

# LEGAL BIBLIOGRAPHY: A DUAL PROBLEM \*

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## A PROBLEM IN PEDAGOGY

*So muss denn doch die Hexe d'ran (Faust, I, 2365)*

Legal Bibliography, the irrepressible worm in the curricular apple, is like the common cold: The student is exposed to it in conjunction with far more serious complications; in comparison with them it doesn't hurt much; and it has a thousand treatments and no cure.

The problems of this field, like those in any other, may (not must) be divided according to whether they confront the practitioner in the world of stern reality, or whether they are the sole concern of the student in the ivy tower and of the pedant whose responsibility it is to insulate him from that reality. This note, for instance, though it purports to recognize a practical problem as well as a pedagogical task in the field, springs indirectly from its writer's assignment, a few years ago, to teach the so-called course named Legal Method. (Be it noted that the assignment was based on juniority of faculty rank rather than on any native affinity for incipient Procedure, anticipatory Conflict of Laws, nascent Jurisprudence, homeopathic Professional Ethics, or any of the other little nuggets embedded in the indiscriminating matrix of method.)

Legal Method, of course, at the different schools where it is given, takes as many shapes as were found in the imaginations of the blind men conducting the Elephant Clinic;<sup>1</sup> but it seems that even at the empyrean level of the pioneer casebook,<sup>2</sup> some treatment of Legal Bibliography is assumed to be a part of the course, and this seems to be a nearly universally accepted curriculum-committee sop to those who insist that Legal Bibliography be taught. But why should there be this hesitation in faculty attitudes toward the subject, in the first place? One doubts that it results from a feeling of inadequacy in the field, and it has further been observed that law teachers are not ordinarily loath to tread where they excel. What then? Can there be pedagogical problems in the use of the lawyer's first tools, not long since solved and laid to rest?

\* This paper should probably be considered as no more than a footnote to the article by Roalfe, *Some Observations on Teaching Legal Bibliography and the Use of Law Books*, 1 J.LEGAL ED. 361 (1949), to which the reader desiring constructive rather than destructive comment is referred.

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<sup>1</sup> Cf. Tolstoy's fable concerning the purpose of the bumblebee as variously seen: to sting, to make honey, to pollinate flowers, etc. Cf. further the quotation from Raintree County concerning tobacco (de Capriles, *A Report on the Inter-Professions Conference*, 1 J.LEGAL ED. 176, 185 (1948)).

<sup>2</sup> NOEL T. DOWLING, EDWIN W. PATTERSON, AND RICHARD R. POWELL, *MATERIALS ON LEGAL METHOD* (1946).

Now legal bibliography is a purely mechanical subject, as are its processes. Law books are not essentially different from other technical texts or reference books. They are normally subject to arrangement in (1) alphabetical, (2) logical, or (3) chronological order. Anyone, then, who has handled the *Handbook of Chemistry and Physics*, the *Index Kewensis*, or *Poole's Index* should have the basic know-how required for the use of law books. This is not the entire answer, of course; a full understanding of the process necessarily depends on an understanding of the content of the books used. But there is no shortcut to that, past the three years of work and thought currently prescribed; so perhaps a part of the subconscious worry in faculty minds on this subject is a feeling that a course in Legal Bibliography is not only not necessary, but that it does not even serve a useful purpose and should be abolished, whether at once or, failing that, painlessly, by degrees.<sup>3</sup>

And yet, students cry for it. This is the most amazing phenomenon experienced by the teacher, who approaches the subject of law books apologetically, expecting his students to sit on their hands during his lectures or to improve the shining hour without the hallowed halls. On the contrary, he finds them eager, attentive, full of questions, and apparently regretful, when it is all over, that the topic has been treated so briefly. This attitude itself poses an enigma. Surely law students find no inherent fascination in being told at second hand whether *Corpus Juris Secundum* has a blue or a red cover, or the number of titles in the U.S.C.A., or how a digest is put together. Can it be that they have taken seriously the publishers' puff that law books are the key to legal wisdom and the perfect crutch for the ill-informed or maladroit?

Whatever the reason for the eccentric student attitude toward law book lectures, it would seem that the subject is with us to stay, if for no better reason than that the students like it and think it is good for them. (This holds at least so long as faculties modify their own judgments of the ultimate value of the rocky uphill roads of the Spartan education, or subordinate them to conform to the results of polls of those who, having no knowledge of what they criticize, must therefore touch upon it with a superior intuition.)

