

## UC Irvine Law Review

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Volume 1

Issue 1 *Training for the Practice of Law at the Highest  
Levels: Reflections from UC Irvine*

Article 11


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3-2011

# The Academic Law Library in the 21st Century: Still the Heart of the Law School

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### Recommended Citation

Beatrice A. Tice, *The Academic Law Library in the 21st Century: Still the Heart of the Law School*, 1 U.C. IRVINE L. REV. 159 (2011).  
Available at: <https://scholarship.law.uci.edu/ucilr/vol1/iss1/11>

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# The Academic Law Library in the 21st Century: Still the Heart of the Law School

Beatrice A. Tice\*

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*“It is a basic principle of legal education that the law library is the heart of the law school . . . .”<sup>1</sup>*

Soon after accepting the challenge of creating the law library at the new University of California, Irvine School of Law (UC Irvine Law), I was asked my opinion of a proposal to delay construction of the library until 2010, one year after the opening of the School. To me this was an inconceivable notion and, joined by the Dean, I firmly objected. The law library is the heart of a law school, we argued. So integral is the law library to the function of a law school that, without a proper law library, the Law School should not open at all. Needless to say, construction of the UC Irvine Law Library went forward and the Library was ready for the arrival of the inaugural class.

This vision of the academic law library as the vital core of its institution was first articulated by Charles Eliot, president of Harvard University from 1869 to 1909, who proclaimed in his annual report of 1872–73 that “the library is the very heart of the [Law] School.”<sup>2</sup> Although President Eliot’s conception was not immediately adopted by other law schools of the day, the image of the law library as the nucleus of the law school enterprise insinuated itself into the collective consciousness of the American legal academy over the ensuing century. By 1940,

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1. American Bar Association, *Factors Bearing on the Approval of Law Schools*, cited in GLEN-PETER AHLERS, SR., *THE HISTORY OF LAW SCHOOL LIBRARIES IN THE UNITED STATES* 91 (2002).

2. Charles Eliot, *Forty-Eighth Annual Report of the President of Harvard College 1872–73* 17 (1874), available at <http://pds.lib.harvard.edu/pds/view/2574320>.

the concept had become so deeply engrained that the American Bar Association, in its *Factors Bearing on the Approval of Law Schools*, cited the notion as a settled precept: “It is a basic principle of legal education that the library is the heart of a law school and is a most important factor in training law students and in providing faculty members with materials for research and study.”<sup>3</sup>

Today the description of the law library as the “heart of the law school” has become a standard phrase in the rhetoric of legal education. Many law libraries confidently refer to themselves on their websites as the ‘heart,’ ‘intellectual heart,’ or even ‘heart and soul’ of their law schools, without offering any further explanation. Perhaps it is assumed none is needed, or perhaps the phrase has become so disengaged from its past associations and weighty implications that it has devolved into a mere cliché.

Yet the very existence of the cliché is an indication of its universal truth. No one doubts that the academic law library occupies a unique and important place in the law school community, or that its mission of providing comprehensive support for the research and educational endeavors of faculty and students is crucial to the success of the school. But the law library’s accepted status as the heart of its institution exists independently of these resources and services that the library provides. Were it otherwise, any loosely related combination of access to legal information, instruction, technology, and study space that otherwise met the American Bar Association’s accreditation requirements would, at a minimum, serve. Given the fact that every law school in America today provides its constituents with an authentic law library, such is clearly not the case.

What, then, is this archetypal understanding of the law library as the embodiment of its law school’s essential core? And why, even in the twenty-first century, does the law library remain the heart of the law school? The answer lies in the elemental nature of law itself, as information.

### I. THE INFORMATION-KNOWLEDGE-ACTION PARADIGM

*Information* may be generally defined for our purposes as data that are presented in a readily comprehensible pattern to which meaning attaches within the context of its use. In contrast, *knowledge* may be understood as information that has been comprehended and evaluated by the knower in light of her experience and intellectual understanding. Information is thus both a necessary prerequisite to and an inevitable component of knowledge. *Action* as seen from this perspective is the conversion of knowledge from a passive to an active state, which has social consequences. In other words, information provides human beings with the ordered intelligence that is necessary for comprehension and consequent informed

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3. AHLERS, *supra* note 1, at 91. This principle remained a part of the factors from 1940 until 1957.

social activity to occur. Without information, there can be no knowledge; without knowledge, there can be no informed action.

