



UNC
SCHOOL OF LAW

University of North Carolina School of Law
Carolina Law Scholarship Repository

Faculty Publications

Faculty Scholarship

2020

The Value of an Academic Law Library in the 21st Century

Anne Klinefelter

Follow this and additional works at: https://scholarship.law.unc.edu/faculty_publications



Part of the [Legal Writing and Research Commons](#)

Publication: *Academic Law Libraries Within the Changing Landscape of Legal Education: A Primer for Deans and Provosts*

Academic Law Libraries Within the Changing Landscape of Legal Education: A Primer for Deans and Provosts

Edited by

Michelle M. Wu

Scott B. Pagel

Joan S. Howland

AALL PUBLICATIONS SERIES NO. 84

Sponsored by the



Published by
William S. Hein & Co., Inc.
Getzville, New York
2020

Publishers' Cataloging in Publication

Names: Wu, Michelle M., 1970- editor. | Pagel, Scott B., editor. | Howland, Joan S., editor. | American Association of Law Libraries, sponsoring body.

Title: Academic law libraries within the changing landscape of legal education : a primer for deans and provosts / edited by Michelle M. Wu, Schott B. Pagel, Joan S. Howland.

Description: Getzville, New York : Published by William S. Hein & Co., Inc., 2020. | Series: AALL publications series ; no. 84. | "Sponsored by the American Association of Law Libraries." | Includes bibliographical references.

Identifiers: ISBN: 978-0-8377-4126-0 | LCCN: 2019957904

Subjects: LCSH: Law libraries. | Law libraries--Administration. | Law librarians. | Library administration. | Academic libraries--Administration. | Law libraries--Effect of technological innovations on. | Law--Study and teaching.

Classification: LCC: Z675.L2 A33 2020 | DDC: 026/.34--dc23

Compilation © 2020 William S. Hein & Co., Inc.
Chapter authors retain copyright in their individual work.
All rights reserved.

Printed in the United States of America



This volume is printed on acid-free paper by
William S. Hein & Co., Inc.

The Value of an Academic Law Library in the 21st Century¹

Anne Klinefelter²

Summary

Law school deans and university provosts may ask how law libraries can deliver value as new technologies, practices, and economic pressures inspire reassessment of legal education and of higher education more generally. The proliferation of information delivery systems, trends towards centralized management of higher education infrastructure, and changes in the law practice market suggest that the traditional law library may not meet current needs. But law libraries have the potential and opportunity to deliver strong value in this environment due largely to the sophistication of today's law librarians. The law library can be a center for expertise that can advance law school and university goals with vision and efficiency.

This chapter describes the benefits that law libraries can provide through four different, though intertwined, functions: (1) to provide access to legal and law-related information; (2) to curate and preserve information and materials; (3) to provide services for scholarship, teaching, learning, and administration; and (4) to provide a welcoming place for people. This discussion considers how law libraries might fruitfully intersect with campus libraries, information technology, and other university infrastructure and highlights the benefits of collaboration among law libraries at different institutions. Although local goals and conditions will vary, this chapter provides insights that can apply to any academic law library.

Functions of a Law Library

1. To provide access to legal and law-related information
2. To curate and preserve information and materials
3. To provide services for scholarship, teaching, learning, and administration
4. To provide a welcoming place for people

To Provide Access to Legal and Law-Related Information

Access to legal and law-related information remains the foundation of academic library services. Efficient access to law content continues to be important for advancing university interests. Because law touches all areas of society and industry, access to legal and law-related information enhances research and scholarship in all disciplines. And, access to the law is important to all who must comply with it

¹ © Anne Klinefelter, 2020.

² Director of the Law Library and Professor of Law, University of North Carolina at Chapel Hill. The author thanks Joan Howland and the law librarians at the Kathrine R. Everett Law Library at the University of North Carolina for insights that improved this chapter.

and who would seek to influence its evolution through the democratic process. Most importantly to a law school, access to the law and support for building an understanding of its meaning across time and across the branches of government is central to the professional work of thinking like a lawyer. As Harvard Law School Dean C.C. Langdell famously asserted, “The library is the laboratory of the law.”³ To serve all of these university interests, law librarians cultivate specialized expertise in managing change in legal publishing, in the law itself, and in local needs.