Granting the initial point that the course is to be taught, the next question concerns the teaching materials to be used. Here the problem is qualitative, rather than quantitative. There is no lack of fat tomes, prepared with all good intentions, apparently, of rendering all law books usable, and often of giving those of a certain publisher the semblance of indispensability. The trouble is that too many of these books build difficulties where there are none inherent in the subject matter, in order to demolish them in later chapters. All this consumes hundreds of pages, and beyond the patina of pseudo-science that is thereby given to an otherwise innocuous problem, it is difficult to see what end is gained. Perhaps here is the root of the reluctance of many law teachers to handle the subject. The respectful attention given the matter by their predecessors, and the veneration of respectability it has attained through the publication of these massive texts,

<sup>3</sup> The familiar example is cutting off the puppy-dog's tail an inch at a time.

have obscured the basic simplicity of the subject, and mystified those not baffled by visible or tangible mysteries.<sup>4</sup>

Another quarrel with the approach of these books may be mentioned: The suggestion that anyone, even the attorney who unaccountably failed in school to learn the skeletal organization of the law or the principles of legal analysis, may solve any practice problem by the use of some publisher's patented surefire index seems a bit overambitious, and may involve an unfortunate deception of the student who relies to his detriment. In the first place, the topical subject-matter tables at the front end of the books seem in each case to offer more promise to the intelligent or instructed searcher; in the second place, the none-such index search is an incredibly cumbersome process, like fumbling through a telephone directory without knowing exactly the name under which a party is listed; and in the third place, if by this process a button is finally pushed which rings a bell, it is of limited value to the attorney, and very hazardous to his client, unless he knows the legal effect of the words found.

There are a few works whose brevity commends them,<sup>5</sup> however, and the possibility of giving the course without using published text materials also exists, so this difficulty may be solved; but it should not be entirely unnoticed, as it is one of the most troublesome characteristics of the subject.

The next point in approaching the presentation of this subject may not be of concern to the man assigned to teach it: that is, whether it should be given in the first, second, or third year. This problem is that of the chicken and the egg: whether the student should learn first about the law and then about the books containing it, or first about the books and then about the law they house. It is alluded to but briefly here, and no answer is suggested, as a lengthy discussion would ill become one whose keynote is that the first-year student cannot benefit by what the third-year student does not need.<sup>6</sup>

In the actual presentation of the subject of Legal Bibliography, as in any subject in the area of technique, or, as it is called, "skill" training, some laboratory work is an essential, and the only real question is, How much of the total time allotted shall be spent in laboratory problems and how much in other types of instruction?<sup>7</sup> Most teachers would agree that there is no limiting factor on the laboratory time allotment from the point of view of desirability. The amount of laboratory work practicable, however, is limited by several other factors: (1) available library facilities; (2) available supervision; and (3) available time for correction and discussion. These may not appear superficially as difficulties, but experience shows that students engaged in this work divert a proportionately large number of books from other use (usually failing to replace them), and are a nuisance in the library and demanding in their claims for aid from other students and li-

<sup>4</sup> The writer has enlarged on this matter previously in a review in 39 *LAW LIB.J.* 262 (1946).

<sup>5</sup> One of the best is HOBART COFFEY, *LEGAL MATERIALS AND THEIR USE IN THE PREPARATION OF A CASE* (1946), which should not be judged by the fact that it lists the kings of England alphabetically.

<sup>6</sup> See the fourth paragraph of this note, *supra*.

<sup>7</sup> Some experimental use has been made of visual aids, including prepared series of slides, but without conspicuous success so far as is known to the writer.

brary assistants, and that a great deal of supervision, or equivalent effort in problem planning, is necessary to prevent collaboration which will almost totally destroy the value of the problems. Can the teacher properly take an attitude of unconcern if the required answers are turned in, though he knows that the students are getting nothing of lasting value? Close supervision, however, is difficult where class groups are as large as they commonly are today, and even where the student's work is done without supervision only a limited number of problems can be given if the results are to be fully criticized and graded.

Some of these difficulties can be solved by careful planning of the problem to be assigned, but such solutions are a mixed blessing. The best answer seems to be to point each question to meet a specific deficiency, so that the answer can be readily found only in one place. (An alternative method, of requiring the answer to be sought in a given book, deprives the problem of realism by oversimplification.) The method suggested, however, greatly limits the possibilities in preparing usable problems, and meets with student resistance at several points:

1. If the library staff knows where the answer is to be found, one or two students will almost certainly find it out, and then spread the information. Instructions of secrecy to the library staff are of little avail, as students are most pertinacious in their efforts to find short cuts; especially where the school is coeducational, one might as well forget security of a problem whose solution is known by library assistants.

