

ADJUSTING TO THE NEW EMPLOYMENT AND TECHNOLOGY ENVIRONMENTS IN ACADEMIC LAW LIBRARIES: READERS CENTERED PRACTICES AND INNOVATIONS

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SUMMARY: I. *Introduction*. II. *Hybrid Work Employments in Law Libraries*. III. *Automation of Library Services*. IV. *Enhanced Role for Libraries in Legal Teaching and Learning*. V. *Outreach and Communication Strategies*. VI. *Conclusion*. VII. *Bibliography*.

I. INTRODUCTION

The COVID-19 pandemic impacted academic law libraries in terms of resources, staffing and services.¹ In the fall of 2020, many law schools moved courses online and closed buildings, including law libraries. The switch to online learning required realigning budgetary priorities and personnel. With limited staff to receive books and process invoices, book purchasing budgets were reduced and funds allocated to purchasing online books instead of physical monographs. With facilities closed to visitors for many months, library staff experienced hiring freezes, retirement buyouts, and pay freezes.² The building closures and budgetary cuts also impacted serials processing, leading to the cancellation of subscriptions to print journals and continuing resources. These cancellations then made it difficult to maintain large staffing levels in technical services departments.

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¹ Stewart Nejdli, Clanitra y Lewis, Edna, "Academic Law Libraries and the Early Days of COVID-19 Pandemic", *AALL Spectrum*, vol. 25, issue 1, septiembre-octubre de 2020, pp. 16-19.

² Nellco Law Library Consortium, Academic Law Libraries COVID-19 Response. August 2020 Survey Results, Nueva York, 2020, p. 24.

It is unlikely that law libraries will return to the status quo ante after COVID-19 pandemic protocols have been completely revoked. Library responses to the pandemic will have a long-term impact on staffing, collections, and physical spaces. It behooves law library managers to think about the implications of these changes and respond in a proactive manner. The profession needs to assess the benefits and drawbacks of these developments and work with stakeholders, especially faculty, students, and legal publishers, to maintain core library values and retain a focus on student outcomes and institutional missions.

This chapter will concentrate on four developments that disrupted traditional library practices and now present opportunities for law libraries in the United States to reimagine their interaction with patrons and contribution to law school missions. Blended work environments, with hybrid and remote staff, are now a feature of many academic law libraries. These post-pandemic work arrangements raise important management concerns that are novel for many law library directors and middle managers. Shelter in place orders forced many libraries to invest in automating as many services as possible in order to meet student and faculty research needs. Student demand for automated services has continued since the reopening of libraries. Balancing the implementation of technology with human interactions is of paramount significance for libraries. The abrupt conversion of legal education to online platforms at the start of the pandemic galvanized librarians to assume a prominent role in virtual legal instruction and the utilization of academic technology tools. Lastly, rapid changes in communication expectations and the proliferation of communication platforms have impacted law library approaches to communicating with students and designing outreach programs to students and faculty.

II. HYBRID WORK EMPLOYMENTS IN LAW LIBRARIES

Health protocols promulgated by states and universities in response to the pandemic obligated staff to work from home. Many of these remote work restrictions were in place for over a year, as libraries implemented tiered procedures for returning to campus. For many months, only essential workers who could perform their duties exclusively in the library were allowed to return to campus. Some librarians responded to the work at home orders by relocating to other parts of the country in order to be closer to family members or lower their cost of living. Libraries experienced a geographic dispersion of

staff that led to librarians working in different time zones. This matched the dispersal of students who were also taking courses across multiple time zones. Libraries had to adjust reference hours to accommodate faculty and students living in distant states and foreign countries.

As a result of the changes imposed by the pandemic, library managers faced an entirely new employment environment when law libraries reopened in late 2020 and early 2021. Libraries often had leaner staffs overall and a larger percentage of professional librarians. With fewer paraprofessional staff to process physical materials, library directors focused on investing in professional librarian positions and providing professional development opportunities for librarians.

The most striking change was the composition of the staff in terms of working locations. Law librarians customarily work in close proximity and are accustomed to seeing each other on a daily basis. Many informal interactions and discussions would happen throughout the work day. Now libraries encountered a new reality of three groups of employees: permanent on-site staff, hybrid workers, and permanent remote staff. Hybrid staff spend a few days a week working in the library and the remaining days working from home. Many libraries had the majority of staff working on hybrid schedules. This trend is likely to continue for some libraries for the foreseeable future. Determining the right mix of blended schedules and employment options will be determined by operational needs of the library.

