing every other type of content that needs to be produced. You may well have a case that requires a rethink on how a precedent is drafted and in those circumstances the very act of working out how to amend the precedent drives the case into your memory. It may very well be something that requires a tweak or an extra paragraph to a practice note or even a whole extra practice note to itself and again the practice of writing that drives it into your memory and means there is a physical document that gives you your breadcrumb trail back to the case or it could be something that doesn't require substantive prose but its worth putting on a list of cases as one to highlight and so drawing all together there is a very high degree of reliance on memory and on the way in which the latest case on a point fits with the texture of existing case law. I've done various knowledge management conferences and things where if I've spoken about the up-to-date lawyer fallacy which is the up-to-date lawyer is the person who's read this morning's cases and that's a fraction of the story because the up-to-date lawyer is the one who's read this morning's cases and gets how it fits into existing authority, gets why or whether its important.

In terms of technology that you use what do you consider would be an improvement on

your routine?

There's always room for improvement I think the picking up on the relationship with the Blackberry and the office PC if that could be converged that would be useful. So in other words if the train on the way in had a wi-fi connection then it would be great to cut out the Blackberry and have a small laptop and go straight for the fuller process on the way into work - that would significantly improve productivity. Really beyond that, it's not a question of technology as of using the services and the networks that are already available so far and away the most effective shift or innovation of the last year has been the ability to talk to the court reporters and get their take on what's going on in the courts at the level not what is today's decision but can we spot any discernible trend in the way the judge's are deciding cases. That's part of the longer term texture of case law you can see themes developing and very often you can trace those themes back either to a dominant personality among the judiciary or to a conscious agenda that's being pushed through for example the Judicial Studies Board. We are gloriously free in this country of the judiciary taking too much notice of the government. To give a fairly specific example and it may be too specific in the late 1980's there was a case called *Post Office v. Aquarius* caused a radical shift in the way contracts are interpreted and that's both a significant shift and exactly the sort of trend that needs to be picked upon and it helps you to understand CA process as well because if you can fit today's cases into something you've been looking out for as a line of development sort of like a jigsaw. In essence its taking part in the discussion of the law.

Do you ever have problems with the layout/visualisation of information?

Yes, things that are too long are a problem and having to scroll through acres and acres of text to get to what you want. The whole principle of LN PSL is to get to the point very quickly so we have to because we don't have to describe the case in full because we can put a link to the relevant section and so that really does free us up to get directly to the principle directly to the practical implication of a point and that's something I'd like to see more of in legal writing.

The most recent issue I've had is trying to proof-read a PDF of a general article on a Blackberry which is very difficult; beyond that I just take information as I find it. It's the substance rather than the presentation that I tend to focus on.

Do you ever get annoyed with graphic-heavy e-mails?

Yes, it is annoying but I think that goes back to my earlier point in that I don't see the point of push information certainly not graphic-heavy push information where that doesn't add anything really to the process. Having said that I am conscious that the kind of daily routine that I've kind of developed over a number of years is highly sort of individualistic its just the nature of the work I've been doing for a long time.

Do you think that others feel pressurised into subscribing to lots of things that they don't need?

It goes to the question of experience and how secure an individual feels with the information they are receiving and property is a fairly small world and its possible within property to keep tabs on pretty much on the legal and industry side through things like the Estates Gazette which is the house journal of the property industry, Property Week which

is the house comic (gossip) nothing too serious, the Lexis library updates would actually be enough in most cases the only reason I look at Lawtel is to cross-check so even there I'm going beyond what I need to just to kind of have a bit of a safety-net but I personally don't see the need to go much beyond that.

## P4

### Your role

I'm one of the PSL whose job is creating content for new LN products that we're developing at the moment, including one called LPSL that covers a number of different areas: dispute resolution, personal injury, employment, family, local government, real estate and company commercial. I'm one of the CC lawyers and there are six of us in total. We create content for the CC part of LPSL which is principally precedents which are accompanied by drafting notes, a list of cases relevant to the area concerned, a list of statutes relevant concerned, a brief overview of the area concerned and various practice notes which go into detail about how the key parts of whatever the topic is operate in practice. We divide the CC offering into three modules: commercial, company commercial and corporate and they cover basic commercial law things, what you need to do to keep a business trading and what happens to it at various times in its life and when for example if there's a takeover or merger or something like that and cases of insolvency. So we cover topics life consumer protection, intellectual property, M&A, that sort of thing. So at the moment the focus is on content creation for that. We also offer a CA service for our customers and we do that as well. We look at various sources of CA in relation to the topics that we cover and select the ones that we think are going to be of most interest to our readers, not all of them by any means and we provide a short half page report on basically what the information source is about and what the conclusions are to be drawn from it are and what you need to do with that in practice. This is sent out once a week. It's uploaded on a daily basis or once every two days because otherwise the information is not really that current. If its over a certain age we don't report it. We might put it in our archives but we don't actually report it.

How long have you been here?

Just over a year. LPSL is a new initiative so everyone is fairly new.

### Background

Between 85-90 I was in private practice including a couple of years with Clifford Chance. In 1990 I went into industry and worked in various positions between then and 2007; took a year off and joint LN in 2008.

Did you do any PSL work prior?

They were called knowledge managers back then and were just being introduced. CC had them when I was there between 1987-89 but they guarded rooms and rooms of lever arch files in the basement and at the time it was quite sophisticated KM system and it wasn't computerised.

Can you tell me what methods you use?

I use e-mail alerts and there are a lists of sites which are likely to provide us with useful content things like the BIS website, we would take other government departments such as the Ministry of Justice that sort of thing; we would look at BAILII. The first place I go to is the All England Reporter is a very short report of very recent cases and this comes in on e-mail. It's a subscription service and I look at it daily to see if there are any new

cases which are uploaded every day. Some days there are things that are relevant to the CC area and some days there aren't. But I will have a look and decide whether to report them.

What about websites?

We use WW as we don't have half a day to spend on CA because we've got the content to write for the product but WW does it a lot more quickly and finds out if anything has changed since the last time you used it and you can program it to disregard the date and if it comes up with anything we have a look at it. [Explained that one participant didn't use WW]. I guess if you don't have to look at very many sites it's probably feasible but if you've got 20-30 to look at it will take too long.

Electronic citations and TOC?

No. I look at the Times Law Reports and anything I can find in the Telegraph.

Do you use bookmarked internet pages?

I don't but I think other people do. I use RSS feeds from the sites that we WW.

Listserves/e-newsletters?

I don't use these but there are a couple of outside sites that I go to and I look specifically at issues of privacy, IP and data protection and that sort of thing. There are 3/4 sites that I just know to go to for that so I don't bookmark them.

What about CA this morning?

I looked at the All England Reporter ("AER") and I've just opened up WW and when you arrived I had got to the first couple of things on the list. We look at the European Patent Office among other things and it has a couple of updates but we won't be reporting them. What we write is mainly focused on England and Wales really so its only things that are of interest to mostly English and Welsh practitioners that we would report but we keep an eye on what's going on in Europe because a lot of it feeds through into the UK law.

What about the AER?

They are available on a subscription service called LL. With that you can get access to any statute has or is in force in the UK. Lexis publishes the AER so they are the ones we go to first but we do also carry the reports that are published by the incorporated council of law reporting down the road and once from other sources. It's a very comprehensive database and if you need any cases it would be unusual if it wasn't on LL. Some very older aren't there and specialist ones but everything else is.

So the AER are within the LL?

Yes, there is a subscription service for clients where they pay a subscription and you can get access to anything.

What did you look at this morning?



AER, there would normally be five to six cases a day. Well they're fairly short reports. We don't report absolutely everything that goes on because some of it won't establish any new law. If it establishes a new principle, the facts are unusual or it's a departure from previous practice then we will report it.

Did you find anything of interest?

I have seen a case. The Home Office is taking the information commissioner to court and that's relevant to my field so I'll be looking at that later to find out what it was about and probably reporting it.

What do you normally do when you've found something of interest?

You can save the report to your desktop in Word, PDF or other formats and you just keep them to look at later on if you want to. I do this all the time and have done it this morning as you're not always connected to the internet so I always save the case so if for whatever reason you can't connect to the internet it's on your desktop.

Do you print out the document?

It depends. I skim-read cases particularly if they are long ones. There's no point in printing out 40 pages of stuff as it takes too long to go through. I skim-read it for the important bits and if it's from AER then the report will be quite short anyway so you can read it on the desktop. I try to avoid printing stuff out.

What's the next stage after saving and/or printing the information?

As soon as I'm happy I've got enough of a handle on what it's about I can write about it in 10-20 lines; any longer than that. Practitioners don't have time to go through judge A said this. There will be four lines on what the case was about then another 5-10 lines of what the principles are and what it means for them in practice.

Do you remember this in your head?

Yes, I can remember if I've just read a case. You can do that as well. If you have a widescreen you can open two documents side by side especially if you're working at home with a 20" monitor which is what I have at home (not here). Sometimes what you can do is paste and copy the case report into a new document and work on it from that, changing the words and making it our own original creation. I will either cut and paste into a document or have both documents on the screen so that I can read and type the summary.

RSS feeds?

It's a convenient way of getting of what the owner of the site thinks of new things; you're dependent on what they're feeding you but assuming you get all the stuff that is new and the news that they think is fit to print then it is a useful way of getting hold of things. I subscribe to BAILII and the Information Commissioner's office is another. The feeds come through the WW.

How do they appear on your PC?

It appears in WW as an update to what's gone before, all my feeds are incorporated in WW. If WW finds anything new it will highlight it in bold type and open it up at the top of the list it produces so that you can go down and have a look at it, by double-clicking to get to what's changed and the feeds appear that way.

E-mail alerts?

Personally I don't. With WW we don't need to sign up for e-mail alerts, it's like buying four newspapers a day, once you've read one the others are going to tell you an awful lot else that is new. I think it is probably the same with e-mail alerts and particularly if you've gone an RSS feed as well. I look at WW first thing as its quicker than going through all the sites trying to remember what was on it yesterday and what's new today because everything new is highlighted so it cuts out that part of the work.

I spoke to someone else who used it and they said even though you can set up your preferences sometimes you still have to access links which contain irrelevant information?

It doesn't find out what's relevant, it just find what's changed since yesterday even if its only the date and you can program to ignore the date but what we're looking for is new content and there's a way you can do that. WW will find out what has changed in each of the sites we ask it to look at and we've got to skim read what comes up and filter out what's relevant and what's not. A lot of it won't be for example we subscribe to the European Parliament site which is political rather than legal but from time to time it contains proposals for new EU legislation that we think people might want to know about.

How long do you normally spend on CA?

One of us does it every day meaning one of us opens up WW and finds out what is new in the various sites and allocates it to whoever is an expert in the topic areas that come up. I do IP, copyright and trademarks; P1 does patents and designs; [X] does web things and competition law and information systems law and [X] does consumer protection and contracts and so on. There are a lot of cases coming up in contractual interpretation that she'll be reporting on. Contract law can go for months without anything then there's two or three decisions in a couple of weeks and that's what's happened recently. I reckon may an hour to an hour and a half a day but it's a lot more when looking at WW myself and saying I need to do this, X needs to do that etc. Then it can take up to half a day; it is fairly time consuming and is a manual process. WW automates it to a certain extent but you still have to go through it. The big part of the time is if you come across a long case report then you have to read it all and filter out what's relevant. If it's a full judgment of the court of appeal and there are three judges who all say something you've got to read them all because the first chap may be dissenting and its the other two whose view prevails but that won't necessarily be obvious from the first judgment until you get to the end.