2. If the library staff does not know the answer, that fact will become known, and the problem will be fought by students as unfairly difficult. Here adverse criticism by parents or uncles in practice, not privy to the instructor's purpose, is readily forthcoming, and the problem will be branded as "unrealistic" if it demands any specialized technique in law book use beyond the everyday ken of contract, divorce, landlord-tenant, and negligence law.

3. A possible compromise, then, is to limit the research to familiar areas, and to forget problems which can be answered only in the *United States Code Annotated*, in the *Code of Federal Regulations*, or in a full-sized tax service. Assuming that the student will not be concerned with tax work, federal rent control, or the Robinson-Patman Act until he has assistants to do his research, a number of specialized problems can be devised in the "bread-and-butter" areas of the law, though with more difficulty than in other areas. But even here, if the problem touches a recondite point, not susceptible of ready solution over the library counter or off the kerb of Chancery Lane, it is likely to be branded as "strictly back-door stuff," and not of practical value to a "practical lawyer." This resistance must be overcome, or ignored and overridden, however, as the alternative to the obscure point is a problem which can be solved simply by copying from almost any book which chances to be open—valueless in teaching law book technique.

4. It is essential that separate problems be prepared for individual students; or at least that the distribution of problems be widely enough scattered to minimize collaboration, as where two or more get together to work on a single problem it is axiomatic that one does the work and gets the benefit. The very numbers of problems which thus become necessary serve as another limiting factor on the specialized-problem process. Here is the weakest point of the problems prepared by publishers; for though they are

often sufficiently specialized (pointing to a single book only), they rarely are numerous enough to give an entire class separate exercises on a single search process.

Another necessity in preparing a course in this subject is in drawing the line as to the scope of presentation. A wide variety of information is pertinent, and some collateral points, such as patterns or schemes of organization of the law or of court history, may be more useful in digging information out of law books than the physical make-up of the books themselves. Another area which must be narrowed for discussion is that of the law books themselves, as there are increasing numbers of books, such as the early annotated reports, or the original components of the English Reprint, which will not repay time spent in close study. It is a matter, at present, for the exercise of individual judgment as to where the line is to be drawn in ruling out collateral information and dead books from the scope of this course.

There must be even in a laboratory course a certain amount of lecture, to serve at least as the string for the beads, and this minimum may be increased somewhat, as a matter of inertia or in response to demand from students who would like to have the course given entirely by lecture. Two problems (at least) arise in dealing with this sort of subject by lecture, and these will be mentioned separately.

1. The entertainment problem—the problem of creating any classroom interest in so purely mechanical a subject—is partly solved by the sympathetic student response mentioned above. If the course is given merely as a sop to student demand, perhaps it should not be a matter of concern to make it interesting, but the instructor cannot but be conscious of the problem, which is closely related to the other one to be discussed.

2. The absorption problem—the problem of causing the student to remember anything for long, from a mass of monotonous detail—is not so easily dismissed. The remedy which comes automatically to mind, of peppering up the lectures with lively mnemonic devices, serves also as a partial solution to the entertainment problem. The task of preparing or selecting these devices is one of gauging the mass mentality of the class group (usually lower than the average of the individual members of the class) to determine what may amuse without disgusting. The instructor here walks in fear of losing his students by using stupid jingles, but may go surprisingly far without doing so. The sentence traditionally used to fix the names of the early Massachusetts reporters (Tyng, Pickering, Metcalf, Cushing, Gray, and Allen), for instance, is *The Pretty Maiden Creates Great Admiration*. This has always seemed rather inane to the writer, though one may agree readily with the sentiment expressed; but it seems to meet the felt need.

If a conclusion can be drawn from such a random description of problems, it may be phrased about as follows: The course in Legal Bibliography should not be needed, but apparently it will be had, in response to student demand if for no better reason. It may as well, then, be given officially, as a course in good standing, and to the best possible advantage. This is little more than a suggestion of an attitude, like the legendary one of the French toward prostitution; as to belling the cat, and giving the course to the "best possible advantage," little has been said of a constructive nature. The function of this note is merely to state a problem, not, unhappily, to solve it.