Legal information publishing complexities may be surprising to deans and provosts. Options in the early 21st Century are a flawed mix of traditional physical publications, private and public innovations, and diminishing investments in some electronic systems that have been acquired by large companies outside of the United States. Primary law materials are not yet widely or reliably available on the web, though efforts of law librarians, government entities, and others are improving access.⁴ Subscription-based databases are the preferred form of access for most legal researchers because of their broad scope, significant indexing and analytical content, and rapid updates.⁵ They make legal research efficient and thereby support legal productivity of scholars and of lawyers.

These high-end databases are very important in law practice where “time is money” and expert analysis informs legal advice. Law students need to be competent users of these databases in order to compete for and thrive in most law jobs. Print resources and less sophisticated digital resources stand in to serve researchers

³ Christopher C. Langdell, *The Harvard Law School*, 3 LAW Q. REV. 123, 124 (1887) (“We have also constantly inculcated the idea that the library is the proper workshop of professor and students alike; that it 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.”) See also Richard A. Danner, *Law Libraries and Laboratories: The Legacies of Langdell and His Metaphor*, 107 LAW LIB. J. 7 (2015).

⁴ For example, the Harvard Library Innovation Lab, supported by the Harvard law school and the university has scanned all of United States caselaw with the goal of making it widely and freely available. See *Caselaw Access Project*, LIBRARY INNOVATION LAB, <https://lil.law.harvard.edu/projects/caselaw-access-project/> (last visited May 6, 2019); Law librarians have led the charge to see states enact model laws that obligate states to authenticate and preserve law in its digital form. At the time of this writing, twenty states had enacted the Uniform Electronic Legal Material Act. See *UELMA Resources*, AM. ASS’N OF LAW LIBRARIES, <https://www.aallnet.org/advocacy/government-relations/state-issues/uelma-resources/> (last visited May 6, 2019). Law librarians have alerted legal researchers that business models for digital access may be based on payment with privacy instead of with money, a situation that can present risks for lawyers and students in clinical programs who have ethical obligations to treat research for clients as confidential. Anne Klinefelter, *When to Research Is to Reveal: The Growing Threat to Attorney and Client Confidentiality from Online Tracking*, 16 VA. J.L. & TECH. 1 (2011); Sarah Lamdan, *When Westlaw Fuels ICE Surveillance: Ethics in the Big Data Policing Era*, 43 N.Y.U. REV. L & SOC. CHANGE 255, 287–89 (2019) (describing the risk to attorney-client confidentiality even through subscription databases when parent companies of legal research vendors develop data broker businesses that can harvest legal research queries to enrich profiles of individuals).

⁵ See SARAH GLASSMEYER, STATE LEGAL INFORMATION CENSUS: AN ANALYSIS OF PRIMARY STATE LEGAL INFORMATION, 2014 (noting the lack of indexing, lack of citators to track subsequent legal activity that could alter a law’s authority, barriers to searching different types of relevant law efficiently, and other infelicities of the state of access to law of the states).

beyond the core law school community because the more sophisticated tools are famously restrictive in their licensing terms. In addition, print resources serve to provide access to much specialized content that is not available online. To complicate things, some legal content may only be available online. And, sometimes a larger database vendor changes and drops content, so this rental of content is not a static, reliable strategy. In short, the publishing situation for law is complex, dynamic, and integral to the practice and study of the law. And, in the midst of this complex and changing environment, finding and analyzing the law remains a core skill for lawyers.⁶ Fortunately, law libraries are well situated to navigate this landscape of shifting access to legal information because law librarians collaborate, consult, and advise each other across institutions. In addition, law librarians are typically embedded in the law school community, so they are highly attuned to local needs.

Law librarians also draw on expertise in the law and in the use of legal information to shape their institution's mix of legal and law-related information access. The United States law alone is complex, so expertise is invaluable. The United States federal system has national and state layers of law from constitutions and from three branches of government. Municipal laws and industry codes incorporated into law may also be needed. The record of the law needs to reach back in time and be constantly updated. Secondary sources convey varying levels of authoritativeness. Most law libraries hire librarians who have a master's degree in library or information science as well as a law degree, so these librarians know how to assemble the proper onsite collections and other reliable access. This expertise helps law schools comply with American Bar Association Standards for accreditation which requires reliable access to United States primary and secondary legal materials.⁷

The role of foreign and international law adds another layer of complexity, and some law libraries designate a librarian to provide this additional expertise. Depending on the institution's curriculum, the law library might need to offer access to the law of particular international bodies or of select countries or regions. Law librarians can pull together physical collections, licensed digital content, and web content to support faculty and students doing this international and foreign law work. These librarians also help researchers by creating research guides to materials available in the home libraries and by leading local researchers to other law libraries where sought-after content is more central to that institution's mission. Libraries with foreign and international collections may attract the attention and support of alumni and others who might be in a position to promote the school in multiple ways.