Does it not say at the top who dissent?

Transcripts of the judgment don't, it does when the court reporter has been through it and say "facts" or "held", ex dissenting, if somebody has done that but unless you have the advantage of that you have to read it all.

## Journals?

I don't tend to use those. I think they're very important in terms of being aware of what's going on in the profession and may be I should look at those more than I do. I get a copy of the Law Society Gazette at home and I look through that and I used to get the Lawyer at my last job but I don't qualify as an in-house lawyer so I don't get one. Everybody reads the Lawyer for gossip. Gossip is important, you know what the trends are, who's moving and shaking, who's about to open an office in Prague or something. Information is useful. There's no point in pushing to sell to a firm if they are about to split up.

## What journal is relevant to your field?

The Gazette's useful as general background. I don't really read the journals; the journals are more about articles than CA. CA is stuff that is still hot off the press and is still warm out of the oven and journals tend to be a more considered, once people have had time to think about and analyse it in a bit more depth. What a case or new piece of legislation actually means so I don't usually use those for CA. I would read them afterwards on occasions. I write articles for the New Law Journal and so do my colleagues. I wouldn't normally use journals for CA as they normally published months later for a start.

## Newspapers

The Times would be my first stop because it has law reports. Personally I don't think the Times is the best newspaper around but for law report it's good. I don't think any other newspaper has law reports although I'm sure the Independent used to have law reports. The Times is the one that lawyers read. I would read both the hard copy and online version. I'd read the hard copy on the bus in the morning; I sometimes look at the electronic version as it has some quite interesting articles from, its not really relevant to CA but is relevant to legal knowledge on who's important in particular areas of the law. If you look at the law pages its got some very well written general articles not relevant to CA but worth reading anyway. I read these not regularly may be once a fortnight.

## Would you ever use the Times to supplement information already acquired?

I might but that's kind of at the cusp of CA and the sort of more detailed and considered and therefore more authoritative and academic analysis that would go into a journal like new law journal or a specialist journal that deals with construction or IP or whatever. To be honest, no because it takes time to do all that and we've got enough sources and a limit on the amount of time we spent on CA. We could spend all our time on CA but right at the moment our priority is expanding the footprint of the product so CA is something we do but we don't let it take up all our time. There'll come a time when there is enough content in the product and we do focus more on CA and it's important we do at the moment but we have to balance it with everything else that is going on.

## Books?

Not really for CA. You report a case and it might be a decision of the judge at first instance and quite often it will to the court of appeal and get overruled or varied so it won't be put in a book until all that been gone through and it's a bit clearer what it means and that sort of thing so no I wouldn't go to books for CA. They are very important in terms of writing the content not just for the information but to mentally structure how we

go about it but not for CA.

Informal contacts

I might contact someone if I knew someone who is an expert on something and he can give me a five minute sound bite without taking up too much time and I might ring him up but that would be pretty rare. I have never done this though. It would be the exception rather than the rule.

That would only be if you felt you were missing something?

Yes or if I thought this is what it's going to mean in practice that they could give and I couldn't. If it was a case of commodities I know a chap who works for an organisation who deals in commodities and he would be able to say what this case means for the market is this, I might give him a ring but if I had to wait two days for it I wouldn't bother. People need the information quickly.

Conferences?

Yeah, we go to conferences and speak at them and we'll be doing more in the future but I don't think they are particularly relevant to CA. They are very important for knowledge in the trade and it's important for legal profession information rather than legal information per se. I wouldn't use them for CA. We might do for writing an article for something like the new law journal. Take privacy for example which is an area that from time to time UK finds itself at odds with the European Commission and European privacy laws. In certain areas take I may take away the general learning I got from a conference and incorporate it into any article I was writing but again that's not really CA something that's done over a longer timescale and probably more considered and more academic in outlook.

Which methods are the easiest/valuable for CA?

In terms of getting the information in, electronically undoubtedly. It's instant. We didn't have the internet when I started practising in 1985 and inevitably everything is slower and given that everyone does business electronically now you have to do the same. It goes without saying who doesn't. The AER are easier to use in that one of our court reporters has actually gone and listened to the case and prepared a bite-size chunk (10-15 lines in print) as to what it's all about so yes, it's easy to digest the principles of the case if they hadn't done that then you have to get the judgment in long-hand and read through 30 or 40 pages of judgment so yeah, I think the All England Reporter which is part of the All England law reports series is a lot easier in that sense because somebody has done most of the distillation for you.

What about WW ease of use?

Well a lot of the things we get on WW tend to be précised anyway. If the information commissioner's office sends out a report a month ago and it finds some guy in Manchester was compiling a list of troublemakers in the construction industry should he have been, no because the details he was keeping was clearly personal data and you need to be registered to handle that sort of thing and let the people concerned know you are doing it. They would just send a short summary of what they did so it's already précised

for you so in that sense the stuff that WW returns is normally fairly short. If it a full case report from BAILLE it's a longer exercise as you have to read the whole thing but normally its in a fairly usable form.

Do you use a Blackberry?

I wouldn't not use one. I don't find it that easy for browsing because the screen is small and it says click on this, on that etc whereas with your desktop PC you will be doing it in a tenth of the time. So I don't use it for keeping up to date on CA as I don't think it's practical as the screen isn't big enough and you can't see all the information you would need and I think CA is something you really have to do in one place. I don't think you can do it on the move. You could if you had a computer with a wireless connection but I don't think it's that practical. I have a small laptop but the screen is still too small and I prefer a larger screen so you can open up two documents at once or when WW opens up there's a separate window that opens up when you click on the changes it's found to see what the changes actually are. I think it's possible but I think it's easier with a big screen; the more information you can get on a screen the easier it is to do.

At home you have a widescreen PC?

I do use when I'm working at home because it's good because the screen's bigger than here at work. We have a screen but it's a 4x3 aspect ratio rather than 16x9 ratio. If you have two documents open side by side it is easier in 16x9. Some guys in newspaper offices have two screens.

What about colleagues, does anyone ever e-mail and say "have you seen this".

Yes, all the time. Formally one of us looks at WW every day and identifies what's new but they won't always be qualified to write about everything that's new. Therefore we send it out to people who are experts on those areas in the team. Each member of the team specialises and the subject area experts that would write it because it's a lot quicker if you know the area and you know what it will mean.

[Participant shows me the WW screenshot, which he later e-mailed to me]

You do tend to find that what WW throws up there's an awful of cases in IP and particularly trademarks and it's a good way of keeping up to date on what trends are in business generally. The more businesses develop in a particular area the more competing businesses kind of provide the same sort of product or service for kind of the same price. The more branding becomes important because people go with brands and branding is protected by IP particularly trademarks and copyright so there's an awful lot of fighting over trademarks both at the UK and particularly at the European Court where a lot of it ends up because UK trademark law is dictated by European trademark law. So there's quite a lot of European stuff to report as well. With 10 or 15 sites we could come up with 90% of the things we want to report to customers and a lot of it's UK case law. If a major piece of legislation comes up then obviously we have to run something about that but take the Companies Act 2006, the largest English statute in history has 1,300 sections and you'll not going to be able to report on the whole it. Provisions that haven't changed have got new numbers from the 1985 Act and there are some new provisions like the codification of directors' duties. Okay, they are codifications so they reflect the existing law but people have still got to used to that and so on. So yes we'd report that in CA but

there's so much of it we would probably put it in a separate section in the product rather than CA.

How did you get to this page here [the screenshot DC showed me]

You load WW; we keep a record of the last stuff it looked at; we store that on the server and every time we load WW in the morning we tell it to go and look at those sites again please and compare them with what you found this time yesterday and the difference appears in bold type at the top of page and those are the sites you click on. This one here is the Confederation of British Industry and what it's saying is that all that's changed is the date so you might want to re-think your search. All these sites are reporting that there's something new and here is something to look at. This is the Office of Water Regulation; we keep an eye on OFGEN and OFCOM and the utilities regulators because they're important to clients. The Intellectual Property Office, BAILII, UK IP Office. We don't spend a lot of time on bills before parliament it doesn't mean it will get passed but we need to be aware of it. European Commission is a political body not a legal one; what goes on at the European Court is of more interest to us but again as we do with UK parliament what the Commission has on the stocks is likely to be important if it goes through so we keep an eye on that.

I will look at these later and it's actually quite quick if you know what to look for. We're taking a view to some extent; there might be somebody who rings us up and says you haven't reported the European Commission's proposals in regard to straight bananas that would be an exception. It's a bit like a newspaper editor in that we have to go with what the majority of our customers will find interesting.

DC refers to P5 and says he would be a useful person to interview as he has an IT qualification and he's been longer than just about anyone else and he's been doing CA for quite a lot longer than we have so his answers will be a little more authoritative than mine. I came to this job from industry and this is a very different job to industry; here to a large extent I'm doing publishing and writing about legal subjects because that's what I know about but it's a different way of working. You have to learn to use tools; CA reporting is not a skill I had in my last job. The managing director might ask me what's this Sarbanes-Oxley corporate governance thing that's doing the rounds in the US and what does it mean for us? I'd give him an answer – not very much because we're not listed in the US and what's in it is largely based on what was then British principles of corporate governance. But we didn't do CA reporting as such. We just dealt with problems as they came in which is what you do in practice. Law firms dealt with CA although I'm not really qualified to talk about law firms because I haven't worked for one for the last 20 years but they send out newsletters to clients and so on most of them have KM teams and PSL's now which generally speaking they didn't when I worked for them.

Can you explain how the RSS feeds are delivered?

It will come across as part of a webpage with what's new so in effect it's the same sort of thing. DC says he will send me an example of how the RSS feeds appear in WW.

## P5

### Your role

I work with the PSL team, we do online materials; I'm an employment lawyer and I head up the team of employment lawyer working with Lexis PSL product. Prior to that I was practising at the bar and I've been here for three and a half years now. There is a previous product called Know-how which launched in 2006 and that was in two practice areas – employment and dispute resolution and so I was brought in to create that in 2006 and we launched that in September of that year and that's been running since then and LPSL is the successor product to that but for LPSL they've added a whole further series of practice areas which has necessitated employing further solicitors from different disciplines so we've now gone from a team that was originally effectively three full-time lawyers to roundabout 16. The know-how product does still exist and is run in parallel but it will only exist for a short while longer. LPSL will take over from KH entirely soon.