Not only were reference librarians and access services librarians working hybrid and remote schedules, but some libraries experimented with heads of departments working remotely on a permanent basis.³ These remote managers are in charge of on-site, hybrid and remote staff. Most library middle managers lacked prior experience supervising remote and hybrid staff. Managers have had to face a number of challenges in managing staff working in different locations. A major challenge has been ensuring equitable treatment for staff regardless of their schedule. This has meant switching most departmental meetings online on a permanent basis instead of returning to face-to-face meetings.

One of the top priorities for managers is maintaining close relations among the three different types of employees. Managers must work to maintain a strong esprit de corps among the entire staff. Overidentification among the remote librarians or the on-site librarians can quickly escalate to

³ Tedjeske Crane, Julie, "Remote and Hybrid Work", *RIPS Law Librarian Blog*, 10 de enero de 2022, available at: <https://ripslawlibrarian.wordpress.com/2022/01/10/remote-and-hybrid-work/>.

an us versus them mentality that poisons relationships. Librarians may start to identify exclusively as a remote employee rather than a valued member of the reference team or technical services department. Virtual and in-person community building activities are indispensable to bolster staff morale. Establishing connections among participants before diving into content in meetings is more important than ever in a blended work environment. Team building requires trust based on reason and emotion.⁴ Failure to invest time and energy in team cohesion leads to less successful collaborations and less innovative solutions.

Another concern for managers is recreating informal channels of communication among staff. It is important to find alternatives to the casual discussions that take place around the water cooler of the staff lounges. During these spontaneous conversations, staff exchange stories about family members, pets, individual milestones, and other personal details that humanize the workplace and allow staff to empathize with colleagues. Remote and hybrid staff need opportunities and incentive to build similar interpersonal bonds.

Permanent remote workers face specific problems, such as Zoom fatigue and a sense of isolation.⁵ Allowing staff to schedule no meeting days every week or a few times a month has proven a successful strategy.⁶ Although exceptions to meeting-free days often have to be made to accommodate student and faculty schedules and deadlines. Remote workers have often decided to simulate commutes to work by adopting morning and early evening routines, such as taking walks or exercising outdoors.⁷ The absence of such daily routines can lead to overwork and negative health implications.

Remote workers also are susceptible to missing out on opportunities for promotion and professional development that are available to staff working in close physical proximity to supervisors.⁸ If left unaddressed by library managers, this proximity advantage would limit advancement and profes-

⁴ Frei, Frances and Morriss, Anne, "Begin with Trust", *Harvard Business Review*, vol. 98, issue 3, 2020, pp. 116 and 117.

⁵ Mortensen, Mark and Haas, Martine, "Making the Hybrid Workplace Fair", *Harvard Business Review*, 2021, available at: <https://hbr.org/2021/02/making-the-hybrid-workplace-fair>.

⁶ Laker, Ben *et al.*, "The Surprising Impact of Meeting-Free Days", *MIT Sloan Management Review*, 2022, available at: <https://sloanreview.mit.edu/article/the-surprising-impact-of-meeting-free-days/>.

⁷ Levitz, Jennifer, "Welcome to the Fake Office Commute (Turns Out People Miss the Routine)", *Wall Street Journal*, 2021.

⁸ Mortensen, Mark and Haas, Martine, *op. cit.*

sional development of hybrid and remote workers. Literature on remote workers indicates that ergonomic problems in home office settings often go unaddressed and can lead to increased physical stresses and risks of injury.⁹ These increased risks are magnified when university ergonomic experts are not able to inspect remote workers' offices. Managers will need to incorporate tools and procedures to effectively evaluate the performance of remote workers.