## II

## A PROBLEM IN SELECTION

*Bar the door—they're a-coming in the windows*

It has been apparent for a good many years that the total volume of our law books tends to increase by a geometric rather than an arithmetic progression. The first noticed effect of this situation is on the citizen, who loses the capacity to know what is required of him by statutes and ordinances carrying criminal penalties;<sup>8</sup> the second effect is in the slight slowing down of the economy under the weight of an incomprehensible mass of administrative regulations, as during the late war;<sup>9</sup> and the third effect is in the inability of lawyers themselves to know even the pattern or the materials of the law they must invoke in their clients' interests.<sup>10</sup>

The writer, of course, does not suggest any cause for concern in the first two effects noted, but rises up in alarm to discuss the third, more recently apparent. This problem has been noted by lawyers both directly and through the libraries which serve them, and may be discussed here as primarily a problem in bibliography and law library planning.

The librarian looks at the problem not only from the point of view of book use, but also from that of housing, as it is difficult to plan facilities which will be both currently filled and adequate for the needs of a decade to come. (It is also difficult, of course, to get budget officials to approve facilities adequate for needs of a decade hence, if they greatly exceed current requirements.) His problem may vary depending on whether he is trying to maintain (1) the world's greatest law library, now and in eternity, (2) an ordinary law school library, (3) a city or county law library, (4) a library for a large law office, or (5) a library for a small, or very small, law office. The problem of housing space seems to have affected even the largest law libraries,<sup>11</sup> but is more acute in the smaller libraries, where a failure to house all the books thought to be required may entail a lack of adequate coverage which would directly affect the utility of the library. It is here that the problem becomes what it is here called a problem in selection, and it is here that the various remedies proposed are of greatest concern. As the point of view of the ordinary law school library typifies those of the other libraries described, the difference being one of degree depending mostly on space factors, the question will here be treated basically from that point of view.

<sup>8</sup> See, e. g., *You're Another*, in ARTHUR TRAIN, *BY ADVICE OF COUNSEL* (1921).

<sup>9</sup> And in the more than slight decrease in efficiency during the same period in an Army in which "light paperwork regiments" were a joke, but in which it was no joke that a company commander did not need judgment or wisdom so much as an IBM-type machine to sift his instructions governing petty detail.

<sup>10</sup> See a discussion in Simpson, *Equity*, 1947 ANN.SURV.AM.L. 803, 830-831 (1948). Another reference to the same matter will be found in Berman, *The Challenge of Soviet Law*, 62 HARV.L.REV. 220 (1948). The root of the fear seems to be that if the language of the law becomes through its many facets and characters as complicated as the classical Mandarin tongue, the parallel result will be that few will know it, and that the entire cultural structure may, like that other, decay and vanish.

<sup>11</sup> FACTS ABOUT HARVARD LAW SCHOOL 5 (1949).

The one factor that may influence the law school librarian and not the practitioner is a matter of both prices and prejudice: keeping up with the Joneses, or with the standards of "better law school libraries generally," or being prejudiced by failure to do so. The law school librarian struggles between the spatial and budgetary ceilings described above and the floors created, not only by the standards of the Association<sup>12</sup> (which are reasonable, but which are robbed of some weight by a self-derogatory footnote), but also by those vague, higher standards of a "complete law library, adequate for research and scholarship." This standard is not precisely defined, but it would seem that no law book of any significance can safely be omitted, and this brings the matter back again to the problem in selection, common to all law libraries from that of the lone practitioner on up.

It is hoped that this exposition has not, like the observer in Poe's *Sphinx*, placed the monster in a false perspective; but if it has, a consideration of some of the remedies already suggested may serve to divide the blame. One can sympathize with the panic and hysteria of one realizing this situation for the first time, and finding the impending research problem extending beyond the finite limits of even our greatest legal brains. Still, the remedy of codifying or restating the law, and then compelling the destruction of all pre-existing law books,<sup>13</sup> seems to smack of Procrustes as well as Justinian, and seems too much of a confession of strict limitations on the combined capacities of the profession to handle additional complexities in the legal structure. The biggest criticism of this idea of sanctioned restatements, however, is that such a drastic step is beyond the realm of foreseeable possibility in American society as we know it (even though our people are beginning to reveal a passion for planning in political and economic affairs).