*Law* may be loosely defined as a collection of binding rules of conduct set by a human society to maintain order throughout the range of its endeavors. The function of law in this context is to coerce those behaviors—either actions or non-actions—that the promulgating authority has determined are in the best interests of the society. In order for this function to be realized, members of the society need to be aware of what these rules of conduct are so that they may choose whether to model their behaviors accordingly. The meaningful patterns of data comprising the individual rules that constitute law—*information*—must therefore be disseminated so that humans can understand and evaluate the social conduct expected of them and the consequences of failure to comply—*knowledge*—in order that they may determine how to act with respect to the promulgated rules—*action*. In other words, in its most elemental state, law is information that must be made accessible to individuals before they may take informed action with respect to the law itself. Without being processed and published as information, law simply exists without inherent meaning or comprehension and is thus useless for any purpose.

In order to carry out its broad mission of legal education, scholarship and experiential learning, the *law school* is inevitably grounded in this *information-knowledge-action* paradigm. All research, instructional, and service endeavors of a law school involve the conversion of primary and secondary sources of legal information into knowledge and action, or the furtherance of those activities. Teaching a class in international law, for example, requires that a professor identify, understand, and analyze relevant primary and secondary sources of legal information and then communicate that material to the class in the most effective way. Students prepare for class by doing assigned readings of legal information, and then participate in class by discussing and analyzing what they have read. Writing a scholarly law review article requires that a faculty member read and evaluate relevant scholarship and other sources of legal information, and then draft a piece that reflects her own intellectual understanding of the subject. Running a pro bono program requires that an administrator identify suitable volunteer projects—those in which students will have an opportunity to convert legal information to knowledge and action in a real-world setting, such as legal clinical programs and policy advocacy centers. Every undertaking of a law school may at some level be traced back to the *information-knowledge-action* paradigm.

The law school, then, is fundamentally dependent on access to law, embodied as legal information, in order to perform its functions. However, legal information does not naturally exist in a state of ready accessibility to law schools (or anyone else). Before it can be accessed for conversion to knowledge and action, legal information must be collected, organized, preserved, and disseminated. These are specialized activities that require training in information

science as well as in legal bibliography. The law school's ability to effectively access legal information—which it must do, in order to function within the *information-knowledge-action* paradigm—therefore depends on the existence of a go-between, an institutional facilitator that is as familiar with the effective management of information as it is with the particular information needs of law schools. In other words, the law school is dependent on the *law library*.

The law library brings law, as legal information, to the law school. No other unit in the law school is charged with, or trained to, perform this essential function; without it, the law school could not engage in any informed action in furtherance of its mission and so would not survive. The academic law library is likewise dependent on the law school for its own survival. Because an academic law library is embedded within the school it serves, the law library obviously could not continue without its law school. Indeed, the law school provides the reason and focus of the library's existence, in both the legal academy and the greater university setting. Yet the law school remains the primary dependent; law libraries readily exist outside of the academic context, but no law school can exist without a law library.

In addition to its pure information function—and indeed because of it—the law library also brings to the law school a series of important intangibles that enables the school to establish and develop its identity within the greater legal academy and the outside world. Credibility, order, permanence, currency, relevance, intellectual community—these and other characteristics of information and information access, which are founded in the library, come to be identified with the law school overall. A small, cluttered, uncomfortable, and unattractive library, for example, sends a very different signal about the quality of scholarship and education of a law school than does an organized, well-designed, and tastefully decorated library, even if it too is small. This blending of institutional personalities is another indication of the mutual dependence between law library and law school.

Such profound interdependence on so many levels has caused these two institutions to forge a relationship of symbiotic mutualism based on the *information-knowledge-action* paradigm of law as essential information, with the library serving as information facilitator. This relationship, driven by the dynamic and ongoing development of law, legal publishing and legal pedagogy, has shaped both institutions throughout the course of American legal education. But whatever the era, the law library has inevitably been found at the heart of the law school enterprise.<sup>4</sup>

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4. For a comprehensive discussion of the history of law libraries, see Christine A. Brock, *Law Librarians: A Revisionist History; or More than You Ever Wanted to Know*, 67 LAW LIBR. J. 325 (1974); AHLERS, *supra* note 1. For further reading on the history of legal education in America, see ALBERT J. HARNO, *LEGAL EDUCATION IN THE UNITED STATES* (1953).