Managers must address additional challenges in supervising remote workers. Onboarding procedures must be crafted so that remote workers feel they are part of the team and willingly adapt to the library and law school's cultural norms. Managers must tailor evaluations to the requirements of each position and not assume that remote and on-site personnel are interchangeable. Metrics designed to measure the effectiveness of work performed remotely will need to play a prominent role in evaluating the work of remote staff. Managers, in consultation with institutional human resources departments, need to consider if they will place geographic restrictions on where remote workers live. In order to promote camaraderie and a connection with the institution, managers should arrange for remote librarians to visit campus periodically to connect with co-workers and meet students and faculty. However, managers will need to draft policies to determine the mandatory nature of the campus visits and the frequency of the visits. Since these visits require air travel and lodging expenses, they also have an impact on library budgets. Library directors will need to balance the benefits of periodic visits with responsible budget planning.

The employment trends experienced by law libraries during the pandemic are not necessarily a short-term phenomenon. Law firms throughout the United States are continuing to grant associates increased freedom to adopt hybrid work schedules.¹⁰ Corporations are also adjusting to the new reality of permanent blended work arrangements.¹¹ The desire for more flexible employment options is also a global phenomenon.¹² A recent survey

⁹ Emerson, Susan; Emerson, Katelyn and Fedorczyk, Jane, "Computer Workstation Ergonomics: Current Evidence for Evaluation, Corrections and Recommendations for Remote Evaluation", *Journal of Hand Therapy*, vol. 34, issue 2, 2021, p. 167.

¹⁰ Smith, Patrick, "Law Firm Personnel Don't Want to Work in the Office: They Want to Meet and Socialize", *American Lawyer*, 2022.

¹¹ Telford, Taylor, "Corporate America is Coming Around to Remote Work", *Washington Post*, 2022, available at: <https://www.washingtonpost.com/business/2022/01/15/remote-work-omicron/>.

¹² Cage, Rachel and Cooper, Theo, "The Ethical Workplace and Artificial Intelligence", *The Journal of Robotics, Artificial Intelligence and Law*, vol. 4, issue 6, 2021, pp. 468 and 469. Cit-

of employees in various industries in over thirty countries indicated a strong preference for remote work.¹³ As libraries hire individuals with technical backgrounds and experience working in high tech companies, libraries will need to offer working conditions likely to attract technologically skilled employees.

Law students and faculty seem to have accepted the new library work arrangements, since they did not experience a reduction in service, except for services related to physical copies of items. Once all COVID-19 protocol restrictions are lifted, it remains to be seen if faculty and students will expect and prefer to have staff on-site on a full-time basis. Qualitative and quantitative measures, such as surveys and structured interviews, will assist in evaluating student responses to changes in on-site staffing. Once students grow accustomed to online reference services, it is unclear if they will expect the reference desk to be physically staffed 40-50 hours per week.

In addition to the benefits, libraries must contend with some potential drawbacks of encouraging a blended work environment. Having a high percentage of hybrid and remote workers reduces demand for library office space. As a result, academic libraries may lose square footage to other programs in the law school. University administrators may repurpose library space for classrooms, student organizations, and faculty lounges. In the long term there exists the potential for law schools to outsource core library services. It would be naive to rely exclusively on ABA accreditation standards to preserve traditional library facilities and staffing levels. Library directors must innovate and provide services and materials that meet the needs of current and future students and faculty.

III. AUTOMATION OF LIBRARY SERVICES

Increased automation was an important strategy that law libraries undertook in reaction to reopening library spaces after pandemic closures. Automated services demonstrated to the students that the library continued to attend to their needs despite reduced staffing levels. Since reopening, students have requested increased twenty-four hour access to the library providing challenges to library operations. Libraries strategized ways to provide 24/7 access to

ing Deloitte and BBC surveys on hybrid work-at-home/office arrangements.

¹³ Neeley, Tsedal, "12 Questions About Hybrid Work, Answered", *Harvard Business Review*, 28 de septiembre de 2021, disponible en: <https://hbr.org/2021/09/12-questions-about-hybrid-work-answered?ab=seriesnav-bigidea>. Citing Microsoft's 2021 World Trend Index.

students without increasing staff hours or hiring additional workers. In order to provide unrestricted access to course reserve books, some libraries have invested in electronic book cabinets. Course reserve books can be placed in the cabinets, which allow students to access the books at any time without any staff present. Self-checkout kiosks have also been deployed so books can circulate when staff are not physically present in the library.