A second suggestion is that lawyers no longer be trained as general practitioners, but that each attorney be required to master and profess a specialty—contract, tort, corporation, tax, trial practice, or labor law, to note a few possibilities. This answer does not seem entirely satisfactory either; if the problem is one of mass, then it should be susceptible of solution by organization, while if it is one of complexity, it betrays a tendency in our legal growth which might well be curbed, even by Justinian's device; for the mass of the profession is not serving the mass of clients to good purpose if the average case must be bandied from hand to hand by a corps of specialists, rather than carried through by one representative. Restricting general practice to small claims would merely isolate the problem, without solving it. The process of specialization has already come upon us in some fields, and may in others; but it does not solve the problem of the general practitioner, or of his client, or of the law school, or of the law librarian, as the volume of materials in the general practice area continues to mount.

The next angle of attack is on the library standards currently imposed, officially or unofficially. Here is the problem in selection for the standard-makers, and it seems that some good could be done here by giving official blessing to the elimination of (1) items which duplicate others in substance,

<sup>12</sup> Standards III-1, HANDBOOK OF THE ASS'N OF AM.L.SCHOOLS 255-256 (1947). See Moylan, *Selected List of Books for the Small Law School Library*, 9 AM.L. SCHOOL REV. 469 (1939), for a treatment of the mechanics of fitting a library budget and library standards together.

<sup>13</sup> See Simpson, *supra* note 10.

differing only in form, and (2) deadwood, of negligible value to the normal user of the library either for study, for teaching, or for research and scholarship. An admittedly difficult point here is in the definition of deadwood; it will be discussed further below, but may be left here with the suggestion that a definition could be formulated and made specific, though some thought and consultation would be required, and though it will not be done in this note.

It should be possible, if there is one library which assumes the burden of being complete, to establish classifications for smaller libraries, graduated somewhat according to their natural positions as state centers of legal research and otherwise. The big difficulty here would probably come in assigning individual schools and libraries to the various subordinate classifications, whatever the interest in economy and convenience might be. This step could then go no further, feasibly, than making the classification within the "approved" category available, so that considerations of utility rather than of vanity might be followed in library development where desired.

Another angle of attack would be on the publication of law books themselves, but this, again, would afford only limited relief, even if it were desired to subject such a field to regulation. Two main points may be thought of as objectives of such regulation: (1) establishment of orthodoxy in legal classification, and (2) elimination of duplicate publications of the same material. Logically, other steps may be thought of, including (3) screening periodicals to prevent the publication of utterly useless material, and (4) destroying the precedent value of certain items, and curbing publication of non-precedents. The last-named possibility, however, would be both circuitous and artificial, and uncertain of being beneficial in any case.

As to screening periodicals, some merit can be seen in the objective, for many a lame article and note fills out the publication complement of our increasing tribe of law reviews, and even less excuse can be seen for the reproduction in bar association bulletins of journals of their meetings, complete with every ponderous formal compliment and every beery benediction at the annual banquet.<sup>14</sup> Belling the cat presents the problem here, however, since, in addition to the fact that a cumbersome process would be entailed, no one would want to take the responsibility of declaring what should and what should not go down to posterity, where only a qualitative test is involved.

Of the two plausible suggestions, that of preventing duplicate publications requires the least discussion, as it could certainly be done; and though it would be far from providing a complete answer, it would certainly provide some relief. (It is not meant necessarily to suggest elimination of private reporters, such as the National Reporter System; efficiency might be better served by eliminating the official reports.)

The establishment of an orthodox classification of the law, however, requires a bit more comment. The purpose to be served would be to eliminate legal works cutting across the boundaries of the usual topics. (The official classification would serve to anoint these topics as separate provinces

<sup>14</sup> Concern as to the *raison d'être* of these publications does not seem to be widespread. Judging by the number of law reviews which have commenced publication since 1946, everybody wants to get into the act.

in the "seamless web" of the law.)<sup>15</sup> Works on "automobile law," for instance, or "aviation law," or "landlord and tenant," cutting across our logical boundaries between contract, tort, sales, administrative law, and realty titles, serve today the purpose of selecting specifically pertinent authorities from those fields for a few practitioners. Their weakness in aiding the evaluation of rules of law is perhaps balanced by their usefulness in highlighting recurring fact situations and key facts. These books illustrate an unorthodoxy in the present approach to legal bibliography. Whether that diversity can be sacrificed is a question of judgment underlying this whole avenue of attack.

It is doubtful whether a created system such as that suggested could be devised or administered without even more waste motion than is involved in our present lack of system, and even more doubtful whether it could be flexible enough to allow for the expansion of the law in new areas as needed. This is but negative criticism, but it seems unlikely that this suggestion contains an answer to the main problem which could be useful in a free society. It seems safer to trust to natural processes than to such a man-made scheme of regulation.