### Background

I was practising at the bar for 17 years and for the vast majority of that period I was a specialist employment barrister advocating in employment tribunals, employment appeal tribunals, court of appeal, seeing clients in conference. Initially, I acted for claimants and latterly for respondents because as you get more senior you get more expensive to it tends to be more employment from large corporations and there's no legal aid for employment work so that's how it works. [PT also has a Msc Computer Science and admits he is technically proficient]

### What are the main methods you use?

We're really monitoring CA stuff every working day; employment law is a very active area of the law. There's a great deal happening literally every week and in fact every day we will find items of interest coming out so the broad problem we're obviously seeking to provide a service to other lawyers and selling that service is taking a vast morass of information and processing through it and picking out the few gems from it that people actually need to know so partly a filtering process now and I think it's fair to say when we started doing that in 2006 I had come directly from practice and its not something I'd ever had to do as I'd been a buyer of information services rather than a provider of them at that stage so we really thought how best to do it and one of the principal tools we use is a piece of software called Website Watcher which is an immense time-saver. Broadly speaking you can set up bookmarks to watch any bit of the web you want; it can do a variety of different things ranging from just monitoring the contents of a flat webpage to automatically performing searches with a series of key search terms and then looking at the results and seeing if they are different from last time. Broadly speaking we have that running on an hourly basis and in employment we're monitoring in excess of 120 bookmarks now ranging across a whole variety of different websites and all WW does is tells you when something has changed. The second part of that process is that we go and look at what has changed and inevitably quite a lot of things will be trivial and uninteresting so we can dismiss those straightaway but others will be of interest so we need to look into them more carefully so that's stage when the human being comes into play; WW does the initial grunt work otherwise we'd be flicking through 120 different bits of the web, once an hour every day before we even thought whether things were significant because the software can be trained to ignore certain types of changes so if

there is a website where a date changes frequently but is of no interest then you can program it to ignore it so you can filter the results to a degree so that you only get things which are genuine changes but even in that context a lot of genuine changes are trivial and unimportant but it really takes a human being and really a trained human being to do that part of the process. Really the reason why our group is employing experienced lawyers rather than fresh graduates is because its all very well recognising that something's to do with employment law but you have to recognise that its changing things in a way that's significant so its important for us to have experienced lawyers in the team so that they can look at stuff in context and realise whether applying their knowledge of their own practice this is something they'd have wanted to know about or not because part of what we're about is avoiding information overload for people who buy our service because the whole process of filtering and narrowing stuff down and then once we write about it we contextualise it and analyse it so that they end up with a nice bespoke list, pretty concise. To put this into context although we may be looking at literally thousands of changes every week, we'll end up writing somewhere between 3-12 stories a week out of those thousands of possible leads. We do the processing in a number of phases. We use WW first to signal what has changed; somebody will then go through the changes that WW's thrown up and we'll just dismiss the ones that are unimportant entirely and then there's a category which might be important but you don't know until you read them properly so we'll then create a list of hyperlinks to the ones that look promising and then having gone through that first pass we'll then go through the second pass of looking at the ones we've put to one side that we're not sure about that need further investigation so for instance the EAT will probably put one or two cases onto their website every day sometimes more sometimes fewer but of those some of them will frankly be not adding anything to the sum of human knowledge but you'll only know that when you've read through the judgment so that takes a bit longer so once we've narrowed it down to a sort of sub-category of things that are potentially interesting, we'll then go through these in more detail so in the case of judgments we'll actually read the judgments and take a view does this need reporting or not so then if you end up with a list at the third stage one of which is we are rejecting all these the other which is we are going to report these and then obviously after that we've got to write about the ones we are going to report.

So when you looked at the WW and you've decided the ones you need to investigate further what do you mean when you say you create hyperlinks?

The product allows you to, it basically has its own internal browser but it allows you to break out any individual links to a separate browser at which stage you can pull down from the address bar into a folder and that's what we do so we have a folder every day whereby we have a list of links which we're going to look at and then we also keep an archive for our own purposes so we can tell particularly for the ones that we don't report when we looked at something and decided not to report it.

So you don't go back and look at it again?

Partly that and we also attribute that decision to a particular member of the team so if you want to know why they didn't report it you can say, tell me and because it may be one of our competitor services does choose to report it at which stage somebody may say "why didn't you".

Do you ever explain why you haven't reported a decision within published content?



We don't, we operate on the principle of them trusting our judgment but really if we don't report it then our methodology implies that we have decided its not reportable and that is very much part of the service we're providing because what you don't want to do is send long reports that somebody doesn't need to read in the first place because there are an awful lot of cases that have been decided hundred times before and the experience of my team can be applied to that type of decision to take that view to say they don't need to know about this one, its not re-inventing the wheel at all. It's a question of trust and I think there are many ways you could go about this – you could just come up with a list every week of “here's some stuff we rejected”. I think there are three types of lawyer out there in terms of attitude to CA. There's a category of lawyer who doesn't care about CA who I think are probably a little foolish and need to dust off their insurance policy, then there's the one who's prepared to delegate the task of deciding what's important to someone else which is really what our service relies on and then there are others who will frankly do that research themselves which takes them massively longer and I don't think there are very many of those or within large firms they may have specific individuals who are dedicated to doing that task and indeed many of the large firms have PSL who do that kind of thing. These days PSL tend to work hand-in-hand with products like ours or one of our competitors so although they are doing a similar task themselves they are probably adding icing on the cake rather than doing the basic core work which one of our products does and the context being that products like ours haven't existed for very long so prior to that PSLs were doing the whole lot themselves but its is an extremely time-consuming process according to which practice area but employment law is extremely busy most of the time. You have slack times periods in mid-summer but most of the time there's a lot going on so just that sheer filtering process of looking at the vast amounts of information and narrowing it down takes time so we're basically doing that for practitioners so the vast majority of them are going to be content to trust our judgment – if they don't, they won't buy our product they'll think we're no good. If on the other hand they like what they see and it appears to tell them all they need to know and over time they come to trust that anything of importance will be reported to them will be analysed properly and so forth, then they'll buy. That's a measure of how well we're doing our task.

I just want to go into more detail with the saved hyperlinks, saved into another browser. The person who's done that they won't be the person to go through all those hyperlinks will they?

They might be.

Someone said to me that the WW is allocated to different people.

It doesn't make sense to have more than one person doing it simultaneously within a particular practice area so what we do is at any given time we'll have one person WW and that's allocated on a fairly ad hoc basis to how busy other people are doing but there's absolutely no sense in having two people doing it simultaneously. We will have somebody on a watch and then at the end of the watch the program has a facility to back-up all of the bookmarks not just what they are but what state they're in at any given time into one zip file and we'll then put that zip file onto a particular network location and the next person similar to a relay race will restore their product to the state the previous person was in when they stopped and they just carrying on so all the registering of new items will not be ones which have already been looked at and they will just carry on where the other person left off. We use the back-up and restore facility to pass it on from one person to the next and that also means that one of the things that one has to do. I

spent a couple of hours doing this on Friday is because one's dealing with party websites over which we have no control they can and do alter their structure from time to time and so WW will notice this and the bookmarks will report "no page found" or whatever it might be so we have to go through and update WW and re-direct them to where the information now is or indeed some bookmarks are more complex as some of them are not just looking at a flat webpage but they're actually performing a search automatically with particular search terms and then comparing the list of results so if its one of those and they've moved that or changed the search engine then you have to redo the bookmark from scratch so periodically and its not that frequent but every month or two we're having to service the bookmarks to an extent because some of them will just cease to function and then once you've done that the new or revised bookmarks are also faithfully preserved in the backup that you do so the next person who restores their bookmark list will be refreshed to the reflect the latest state or revisions.

What happens to the saved bookmarks?

The way that works in any team will depend on the team dynamic. In our team everybody apart from me is part-time so I'm there five days a week all day and I'm also team leader of the group so I tend to allocate the schedules as we go along but its flexible because we are called on to do other things from time to time so if anybody is not going to be there then we'll just hand it over to somebody else so we don't have a regular schedule pinned up on the wall it changes from day to day.

What do normally do when you access a saved link?

After you've done a WW you will have a number of new links in the folder; you're going to have a shrewd idea just by looking at what type of thing they are as to which ones are more important so you will tend to prioritise the things that are more world-shaking because it makes more difference to our clients if they are reported in a timely fashion than some of the less important one so the more important ones will be followed up first and we'll just click through to the hyperlink, look at the original documents (whatever it is) and take a professional view as to whether it is or not reportable. If it's not reportable we'll put it into a folder which is allocated to the "we're not doing these items but matched to a particular date (the structure isn't very sophisticated, a tree structure folder but it means that if you search it from the top you and you put in links which have sensible names to the i.e. the case contains both party names then you can very quickly find out when you reported something X months ago or alternatively when you decided not to report something X months ago. Sometimes because we're looking at so many different information sources something will come up in more than one source and so you'll have something in the back of your head thinking "I'm sure I've looked at this" so you can search the archive very quickly and tell whether we have or not so we put those into a sort of "not done" folder to indicate and I say the person who makes the decision not to report something will add their name to the hyperlink so that there's a some accountability and you can go back to people and ask why later on. We don't as a matter of fact record why we decided not to report something because I think the main point is that the amount of material we go through would be too time consuming and practically speaking you do remember if you decided not to report something even several months later. The remaining ones are the ones we've decided to report. The person who makes those decisions won't necessarily be the person who writes them up; it's a question of allocating work within the team as we're doing other work as well as CA work so its question of who's not already engaged to an extent it's a question of who has particular

professional experience. So for example, one member of my team had a fair amount of experience in immigration law as it applies to employment law so employment/immigration stores tend to go his way and other members of the team have different strengths or their background makes it more sensible for them to deal with that and as I say, they may be busy doing something else so sometimes its question of shoving it off to someone else because they can't do it. But the principle aim of getting these reported as quickly as possible.

Say you've got a case which you want to report and publish, will all the information you need be contained in the case or do you need to consult other information sources?

Yes, you would have to look at other sources from time to time. I suppose there's three sources of information in terms of where they're coming from – one is the case itself, the other is things you have in your head in relation to professional knowledge and experience and the third is side research you might be doing so for instance a new case might mention a series of previous cases and you might want to look at those to see why the judge has referred to them and what relevance they have because in writing and analysing the piece you're probably going to want to analyse the significance of the previous cases as well as the current one. In employment law it is highly likely there will be mentioning of specific legislative provisions as well so you may want to look at the Act or SI in which those are contained and again understand why the judge is saying as he is on this particular point so yes we'll use our own research tools here, the Lexis library which is our main research tool for looking up case law and legislation.

What about e-mail alerts?

A little bit but not very much and that includes the team generally. The only way in which we really use alerts is for keeping track of what our competitors are doing so we get e-mail alerts from our competitors to see what and when they're reporting and what they're saying about it. An awful lot of websites that we track with WW do alerts but WW is such a complete product that it makes sense to keep information in one place rather than having it in Outlook as well. So for instance, some websites will offer flat web pages plus an RSS feed plus an e-mail alert but generally we won't use the e-mail alert as it is the least efficient way and can't be plugged into WW whereas WW will deal with RSS feeds and flat web pages and anything else that's on the web so we do monitor a series of RSS feeds through WW so for that reason we don't tend to use very much by way of e-mail alerts. I get a number; the context in which we do use them is we might set up alerts on our own on Lexis library which is exactly the same alerts that our own clients can set up but its just a case of tailoring them to our own purposes. To be honest that tends to be confirmatory information rather than new information for us as we're right at the cutting edge of gathering information so by the time something's reported on Lexis library its usually we've decided to write about it so we're receiving the information at the same time as they are and acting on it so I do have alerts set up on LL but they're not my prime source of information because of the speed factor. I do have competitor alerts set up just to monitor what we're doing in comparison to them; I have one or two other alerts so for instance I get one from the European Court of Justice but they are very much minor information compared to the ones I've described already.

Is ECJ not on WW?

Yes, we're often doing duplicatory stuff not least because human beings are providing all

these services they may not in fact be wholly duplicatory so you may get something in one and not in the other so because we're using a piece of software its no real cost to us to monitor all sources of these bits of information and if it comes up twice well that's not a problem for us. But in a very small number of cases the e-mail alert method yields better results than any of the others. European Court websites and general websites relating to the EU are particularly poorly designed.

In what way?

In a UX way, hard to find things, very are antiquated structure in the way they put their search engines and their web pages so one can sort of get round this and get WW to do a reasonably good job of finding information but its more painful dealing with the European sites than almost any others.