## II. HEART OF THE LAW SCHOOL, 1783 TO 2000

The first American law schools of the eighteenth and nineteenth centuries were built around law libraries as repositories of legal information. During the earlier years of the eighteenth century, students prepared for the legal profession by contracting to “read law”—quite literally—as an apprentice with an experienced lawyer. Would-be lawyers naturally gravitated to those practitioners who owned a substantial library that could provide plenty of law to read. Beginning in the late eighteenth century, prominent lawyers—those with large libraries—found it both expedient and profitable to open private law “schools” in their offices in order to train multiple students at a time. During the era of national growth and economic expansion following the War of 1812, law schools at colleges and universities prospered and quickly became the norm. By 1875, over thirty college- or university-affiliated law schools were in place; by the end of the century, over eighty-seven law schools had been formed.<sup>5</sup> Private practitioner-based law schools faded away, as their proprietors died or the schools were assimilated by newer university law departments.

Access to a significant law library was always recognized as essential for a functional law school; as Joseph Story of Harvard wrote in 1829, “[i]t is indispensable that the students have ready access to an ample law library which shall of itself afford a complete apparatus for study and consultation. . . .”<sup>6</sup> The legal bibliography was limited during this era, and most libraries also included works of great literature from which principles of law or points of argument might be gleaned. Private law schools made use of their proprietors’ collections, which obviously pre-dated the opening of the office school; university law schools, however, were required to assemble a law library of their own prior to opening for business. Virtually all of the initial university law school libraries consisted of established collections purchased from practitioners, including in some cases those of local private law schools that merged into university schools.

The primary function of the law library as information facilitator during most of the eighteenth and nineteenth centuries was to serve as a repository of legal information and, to a lesser extent, a place to access that repository. The various pedagogical methodologies in use during the period did not contemplate the library in a more active or profound role. Private law schools used a lecture method augmented by supplemental readings from books available in the school’s—*i.e.*, the practitioner’s—law library. To the practitioner-based law school, the library was simply a collection of (important) books. University-based law schools, with their larger student bodies and number of courses, typically used the “text-and-recitation method.” Under this approach, students memorized assigned portions of treatises—densely written secondary sources that describe and

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5. See AHLERS, *supra* note 1, at 13.

6. Arthur C. Pulling, *The Harvard Law School Library*, 43 LAW LIBR. J. 1–2 (1950).

summarize the law—then attended ‘recitation’—a series of in-class oral examinations to test their memorization and understanding. The law schools purchased multiple copies of the required treatises and lent them to students to use for class preparation. To the university-based law school, the law library was thus also a collection of books. In addition, because of the physical surroundings of a formal school as opposed to a law office, the library was a space dedicated to access and use of the collection. However, the text-and-recitation method did not require students to spend a great deal of time using the library or its materials; the students, provided with copies of the treatises necessary for class, were under no obligation to seek further for knowledge of the law.

Apart from its functional role as information facilitator, the existence of a law library was critical to a law school’s credibility and stature. Inasmuch as the law libraries of the period were actually practitioners’ libraries, the prestige and aura of success associated with private ownership of a large collection of law books was seen as carrying over to become attached to the school itself.<sup>7</sup> The mere fact that a school provided access to ‘an extensive law library,’ even if the library was not heavily used, was deemed sufficient to lend both status and authority to the enterprise.

So, throughout the first two centuries of legal education in America, law libraries were seen as requisite to training students for the legal profession. The law library’s role as facilitator of the *information-knowledge-action* paradigm in this era, shaped as it was by the pedagogical methods and limited scope of legal publishing, was a passive one, serving as a simple repository of legal information. Yet, because it provided all-important access to the law, the law library was the functional heart of both the private and university-based law school.

In 1870, Christopher Columbus Langdell joined Harvard Law School as professor of law and then dean, and the American law school experience was changed forever. Langdell introduced the case method, a new and revolutionary process for learning law. Under the case method, students read only primary sources—published appellate court opinions—and thereby discovered the rules and principles of law on their own, with assistance from professors who taught using the interrogatory ‘Socratic method.’ Rather than memorizing what others thought about the law, for the first time since legal education began in America, law students were expected to think for themselves and draw their own conclusions.