⁶ Michael Whiteman, *Appellate Jurisprudence in the Internet Age*, 14 NW. J. TECH. & INTELL. PROP. 255, 279 (2017) (finding similarities in pre-Internet and post-Internet citations by California and federal courts and noting the ongoing need for lawyers to have strong legal research skills).

⁷ ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2018–2019 Standard 606(a) (AM. BAR ASS'N 2018) (“The law library shall provide a core collection of essential materials through ownership or reliable access....”).

Many law libraries have special collections such as rare books and archival materials relating to the school. Law librarians can identify materials that are important to the school and can develop guides to explain the role of these materials in the law. Some law libraries are the recipients of donations of these resources, or they may have donors who would be interested in funding the acquisition of rare materials. These types of resources can be a source of distinction for the law school and for the university and may be the foundation for student and faculty scholarship. A number of law libraries promote these prized materials by placing protected shelving and display cases in conference rooms or other spaces that attract donor attention.

Whatever formats or types of content a law library makes available, additional commitments must be made to ensure that those investments in content are discoverable and usable by the law school community and other legal researchers supported by the institution. Books and other physical content require ongoing protection through climate control, inventory management, and physical care. The library needs reasonable hours for access by researchers and/or books must be retrievable for delivery without delay. Well-designed digital content requires license negotiation, technological solutions to ensure access only by authorized users, and ideally, special cataloging to provide the details of individual titles contained within larger legal databases. Budget management can involve tracking expenditures at the title or supplement publication level and may require manipulation of multiple complex software systems. Much of this magic happens behind the scenes in law libraries, but these services are necessary components of providing legal information access.

In addition, whatever combination of sources of legal information a law library offers, the researcher needs support for quickly finding everything that is relevant, ideally without a lot of distracting, irrelevant information. Law libraries provide organization and direction to relevant information in physical format, licensed or purchased digital resources, and sometimes select legal materials available directly on the internet. This information discovery process relies on a combination of entry points including the online catalog and the law library's website. Many law libraries develop and update topical research guides to support students in seminars and other courses, and the data show that these tools are heavily used.⁸ Law librarians supplement these discovery tools with point-of-need consultations that may be in person, by phone, by email, or through other media.

Deans and provosts might be tempted to wonder why library services are important given the proliferation of information access points, but law library services are more important than ever as researchers face a confusing array of purported search options and content providers that can slow a researcher's progress towards authoritative, thorough, and current content.

Law libraries provide information access agreements with other academic libraries through consortia that coordinate selection to create greater breadth of content among the group, pool multi-institutional buying power to secure dis-

⁸ As an example, at the time of this writing, the Georgetown Law Library offered 75 topical legal research guides, guides to researching the law of each of the states, and other legal research process and non-law topical guides. <https://guides.ll.georgetown.edu/home>.

counted purchases, and provide priority interlibrary loan services. The New England Law Library Consortium has been so successful that it has created an associate membership for law libraries outside of the core member geographical boundaries.⁹ Law libraries also are part of broader consortia that include university libraries, and these collaborations can bring access to extensive collections that often are of interest to legal scholars.¹⁰ Law librarians cultivate shared professional commitments, and many are active participants in a national association or regional associations.¹¹ The culture is deeply collaborative, so law librarians consult with one another to develop best practice solutions for collection security systems, circulation policies, and other services to support information access management. These collaborations bring great efficiency to the management of legal information for a law school and university.

Law librarians are well positioned to be experts in evaluating the local context and making law collection choices that serve the parent institution. Choices are not made just once but must be continually updated if only to maintain the status quo of content in the midst of changing publisher and intermediary vendor options. Of course, the focus of any particular law school is not a static point either, so the American Bar Association (ABA) has accreditation requirements that a library “develops and maintains a direct, information, and responsive relationship with the faculty, students, and administration of the law school.”¹² Having law librarians integrated within the physical and organizational structure of a law school ensures that collection choices are managed with the law school’s interests front and center. Despite general assumptions about the efficiencies of centralization, having law librarians embedded in the law school community can provide better efficiencies in the work of law students and law faculty.