So you need an e-mail alert is another failsafe that yields information we don't get elsewhere.

What's the other alert you receive?

There's a generalised alert which is a conglomerated alert from all the output from the law firms but it is gathering together sort of CA output which has been published by the big law firms. Again I tend to use that just to see what it is they're saying because they tend to be slower than us and so it's a bit of a failsafe check. As I say, I get some internal alerts from LL; the other alerts are competitor ones.

What about RSS feeds?

It acts as a newsreader. It will show you within the RSS list which ones are new items just in the same way it; with a normal webpage it highlights the bits that are new in fluorescent yellow; the RSS fees are painted in a different colour so its immediately obvious whether there are any new items in the feeds.

What about things like blogs or bookmarked internet pages?

No, we avoid manual checking of websites by using WW. If you know what you're doing with it, WW can check any bit of any website to the same degree that a human being could. Its very easy to ask it to watch a flat webpage; it gets correspondingly harder as you make it do more sophisticated things but it does do sophisticated things if you know what you're doing so there is really no need to any more manual web checking.

Anything like citation alerting, electronic TOC within an e-mail?

No, generally not. We don't rely a lot of journal articles; it's a question simply for speed again and by the time a journal has published something its several weeks after we're reported it so the fact that someone may have something interesting to say about something; it's too late for us. We're being paid to express our own opinions on the significance of something which is why we're using experienced lawyers whilst I might be interested for my own purposes looking at what various articles have said it's not really going to feed in, in any direct way to our CA reports because it will happen weeks or possibly months later.

What about other journals like The Lawyer?

Mostly for gossip but one does keep abreast of that sort of thing mostly not so much because we are doing CA reporting but because it's useful to know what's going on in the world of your potential subscribers so if for instance they are making vast numbers of redundancies that may well affect if they are going to buy your product. It's useful and helpful to keep abreast of what's going on in the legal industry and we do that in a number of different ways like The Lawyer but we also do maintain personal contacts with lots of people in the profession as well which is extremely important because if you're not actually going out and for instance I'm not doing any advocacy or advice work any more but I know many people who are, my partner in fact who's another employment lawyer so I very much keep abreast of what's going on and I think that's vital if we're purporting to be au fait with why this is of significance then you need to make sure that that information is current and its not from several years ago. I also get members of the profession to write for me to so I maintain contacts with solicitors and barristers for that reason because we don't write all of our material; some of it is out-sourced so it's useful for me to maintain a network of contacts and it is useful to swap opinions with lawyers and chat things over with each other but I also periodically just ring up a legal contact of mine and say "have you got a moment for me to run a point past you" and discuss by phone or e-mail and that's extremely useful. I think P2 may have mentioned to you before in that context we are both members of quarterly meeting group called PENN which is the employment PSLs network and we go to their meetings but they also have a group e-mail list which is circulated amongst their 70 odd members which people use to discuss legal points so somebody will raise a point; somebody else will chip in and effectively a thread develops and that does feed into our CA sometimes because they tend to be right on the cutting edge as well as that's what they're being employed for at their firms so when something new happens of great significance the PENN grapevine starts buzzing and people start expressing opinions and this can be very informative.

It's interesting that you say it's important to keep in contact with practitioners from a CA POV?

A number of my acquaintances are PSLs, barristers, judges and practising solicitors I continue to chat to these people so I know what's going on. Although I haven't been practising for three and a half years now I don't really feel any less in touch with the profession than when I walked through the doors of this building and we all keep up our practising certificates as well which means we have to do CPD for that reason to keep aware so that people who are buying our service know that we're keeping aware.

What about publications monitored through WW?

In terms of LN based publications we've got that all available to us within LL in any event. In terms of other competitor publications there are a few but most of them if they are available online are subscription only so if I'm monitoring them I will tend to monitor the paper copy of those but there's the same problem that because they are effectively doing a similar job to us by the time they are reporting something we have already reported it so we need to be a bit faster than that but it's always useful to monitor what your competitor's doing; if they think that's a good way of doing things for clients and we're not doing it that way perhaps we should think about whether we should; chat to clients see whether they think we are getting the right spread of material or missing stuff out.

I look at the IDS (Income Data Services) two-weekly publication that's online. They're

employment specialists and I regard them as competitors of ours. They have an on-line and paper version of that as well; I see the paper version, not the online one because its subscription only and I don't have a subscription. They might be interested in providing us with a subscription of they knew who we were anyway.

What about a fake e-mail address?

That would be industrial espionage. Generally speaking I think it's fair to say what monthly on-line services are not going to be all that willing to hand out subscriptions on an e-mail basis to their direct competitors although I know as a matter of fact the head of IDS employment team subscribes to our service we allowed that to happen. I don't have a problem with it but it's not my decision.

Newspapers

Not hard copy. Part of the WW I have a canned Google search which will have a series of employment related terms which will throw out against news-related UK based sites and throw up 100 results every hour and WW scans that and shows you which results are new and an awful lot of them will be utterly uninteresting so for instance one of the words we use in that canned search is religion because of the religion belief regulations which were passed as part of employment law you can imagine if you have the word religion in a Google search it will throw up huge amounts of information which has absolutely nothing to do with employment law but one of the things that Google site does capture is stuff in Times online, Guardian online and other broadsheet repertoires of various employment related stuff going on and that can be useful for us. For instance, this morning before I came up here I read a report in the Times or Guardian just saying that a particular case we know about is being heard in the Court of Appeal today so that's sort of a heads up for me; its not really going to be interesting until I see what the court of appeal decides which will be in a little while but it means I'm aware of the fact that that's happening and we will be getting a judgment in the not too distant future and it can throw up other things as well and sometimes where there's a main event going on which might be coming out of a government website of some sort so the BIS website will sometimes throw up new consultations but you will often get comment on that in the Times or Guardian or other special interest group websites like the TUC or CBI and sometimes that will add to our reportage so we will give our view and then we might sort of say the CBI has expressed this viewpoint so we get a balanced viewpoint as to what outside interests are saying about this particular development. With newspaper reports, it will often be derived from a government spokesperson so we might go to the direct source of the government but the online newspapers are useful for CA.

Do you receive the [X] e-mail?

He's one of our competitors but I regard that as a means of checking his output against ours to make sure we're not missing out on anything and to see what he says about stuff and whether we agree with him or not. It's a free service, we subscribe using our LN addresses and he's not concerned about.

Are there any other barristers who run a similar service?

There's load of barristers who do some form of publishing and it tends to be writing for books or loose-leafs often which are published by LN but in terms of CA services [X] is a

unique phenomenon. He uses his notoriety which has been going through people getting the e-mail because it is free and people like free things as a means of trying to get work as it advertises him.

What about books?

Up to a point I use two because everything else I would use online. I would use Harvey the employment [X] which we publish in its paper form from time to time and Tolley's Employment Handbook from time to time because that's not online.

Would that be as a sort of supplement?

Tolley's I use in paper form because it's not online at the moment. I would use it if it was online rather than using the hard copy as it's only published annually so it would be more or less up to date if it was published online. Harvey the only reason I would use it on paper because I used it in paper form for 17 years in practice so I know my way round it extremely well and I can find things extremely quickly in the paper format. If you have version of Harvey (which is loose-leaf) which hasn't been updated for a little while it can actually be quite useful because it will have the previous state of things so you can look at the current version online and if you've got one from a few months back you can cross-reference what it used to say as the previous version online just disappears into the ether and never seen again but if you've got a slightly out of date paper copy then that can sometimes be useful for cross-referencing. That's happened kind of by accident by us as we find it hard to find the time to update our loose-leaf but as a result of being out of date it has occasionally been helpful for it to be out of date so for instance some of the statutory materials in there which are no longer in force just disappear from the online copy but they're still there in the old copy and if you're looking at a case which related to a previous period of history and you want to know about the law that was in force then not now so you want to look at historic statutes. It can also be useful to look at what Harvey used to say in commentary text and how they've changed.

Would that be helpful to have online?

It would be helpful for us but I don't really think that practising lawyers would find that helpful. It's a fairly sophisticated use and I don't think most people have got time for that. That's the distinction between our approach to CA and the practising lawyers. The lawyers is going to buy a service like ours if they haven't got time to do what we're doing as they're too busy going out making money and our *raison d'être* is to save them time and provide something packaged, sorted, well-analysed, fit-for-purpose so that they can very quickly and efficiently get themselves up to date in a way that would take them infinitely longer than that if they did it from primary sources.

What about informal contacts?

There's the PENN group we go to quarterly; I go to the Industrial Law Society Conference annually which is week-long event in Oxford which is useful both in terms of the lectures there, we get 10 and half hours of lectures which are of mostly academic interest but it's quite nice to do a bit of academic law from time to time when you spend the rest of your year doing very practitioner focused work so it kind of stretches your legal mental muscles a bit in a way that you might not do for the rest of the year. But its also frankly a very good way of keeping in touch with professionals because a lot of

members of the bar are there, judges, solicitors people I know and its nice to be able to keep in touch with them and see what's going on in terms of legal industry, practice and generally.

Does this ever feed into CA though?

Not in a very direct way but it would feed into potentially the way we report things. If I got a feeling there was a certain trend going on in the courts that could inform the way I write a particular article in the future so its not a specific piece of information its more of keeping in touch with the way things are moving on the ground in a way that you can't directly because you're not actually in court and you're not doing that stuff yourself but provided you're keeping in touch with others who are and you maintain a good list of contacts of people you can talk to about stuff you can keep up to date anyway.

Would you ever discuss a CA piece with contacts at this conference?

Yes definitely, run points by people yeah but in the same way irrespective if there's a conference like that going on I would lift up the phone and speak to people from time to time. If I thought there was a point that required a bit of input from somebody who is currently in practice and it depends on what type of contact I phone. So it might be a barrister colleague I would phone if it was something to do with tribunal practice but if might not be; I know through PENN a large number of employment PSL's and they're kind of dealing with a difference slice of the law than the employment bar are so may be much more helpful input on other points but I think all lawyers be they working in a publishing firm or in practice rely on their colleagues to chat to a great deal to run points by each other. When you are a junior lawyer you do particularly rely on that because you've had very little experience on that and it's very helpful to wonder into the office of somebody who's done it 50 times before and say "I've got this issue, how would you approach it" and we still do that now. I think there's a tradition amongst lawyers of doing that and it's a helpful one.

Do you attend any other conferences?

The ILS is not run by us and in ten and a half hours you can cover quite a lot of different material and there are conferences going on throughout the year on specific topics not least as provided by our own conferences department there and I'm in regular contact with folk who are running employment conferences and employment webinars here not least because they want to pick my brains about what subjects they ought to be running their conferences on because obviously I'm quite au fait with what's going on, what's topical and what people want to know so we meet quite regularly with them to have cross-talks as to how they might be doing stuff and from time to time they are suggesting, particularly with a couple of live conferences that we might like to attend those. To be honest, I don't usually have time to do so. Most of what one would learn there would be stuff I'd know already and it might be somebody else's perspective on it and that would be helpful but very much icing on the cake and if it would take me out for half or a whole day I can't usually afford that time.

What about internal training courses?

Not for legal related matters. I do training but it has nothing to do with law or CA.



Do you use your Blackberry for CA?

No, not really. My job is not on the road most of the time so I have a 19" screen in front of me which is a more congenial way at information. If I were on the road all the time a Blackberry would be a useful device but I'm not.

Do you work at home?

Not frequently, but yes.