Langdell’s pedagogical philosophy was firmly rooted in the *information-knowledge-action* paradigm: “[P]rinted books are the ultimate sources of all legal knowledge . . . every student who would obtain any mastery of law as a science

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7. The Litchfield Law School of Litchfield, Connecticut advertised in its 1828 catalog access to an “extensive law library.” Reprinted in 1 STEVE SHEPPARD, *THE HISTORY OF LEGAL EDUCATION IN THE UNITED STATES: COMMENTARIES AND PRIMARY SOURCES* 182 (2007) (1999). Harvard Law School promised access to a “complete law library.” Pulling, *supra* note 6.

must resort to these ultimate sources . . . .”<sup>8</sup> To Langdell, the law library served as the primary environment within the university for learning law: “The law library is to us all that the laboratories of the university are to the chemists and the physicists, the museum of natural history to the zoologists, the botanical garden to the botanists.”<sup>9</sup> Unlike his peers of the day, Langdell saw the law library as playing an active role of central importance in the process of legal education:

The most essential feature of the School, that which distinguishes it most widely from all other schools of which I have any knowledge, is the library. I do not refer to the mere fact of our having a library, nor even to the more important fact of its being very extensive and complete; I refer rather to the library as an institution, including the relation in which it stands to all the exercises of the School, the influence which it exerts directly and indirectly, and the kind and extent of use that is made of it by teachers and students. Everything else will admit of a substitute, or may be dispensed with; but without the library the School would lose its most important characteristics, indeed its identity.<sup>10</sup>

Langdell thus viewed the academic law library as an institution of its own, independent of, yet inseparable from, the law school and playing a pivotal role in all of the school’s endeavors. In so doing, he affirmed the fundamental necessity to a law school of access to legal information. But he also assigned significant responsibilities to the law library that it had never before been considered to hold. In addition to serving as a passive repository of legal information, the library was now called upon actively to assume a broad and influential relationship with its student and faculty patrons and with the school itself. As the “most essential feature” of the law school, the library was also implicitly expected to study and perfect those functions.

Needless to say, these new expectations demanded significant changes in the administration, resources, and physical space of the standard nineteenth-century law library, as was seen in the major alterations that took place at Harvard. For example, in the first year of Langdell’s deanship, spending on library collections increased by over six hundred percent and continued to increase in subsequent years. By 1895, at the end of his tenure, the collection had grown from fewer than 10,000 to more than 37,000 volumes.<sup>11</sup>

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8. Christopher C. Langdell, Speech at the Meeting of the Harvard Law School Association (Nov. 5, 1886), *quoted in* 2 CHARLES WARREN, HISTORY OF THE HARVARD LAW SCHOOL AND OF EARLY LEGAL CONDITIONS IN AMERICA 374 (1908).

9. HARVARD LAW SCH. ASS’N, THE CENTENNIAL HISTORY OF THE HARVARD LAW SCHOOL, 1817–1917 97 (1918), *available at* <http://www.archive.org/details/centennialhistor00harvuoft>.

10. *Id.* at 100.

11. WARREN, *supra* note 8, at 489, 491–92. Even so, no books of statutes were purchased, as in Langdell’s view these were not law books “properly so called” and did not belong in a law library.



But the “most important and radical reform” introduced by Langdell was the hiring of a permanent librarian, whose sole responsibility was oversight of the law library.<sup>12</sup> Prior to this time, janitors and law students had variously shared some duties with respect to the library, but performed no supervisory role.<sup>13</sup> Now the Librarian or his assistant was to be “in the Library during all the hours that it was open.”<sup>14</sup> Except for a duplicate “working library” of heavily used materials, the library’s entire collection was moved to shelves behind a railing (known as “the bar”); “and when books from the latter are wanted, they are given out by the Librarian and his assistant, the names of the books being entered on a slip of paper, which is retained until the books are returned.”<sup>15</sup>

These circulation policies and practices were enforced at the Harvard Law Library, to the chagrin of students who had been used to browsing (and pillaging) the stacks at will. At one point the intervention of President Eliot was necessary to confirm that students were expected to comply with the new rules.<sup>16</sup> Nevertheless, because students were now expected to prepare for class by reading and researching cases (rather than memorizing treatises), use of the library increased at an overwhelming rate. Langdell reported in 1874:

Notwithstanding the facilities for study in the Library were materially increased during the year 1873–74 it not infrequently happens that there are more men in the Library than can find places at the tables; and on no day in the week is the Library so crowded as on that which has always been a holiday in the school, viz., Saturday.<sup>17</sup>

Langdell’s concept of the law library thus moved the estimation of its worth well beyond a simple collection of volumes. In proclaiming the law library to be “the laboratory of the law school,”<sup>18</sup> Langdell also elevated the status of activities performed there to a level of intellectual elitism achievable only by those select few—the students and faculty of the (Harvard) legal academy—who were trained

*Id.*

12. *Id.* at 483–85.

13. *Id.* at 484.

14. *Id.*

15. *Id.* at 485–87.