Access to information through a law library is still part of the measure of a law school’s value. While the old model of having an impressively large silo of content no longer holds the same sway, the law library’s expenditures and the number of law library volumes and titles are still part of the law school ranking business.¹³ Law

⁹ See NEW ENGLAND LAW LIBRARY CONSORTIUM, <https://www.nelco.org/> (last visited May 6, 2019).

¹⁰ See TRIANGLE RESEARCH LIBRARIES NETWORK, <https://www.trln.org/> (last visited May 6, 2019).

¹¹ The American Association of Law Libraries includes a number of regional chapters, caucuses, and special interest sections. See AM. ASS’N OF LAW LIBRARIES, <https://www.aallnet.org/> (last visited May 6, 2019).

¹² AM. BAR ASS’N, *supra* note 7, Standard 601(A)(3).

¹³ U.S. News & World Report (US News) began ranking law schools about four decades ago and now “defines the market for legal education.” Christopher J. Ryan, Jr. & Brian L. Frye, *A Revealed-Preferences Ranking of Law Schools*, 69 ALA. L. REV. 496, 496–97 (2019). Library collection investments are a component of the US News ranking formula. Richard Abel, *Book Review*, 66 J. LEGAL EDUC. 961, 971 (2017) (reviewing WENDY NELSON ESPELAND & MICHAEL SAUDER, *ENGINES OF ANXIETY: ACADEMIC RANKINGS, REPUTATION, AND ACCOUNTABILITY* (2016)). The strength of the law library collection and the role it plays in supporting scholarship has long been a factor in hierarchies of law schools, even before the US News dominated the rankings market. Olufunmilayo B. Arewas, Andrew P. Morriss & William D. Henderson,

libraries with years of accumulated print collections balance this reality with other factors to meet demands on the facility, institutional finances, and other local goals.

Even so, more than one provost, and even a law school dean or two, has posited the idea that merging a law library with the main campus libraries is bound to be more efficient. Indeed, the library funding costs might go down if librarians making decisions about databases for public health or business squeezed law onto their agenda. If the law school claimed more of the space occupied by law volumes and legal researchers in order to create clinic space or offices for development staff, some law school facilities expenditures would be avoided. But efficiency and even efficacy of teaching and conducting research for scholarship, could be severely reduced if a law library were truly moved offsite and resources were managed by staff who had no true expertise in the law. Overall, expenditures would be shifted but not saved, and the inconveniences to law students and faculty would lower their productivity and likely frustrate recruitment and retention of both groups.

On the other hand, some overlap and collaboration with campus libraries can be beneficial to the law school and to others on campus. A law library might rely on campus libraries for areas that are not entirely central to expertise in the law. One example is implementation and maintenance of a shared Integrated Library System (ILS) for ordering, payments, cataloging, providing discovery interfaces, and other services that form the online inventory and related systems functions of all libraries. While a stand-alone system allows law libraries greater control, the burdens are heavy enough that many law libraries adopt the shared model. Another example of fruitful collaboration with a central library is reliance on campus librarians who are experts in the care and use of rare books. While selection of rare law books might be better managed by a librarian with expertise about the law and about the law school, care of such materials is a specialized skill that is not a top priority for some law schools or law libraries. A few law libraries rely on campus librarians for cataloging of law books, though that practice sacrifices expertise in how legal researchers are likely to use distinct habits for finding materials.¹⁴ One other potentially helpful collaboration is the shared storage of print collections that are usually not discoverable through browsing the stacks but instead are found through citations or indexes. Older law journals and even duplicates of case reporters or statutory sets can be moved to shared storage, especially if retrieval and delivery is reliably rapid. But, the decision about which materials are best moved away from the core law school community needs to be made by law librarians in concert with law school dean and

Enduring Hierarchies in American Legal Education, 89 IND. L. J. 941, 974 (2014) (“Although we recognize that more inputs do not always yield better outputs, we think trends in resources do provide a means of separating various degrees of ‘haves’ from the ‘have nots’ over time.”).