Do you ever use a split screen when viewing CA information?

Yes, frequently. I often split it into more than two. I would use multiple windows on occasions to look at information at the same time. For instance, you might have a judgment on one side and it might be referring to bits of legislation and you might want to look at that legislation and you might be typing your report on the third windows and that's something I would do.

Do you type your reports in Word?

No, we type them in XML to create our documents using an XML editor called Arbitext which is useful from an electronic publishing point of view.

Have you been using the split screens for a long time?

Yes.

Do you ever print out anything?

Rarely only if its long and complicated. If it's really long I do but its frankly if it's just an average length judgment I would save the rainforest and keep it on screen. But I think I'm a fairly screen/computer oriented person. I don't think I'm that necessarily typical. I'm quite technically literate because I have an Msc Computing Science so I kind of know how computers work under the bonnet as well as the surface so I probably adopt a more techie approach than many do.

Are there others in your team that print things out.

Yes, many people when they're reviewing a judgment will print it out first and as a matter of fact I'd say the majority will do that. This is mostly for judgments. We look at other longer documents like consultation papers and so forth but I seem to find the whole process of printing it out and then using a highlighter pen (a) they are used to doing in that way and (b) they seem to find it easier. I have no problem with doing it on screen and it is genuinely to do with the fact that I don't want to waste paper partly but I'm totally used to it now and it's no real advantage to me apart from extreme cases to have a paper print out. If I need to review a 100+ page document then I probably would print that out because then you're not really just looking at; a judgment might be 20 pages long but in the context of that you might be looking at sort of three or four discrete points and I can hold those in my head at the same time without needing to print it out and highlighting. If I'm looking at a document that 100+ pages long you might be looking at 2-40 discrete points and at that stage I start to make separate notes and have a paper print-out instead of trying to flick through hundred's of pages on screen isn't going to cut it so

in extreme circumstances I would print out but mostly not.

You don't really use e-mail alerts as you have WW?

WW is so flexible in terms of what data sources it can handle that it's kind of made e-mail alerts a little bit redundant in terms of conveying information and I think that's probably true in terms of the way most sites we look at provide information; some of them still do provide alerts but I think it is yesterday's technology really in terms of monitoring information. I mean even people who aren't doing it in an industrial way like we are RSS feeds seem to me to be a far better way of publishing information than individual e-mails.

What do you use your Blackberry for?

I use it for two things. If I am out on the road I use it for reading and sending e-mails, but the main use I have for it is monitoring what's going on in my diary when I'm out of the building. To be honest I'm not a heavy user; I don't use it much as a phone but I will use it when I'm out of the building so the vast majority of the time I'm not so. It's useful at home to see what my meetings might be on a Monday over the weekend as a reminder because that's easier as I don't tend to take my computer home with me and you can't access our network with a non-LN computer so my home computer won't allow me to look at my diary and I don't tend to take my LN laptop home with me because I cycle to work and don't like to carry it to and fro if I don't need to so the Blackberry is useful.

What format is the content contained in web pages that have been saved into the folder?

It would be a variety and depends on the website. For instance the EAT serves up all of its judgments as Word documents; a lot of the government reports are PDF.

Which format do you prefer?

It doesn't make a lot of difference; I think the only thing that really affects me is if somebody has unnecessarily locked down a PDF so that I can't copy and paste from it that's quite irritating so it has been known for me to crack the odd PDF document allowing me to copy material out of it. Some of the government produced documents seem to be unnecessarily locked down even though they are publishing public information but for some reason somebody has decided you shouldn't be allowed to copy and paste it even though I don't think anybody would have any objection to you doing so. Word documents are slightly more unwieldy than HTML documents but doesn't really make any difference.

## P6

### Your role

I'm a publisher of [X] which means I'm responsible for presenting in a narrative form a statement of the whole of the law of England and Wales. I publish two or three [X] all of which take primary sources of law and turn them into a categorised narrative of the law so that people can research according to the subject they are interested in rather than according to the primary source that they're working from. We present information on-line and in hard copy. The publications that we use are almost all have their origins in hard copy but in the last ten years we have been increasingly providing online information. I look after that [X], I'm responsible for ensuring the information gets out to users as quickly as possible in the most organised way that it can. There are about 120 volumes of [X]; they're the black and brown ones. We're moving from one edition to another and brown ones on its way out and the black one will completely replace in the next few years. The brown one is the fourth edition of [X]; a couple of years ago we decided that it was time to shake it all up to make a completely new title scheme with subject areas which match the 21<sup>st</sup> century rather than the 1970's. To do that we took the opportunity to revamp the entire [X]. In terms of purpose in terms of the service we give to our customers there is no substantial difference but it is a sharper one, it's a more relevant set of subjects people are looking at.

### Background

My background is graduate in law and then almost straight into legal publishing within a few months of that. I have never been in practice and have been a provider of legal information for getting on for 25 years but not as a practitioner.

Have you been at Lexis all that time?

Yes, I've been at Halsbury's Laws all that time apart from a couple of years in the beginning but I've been working on the [X] for all that time. I'm in the fortunate position of having legal materials in front of me all the time; being able to stay familiar with the law and the way the law is shaped and never having to do another professional qualification in my life which pleases me enormously.

What methods do you use to maintain CA?

Two primary methods – one is that into this department and a proportion across my desk come all acts of parliament, all statutory instruments and all reported cases so we see everything in its report form, in hard and in electronic form. We get both for different information purposes. We take feeds from electronic formats for a variety of reasons but we do read an awful lot of hard and we annotate in hard copy as well. That's a convenient way of working. There are some unreported cases which we get an electronic feed of as well. Those are where colleagues have been in courts and have given instant digests of court decisions. They may not end up being reported fully but they will be online and we will take a look at those. So we see all the primary law. We also see all the journals that our company publishes come into the department as well and a good proportion of journals published by competitors so we see everything. Because our business is the provision of legal information we need to know what the legal information is that we have to assimilate into that process. Once we've got something on our desks

then we are reading Acts; not everyone reads everything but someone will be reading every word of an Act to see what we have to do with it; to let our subscribers have the information that they need from it. As reading it we evaluate its relevance to whatever subject it might be and ensure that by indexing, cross-referencing and all sorts of other reasons ensure that if someone needs to know about wherever their start point they are going to be able to get at it and be directed to it. We see everything that comes from the courts and we see everything that comes from parliament.

How soon do receive the Acts and SI's enacted by parliament?

As soon as they are available in hard copy which usually means within a week of enactment in hard copy although that really depends upon how quickly the government printer actually gets around to printing it but we will receive it off their presses within 24 hours of it being printed. In electronic copy as soon as its online again that again depends on how quickly government load it. We take automatic feeds as a business from central parliament through sources. Most things are usually ready to go live at government at the point at which they're made. By the time an Act gets royal assent it's just waiting for the assent and in order for someone to flick the switch to get it online so we'll get it within a day almost always within a week.

What are these automatic feeds?

Well they're effectively subscriptions to the government departments which publish in hard copy and online in PDF form so whatever the websites are that we access them there are parliamentary stationary websites which send out both HTML and PDF forms of Acts.

What about journals?

The journals that we take will be journals in which comment has been passed on recent legislative changes or forthcoming legislative changes so we will take not news so much from journals as comment and assistance in now we evaluate the primary sources so if a case has been decided on school admissions, if something has been written about that in a journal we will look at that; we will draw that journal to the attention of our own customers but we will also use to help our understanding of how this case has changed the law. So it's another person's perspective in the hope that the people writing for journals are experts in their subject and we get the benefit of what they've written to help us.

What sort of journals?

All the legal journals such as the Law Society Gazette, the New Law Journal is a primary one, the Solicitors Journal, Counsel and journals that specialise in practice areas. The slightly more highbrow academic ones like Cambridge Law Quarterly and Modern Law Review, we will see those as well. They aren't quite so current and are more academic and therefore take longer to reflect on whatever they're talking about. You may wait three or six months for a case to be looked in the Modern Law Review whereas with the New Law Journal or Solicitors Journals it's usually within a couple of weeks; they are driven by a news agenda rather by an academic agenda and anything which looks it's going to have legal content which can help our understanding of the law and therefore our customers' understanding of the law we will look at.

Is it helpful to have academics' point of view?

I think so. Sometimes it's difficult to relate an academic treatment of something to a highly practical usage of whatever legal matters but eventually even practical law comes up against problems which need quite sophisticated answers and the academic contribution to those debates is usually what informs things like the Law Commission. The law commission comes up with proposals to change the law. All the law commissioners are highly respected academics and they're precisely there to match academic level of thought with practical needs so it has a definite place perhaps more in the way that the law is shaped in advance. Perhaps they contribute more to changes to the law before they happen rather than reflecting on them after they've happened. Maybe their greatest degree of value is at that stage.

What about the electronic copies of government reports and court cases?

The cases that come from government are generated by our own law reporters so to that extent they are already in the business. Our law reporters go to court; they take a note of whatever has been decided; usually at that time if they are going to hear a judgment most judges will have the judgment at the same time and they will hand it out to law reporters at that point and it will be available electronically at the same time. What the law reporters do then is make a digest of it which they feed into our system instantly and we along with quite a number of customers have an e-mail alert if we want it which might be subject based or it might be court or jurisdiction based but those ones live either by alert or by accessing particular sites which customers have access as well but they're fed by us into a broader system and then we make use of them afterwards.

For government reports, I believe that we have an automatic feed from OPSI into one particular area of our business and the rest of the business takes its feeds from this central repository that we have. I think it's probably part by e-mail alert but actually I think the e-mail alert is probably unnecessary because parliament also always publishes a daily list of its primary and secondary legislation and we'd always be looking at that so we'd always be asking for things before there's been an opportunity to alert for them. I'm not sure whether we're automatically supplied with everything that counts as an Act or SI but I suspect it is that but if we want more; things that might be out of scope of that feed I think it's a question of asking but via an OPSI website.

How are you aware that an Act or case is on the Lexis system?

As a department we look our central system daily (the LL and an internal editorial version of it); there'll be a place to see what's been uploaded in recent days and we'll look at that every day or couple of days to see what we're doing hasn't been impacted by anything that's changed in the last 24 hours. What we'll actually do is check wherever it is on the system, so LL will look at that having seen whether there's anything we need to look at right now; if there is we click into it and start reading and it's as simple as that. Nothing more than until we decide what we're going to do in the light of this new piece of legislation; where it's going to take us. If we need to do anything more with it then we'll either start writing whatever we need to in the light of what we can see on screen or we'll go back now to the database that we hold behind LL for a more editor-friendly format which will mean getting a Word or RTF version of the Act which we can then go into and be more creative editorially in it.

Have you done any CA this morning?

My team almost certainly has, I haven't apart from reading the newspaper in the morning.

Do you ever use newspapers for CA?

Yes, mainly on the days where we know there is a legal concentration. I think it's still Tuesday for the Times and the Independent has a different day when they publish their legal reports and law supplement and we'll look at those. At the same time we're following the same pieces as far as we can in the online versions of newspapers which usually that bit ahead and of course they develop during the day in the way that a print paper won't.

If you have a case or legislation, do you prefer hard copy or electronic copy?

