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ECA and the 21st-century law librarian: Introducing Early Case Assessment

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It is an uncomfortable truth of librarianship that it will always remain a support activity. An academic librarian is highly unlikely to become the president of the university that her library supports; likewise, a private law firm's librarian may rise to a position of leadership within the firm, but there will always be a managing partner that he has to report to. And at the same time, for about as long as librarianship has existed as a profession, it has tried to find ways to deal with this uncomfortable truth. Some of these have been grounded in accepting librarianship's status and putting forth the argument that by its very nature, the librarian profession attracts and appeals to those who would rather support than take charge, and who are better at supporting than taking charge. Others, though, have taken a step back to think about not only what it means to be a librarian, but what can librarians offer to their colleagues that no-one else can.

One of these ways, though of relevance primarily to librarians working in law firms and corporations, is the concept of "early case assessment." As described by Shannon Kemen, of the law firm *Keating, Muething & Klekamp, PLL*, what underlies it is the idea that a law firm is a manufacturer, and litigation is its product. To put out effective products, law firms need to be conscious of the risk and the cost/benefit implications of taking on legal cases. And who within a firm is placed in the best position to actually evaluate the risk, and then to present the recommendations to decision-makers? It may not be the most obvious task for a librarian, but actually, it is a task that a librarian would be uniquely qualified to carry out.

As she described it, ECA is a multi-step process. The steps include extensive research into the backgrounds of a firm's potential clients, a look at the the actual business prospects of any potential litigation, and a thorough evaluation of the specific stakeholders, including clients, opponents and their counsel, experts, and judges. The tools used for this are various, ranging from standard news databases to ways of accessing information on current and past suits, liens and judgements, from researching individuals' criminal histories to accessing information about companies by examining their SEC filings. All of these fall under the broad term of "competitive intelligence," but as with all intelligence-gathering, the first question that has to be asked is not "what is the process", but rather, "why is this process important."

Early case assessment may not be something that librarians intuitively think of as a competency. But the building blocks of this process are what any law librarian worth his or her MLS should be good at, and the process itself is an important step towards the move from librarians as the people whose offices are in the library building or area, and to showing exactly how, as the nature of information evolves, those who are trained as librarians can continue to make obvious. their worth to the organizations they are employed by.