¹⁴ For example, a legal scholar who seeks the venerable guide *Wood on Fire Insurance* might come up empty even after typing the title correctly into the online catalog if a cataloger who created the record failed to include this conventional variation on the book formally titled *A Treatise on the Law of Fire Insurance Adapted to the Present State of the Law, English and American*. A more modern example would be the problem of failing to secure and update the lists of titles within legal databases so that researchers can track down a title that is included in a larger database such as LexisNexis or Westlaw.

faculty both to bring knowledgeable stakeholders into the discussion and to meet ABA Standards for administration of the law library.¹⁵

To Curate and Preserve Information and Materials

Access to legal information is more than just contemporaneous connections between readers and content. Provosts and deans can look to law libraries led by professionals who will help the institution remember to take the long view and plan for the future. Librarians are conservative about throwing out “yesterday’s news” because they have so frequently helped researchers who are searching for illusive historical material. And, law librarians know that information that is not preserved may be forever lost. Law librarians also are aware of the value of legal precedent, especially in common law jurisdictions, and the need for reliable access to authenticated legal resources. Librarians are progressive about ways to store and make use of legal information and are well organized collaborators on efforts to achieve long term widespread access to the law. Current and future legal researchers can rely on law libraries precisely because law librarians cultivate this appreciation for the ongoing value of information to remind scholars of the foundations of the law and to provoke new ideas.

Law librarians are leaders in efforts to preserve the value of citations in legal scholarship and in court opinions. Several scholarly studies by law librarians and others have noted the rapid decay of linked web sources.¹⁶ In response, the Harvard Library Innovation Lab developed a program that relies on other law libraries to facilitate archiving of cited material in the journals and scholarship of their affiliated law schools.¹⁷ This service, called Perma.cc, demonstrates the ability of law librarians to identify and solve problems such as the preservation of modern ephemera on the internet.

Most law libraries work with other law libraries and with other institutional partners to minimize duplication of content, pool negotiating power, and overall provide broader access to information more than most law libraries could manage on their own.¹⁸ Law librarians conduct these collaborations through both informal and formal arrangements. The Legal Information Preservation Alliance is a group that works to educate law library staff about preservation methodologies, tracks law

¹⁵ AM. BAR ASS’N, *supra* note 7, Standard 602(b)–(c).

¹⁶ Helane E. Davis, *Keeping Validity in Cite: Web Resources Cited in Select Washington Law Reviews, 2001–03*, 98 LAW LIBR. J. 639 (2006); Raizel Liebler & June Liebert, *Something Rotten in the State of Legal Citation: The Life Space of a United States Supreme Court Citation Containing an Internet Link (1996–2010)*, 15 YALE J.L. & TECH. 273 (2013); Mary Rumsey, *Runaway Train: Problems of Permanence, Accessibility, and Stability in the Use of Web Sources in Law Review Citations*, 94 LAW LIBR. J. 27 (2002).

¹⁷ Jonathan Zittrain, Kenra Albert & Lawrence Lessig, *Perma: Scoping and Addressing the Problem of Link and Reference Rot in Legal Citations*, 14 LEGAL INFO. MGMT. 88 (2014) (building on studies highlighting the problem of broken links to content cited by courts and legal scholars and outlining a project to preserve cited online content).

¹⁸ The New England Law Library Consortium has been strong in securing discounts on electronic resources. See NEW ENGLAND LAW LIBRARY CONSORTIUM, <https://www.nellco.org/> (last visited May 6, 2019).

library preservation commitments, and facilitates collaborative preservation projects for print and digital materials.¹⁹ Another collaboration largely led by law librarians is LLMC Digital, a non-profit cooperative of libraries preserving legal titles and government documents while making digital copies inexpensively accessible.²⁰ Some law libraries also participate in the HathiTrust partnership to preserve and provide access to digitized materials from a variety of sources including scanning of law library collections.²¹

The issues of preservation, especially digitization, can involve thorny issues of copyright law. Many law librarians develop deep knowledge about copyright and provide leadership in library collection management and in information law and policy. Law librarians have piloted an innovative project to circulate single scanned copies of stored print materials based on sophisticated readings of statutory and case law.²² These are the types of issues and projects that law libraries and law librarians create to address changing needs of legal researchers while keeping the long view in sight. Many universities have found that law librarians are informed members of campus copyright committees and important advisors for the scholarly communications office maintained by campus library systems.