Personally for reading if I wanted to get into the meat of an Act and work out what's going on I'm old fashioned enough to want a book in front of me; if I'm doing editorial kinds of work and once I know what the Act is and I want to dot around in it and the convenience of being able to search on-screen is way better for me so I'm quite good with both. People in my team who are more recent to the business have to be persuaded quite hard of the value of hard copy and many people who have been in the business a bit longer than I have would always use a hard copy and we do try and keep hard copies of every primary source that we work on that we need to annotate. We regularly have to annotate Acts and record somewhere easy and visible what we've done with a piece of legislation and hard copy is has proved so far a convenient way of doing that.

Do you ever use a split screen when doing editorial work?

Yes, I regularly do that.

Any e-mail alerts?

Yes, which I change according to the subject that I'm interested in at any particular time. As well as being interested in the whole of the law because of the [X] there will be times when parts of the team are concentrating on one area of the law for a period of a couple of months. During that time we're likely to set up e-mail alerts to our own CA team for anything on those subjects and when we come to the end of those we'll move on. Some alerts are standard if they're of general interest but for example at the moment I'm looking at charity law so for the next little while I'll have e-mail alerts on anything which has been tagged as having relevance to that but I'm going to be finishing my work on that in a week or so's time and then I'll knock that one of the head otherwise I'll just get everything and change it to whatever I move onto at that point.

Websites?

Yes, though again they are websites which we choose for particular purposes rather than general news websites. We will follow the justice department website because it carries a certain amount of standard legal information which isn't available very quickly in hard copy, practice directions which supplement the civil procedures rules. The best source of those is the justice dept website so we track that. For the moment we're working on charity law so we'll look at the charity commissioner's website. Anything which we know has a relevance to the particular work that we're doing we will track for as long as need to track it.

What a general weekly e-mail alert?

Yeah, I have done that but don't do it at the moment depending upon how specific my interest is at any one time. My team use WW mainly for government websites or equivalent or professional societies like the Law Society or the Bar Council if they have rules which they publish on their site we'll WW for note for any changes. They're usually the things and they need to be specific as we're looking into department sites; we're not interested to that extent in anything except the detailed changes to regulations that may have been for example unless you want every conceivable change to the page to come up you have to be quite precise about the particular pages that you're looking at.

What about citation/TOC alerting?

We are building that up for ourselves at the moment. We do have a pretty good tool Lexis Check which we use for validating both case and legislation citations; we're trialling at the moment because the material that we present is very case or legislation heavy and one thing to run citation checking software over something where citations are relatively sporadic but if there are 40 or 50 cases on a page. We're yet to see whether it's working fully on stuff like that.

What about bookmarked pages?

I don't use these but my team do and they are always subject specific.

RSS feeds?

I believe that some people use them but since I'm not completely clear on how to use them myself I couldn't tell you how they use them.

E-mail newsletter/bulletin?

Yes, we receive from someone else in the business a weekly summary of everything that goes in parliament both everything that's been passed, all the principal SI, commentary on the major ones, a note of what's about to happen in parliament of forthcoming debates. We see this every week alongside that there's usually a brief comment that someone in my team writes about something that has arisen in the course of their work and someone in another team combines it with a brief note summary of a particularly interesting case, whatever there might have been in the week. But that informal newsletters/weekly update which started principally as a legislative update is one that's used throughout the business and we're working out how to turn it into a publicly available update. Underneath the humour it's a really valuable piece of work that hundreds of people in the business now see it and use it. We're looking to see how feasible it is to make the weekly update available to our clients. Clearly if we put these things into public domain the informality that you can use informally needs to be more carefully watched so I think they're looking to see how they could retain its individual and highly informative nature and make it a public thing as well.

Do you use the weekly update for CA?

Yes, all my team use it. It's very helpful and I shouldn't really say this but it's probably the best piece of company information that we get in the business. Partly because it's informal and beautifully written; partly it does some of the thinking and analysis of

what's important and what's been happening in parliament without burying it too much background detail and as a quick summary of what's been going on of the Acts that have been passed; the older Acts which have been brought into force gradually and almost nothing else except those "what's about to happen pieces". It's very helpful and informative.

Do you use electronic or hard copy journals?

Both. Hard copies take a little bit longer to reach us on circulation. For CA, we'd use electronic versions for background reading and when we're looking at a project for a slightly longer time we'd use a hard copy.

How often are Halsbury's published?

One volume or sometimes two in most months and that means it would take about five years for the whole lot to be replaced but we do a lot of other updating of materials within Halsbury that keeps those bits of the [X] which aren't in the newest volumes we keep them up to date by another hard copy service. It used to be loose-leaf, now its an annual supplement and a monthly booklet which we meld those together for a monthly online update so all the [X] is kind of overload each month online and we try and match that with the way we serve the hard copy product as well.

Mentioned to SH that prior participant liked using an out-of-date textbook?

For legislation we do have historical versions available, more on request than as a natural option; for older versions of textbooks or loose-leafs they are gone when online but we are aware that people do sometimes want to know what Halsbury's said about something two years ago sometimes even 80-90 years ago and we occasionally have to answer queries based on that but that's hardly CA.

Newspapers?

Times and the Independent. We used to look at the Guardian when it published occasional law reports but I don't think we do anymore. I think the FT did but we don't use them anymore. The Times and Independent have the proper law supplements that we are interested in.

Are you interested in the law reports because of the reporting/slant of the journalist?

There are two parts to those law bits – the law reports where they give a potted summary of a particular decision where there shouldn't be any slant but sometimes you can see it. We're interested just in the decision of the court and the fact that someone has thought it important enough to report. When we look at the rest of the law supplement in the Times most of that is opinion and more general legal information not within the realm of the court. There we're clearly interested in the views and comments expressed. It's helpful because it doesn't feed directly into what we do but it does help us understand our assessments of the materials that we work with.

Books?

Yes and no, rarely are books going to beat us to a CA position. When we're thinking about information and revising a whole piece. If we're thinking about re-writing the



whole of the charity volume of an [X] then we will be interested in what people have said about all of charity law so we will potentially look at charity law or specialist practitioner textbooks but we're not going to use them to inform the CA or the updating that we do because they are always reflective and we need to be much more up to date. We will use them for our own purposes to make sure we understand what the law is meant to be saying.

Informal contacts?

Yes, an awful lot of that. There's a growing use within the business of people who are taking an interest in particular practice areas meeting to share expertise. We all have different networks of contacts outside of the business. I deal with academics and some practitioners; people in PSL team are former practitioners themselves and they have their own networks and practice areas. Everyone's picking up little bits and pieces of with a slightly different spin. The PSL people will have a very practical view of what's going on because I'm dealing with academics I'll have a more esoteric view but certainly together we share this information and it enriches what we can do generally. Most people have got friends and former colleagues all round the place that they chat to and for some reason when people hear that I or my team work on Halsbury's Laws they are usually quite interested and say how they use it and therefore we can pick up some information about what people find valuable and hopefully tailor what we do around what they've said.

What about your contacts in academia?

If we're not clear how something works then I'll pick up the phone and quite often these people have written for us and we're discussing the likely development of the law and they'll call me up and say the chapter I just sent you; you need to re-write this because there's been a new case or we've just heard that the charity commissioners have said X/Y/Z. So yeah, quite informal stuff.

Conferences?

A little. The conferences need to match with something that we're working on at the time. If it does then someone may well contribute to that or go along to it. It's not a very frequent occurrence but we'll take any expertise we can get.

Blackberry?

I don't use it for anything like CA. My view is that that works best for news and not developing law and the two do overlap to a certain extent but if the piece of information that comes through is a charity decision that's been overturned by the court of appeal and you get two lines on a Blackberry then that's fine but that's never going to be enough for the work that I do where I need to know much more and the longer the document the less Blackberry friendly it is I find so I'll wait 24 hours and find myself a PC or laptop and get a version that I can read more easily.

Have you done any CA this morning?

No.

When you've got some content on your PC or a hard copy and it's 50 pages, how do you

decide what to read?

Usually not difficult. The majority of the stuff that we read are cases and legislation all of which come packaged with something which has done a bit of thinking for you already. If it's a case which has been reported will have a head note and that will tell us whether we need to look at the full judgment. If it's a case which hasn't been reported yet all we have is a digest anyway so that's it's never going to be enough; it might be a link to a judgment in there but the thing that we start with is going to be a page of a digest, if that. Most legislation if it's a SI there's an explanatory note on the back which is rarely more than a page or so and the Acts have much more detailed explanatory notes but even they have a statement of purposes at the beginning these days.

Who would write these summaries?

For Acts and SI's they're written by the government departments which drafts the legislation. An SI will always have an explanatory note at the end of it which is printed and is part of both the hard and electronic copies. Acts' explanatory notes are also published separately but alongside and they're always presented in a way where the highlights are already there for you so in terms of CA where we do these much more quickly than the more detailed treatment we'll do later; we don't have the problem of what to read because someone's already done that bit for us in what we get.

What about European websites?

Yes for consolidated legislation. That's almost all that we use and very occasionally for cases but by and large we rely upon law reports for cases rather than EU sites.

What about the digest that the law reporters send through?

We use it to determine whether there are any CA issues. Other parts of the business use it to determine whether or not it's a case that worth fully reporting and we all use it to help our authors find decent accounts of recently reported cases.

How do they send it?

They feed it into the server somewhere and what we will see is from LL depending upon when we're looking. We might go to LL and I think they write it in RTF and that version is what's put through whatever processing is necessary to make it available to be loaded online.

Which method do you prefer?

Having grown up with seeing hard copy legislation and hard copy law reports across my desks I still find those the most comfortable to work with but I'd have to say that the single most useful piece of information that I get is the weekly update that [X] showed you. As an overall picture of what's happening in parliament. I would dearly love to see something that did the same as a general account of case law for the week so if I had to choose a single CA source of the most value it would be the weekly update.

Do you ever use the blog?

I do and I contribute to it. Another bit about that which is so useful is the number of links

to full-text of Instruments, Acts and government websites, explanatory materials so I use that one a lot.

Do you think it's helpful as it's giving you what you need and nothing else?

I think it's very helpful and trustworthy partly because we know the people who are making the decisions about what's worth mentioning this week; we also understand the rules that have been put in place – any Act which has been passed will be mentioned, any commencement orders which have been made they're going to be mentioned so the must-have information is there and also a notion of what's not only important in terms of subordinate legislation but also interesting, newsworthy and the assistance it gives you to go further if you need to look at anything else. It's a pretty good newsletter I think.

So hopefully your clients will find it useful as well?

I think we've been looking at it with some customers or at least our sales team who also see it, this isn't just an editorial resource. I think quite a lot of our sales team look at it with a view to being able to top up their own legal knowledge when they're talking to customers and they find it relevant and useful in that respect. They're telling us that their customers would find this kind of summary of a week's work in the centre of the law very useful as well. I can't think of anything that they wouldn't find useful but we might have to remove the "youtube" clips. Sometimes we'll include a clip that we've found just for sake of it; these are the bits that'll probably have to be taken out for the customer-facing version.

Difference between now and before computers?

The difference is that peoples' expectations of quality of information or the speed of information have grown beyond what I think is realistic. Before we had any internet presence people wanted high quality information which had been properly evaluated; had lots of value-added as it were; they wanted to know the effect of a case on the whole of the law; they wanted to know what an Act of parliament looks like now in the light of various amendments to it and they were prepared to wait for that information to be properly presented to them. Now the demand that internet has created for immediate information is fine but it's extremely difficult to reconcile immediate information with value-added information. This is one of the things where people need to put the brakes on their expectations a little bit. You can have a view of what an act of parliament is the moment it's passed but you can't necessarily have a view on what it's done to every other act of parliament at the same moment because that takes analysis, thought and the difficulty about speed of CA and information to the user now is potentially to water down the quality and depth of it and that's the primary difference is that peoples' expectations are too high if you want both. Everything has to be instant now and it has to be as good as it was when you took time to prepare it. It's a difficult balance to strike and of course you have to meet the needs of the people who are using information but we also have to try and help them understand that the best information is not going to be instant.