An additional benefit of book cabinets in high traffic areas is increased exposure for books normally housed in permanent reserves. These high-quality and in-demand titles, such as the Oxford Commentaries on International Law, are more visible to students and browsable when placed in a centrally located book cabinet. However, implementing book cabinets and other automated services requires careful planning and marshaling of resources. These investments in technological solutions require significant expenditures of funds and staff time to connect the cabinets and kiosks with the integrated library system. Sustained outreach and marketing campaigns are needed to promote the book cabinets and self-checkout devices to library patrons. Successful implementation requires close collaboration among access services staff, technical services, and outreach librarians.

Automation has led to enhanced patron experiences, but these technologies also have the potential to compromise patron privacy. Student data may be sent to vendors or integrated library systems when patrons interact with self-checkout kiosks and automated book cabinets. The same privacy protocols that control traditional book circulation data must be applied to the new devices. Patrons value increased convenience and efficiency, but students also jealously guard their privacy and would hold the library responsible for any data privacy breaches involving personally identifying information.

The automation of services will most likely accelerate in the near future, as evidenced by trends in law firms. According to a recent Wolters Kluwer survey of lawyers, 70% of law firms expect increased demand from clients for self-service options.¹⁴ Library directors will need to align personnel and budgets to deploy new technologies and meet the demand for automated services. Both on-site staff and remote librarians will contribute to the development of automated services that improve patron experiences in the library's physical and virtual environments.

¹⁴ Wolters Kluwer, *The 2021 Wolters Kluwer Future Ready Lawyer: Moving Beyond the Pandemic* (Wolters Kluwer N. V., 2021), p. 13.

IV. ENHANCED ROLE FOR LIBRARIES IN LEGAL TEACHING AND LEARNING

During the first months of the pandemic many institutions closed classrooms and moved instruction online.¹⁵ Law schools were obligated to rapidly provide synchronous and asynchronous online courses. Given their expertise in legal technology, legal research instruction, and learning management systems, librarians assisted faculty by devising online pedagogical strategies and training instructors on the use of education technology tools. This outreach to faculty required close collaboration among librarians, academic technology specialists, and information technology departments. Law libraries reacted to online instruction by rapidly adapting services to assist faculty and students to succeed in the new learning environment. In addition to making textbooks and reference materials available online, librarians assumed responsibility to master online teaching tools and provide training to faculty and staff.

The Robert Crown Law Library at Stanford Law School reacted to the request to assist faculty by creating an education technology center (EdTech Hub) headed by the library's Associate Director of Educational Technology and assisted by the Associate Director of Research and Instructional Services and the reference librarians. A Web site was developed and populated with documentation on how to set up online courses and best practices for online teaching.¹⁶ Video tutorials were produced to guide instructors on how to use education technology tools such as clickers, surveys, online graders, and video editing software.

Because of delays in ordering and receiving physical casebooks, the EdTech Hub team also helped faculty create their own online textbooks using open, or low-cost, casebook platforms, such as H2O, LawCarta, and eLangdell Press. Instructors quickly learned to rely on the EdTech Hub to guide them through the process of creating dynamic online exercises and lesson plans.

Future roles for the EdTech Hub could involve providing guidance to adjunct faculty on how to post materials online while adhering to copyright. A natural partner for the EdTech Hub would be the university librarian for scholarly communication. Working with scholarly communications librari-

¹⁵ Robert, Amanda, "Coronavirus and Law Schools: Numerous Schools Canceling In-Person Classes", *ABA Journal*, 2020, available at: <https://www.abajournal.com/news/article/At-least-seven-law-schools-to-close-or-cancel-classes-because-of-coronavirus>.

¹⁶ "EdTech Hub", Robert Crown Law Library, Stanford Law School, accessed on february 4th, 2022, available at: <https://law.stanford.edu/robert-crown-law-library/faculty-services/edtech/>.

ans on the main campus, law librarians would be able to experiment with innovative ways to disseminate digital content to students while simultaneously complying with copyright strictures. It is incumbent on librarians to take advantage of opportunities offered by existing copyright law and not rely on large commercial vendors to provide access solutions for digital material.