16. Librarian William A. Everett recalled a Mr. “K\_\_\_,” an upper class law student who continually defied the new rules. Everett spoke to Dean Langdell about it, who advised him to “write to the President.” Everett did, and “[i]n a few hours a sealed letter was laid on my desk by the College Secretary addressed to K\_\_\_, I watched him quietly while he read it, and I think I never saw a person more astounded. I had no difficulty with K\_\_\_ thereafter.” *Quoted in id.* at 486.

17. C.C. Langdell, *Report Upon the Law School for the Academic Year 1873–74*, in Charles Eliot, *Forty-Ninth Annual Report of the President of Harvard College 1873–74* 63, 67 (1875) (report made by the President of Harvard College to the Board of Overseers), available at <http://pds.lib.harvard.edu/pds/view/2574320>.

18. WARREN, *supra* note 8, at 488.

in the proper use of the law library: “The work done in the Library is what the scientific men call original investigation.”<sup>19</sup> To an outsider, even those from other law schools, this “original investigation” simply looked like reading books; there could therefore be nothing but the library itself—the ‘law research laboratory’—that transformed this common pursuit into something more significant. The prestige associated with this scholarly intellectual community, combined with Langdell’s emphatic support, gave the institution of the law library a considerable measure of respect that it had not previously enjoyed, and that also adhered to its law school.

To Langdell, then, the mere fact of offering access even to an extensive law library was insufficient to implement the *information-knowledge-action* paradigm. In his view, an academic law library was expected to continue its passive function as a repository of legal information, but that information was to be provided in a structured and professionally supervised setting with an ambience of scholarly erudition that garnered respect. As such, the library was also expected to play an influential part in all of the activities of the law school.

As a practical matter, it is not obvious exactly what Harvard’s law library did in its enhanced position which differed significantly from what was being offered at the other university law libraries of the period. True, the Harvard Law Library provided a growing collection of books in increasingly larger spaces, but the same was true at other libraries, all of which responded to the general growth in legal publications that began in the mid-nineteenth century. The hiring of full-time library staff at Harvard was a genuine innovation (most law schools did not hire permanent librarians until the twentieth century), but this staff was primarily concerned with administration of the library as a repository of legal information, not with any other aspect of the law school. Yet student use of the law library arising from the case method, which should have been at least somewhat moderated by the eventual introduction of case books, continued to grow, while other schools’ libraries remained underutilized.<sup>20</sup> The positive sensation of working in the ‘laboratory of the law school’ with its stimulating, scholarly atmosphere created a new reality of the law library that transcended the traditional functions it actually performed.

The law library under Langdell thus served as the heart of his law school as he envisioned it. As other law schools came to adopt modified versions of his case method of instruction, which by 1920 had become the standard legal pedagogical

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19. C.C. Langdell, *supra* note 17.

20. As Thomas Fenton Taylor, member of Columbia Law’s Class of 1877, pointed out with respect to the “new” Columbia Law Library in 1893: “[T]here were, last year, five hundred and eight students and a very well furnished library of fourteen thousand volumes. A liberal average of these five hundred and eight students using the library at any time would be twenty-five, and these *habitués*, the same persons from day to day.” Thomas Fenton Taylor, *The “Dwight Method,”* 7 HARV. L. REV. 203, 206 (1893).

method in America, his ideas provided a model for other law libraries to emulate. However, the full scope of Langdell's vision of a centrally influential academic law library had yet to be realized.

The turn of the twentieth century heralded an era of increasingly rapid expansion in social movements, global awareness, economic development, scientific discovery and the evolution of technology. This heady climate of innovation and social upheaval had a profound influence on legal education in the United States. The first half of the century saw the growth of legal realism, as the legal academy came to understand law not as an isolated collection of deep-seated principles à la Langdell, but rather as a human-made institution that both reflects and reacts to the human condition. The strict formalism of the case method began to break down as law professors and students engaged in inquiry reaching far beyond the scope of the published appellate opinions that had been the sum total of Langdell's pedagogical world. As information facilitator, the law library was naturally expected to expand its scope in order to furnish the information resources required by the legal realists and their new, broader approach.

