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From Manifesto to Messy in the Law Library

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At first glance, it appears to be a battle of opposing forces. In *Messy: The Power of Disorder to Transform Our Lives*, Tim Harford advocates embracing complexity and chaos. He argues that “we often succumb to the temptation of a tidy-minded approach when we would be better served by embracing a degree of mess.” In *The Checklist Manifesto*, Atul Gawande advocates imposing order onto complexity and chaos through the use of external, ordered instruments.

Librarians tend to favor the *Checklist Manifesto* approach. We love checklists, forms, templates, and neatly ordered classification systems. Yet, overemphasizing order can lead us to view all disruptions as negative and hinder our ability to adapt. In this article, we will describe the benefits of applying the *Messy* approach in various library contexts, particularly during times of disruption. We will conclude with an in-depth case study from the University of Kentucky College of Law Library that demonstrates how library services can adapt and improve in the midst of messy circumstances.

Messiness and Legal Research

A well-designed, thorough, and detailed checklist can be invaluable in conducting legal research. Have I mined the resources in the free and commercial databases available to me? Have I reviewed the suggested answers and checklists generated from the research platforms' ever-expanding machine learning and artificial intelligence capabilities? Have I identified other subject-specific databases or websites that could provide the information I am seeking? Have I covered primary and secondary sources? Making sure such bases are covered is critical in not overlooking essential sources. But, checking the boxes may not always be enough, even for seemingly simple requests.

A law faculty member may place a straightforward article request that turns into an elusive quest. A librarian who is overly tied to a checklist may give up the search after each box is checked. The article is not available in online databases. It is not available by interlibrary loan. The checklist is telling us that the article cannot be found at all. But, possibilities still exist in the messy world beyond the checklist. Can we request the article directly from the author? Is there someone at the author's university or place of business who could help? Was there a copy of conference proceedings that might include the article? Such options might not be included in a legal research textbook list of sources, but choosing to explore them could mean the difference between a happy faculty

member and a disappointed one. There is a satisfaction in checking boxes, particularly when doing so yields positive results, but we do ourselves and those with whom we work a disservice if we play it safe and limit ourselves to an internal or external checklist. As Terrill Pollman, Jeanne Frazier Price, and Linda L. Berger note in *Examples and Explanations: Legal Research*, “As lawyers, sometimes we piece together clues to solve puzzles, other times we build models to achieve goals, and still other times we hack through a jungle to find the light and clearing deep within.” In other words, legal research is often complicated and messy.

The example above is one of unintentional messiness. The circumstances are forcing the librarian off the checklist to succeed at research. But, there can also be value in intentionally injecting messiness in a situation to spur improvements in research results. Perhaps you find yourself in a research rut. Maybe you always use one legal research database and neglect the others. Forcing yourself to use a new database or choosing to use print resources as a first step for a particular project can yield surprising results and perhaps better results than if you just rely on your old standby electronic database. In *Messy*, Tim Harford describes a psychological study where high school teachers reformatted teaching handouts, giving half of the students handouts in “one of three challenging fonts: the dense **Haettenschweiler**, the florid *Monotype Corsiva*, or the zesty *Comic Sans Italicized*.” Advocates of clean, tidy, professional typefaces

might cringe and expect students to struggle with such distracting, messy handouts, but they did not. According to Harford, “[T]he fonts didn’t derail the students. They prompted them to pay attention, to slow down, and to think about what they were reading. Students who had been taught using the ugly fonts ended up scoring higher on their end-of-semester exams.” Such an example does not mean that librarians and others doing research should abandon taking a systematic, structured approach or cease using resources that are comfortable or familiar (or abandon using Times New Roman font in their writings). Rather, it is a helpful reminder that, in Tim Harford’s words, “arbitrary shocks to a project can have a wonderful, almost magical effect” and can sometimes “unstick us when we don’t even know we’re stuck.”

