
Facing A New Reality: The Opportunities and Challenges of Law Librarians in Malaysia

by

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‘A lawyer without books would be like a workman without tools’

Thomas Jefferson (1769)

‘*Law library is the lawyer’s laboratory*’

Christopher Langdell (1887).

New trends and developments in the legal industry

In the past twenty years, law firms have undergone dramatic changes and developments. Among these are increasingly complex laws, the expansion of law firms and specialized practices and the general emphasis of firms more as businesses, with revenue, overhead and efficiency concerns. With the evolution of the practice of law, client demands result in rapid changes and it has become evident that firms need to better manage the intellectual capital within their organizations.

The legal market has had to reassess the way practice is being defined as a business. Working in a global marketplace, firms must compete in a fast-paced environment where clients expect to communicate through electronic networks around the world. In order to stay competitive, firms have had to

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adopt knowledge management and business techniques that make use of the Internet and other information technology in order to market their services in terms of specialized legal knowledge. In addition, rapid changes in information technology also continue to alter the way in which information is published, accessed, organized and disseminated.

These changes naturally have an impact on library resources within such organisations. This in turn forces library resource professionals to re-evaluate their role in this process as such developments have altered the practice of law and transformed the jobs of librarians in law firms around the globe, including in Malaysia.

Have the job requirements for law library positions changed, and if so, what trends have developed with regard to the types of knowledge, skills and experience required for such jobs? Is there still a need for a librarian to manage a library, as much legal material is now available electronically and lawyers are increasingly doing more of their research work at their own desktops?

Many questions arise in hiring a professional law librarian. For instance, how does one know if the time is right for the firm to consider hiring one? Also, how does one find the right person for the job? And once the candidate is identified, how does one utilize his or her skills most effectively? In deciding whether or not a professional librarian might be right for a firm, the evaluation should not be based solely on the firm's size, but focus on the value that could be added by someone with professional research and management skills.

Managing the law firm library of today requires many skill sets which are sometimes difficult to locate in a limited pool of specialized candidates, be it from technical services to reference expertise, from teaching and training skills to technology planning and on to implementation. Unfortunately, as the demand for librarian expertise continues to grow especially within the private law firm environment, the number of qualified professional law librarians is shrinking. In many instances, the career path of librarians who take these jobs plateau within their firm leaving no room for advancement, and raising job satisfaction issues.

It is the biggest challenge, particularly in today's Malaysian legal market, to attract and retain qualified people from the library profession. Many professionals are unable to sustain their interest in this profession due to more lucrative packages in other sectors. Many also feel inadequately equipped with the appropriate skills, knowledge and experience for the demands of the job. Loss of interest due to these reasons are commonplace and many in the profession view the position as temporary due in some cases to remuneration which is not commensurate with experience, workload and skill set. Hence the market is now experiencing an acute shortage of librarians and, in many cases, firms are forced to hire unqualified persons to ensure the position is filled.

The challenge ahead - what qualifications are needed?

As to who can be categorized as a qualified law librarian, it is difficult to quantify since there are no qualifications or special training offered by tertiary institutions in Malaysia for someone interested in this profession. This poses a serious challenge to the profession and institutions offering Library and Information Science education to meet the current demands and needs of the market for competent and able professionals to service this sector in an informed manner. Information professionals such as law librarians constantly need to be updated and be well informed in legal knowledge in order to be relied upon by lawyers they assist. Many library graduates in Malaysia lack specialized knowledge in law or expertise in legal information management and thus may feel inadequate and ill-equipped to undertake such a role. In contrast, there is already a trend in countries such as England, Australia and America for dual qualifications in law and librarianship, before one can be considered for a permanent position as a law librarian.

It is important to have an understanding or the knowledge of law when one is a law librarian as an essential role of law librarians is to teach users how to locate or use sources for legal research. For law librarians to properly support the needs of their organizations, they must have a good educational background with specialized knowledge in legal information. This is a challenge to all the tertiary institutions in Malaysia that still offer library and information studies to rethink their curriculum/degrees, as there is currently no such course being offered.

It is obvious that law librarians in Malaysia undertake their role as *law librarians* without any formal training in law librarianship but more on a trial and error basis, which may be untenable in the long term and does not help to lend a professional image to the profession. Law librarians are specialists in their field and the general impression is that they must have training beyond a library degree. Formalised law library education can better train potential law librarians with the necessary skills and knowledge to ensure better and more competent librarianship. The legal market needs to address the following issues quickly and seriously in order overcome the rising shortage of law librarians in Malaysia:

- ♦ reconsider commensurate remuneration in order to attract more qualified people to venture into this sector of librarianship.
- ♦ give due recognition to this profession by hiring properly qualified personnel for such positions.
- ♦ support and encourage professional development among law librarians in order to enhance professionalism and quality of librarianship.