But as the twentieth century moved forward, the difficulty of providing access to all of the intellectual materials necessary to sustain a vibrant law school became increasingly clear. The scope of American legal publishing had exploded, and academic law libraries were expected to keep current with all contemporary developments. New states, new government agencies, new fields of law, new reporters, new finding tools and search aids: All led to an ever-growing increase in the already huge corpus of the American legal bibliography. The two world wars and the resulting position of global prominence achieved by the United States gave rise to an entirely new inquiry into law from a transnational perspective, and academic law libraries were called upon to provide collections of international and foreign legal materials, many of which were difficult to obtain in the domestic market. The study of law from a historical perspective also grew during this period, requiring libraries to develop new collections of historical materials. The acceptance of interdisciplinarity as a method of legal analysis likewise required significant expansion of the collection; as the study of law was now contemplated to include study of the related social sciences, books and materials of a non-legal nature were suddenly a necessary part of the law library collection. Yale Law Librarian Frederick C. Hicks noted in 1926, "[l]ast year, a course in Trade Regulation required students to read parts of 15 books on business, 9 on combinations, and 16 on marketing. Only 1 or 2 of these books would, a few years ago, have been thought to be suitable for a law school library."<sup>21</sup>

Not surprisingly, the volume count of academic law libraries—even modest libraries—shot up during at least the first half of the century. To take just one example, in 1898 the Yale Law Library contained 12,000 volumes; by 1908,

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21. Frederick C. Hicks, *The Widening Scope of Law Librarianship*, 19 LAW LIBR. J. 61, 64 (1926).

the collection had increased to 30,000 volumes.<sup>22</sup> In 1915, when Hicks began his tenure as Law Librarian, the Library held 56,427 volumes; when he retired in 1928, the collection totaled 142,268 volumes.<sup>23</sup> Though other law libraries may not have shared Yale's large percentage increases in volume count, a substantial expansionist trend could be seen in every academic law library across the country.

The impact of this trend on both law libraries and the law schools that supported them was significant. Law libraries staggered under the sheer volume of printed material that they were expected to house, as facilities built to accommodate earlier, smaller collections were quickly outgrown. The fact that libraries were required to maintain and preserve these collections as well as add current publications only compounded the problem. Usage of the law library by both students and faculty doing broad-based research reached a high level and remained constant, requiring that space also be made available for a significant number of patrons.

The growing size of the collections required that full-time staff be employed to administer the libraries; the growing complexity of the collections required that this staff be specially trained. As law schools slowly began to seek out librarians trained in the legal bibliography, law librarianship in turn developed as a profession of its own. The acknowledged experts in legal resources and research techniques, librarians were relied upon to play an expanding role within the law school community that reflected the law library's facilitator role in implementing the *information-knowledge-action* paradigm: "[T]he law librarian, with a background of general, technical, and legal education enabling him to appreciate the breadth of the problems involved, . . . knows how to present and use the material once it is on the library shelves. In his triple role of bibliographer, administrator, and teacher he can be of immense service to the faculty, students, and alumni."<sup>24</sup>

Not only was the collection and organization of the newly immense legal bibliography a complex task, it was also expensive. Law deans were dismayed by the ever-increasing cost of providing the staff, collections, and facilities that were required to maintain, much less expand, the law library; on the other hand, the functionality and credibility of the school were still connected with the size and quality of the library. The legal education standards introduced in 1900 by the American Association of Law Schools and in 1921 by the American Bar Association offered the deans little guidance. Though both associations mandated that a law school provide a law library, the minimum standards of adequacy required were well below the level of collection strength and library service that was possible to offer, and that the most prestigious law libraries did indeed offer, at the time. In fact, not until 1940 did either association require that a law school

22. AHLERS, *supra* note 1.

23. A. Hays Butler, *Frederick Hicks' Strategic Vision for Law Librarianship*, 98 LAW LIBR. J. 367, 368 (2006).

24. Miles O. Price, *The Law School Librarian*, 1 J. LEG. EDUC. 268 (1948).

hire a “qualified librarian, whose principal activities are devoted to the development and maintenance of an effective library service.”<sup>25</sup>

When faced with the fundamental question presented by the twentieth-century law library—‘to grow, or not to grow’—different deans made significantly different choices. As a result, by the middle of the century, the legal academy experienced a fundamental divide in law schools’ vision of their mission and goals. Some law deans maintained Langdellian notions about the central role of the library, believing that the ability of a law school to develop as a vital, intellectual force was entirely dependent on the library; such schools aspired to be distinguished centers of learning and scholarship, and their libraries accordingly evolved to serve as research centers whose main purpose was to support the scholarly activities of faculty. Many other law deans maintained the traditional mission of the law school as existing primarily to prepare students for the practice of law. In such schools, the expansion of the library and of legal resources in general was seen as an expense of limited utility beyond what was absolutely required by the curriculum and the educational standards.