Messiness and Library Personnel

Tim Harford makes a compelling argument in *Messy* for diversity of teams and personnel. He also presents the benefits of working on multiple projects simultaneously and the power of collaborating with others, even when it might be messy or uncomfortable. In a law school, a tidy approach to faculty scholarship or librarian scholarship might be to write articles alone and focus efforts in one area of expertise. A tidy approach to faculty liaison assignments might be to assign a librarian with a subject-expertise (Intellectual Property Law, for example) to all law faculty who teach or write in that area. A tidy approach to student research assistant assignments might be to have one research assistant

assigned to a particular faculty member or a particular librarian or to one particular project. A tidy approach to library teams might be to have Circulation staff members on the Circulation team and Reference Librarians on the Reference team.

While many successful results can be achieved with such tidy approaches, there are also opportunities and surprising successes that may be achieved through unintentional or intentional messiness. Librarians who might labor alone on an article and view the world primarily through the prism of their own library might find new insights, accountability, and connections by collaborating with librarians at other libraries. Faculty liaisons who work with faculty in diverse subject areas might help to, as Harford puts it, “cross-fertilize” projects by suggesting relevant sources from outside the faculty member’s area of focus. Assigning a team of research assistants to work on a single faculty project may yield some duplicate results and present organizational challenges for presenting the research, but it may also yield excellent results because each research assistant approaches the universe of information with their own unique search styles, syntax, and way of thinking about the particular issues before them. Similarly, intentionally mismatching some library staff on library teams could yield surprisingly innovative results, as the staff members’ expertise and perspectives are shared across silos and members gain a larger perspective on library operations beyond their narrow area of focus. An extreme form of intentional mismatching occurs at

the University of Kentucky Law Library in that all library operations are conducted by teams made up of librarians with different functions; furthermore, teams may only proceed with actions by consensus requiring all team members to be talked around to supporting any given proposition. In this form, not only are individual perspectives shared but also amalgamated into final decisions.

Messiness and Physical Spaces

Sometimes physical spaces can also benefit from an intentional injection of messiness. In the May 2015 issue of *AALL Spectrum*, Andrew Martineau described the transformation that took place in the microfiche room at the Wiener-Rogers Law Library at the William S. Boyd School of Law at the University of Nevada, Las Vegas. His article *Comfort, Functionality, and Popcorn* highlights how a room of microfiche cabinets and microfiche readers was supplemented with comfortable seating, moveable whiteboards, a coffee-maker, televisions, and a popcorn machine. An increasing number of individual students and groups have chosen the space as their preferred place for studying. Encouraging messages have spontaneously appeared from time to time on the whiteboards, particularly during summer bar preparation. Sometimes it is a bit harder to keep the areas around the coffee maker and whiteboards clean, but such messes are positive signs of activity and engagement with the space, or, as Tim Harford notes, in nature and even artificial systems “mess often indicates health.”

Thus, messiness, of both the intentional and the unintentional varieties can often benefit law libraries. Let us now examine how a large-scale mess has led to positive changes at the University of Kentucky Law Library.

**A Case Study of a Suddenly Messy Physical Space:
The Destruction of the University of Kentucky College of Law Library**

A few years ago, the Kentucky state legislature apportioned a significant amount of money for a renovation and expansion of the University of Kentucky College of Law (UK Law) building. Additional funds for the project are being raised via private donation. While the renovation and expansion of the building has long been overdue and will have many long term benefits, in the short term it has involved a certain amount of mess. No sooner had we hired architects than we started hearing terms such as “gutting,” “demolition,” and “stripping it down to the studs.” It turns out that the architects were not kidding.



Figure 1 - The remains of the UK Law building midway through demolition, Summer 2017

Over the course of several weeks in May 2017, the students having already departed for the summer, the entire faculty and staff of UK Law moved out of our home of several decades and into interim housing, which is where things really got messy. First, we all heard the two most dreaded words an introvert can hear: “shared offices.” Most UK Law faculty currently share two or three to an office. However, as there still were not enough offices to go around, a small classroom was converted to work space to house six librarians. Thankfully, the administration did spring for partitions for at least a semblance of privacy. Second, the space in our interim building designated to be the “library” could hold only a small fraction of our collection. We brought the most used Kentucky-specific sources with us and sent the rest of our collection to storage in a literal cave about forty minutes away from campus. A third messy condition involves classrooms. We have two in our interim building (and one of those is a converted chapel as UK bought the building from a seminary). Generally, we have been able to hold most 1L classes in our interim building but virtually all upper level courses are taught in other buildings on campus, primarily the business building (UK’s business school went through a renovation a couple of years ago, so they took pity on us). While each of these three examples of messy conditions initially struck us as less than ideal, all three have led to surprisingly positive innovations.