Two purely mechanical aids may in combination provide a partial solution to the problem, and these will be discussed as the fifth and sixth possible angles of attack of this problem.

In the tax field some work is being done toward developing business-machine research devices which will, while not reducing the volume of precedents, perhaps make them more easily housed and handled, and which will certainly simplify the problem of the lawyer who has access to them and wants the answer to a given question.<sup>16</sup> It remains to be seen whether these devices will aid in the housing problem of the law librarian, and whether the literature of tax law will actually become through their use something more orderly than the "lawyer's boneyard" it is now. To carry legal research from the "pace of paleontology to that of the push button"<sup>17</sup> is a laudable aim, but the business machine will not be an unmixed blessing if it serves to multiply, rather than to divide, the space and money now needed for an adequate law library.

In many fields other than law microfilm is being used to great advantage in rendering bulky, dirty, crumbly materials usable in small space, and it seems odd that law libraries have not made more conspicuous use of the device.<sup>18</sup> While there is some expense involved in buying microfilm machines and in filming books, a concerted nationwide program could minimize this expense, and would probably pay for the program in the shelf space it would release. Here again, it is not felt that a complete answer to the problem is available, but microfilm should certainly be one element of any

<sup>15</sup> See the preface to SAMUEL WILLISTON, *A SELECTION OF CASES ON THE LAW OF CONTRACTS* (rev. ed. 1937).

<sup>16</sup> Address of Professor John A. Maguire, reported in *The Boston Herald*, Dec. 10, 1948.

<sup>17</sup> *Ibid.*

<sup>18</sup> The matter is discussed in Lindquist, *Microphotography for Law Schools*, 35 *LAW LIB.J.* 193 (1942). See also 31 *id.* at 252, 259 (1938); 32 *id.* at 343 (1939); 33 *id.* at 209, 212 (1940); 34 *id.* at 201, 222 (1941); 39 *id.* at 42 (1946).

long-range plan to ease the burden in larger law libraries, including all law school libraries.

In conclusion, no single over-all recommendation is advanced for the solution of the main problem—the multiplying burden of our law books—but there are several lesser recommendations which, while not as ambitious or as far-reaching as some of the suggestions criticized above, may in sum afford a considerable measure of relief:

First, a survey should be made of the actual use of law books in our libraries, to determine whether the “minimum standard” of the Association may not also be classified as “adequate” for nearly all law schools, except for materials of local importance.<sup>19</sup>

Second, a long-range pruning program should be undertaken, to remove the deadwood now found on the shelves of almost every library, and to burn it if no better answer can be found in a reasonable time. It may be necessary to take a deep breath before this plunge, but it is believed (from an onshore position) that the water is fine.

The pruning program might well be carried on over a number of years, so that the shelf space gained thereby will balance the added space needs for new books—thus avoiding both undue present gaps and undue crowding later on.

Third, microfilm should be used to replace books taken from the shelves to be destroyed or boxed in the basement. A cooperative program for microfilming, by a group as large as the Association, should minimize the expenses of such a program.

Fourth, the Association should give some attention to establishing an approval or certification status for legal periodicals, according to a board judgment of the quality of their content over certain periods of time.

Fifth, greater use should be made by private practitioners in small offices of the city or county law library as a pooling device under the control of a bar association group. Such libraries could make use, as individuals could not, of such possibilities as microfilm or punch-card tax research machines, besides affording members a wider variety than they could individually afford of the increasingly expensive and bulky standard authorities. Further, publishers as a group should not be too much injured by this device, as the change would not be so much to fewer sales as to different sales, with a shift from many chronically inadequate individual libraries, largely duplicating, to a few large libraries housing a greater variety of books.

Sixth, the existence of this problem should be borne in mind, and groups planning new publication projects, such as the Association's Committee on Publishing Social Science Materials, should conduct themselves with restraint, and inquire closely whether any such new publication will be of use in proportion to its expense, and whether it will actually be used by any beyond the few who would, lacking it, get equivalent material elsewhere.

<sup>19</sup> Some alterations of the existing standards might be suggested, such as including taxation and labor law services and the *Code of Federal Regulations*, omitting requirements as to out-of-state statutory materials, and specifying the *Harvard Law Review* and the *Columbia Law Review* as “musts.”