Additional collaborations between the EdTech Hub, reference librarians, and digital services librarians would involve the use of scholarly impact metrics in evaluating faculty and law schools. Law librarians could assume the role of coordinating and promoting Open Researcher and Contributor IDs (ORCID) among faculty and center-affiliated researchers and integrating ORCIDs with commercial indexes and databases.¹⁷ Although US News & World Report decided not to include scholarly metrics in their 2022 rankings,¹⁸ it would behoove law libraries to stay on top of developments in the field. Librarians should continue to identify the benefits and drawbacks of both traditional and alternative scholarly metrics. Regardless of the official position taken on metrics by accrediting agencies and independent evaluators such as US News, law faculty will continue to be interested in quantifiably demonstrating the impact of their teaching, scholarship, and service to the community. Librarians are ideally suited to provide contextual analysis of the results produced by scholarly metric algorithms.

The return to on-site instruction has not reduced the demand for the EdTech Hub's services. Instructors now turn to the EdTech Hub team for assistance with software that integrates with the university's learning management system and educational tools they can deploy in the classroom. With the return of faculty to campus, the EdTech Hub is experiencing growing demand for additional staff and space for collaborative meetings and training. The EdTech Hub represents a successful adaptation of a library to the pandemic that has far-reaching implications for the library's strategic plans.

V. OUTREACH AND COMMUNICATION STRATEGIES

Reopening after the relaxation of shelter in place protocols has changed thinking about marketing and promotion of law libraries. The experience

¹⁷ Shucha, Bonnie, "Representing Law Faculty Scholarly Impact: Strategies for Improving Citation Metrics Accuracy and Promoting Scholarly Visibility", *Legal Reference Services Quarterly*, vol. 40, issue 2, 2021, pp. 92 and 93.

¹⁸ Law and Society Association, "LSA Statement on Recent Rejection of «Scholarly Impact» Metric", 2021, available at: <https://www.lawandsociety.org/2021/09/14/lsa-statement-on-u-s-news-and-world-reports-recent-rejection-of-scholarly-impact-metric/>.

of virtual libraries and online services required an overhaul of traditional promotional practices, such as physical exhibits, posters, and flyers. In an online environment, outreach to patrons often occurred in a more targeted manner. Student groups were asked to collaborate on digital displays which were not restricted by rigid space dimensions of display cabinets. The digital displays could be as small or as large as requested by the students. Content determined the dimensions and substance of the online displays, thereby offering students more creative options.

Communication platforms also proliferated with librarians interacting with students via chat functions, Slack, social media, and Zoom. Having a wide spectrum of options did lead to improved communications with some students.¹⁹ These communication channels allowed librarians to work more effectively with student workers, student research assistants, and research fellows. Student workers appreciated having increased access to supervisors and being able to communicate directly with other student library employees. Projects involving librarians from multiple campus libraries also benefited from the new communication tools. However, some aspects of the profusion of communication options produced negative consequences. Some students felt overwhelmed by the flood of emails and having to check various platforms each day for messages and instructions. In some cases, law school departments decided to limit the number of emails sent to students each semester or aggregate all announcements into a weekly online newsletter. Having library messages included as part of a larger publication raised new issues of visibility and clarity of messaging. Librarians needed to devise ways to make their communications stand out and negotiate the position and prominence of library announcements in the online newsletter. Librarians found themselves working closely and cultivating relationships with marketing, communications, and student affairs colleagues to create the newsletter and negotiate the placement of messages for all law school departments.

VI. CONCLUSION

The pandemic demonstrated the indispensable role of law libraries in legal education and the ingenuity of librarians in responding to institutional priorities. As law schools revise their mission statements in a post-Covid-19 environment, libraries will continue to play a pivotal role. Technological in-

¹⁹ Megerman, Shira and Rodríguez, Marcelo, “How Law Libraries Succeeded by Going Virtual During the Pandemic”, *AALL Spectrum*, vol. 25, issue 3, 2021, pp. 31 and 32.

novation continues to drive changes in pedagogy and student expectations for research support. Librarians should continue to invest in technology and automated services that benefit students and faculty. Nonetheless, librarians provide the greatest value when they humanize these technologies and contextualize the use of technology in learning and research. Explaining the advantages and limitations of legal databases and citation metrics and encouraging students to browse the stacks digitally or in person will provide the greatest benefit to students in the long term, both in educational outcomes and better research results. Creating human-centered, technologically innovative libraries and demonstrating their value to university decision makers and legal education stakeholders should be urgent priorities for the entire academic law library community.

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