## P7

### Your role

I practiced as a barrister for six years so between 2001 and 2007 I practiced as a civil and commercial barrister and so I will be able to give you some insight into how I kept up to date with the law when I was practice. Since I've been here I am not a publisher of [X] and so I'm responsible for principally maintaining two of our [X]. I've been here since the summer of 2007. So for the bar 2001-2007 that first year was pupillage so equivalent of five years PQE.

Can you explain more about [X]?

The [X] is a transactional non-contentious work so the full range from things like charitable, construction work, small contracts between builders, insurance contracts so the whole range of documents associated with transactions in a non-contentious sense. Within that there is a requirement if you're buying a house if you think of all the documents you need a sale agreement, submit a number of forms to the Land Registry so there'll be a series of forms that are published by the government that we also publish and then they are filled out by lawyers on behalf of their clients and then submitted to the agency for approval or registration. I would distinguish between a precedent and a form. A form is something that is published by an author and it's a question of filling out the boxes and a precedent is something that drafted by a lawyer on behalf of a client and in some circumstances to capture the terms of an agreement – that is the [X] of forms and precedents. forms and precedents relates principally to forms and precedents; forms that you are required to submit to the Ministry of Justice when you are involved in litigation of some sort. Precedents are longer, typically more complex documents, drafted by lawyers which set out your case in more detail.

What methods do you use to maintain CA?

First of all, how up to date do I need to be? I'm not currently authoring legal content so unlike a lot of the other people you've spoken to who are actually in the process of updating content themselves I'm not in a position where I'm required to provide commentary on the law or guidance so the need to be up to date with the actual of the law is not high as it is for some of the other people you have met. I need to be broadly aware of some of the more important changes in the law that affect the [X]. I also need to be broadly aware of changes that are going to occur in the law in 12-14 months' time because that helps us plan the publishing schedule for the [X] and so the way I keep up to date principally I subscribe to a number of different e-mail alerts. Those are both internal and external and I change those alerts quite a lot depending on what area I'm working on, what I feel I need to be up to date on over the course of the next two or three months and those alerts that I subscribe to for example. So one I receive from LN Butterworth's covers/searches across matters concerning litigation and so typically it searches the head note of any article or report with the word litigation in it and so that brings to me once a week quite a long list of reports, cases relevant to litigation and that sort of broadly helps me keep in touch with some of the stuff that's relevant to [X].

Is this an internal alert?

Yes, it's an alert that I've set up myself to report from LL so that's one example. I also

subscribe to an alert called Lexology which is a service where they scrape information off lawyers' websites so for example Herbert Smith is a law firm and they publish on their website a series of articles written by their lawyers which are of interest to their clients about recent changes in the law and how that might impact you and so again on Lexology, I've set up by practice area an e-mail alert which comes to me I think once a week and that again the practice areas that I've set up brings me the latest articles written law firms across the country who are members of the Lexology network. I find that very helpful because they are taken from law firms' websites someone has applied their mind to the latest case and had a go at giving their view on what the impact on their customers might be so that's another alert that I receive.

I also subscribe to the LPSL alert on whatever practice area I'm working on. I think currently I have dispute resolution set up and that's a weekly e-mail. So those are the main e-mail alerts and I also subscribe to a news alert from Nexis which is our news service. Some are more helpful than others; there's a lot of information in each of those four alerts so once a week is quite a lot in the context of the other e-mails that you deal with at work. What I would normally do is probably a mixture of those alerts end up skimming through very quickly and probably going through one or two articles which capture my attention immediately. If it's not of interest then I tend to delete it immediately so I deal with each of those alerts probably in about five minutes.

Which alert is probably the most useful?

For me at the moment is the Lexology alert may be for two reasons. Firstly, I've probably set it up better than my other alerts in that it covers five or six practice areas but also in terms of the amount of information that comes through, typically it is a fairly small number of articles under each practice area so there's not as much information there to filter and it's helpful to know that it comes from a good place so you know that the article you're reading comes from a top law firm so that gives you some confidence immediately and secondly typically it's written in quite a sort of practical "this is the change in law and this is how we think it will affect our clients" and so it's a helpful digest of what someone has produced after applying their mind to it and that brings extra value for me.

When you see something in the Lexology alert that you want to look at further does it go through to the law firm's website?

They scrape a PDF and it gives you that plus a link to the author and then that link will take you to the lawyer's profile on the website.

Do you not use WW?

No. I've seen it, before I took my role as publisher I was in the practitioner's solutions team and so I had access to it. I don't need to be up to date or need the breadth or depth of information or whether new cases come up every hour or daily. It's sufficient for me to probably wait a week and when someone for instance a law firm has a review or digest on the case and the implications or the PSL team have picked up that information and provided some written guidance like a short summaries is more interesting to me than the case report itself or the fact that new legislation has come out. What I'm trying to do is principally stay on top of those developments that are happening or have the potential to impact our publishing schedule over the course of the next 12 months or so. So I've seen

it and don't think I need it.

Other than e-mail alerts?

I always read the Times law reports on a Tuesday. I specifically buy the newspaper on the way to work so I read it on the way in to work. Do I do that religiously every week – no? Sometimes it depends if there's something more interesting in the sports' section but that's something that I do periodically is keep an eye on it. I do get an online alert from the Times Law each week and it's something I always flick over. I am aware that there is a review that has just been completed related to costs by someone called Lord Justice Jackson. They had talks on that about two weeks ago and following that talk there was a report by Frances Gibb who's the reporter for the Times and she also attended the talks so I read that as a sort of follow-up to the talk I had been to the previous evening which is helpful. It's opinion and a bit more and the Times is quite mainstream which is helpful and it picks out things that are newsworthy but it's of interest rather than really valuable to me.

Do you use the Independent or Guardian?

I don't probably because the Times is the newspaper I buy.

Websites?

I bookmark the Ministry of Justice site. How often do I check that – not very often because I can't remember the last time I did it. I bookmark the Legal Technology Insider which relates more to technology used by the legal profession rather than changes in the law itself. It's a blog and the guy, can't remember his name, he runs a blog about legislative and technology developments and the legal market. It captures the stuff that LN is up to on the technology front such as LN has just entered into a partnership with X or Y to deliver this new technology for law firms. So it might say Sweet & Maxwell have introduced a new product and we've had an opportunity to review it and this is what we think.

Any blogs?

So actually I've been onto Twitter and I'm following an employment law firm called Pannone's who are a customer of ours and we've spoken to them and they're quite forward thinking so I've been following them and checking them periodically to see what they're doing. They have an employment and family law and provide two or three lines on what they think interesting and link through to an article on their website. I set that up three weeks ago because I had a meeting with someone who told me about it. An American guy who runs a company we're thinking of partnering with and he told me he has does Twitter so I thought I'd never seen it before and had read about it in the newspaper so went to set up one to follow him and to see what he was saying and then I discovered that there are also a number of other people doing legal Twitter type stuff and so I'm monitoring it to see if it's interesting. At the moment it doesn't appear to me that it's going to offer anything in addition to setting up some alerts. I could probably get the same information through Lexology in a weekly update.

What sort of information is on there?

So one of the entries I read was in relation to what's going in Iran and so it's like a 2/3 line something saying interesting human rights issues arising out of the protests on the streets in Iran. So that's not helpful to anyone and typically there's a link at the end of it which takes you to a website which may have a further article so in this instance it took you to a website – therocketlawyer.com which has a small entry relating to human rights but there wasn't even a considered article about what the impact or issues were in Iran. So it's kind of similar to other stuff, it's a couple of lines reacting to news which essentially becomes a feed to a further article. It's quite interesting and I'll see how it develops, it's quite early stages for it and it may or may not become relevant.

Do you subscribe to the weekly newsletter?

No, the only other in-house thing that I look at is LN Communities which is a sort of in-house Facebook and there are a series of blogs on that. [X] does a case of the week on there and that's something that I have used and check but doesn't form a important part of the way I stay up to date.

What about books?

No, because I don't need to carry out research. It's more interesting to me what's changing, what's likely to change rather than what the current state of the law is. If I was writing a guidance note and I want to understand some of the background to where and what the law is then I would do that, but I don't need to do that so no books.

Informal contacts?

I spend quite a lot of time talking about the law with people so there are two teams who principally edit the [X]s. The managing editors are in charge of commissioning new content and they stay very close either through their author network and/or using similar methods to that which I've described and I meet with them once a week and at those weekly meetings one of the things we cover is what's changing, what are the latest updates, what can inform the publishing schedule so that's definitely one way. I obviously have called the Dispute Resolution Group and we meet monthly for a similar purpose to discuss latest updates within dispute resolution or litigation and that has an impact on my CA. There's normally people giving suggestions to that meeting. Informally I rely on colleagues at work to share information that they come across and likewise do the same if there's an article that I come across when reading something then typically of interest then I will forward that to my teams or more broadly so that's another way of sharing information which I find quite effective because I know that one of the things is that there are a lot of sort of shared points where people can have access to. I usually use e-mail to send things around that I've filtered whether or not you think it's interest to people in the first instance is a very effective way of doing that and externally we're regularly meeting with customers and so that's a good opportunity to discuss the changes in the industry or profession.

Is this law firms?

Yes, subscribers to the [X]. We see fairly frequently probably once a week is a good indication of meeting with a customer to discuss either updates not typically about the law but about how we can improve what we're doing and it normally leads to a conversation about "there's an interesting new piece of legislation coming about, how are you planning

to deal with it in your [X]? We have a customer query line and have a lot of queries coming through that to my team which I'm also copied in on and that's a way of getting on top of information.

What about ex-colleagues?

Yes, typically a lunch. I'm in touch quite closely with three people from my old chambers and I meet with them for lunch partly social partly relating to law and typically focuses on their area of practice. It's interesting to discuss the cases they are currently working on and that leads to a discussion of the law involved in those cases and its also interesting to get their views on what information they need, how they use it, how LN can help them and address those type of concerns.

Conferences?

Yes, about once every four months. I went to an electronic disclosure conference in February. I was talking at the conference and it was a two-day conference and I spoke on the second day. It was less about the law and more about the technology that people are providing to law firms to help them get around their electronic disclosure issues so it wasn't helpful in terms of CA and staying ahead of the law.

Have you done any CA this morning?

I had four alerts this morning in my e-mail box. I looked at three of them quickly and deleted them having looked at the headings and decided that there was nothing there that I was interested in so I deleted those. The fourth one was the Lexology alert, I had a look at that and then there was a particular article written by a lawyer from BLP relating to the costs review by Lord Justice Jackson. The first thing I did was click through to his profile to check who he was to see whether or not he was worth reading and he was a partner and so I thought and decided that this would be interesting so I then shut down the BLP website and went back to open the article and it was a probably two sides of A4; I went through that and I read and digested it and it relates to an ongoing review of how costs are structured in the court i.e. if you lose litigation whether you have to pay the costs of the winning party and when that review process is finalised and new procedures is introduced then it's going to have quite an important impact on the material that we publish in the Atkins' Court Forms and it will probably lead to a good opportunity for us to commission authors to re-write lots of stuff and sell more books and so one of the things I'm doing is trying to track the progress of that.