Proactive steps which can be taken by law librarians include:

- ♦ the need to devote substantial effort towards continuing education. This includes, familiarizing themselves with legal resources, legal subjects and the legal system and profession on an ongoing basis to be able to update the users they service.
- ♦ joint efforts by the Librarians Association of Malaysia and the Malaysian Bar Council to organize discussions, workshops and training sessions to create awareness among librarians on the opportunities and challenges library professionals face in the present market.
- ♦ awareness by library students of the opportunities available to encourage them to venture into this sector particularly through the Library and Information Science Departments and the Librarians Association of Malaysia, which could include offering them an optional paper for law librarianship in the current syllabus.
- ♦ adopting an interdisciplinary approach should be used, in this case, between law faculties and the Library and Information Science Departments to introduce qualifications for law librarians.
- ♦ organize themselves into a specific group in order to share professional

experience and awareness of their roles and job requirements and work as a team to further identify areas for improvement and to equip themselves with the appropriate skills, knowledge and experience in order to be competent and efficient for the job.

- ♦ building a strong network between them particularly to discuss the difficulties and challenges faced in a proper forum.

Some law firms in Malaysia already recognise a Master's degree in Library and Information Science as a prerequisite for the position, and in some cases, a law degree is may be required, especially in academic and bar libraries. Nevertheless, a library degree, even if combined with a law degree, does not automatically ensure a competent law librarian. As there is no formal training to prepare adequately for the position, a good law librarian's background would largely also depend on his or her mental conditioning and attitude. The ideal candidate will have garnered a fair amount of experience, including ample exposure to a good role model in a proper setting.

A formally educated, sufficiently experienced librarian can perform many professional functions efficiently. Although legal knowledge is essential, law librarians do not actually read every case or report that they gather, but have a familiarity with the legal system and legal resources. Librarians do not need to know the substance of the law, but must keep abreast of all new publications. Like money, information has time value. By monitoring the current literature and routing relevant items to the correct persons, librarians can provide new information which could potentially assist to win a case or gain a client.

A law librarian must choose appropriate legal-related knowledge, skills and attitudes in order to become competent and ready to undertake the role. They include knowledge of:

- ♦ the Malaysian legal system and legal resources
- ♦ legal terminology & citation system.
- ♦ legal literature
- ♦ ethics for the legal profession and librarianship

What the future role of a Malaysian law librarian could be

In Malaysia, the majority of law librarians are improperly trained to execute their tasks fully and mostly are hired for generic, largely non-professional, work such as purchasing of books, updating of statutes, arranging of books and locating them for law users. In addition, these tasks are not billable and are clerical in nature. Hence it is sometimes difficult for an employer to justify hiring a professional or qualified law librarian, as opposed to someone who will merely undertake clerical duties in the library. It may be that these firms do not yet comprehend the value and services of a professional librarian.

Today's law librarian, especially one working in the law firm setting, is a hybrid of researcher, organizer, networker and cost-saver, making him or her a multi-disciplined worker. The law firm librarian's role also includes supporting the firm's staff and lawyers by providing optimum library services for the firm through various professional duties relating to the organization and distribution of legal information. Malaysian law librarians should be trained to undertake various roles to fit the current demands of global legal industry and among others include:

Role # 1 as *Knowledge and Information Manager* – As knowledge-based organisations, law firms need to organise all their intellectual capital in order to be competitive. Law librarians are trained to do this as information organisers who best understand the workings of the taxonomy principle to better classify and index internally and externally generated knowledge to support an excellent legal practice.

Role # 2 as *Teacher and Trainer* – Librarians are the only employees of a law firm who, as part of their professional responsibilities, teach and train both staff and lawyers in the use of legal information resources. It is the logical conclusion for the librarian, who is constantly updated with the changes in electronic resources, to be the in-house trainer for his organization.

Role # 3 as *Researcher and Business Intelligence* – As expert researchers, librarians can add value and reduce costs, not by researching and addressing points of law – which is the purview of the lawyer – but by clarifying points of

fact. Utilizing their knowledge of reference resources, of the kind not commonly known or used by lawyers *per se*, a law librarian can be a firm's super sleuth and fact-checker.

Role # 4 as *Strategic Planner* – Credible legal information is crucial to a law firm's ability to serve its clients well and distinguish itself from the competition. Librarians can help the firm access the information it needs to make informed decisions about the future, including information about the legal marketplace, the industries served, merging practice areas and potential clients.

Role # 5 as *Client Relation and Marketing Manager* – Librarians can act as a focus for contact and enquiries from staff, lawyers and client within and outside the firm. Librarians should be involved in coordinating the majority of the firm's publications and other marketing information such as lawyers' profiles, firm's website, directory listings and advertisements and can also be involved in client relation management.

The dearth of articles discussing the role of law librarians in Malaysia has resulted in lower awareness in those who are in a position to employ law librarians. The sad reality is that many do not understand the work scope of a law librarian when it would assist lawyers greatly to be able to properly utilize the services of their law library professional in their practice.