While sharing office space has presented its challenges (particularly during the time of year my colleagues and I hold student conferences), it has also

induced us to collaborate with each other more effectively. While we always collaborated with each other on our shared course, collaboration on reference requests and on student advising have increased. If a student asks me something for which I know one of my colleagues would provide a better answer, it is quite simple to call out and have that colleague join the conversation. Similarly, if I hear a conversation on a subject of which I have advanced knowledge, I can offer friendly assistance. My colleagues and I value this unintended benefit of shared offices, so we have made plans to replicate the dynamic even when we move into private offices in our new building. An additional benefit of the shared office is that it has brought our public services and technical services closer together. We were always friendly with each other, but now we understand each other's workflow a bit better. Finally, we have strengthened our bonds through the strategic placement of an office Nespresso machine and a community jigsaw puzzle table, which doubles as a student waiting space. Altogether sharing an office has not been without its benefits.



Figure 2 - Office partitions are no barrier to collaboration.

Going from a full library to a much smaller “library space” also impacted much of what we do, but also led to what I view as an unforeseen improvement in our legal research curriculum. We went from having two copies of the Kentucky Digest, all of the Federal Practice Digests, and the Supreme Court Digest to use for class assignments and exercises to just a single copy of the Kentucky Digest. Similarly, we went from a dozen codes to choose from to just two copies of the Kentucky Revised Statutes. Beyond the reduction in physical books, we also went from being able to seat around 300 students to being able to seat 9 (if somebody is willing to sit in the random, somewhat creepy individual chair next to the copier). It became apparent upon contemplating our new situation that bringing classes into the “library space” to practice using print books was no longer going to be an option. What I decided to do instead was to have my students retrieve some information in print before class and bring photos of it with them to class. In class we then talked about what they had found in print before turning to the electronic versions of the same materials. I then had the students compare and contrast the two versions, which ended up having them reach a higher level of learning on Bloom’s Taxonomy. Previously, I always focused a couple of weeks just on print and then just on electronic research. I never would have changed my method if I had not been forced to by messy conditions, but I liked having students engage in the compare and contrast exercise and so intend to continue with the new approach even when our collection and space return to more fitting conditions.



Figure 3- The grand opening of the interim UK Law Library Space. It is a good thing not everyone came at once.

Finally, UK Law's interim classroom situation forced us to adapt and to provide superior service. Most law schools hold all their classes and student space in the same building, which more or less provides a captive audience for the library. UK Law tried to replicate this effect by having mostly all 1L classes in our interim building and mostly all upper level courses in a building just across the street. Unfortunately, early in our interim period, we started noticing that we never saw 2Ls and 3Ls. While there is only one street between us, it has turned out to be a street too far. (In our upper level students' defense, it *is* a really traffic-heavy street.) We decided that we needed to stake out a presence in our 2Ls' and 3Ls' academic lives, and so we instituted "mobile reference." Essentially, we send

a librarian with a laptop across the street to hover outside the classrooms that hold the law classes. We had never tried embedding a librarian directly into student space before, and we found that doing so now had a couple of positive results. First, it earned some good will with one of our primary user groups. The students visibly appreciate the effort that we're extending to make things more convenient for them. Second, I find myself having a lot more casual conversations with students that turn into providing sneaky, stealth reference, so we are reaching more students beyond the regular reference users. When our new building is done, there will be increased student space outside of the library, so we may very well decide to continue our embedded "mobile reference" in some form.



Figure 4 - Mobile reference librarians do not always find such choice spots.

Thus, the messiness inherent in our building renovation and interim housing have forced the librarians at UK Law to adapt for the better. In June of 2019, we anticipate moving into an improved space with already improved collaboration skills, legal research curriculum, and student services. While we will certainly take the checklist approach to the move itself, we will remember the benefits we reaped from our messiness and will endeavor to engage periodically in intentional messiness to best improve our library.

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