Did you save the article?

No. What I did is drag the link into my folders on the left and in one of those folders I have called Dispute Resolution and I'll use the link if I want to read the article again.

Why not?

My thought processes will be this when I next try to find it. I'll think gosh there was that interesting update from Lexology which came in that e-mail and that's how I'll start looking for it rather than there was that interesting article by Chris Jones that I filed in this folder so I'll associate it with a Lexology alert which is why I probably put it in there. That's what I currently do and actually I'll probably use my Outlook folders as a sort of



filing system.

When you're read an alert and you've seen something do you save the alert?

I would typically do what I did this morning is drag the e-mail into a folder on the left in Outlook and go through to the link that way and again for distributing something like that I would do exactly the same is just forward the e-mail with the link in it.

Did the alert have the name of the person within the alert?

I think it has the article title and I think the alert tells you what firm it's from but I don't think it has the identity of the author until you click through and then it opens up a page where it's got the identity of the author, the firm and then the article appears beneath. At that point if you click on that there's a hyperlink and the name of guy which takes you through to his profile on his law firm website.

What's happens if the author is a junior associate?

I might have still read it but read it much more quickly. I would have skimmed read it as opposed to reading it. That's probably the difference or I might have binned it. It certainly informs the amount of time I'm willing to give to reading the article.

Most people I've spoken to have said they don't like e-mail alerts and use WW?

They need to monitor much more; they need to know exactly when things happen; they need to know when a case comes out as soon as its made available. They need to take it, digest it and write about it so probably where I'm happier with material that's been digested and someone has expressed an opinion on, that's helpful to me because it means I don't have to read a 50 page case. They're people who are writing opinion and we're selling that information so I'm happy to get it once they've done their WW and found a case of interest and they write their weekly alert and I'm happy to review that 3/4 days later. I don't need to be up to date.

How are you going to monitor the court costs developments?

So the way I'll monitor this will be (a) e-mail alert; (b) it's the type of thing that will be reported in the newspaper and (c) there's the monthly meetings of the dispute resolutions group so if there's anything that I've missed then it'll be raised there and (d) informal updating with my weekly meetings with editorial managers if there's anything else that's arisen or any progress made it will be raised in those sessions so I it won't be just e-mail. There are a number of different ways that supplement that but personally the principally method is e-mail alert.

How will the final decision on court costs come from the court service of Ministry of Justice?

It'll be a report by Lord Justice Jackson and that will probably be published by the MOJ or court service. I will know about it before it happens; I'll know that it will be published in a week's time simply because of all those different methods and people will be waiting and what I suspect will happen is that someone in the dispute resolution team here will get hold of an early copy of it and circulate it.

Can you explain how you used to do CA in practice?

There's ongoing training requirement CPD so I was required to attend 12 sessions of one hour each year and that used to be a helpful way of keeping up to date. I subscribed to daily alerts from Lawtel. In our chambers we used to have various practice groups so depending on what area you specialised in and for each practice group there was someone who was responsible for monitoring relevant developments and circulating it to members like an in-house PSL. Something that I never got used to but the guy who I shared a room with he used to take the All England Law Reports which he used to read religiously in paper copy and they're issued monthly and he would read the paper version of the month's summary of cases. I tried that and didn't think it was particularly effective. I used to subscribe to the New Law Journal and Counsel which is the bar magazine and again they both typically contain important stuff and also I think I got the journal of personal injury law. Chambers used to write do marketing events and I used to be involved in one or two of those and for the purpose of those we used to generate a lot of materials about developments in the law so (a) I was involved in those and (b) the material generated for each of those seminars was circulated. Fundamentally when I was preparing a piece of advice for a client to ensure the piece of advice was up to date which is what this is all about for a lawyer's perspective is I used to start with a book, find out and check that I understood the law that was relevant to this contractual issue. The bottom of that book had footnotes referring to a number of cases. If there was a case that was particularly important I used to go online and find that case and then I used to a series of searches to find out whether that case had been considered in more recent cases and/or had been overruled. That was fundamentally the most important bit. I never ever wrote an advice without having done that and so in a sense it's staying up to date as and when you need it rather than being bombarded with information. I think that's probably the method that most lawyers used as they need to be up to date with what they're currently working on; they don't need to be up to date with everything all the time and now online we give you lots of ways of doing that through our LL service. The last thing you want to do is stand up in court and cite a case that's out of date because then you get into trouble and it does happen occasionally.

## P8

### Your role

I work in primary sources. That means is that I look after the collection of data coming into the company regarding case law, legislation, government forms and also we cover current awareness, looking at relevant news items in legal and tax areas which we update on a daily basis to our customers normally via e-mail. My department also includes twelve law reporters who go across to the Royal Courts of Justice and they do a report on a daily basis on the developments of the law, so they will prepare a summary which goes online every day also what they do is supply really important cases; cases that create a precedent. We will star those cases to our customers and also to our internal customers such as the law reports series like the All England Law Reports or P6's tax cases.

### Background

I trained as a barrister and practiced for about four years before going and working for a solicitors' firm in the City and about ten years ago I decided to have a complete change and came to LN.

### What are the main methods you use?

We get a feed of legislation coming through every day from the stationery office who publish on behalf of OPSI and we consolidate that legislation by flagging any significant changes for our customers.

### How do you keep current?

I naturally look at the online services that my team and other members of the company produce so I do a combination of looking at online materials, primarily own our website but I'm also very aware of the free websites which can be looked at as being our competition. I'm also on the circulation list for the physical library here on the ground floor where we get in hard copy journals from all different publishers which then get circulated around to people. The journals may be a combination of academic publications or it might be legal trade press like the Lawyer. In fact we also within LN publish Counsel magazine so there's plenty of opportunity for me to keep up to date and of course I do.

### What about e-mail alerts?

Yes, that will be all part and parcel of the service I will be getting through my own access to the LL.

### The LL product that you subscribe to; what have you selected to receive?

Well I generally select things along the lines of the area that I'm working on at the moment that I'm responsible so it'll be cases and legislation primarily and in terms of CA it's great because I can very much customise what I want to receive on a daily basis.

### What sort of practice area are you monitoring at the moment?

Well, I get stuff from across the board so I'm interested in seeing the whole span of

what's reported by my team over and they will be covering anything from crime, employment or contract so basically I have access to all of that information and for me although I have access to it every day I may well depending on what I'm doing at any given day I might just defer all of that and look at it once a week and go through and see what's been happening in the world. Also, for my purposes I count on my direct reports from people that report to me to keep me apprised of everything that is going on as well. A lot of what I'm doing anyway in terms of my role is that I have stepped away largely; I am as I've just said aware of developments and I subscribe but in many ways I need to be aware of legal developments in order for me to do my job better but what my job is primarily kind of strategic and moving things through re-developing systems applications in order for us to report on legislation and cases better and faster so that's making sure we've got new software, new databases all that stuff. I'm also a line manager and head of department so it's of course about people management and managing budgets so for the purposes of CA do I in my day-to-day role am I feeding into the editorial process or how am I looking at legal research I'm looking at in terms of how it informs me and helps me be a better manager as opposed to producing content.

Do you need to keep aware of developments in the HR and IT areas?

I don't specifically. What I do is harangue and harass the IT department here who tell me all the stuff I need to know but in terms of specifically subscribing to that no I don't do that. In terms of HR personnel issues obviously because of my legal background and what's going on I can track what's going through the courts and I'm aware of certain changes to the law whether it's around disability or diversity or anything like that which helps me do my job better. For instance, managers have health and safety responsibility to their teams but we have a very active HR department who will also brief management as well as to those responsibilities so one way or another I expect I have no escape from making sure that I'm able to do my job. We all in the company whether we're producing content or not have the means of legal information being sent or given to us.

How do you use journals?

I use them online and read hard copy journals on the circulation list. We have a number of journals which are online and a number of those are ones that we produce as a company ourselves; some of those are journals that we licence from other publishers but as I say it's actually a question of the best use of my time as well so it may well be that I'm on the circulation list of a journal and because I get it physically handed to me in the internal mail that I'm more likely to look at it so I don't have a set way every day of how I might go through the information that's available to me. What I will do is I get my e-mail alerts then it's a matter for me just as I suspect it's a matter for our customers how they use the information they get on a daily basis.

What journals do you look at?

The main journal that I look at is the Lawyer.

Is that for CA but in terms of what firms are doing?

Yes, I'm interested in who's coming and going and what's happening with that. I look at the legal section of the Times when it comes out on Tuesdays in hard copy. I may pick it up hard copy and read it coming into work and then I will also look at publications like

the New Law Journal. So I will say that what I'm looking at is stuff which is fairly general in scope; it might have a mixture of a bit of gossip around the profession and also things where lawyers may well give a view as to what they consider to be a growth practice areas because you can assess by the comings and goings of partners and where people are being recruited into to grow certain areas, portfolios. That in itself is interesting.

What's the New Law Journal?

It's published by us and monitors developments in the law and it's a mixture of news items relevant to the law, developments, interviews with academics and barristers and solicitors and also it has a little legal information area where people can have a quick look and there'll be mini-case summaries which a number of my team have written but modified. The subscribers levels to the NLJ are pretty high given that it's a legal publication which is hardly going to have the same circulation or Heat!

What websites do you look at?

Main ones outside of LN sites is BAILII which is the case transcripts; Casetrack which is produced by Merrill Legal Solutions. Merrill are the official court transcribers and they produce the transcripts that we buy in. I'm also looking at the OPSI website as well so generally I'm monitoring three websites. BAILII is something that we monitor constantly and generally speaking and its people knowing what they're looking at and the most up to date version of a case. I go on there on a regular basis, not a daily basis and I will see what's going on with it but I certainly don't get e-mail alerts from BAILII.

Have you tried other sites?

I sometimes have had access to some of our competitors' websites that's not something I do on a regular basis but competitive intelligence is something that we're always trying to assess where we are in relation to our competition but on a day to day basis I don't do that now but I will be informed of things and try and make decisions as to how we might expand coverage as necessary because of what my team tell me.

Are you monitoring anything specifically at present?

Nothing specifically, literally I'm making sure that stuff is coming through and is being done properly and it will be flagged. Generally, I will have something flagged to me to review but at the moment I haven't got anything as of today that I'm pursuing. For instance because I'm managing the production of the content as opposed to producing the content I'm that additional step away from that. I would count on people briefing me as to what is important.

How do they normally do that?

By monthly report; regular one-to-one meetings with members of my team and of course e-mail correspondence.

What are you looking for when you're monitoring websites?

I'm just scanning them for a case which is considering a new piece of legislation; there could be an element of stuff that I find personally interesting. For instance one of my

peers is the head of content acquisition here and for instance if there is a new massive new piece of legislation coming out I will look at that as a publishing opportunity for a book where we can get experts to offer their opinion. It's trying to get an idea of the trend of legal cases.

What about your Blackberry?

I don't use it to access legal information, just e-mails. The key thing is one can be in real danger of information overload and so it's really important to make sure that you're marshalling all the sources from wherever you get them properly so they're helpful as opposed to like an avalanche of information.

Do you attend conferences?

I don't very often but go on customer visits to law firms and take people through things so we are very aware of what our customers want and I'll get involved and I'm also in contact with ex-colleagues who can say they will let us know the quality of what we're producing and we can find out if we're competitively priced because customers will also complain about having to pay for something. I do this regularly but not often although the sales team will report back and a number of our sales force are responsible for getting products published and are often our "eyes and ears" into publishing opportunities.