The results of this divide among law schools are obvious under the *information-knowledge-action* paradigm: Those law schools that aspired to become primarily research centers focused on creating an environment that would foster a wide scope of sophisticated faculty research. The information needs of such an environment were correspondingly greater and more sophisticated than were those in schools that remained focused on training new lawyers, and so too were their libraries. Most of these became the great research libraries of today’s most prestigious law schools, which continue to garner their reputation, at least in part, from their extensive libraries.

The *information-knowledge-action* paradigm demanded that law libraries on both sides of the divide play both an active and passive role to fulfill their function as information facilitators. The ever-expanding complexity and amount of law as information in the twentieth century required more from a law library than simple access to a collection of books; in order to address the expanding knowledge needs of the law school, multifaceted intermediation of legal information by professional law librarians was now also a necessity. Law libraries—even those in schools that did not see themselves as research centers—responded to the situation by becoming increasingly well-organized and comprehensive as repositories of legal information. Law librarians became professional as well, bringing to the law school specialized knowledge and skills regarding legal information, including teaching legal research, that were essential to providing access to the information contained in the complex collection. As the number and complexity of legal information resources grew, the law school’s dependence on the library to provide access to that information grew likewise. The law library in

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25. AHLERS, *supra* note 1, at 52.

the twentieth century thus served more clearly as the heart of the law school than in any preceding century.

### III. THE ACADEMIC LAW LIBRARY IN THE 21ST CENTURY

The explosion of information technology in the late twentieth and early twenty-first centuries flooded the world with information, causing significant and permanent change. The development of the electronic format forever altered not only the information characteristics of law, but also methods of engagement with legal information. After centuries of print and print-reduction formats (such as microfiche and microfilm) serving as the only access points to legal resources, the sudden advent of electronic information meant that information facilitation could take place in ways that could not have been imagined in the pre-technology eras. To name some obvious examples, legal information presented in electronic format offered new functionalities, such as full-text searchability, which could greatly enhance efficient research. Subscriptions to databases meant that vast numbers of new titles could be added to library collections without taking up shelf space. Most importantly, electronic materials offered a breadth of access to information that had not been possible before, as no longer did one have to be physically present in the law library to use many of its materials.

The new information frontier has given rise to a fundamental reevaluation of the *information-knowledge-action* paradigm, including the status of the law library as information facilitator. Although law librarians generally saw the rise of information technology as offering many exciting possibilities for the expansion of information facilitation, others in the legal academy and elsewhere began to ask what has become an all-too-familiar question: Why do we need law libraries when “everything is available online?” In other words, in *information-knowledge-action* terms, why is intermediation by the library still necessary to provide access to the information that makes possible knowledge and action? The digital environment has empowered information-seekers to make such connections on their own, essentially whenever and from wherever they choose. Surely—it is argued—this represents a positive development in legal information management that should be supported, encouraging legal researchers to work independently of intermediation, regardless of what that might mean to the status of the library.

The economic crisis of the early twenty-first century, which as of this writing is recovering only sluggishly, has forced law schools’ hands in this regard. As the largest overall non-salary budget item, law libraries have offered seemingly obvious sources of significant savings in law school operations. Loosening of the bright-line volume count, title count, seat count, and other factors of the American Bar Association and American Association of Law Schools’ standards has made it easier to contemplate a reduced physical presence for the library, with resulting reductions in collections and staff. Though the law library remains a requirement for accreditation, its place in the hierarchy of competing law school

budget priorities is far from settled.

Indeed, as ever more sophisticated ways of engaging with information continue to be developed in this time of economic uncertainty, a more profound question is raised: Is the tradition-based concept of the law library as the heart of the law school still relevant in the information age?

Yes. Now more than ever—and inevitably so—the academic law library of the twenty-first century continues to serve as the heart of the law school.

