

Excerpt from the Newsletter of the State, Court, and County Law Libraries Special Interest Section of the American Association of Law Libraries, v. 30, #2, Spring 2004:

Charley's Corner: Some disparate ramblings

by Charles R. Dyer, Director of Libraries, San Diego County Public Law Library
Nothing in this column represents the view of my Library or its Board of Trustees. These are just my personal opinions.

As I am wont to do whenever I have a long plane flight, I raided the magazine rack at the airport for some interesting reading before a flight to Minneapolis in late March. I picked up a copy of the April 2004 *Discover* magazine. One article was titled, "Whose Life Would You Save?" but the more pertinent descriptor was the line referring to the article on the cover: "Are Right and Wrong Wired Into Our Brains?" The article went on to describe the research of Joshua Greene, a "philosopher turned scientist" at Princeton University, who studies brain waves of subjects faced with ethical dilemmas.

It seems that those dilemmas that cause some consternation when making the choice affect different areas of the brain than those that can be reasoned more abstractly. Greene maintains that certain choices are hard wired into our brain through evolution. For instance, is it appropriate to smother your newborn child in order to avoid revealing the hiding place being used by you and other villagers to the enemy soldiers. The great need to protect one's own child, even at one's own loss of life, is, he believes is an evolutionary development that results in a much more emotive response to this question than the standard utilitarian one.

I found the article fascinating, not just because it reinforced what we all already seem to know about ourselves, that we'd die for our kids, but because it reinforced my own notion that our own individual sense of justice and moral outrage is more hard wired than philosophers and legal jurisprudence scholars are likely to admit. To the law and economics oriented judge, the person who spends unimaginable funds and inordinate time pursuing some perceived wrong, well past the actual value, must seem extraordinarily silly. Yet we all have seen such people. Not just the obsessive schizophrenics, but otherwise mentally healthy people, do this.

I am saving the article to add to my store of materials that have implications for legal informatics. As I discussed in my previous column (January 2004), *informatics* is the "study of the structure, behavior, and interactions of both natural and engineered computational systems." Those who study legal informatics are looking in part toward developing artificial intelligence systems that would facilitate computer-run distribution of court services. Some would even like an artificial replacement to jury verdicts. But so far, we have had trouble even developing adequate software programs to help folks fill in family law forms. They work for some, but not for all. Perhaps, in addition to the myriad of language and cultural barriers, we also have genetic barriers. There is a lot of work to do before we can replace court clerks and librarians.

I have always tried to use Charley's Corner to look at things in a broader context. With budgeting and legislative battles on my mind, it has been hard of late to write this column. Almost makes me want to get back out on the reference desk so I can hear other people's problems for awhile. But my staff is so efficient that they handle all the problems with the public, and leave me the mess of trying to keep funding going.

In fact, they have gotten so good that I now routinely receive the problem patron reports well after the situations have been resolved. A guy is making a disturbance in the reading room, and the staff is handling it with such aplomb that the police have come and gone before I even know there is an issue. Another guy leaves terrorist notes, and the staff has already got the FBI in and out before I hear of it. Literally, I have found out about some of these events only because a senior manager has left word with his staff to go ahead and break into a meeting with me to confirm their actions if a situation escalates beyond a certain point. I have asked about this, and the reply is that we get so much practice that staff are used to these situations. We've had to create a new procedure so as to define for staff just when to call 911 and when to call the regular police dispatch number.

I'm thinking of having staff start tallying these incidents like they do reference questions, so we can report statistics on them. It would be interesting to know if the adage about the full moon is statistically true. It would be interesting to see if we have seasonal variations. Maybe I should break them down by the level of incident, i.e., handled by staff, needed regular police dispatch, needed 911.

I remember for years it was the contention of the leaders of AALL that all the types of law libraries had more in common that they had that set them apart. I think while we all owned the National Reporter system and filed in Matthew Bender binders, that may well have been true. Now, with so much turned over to online access, and the use of different online systems by our colleagues in other types of law libraries, and the rise of self-represented litigants, times have changed. Look at the growth in private law librarians of the Law Section of SLA. Look at the rise of CALI and the rise of academic law librarian attendance at AALS meetings. Look at the numbers of public law librarians who connect with local public library consortia and attend state library association meetings and legislative days. I think we are much more separated than before.

I was an academic law librarian until 1987. My very good friend, Carmen Brigandi, used to be a technical services librarian for the New York Supreme Court Library in Syracuse for many years, but she has been the acquisitions librarian at California Western School of Law for the last six. We get together very regularly, and have confided in each others for a long, long time. But now we are having difficulty understanding each other's issues at work. Our institutions have had so many changes, such different pressures, such different missions.

Roy Mersky, my mentor from the University of Texas so many years ago, recently sent out a plea to his group of Texas Law Library alums, asking for help in devising a public relations

plan. He has, of course, been an expert in public relations and marketing to his faculty. But now, due to budget pressures, he wants to reach out to the bar, the public and the legislature. I think what was most shocking to me is that this extremely knowledgeable sage in our profession had not known of the collective and individual efforts of both the private law librarians and the public law librarians to do marketing and public relations these past two decades. I didn't know where to begin to respond. I was so overwhelmed with the notion of trying to start someone from the beginning that I completely froze up. So now I am contributing to the problem of the increasing separation.

It's no wonder that 80 percent of our profession does not understand the need for increased legislative lobbying on funding issues. They understand the issues of intellectual freedom, copyright, and privacy well enough, but state budgeting is new to them. It's our job to get our colleagues in other types of libraries to understand that access is as fundamentally important as intellectual freedom, copyright, and privacy.

Let me hear from you if you want to respond to these ramblings. cdyer@sdcppl.org
Please do not put expletives in the subject line, as I get a lot of junk mail. I would hate to delete your pithy comments by accident.