The symbiotic relationship between the law school and its law library remains as fundamental to the overall enterprise as it has ever been. The *information-knowledge-action* paradigm, upon which that relationship is based, operates independently of the form that any of its components takes. The availability of legal information that may be accessed by the information-seeker as an electronic file, rather than a book on the shelf, has not changed the fact that the information must still be collected, organized, preserved, and disseminated by an intermediary before it can be used effectively by the researcher. Moreover, the assumption that all relevant legal information is available online is overstated at best. There is a substantial body of legal material, including scholarly monographs and treatises, that remains available only in print. Other materials, such as legal encyclopedias and the *American Law Reports*, are available online but nevertheless frequently collected in print for purposes of legal research training. Still other materials, such as statutes and compiled legislative histories, are often maintained in print because of the ease of use in that format as compared to the online versions. On the other hand, certain electronic iterations of resources, such as periodicals indices and updating tools, are far superior to their print counterparts in terms of currency and ease of use. As a practical matter, therefore, the addition of the electronic format has not rendered print resources obsolete; rather, the availability of online information has increased the range of options available to libraries as information facilitators in order to provide access to legal information content. Confirmation of this may be seen in the fact that the tasks and functions performed by law librarians over the last several centuries have only increased. The new information formats have not resulted in any significant reduction of intermediation based on older formats—for example, law librarians still collect, teach and engage with print resources—but have instead required librarians to add intermediation based on new formats.

As the amount and types of legal information and information formats continue to grow, the importance of law libraries and law librarians as collectors, organizers, preservers, and disseminators of information will only grow as well. The “information overload” syndrome that followed quickly on the heels of the worldwide information explosion also affected the legal information environment. Ironically, although the growth of online legal resources may have increased general ease of individual access to electronically available legal information, this development has also served at times as an impediment to successful access. The

vast number of legal resources suddenly available in multiple formats has given rise to many choices for achieving the same research goal, a situation that can result in general inefficiency, ineffectiveness and downright bewilderment on the part of the untrained or unassisted information-seeker. The *information-knowledge-action* paradigm resolves this problem of information access as it always has done, by reliance on intermediation by an information facilitator which can evaluate, systematically organize and provide ordered access to information so that effective research may occur. In the context of the legal academy, that information facilitator is, as it always has been, the law library. Because academic law libraries in the twenty-first century remain the only unit in the law school that is professionally equipped to handle law as information in any format, law schools remain dependent on law libraries, as they always have been.

While the pure information aspects of the law library represent the core of its existence, its enduring position as the heart of the law school consists of intangible aspects as well. The academic law library as a physical space remains vitally important to the law school as a communal gathering place for research, study, reflection, and learning. The indefinable ambience of the law library as an environment for work of great consequence—as the ‘laboratory of the law school’—is felt and understood by those who use the library, even in the information age. Were it otherwise, use of the law library would have rapidly diminished once technology made it unnecessary to be physically present in the library in order to use many of its resources. On the contrary, current law students continue to guard their library against incursion by ‘outsiders,’ even if there is plenty of seating space and access to most resources is limited to law students only. Prospective faculty dutifully tour the law library, even though most of them will generally work in their offices and access the library remotely via services provided by librarians and staff. Moreover, in many law schools the law library is considered its showplace, and the library is routinely shown to all who visit, whether they request a tour or not. The key role that continues to be played by the library as physical space is abundantly clear.

An affirmation of the enduring relevance of the academic law library is the fact that the Dean of the new UC Irvine School of Law—the law school of twenty-first century—refused to open the school without an outstanding law library at its heart. From the beginning, the UCI Law Library has served as the nucleus of the Law School, differentiating it from any other law-related enterprise and at the same time connecting the School to the university academy in the greater sense. In its multiple roles as information facilitator, educator, learning environment and signature showplace, the Law Library serves as the physical and intellectual embodiment of the distinctive identity to which the Law School aspires—that of an intellectually impactful, pedagogically sound yet innovative, and public service-oriented academic community.



## IV. STILL—AND ALWAYS—THE HEART

From the earliest private office instruction to the most recent start-up academy, every law school throughout history has relied on a law library to serve at its fundamental core. As long as the process of legal education, scholarly research and experiential learning demands ready access to the law, the nature of law as information requires that the process be governed by the *information-knowledge-action* paradigm; the paradigm will ordain that there be an institutional intermediary for that information—the law library. As such, the law library itself has become emblematic of everything that a law school represents. It is the quintessence of the past, present, and future, not only of a particular law school, but of the continuing tradition of the study of law as a learned profession.

Human beings are transient, physical surroundings change, but the institution of the law library remains, lives on, and transcends. Whether it is accessed online from a nearby coffeehouse or visited in the building itself, the academic law library is the physical and virtual manifestation of the very essence of the law school. As Langdell observed, “Everything else will admit of a substitute, or may be dispensed with; but without the library the School would lose its most important characteristics, indeed its identity.”<sup>26</sup>

Simply put, the law library is—and will always remain—the heart of the law school.

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26. HARVARD LAW SCH. ASS'N, *supra* note 9, at 100.