Some law libraries develop preservation programs to address both the protection of and use of special materials that may be rare or old or both. While legal scholarship focuses on the content of rare materials, some scholars study the object itself and the way that a particular item was used, annotated, or altered over time. Law libraries such as the Bounds Law Library at the University of Alabama and the Tarlton Law Library at the University of Texas produce publications based on or about materials in their special collections. Law libraries also have created digital collections of scanned materials relating to a topic of significance, such as a historical event, influential individual, or court case relating to the home institution. For example, the Kathrine R. Everett Law Library at the University of North Carolina produced a digital collection about the men who integrated the University through

¹⁹ Legal Information Preservation Alliance “is a non-profit consortium of academic, federal, state and public law libraries working on projects to preserve print and electronic legal information.” LEGAL INFORMATION PRESERVATION ALLIANCE, <https://lipalliance.org/> (last visited May 6, 2019).

²⁰ The Law Library Microform Consortium was “[f]ounded in 1976 by the law libraries of the University of Hawaii and Wayne State University in Detroit.... In 2003 the Consortium added digital delivery to its offerings, embarking upon a program of conversion of its filmed titles to digital format to be offered on LLMC Digital.” See *Mission Statement*, LAW LIBRARY MICROFORM CONSORTIUM, <http://www.llmc.com/about.aspx> (last visited May 6, 2019).

²¹ *Our Digital Library*, HATHI TRUST, https://www.hathitrust.org/digital_library (last visited May 6, 2019).

²² David Hansen, Duke University; Kyle Courtney, Harvard University; and Michelle Wu, Georgetown Law gave a presentation on their collaborative project to digitize-and-lend at the Annual Meeting of the American Association of Law Libraries, July 16, 2018, <https://www.aallnet.org/recording/aall2018-copyrightdigitizelend/>. See Michelle M. Wu, *Piece-by-Piece Review of Digitize-and-Lend Projects Through the Lens of Copyright and Fair Use*, 36 LEGAL REFERENCE SERVS. Q. 51–73 (2017).

their enrollment in the School of Law.²³ Other projects may promote the prestige of the institution such as the digitization and optimization of metadata for online discoverability of events that demonstrate the strength of programs at a law school.²⁴ Because reputation is a component of the U.S. News & World Report ranking of law schools, these projects may contribute to a school's success.²⁵

Law libraries increasingly fulfill their role as curators by taking on an active management of information not just for the benefit of the local institution but for the broader world of information seekers.²⁶ Law library digitization efforts may promote and preserve materials with broad scope such as the Stanford law library's acquisition and management of the American Bar Association's oral history project entitled "Women Trailblazers in the Law."²⁷ Other projects expand access to the law²⁸ and law-related documents such as court records²⁹ and state legislative history records.³⁰ Deans and provosts should consider these efforts a benefit enjoyed by students and faculty of their home institutions both in terms of efficient library management and efficient use of faculty and student time spent finding content that promotes learning and scholarly productivity. This work to build a broad barrier-free system of access to digital materials is fueled by a spirit not only of collabora-

²³ *Law School First—The African Americans Who Integrated UNC-Chapel Hill*, KATHRINE R. EVERETT LAW LIBRARY, <http://integration.law.unc.edu/> (last visited May 6, 2019). See also Donna Nixon, *The Integration of UNC-Chapel Hill: Law School First*, 97 N.C. L. REV. 1741 (2019).

²⁴ See, e.g., Hollie White, Miguel Bordo & Sean Chen, *Digitizing and Preserving Law School Recordings: A Duke Law Case Study*, 21 NEW REV. ACAD. LIBRARIANSHIP 232 (2015).

²⁵ Robert L. Jones, *A Longitudinal Analysis of the U.S. News Law School Academic Reputation Scores Between 1998 and 2013*, 40 FLA. ST. U. L. REV. 721, 758 (2013) (tracking trends generally, noting one law school dean's opinion that larger law library collections may be associated with higher reputational ranking).

²⁶ Jonathan Zittrain, *Why Libraries [Still] Matter*, MEDIUM (Sept. 10, 2014), <https://medium.com/galleys/why-libraries-still-matter-3df27e7522cb> (advocating support for law libraries and libraries in general because of their special ethos and expertise in organizing information for the benefit of the public). See also Anne Klinefelter, *Reader Privacy in Digital Library Collaborations: Signs of Commitment, Opportunities for Improvement*, 13 J.L. POL'Y FOR INFO. SOC'Y 199, 201 (2016) ("The future of libraries will probably build on existing collaborations in order to pool resources for common goals, and because access to digital collections reduces the need for library users to make a trip to a particular library location.").

²⁷ See *American Women Trailblazers in the Law: Our Vision, Our Voices*, ROBERT CROWN LAW LIBRARY, <https://abawtp.law.stanford.edu/> (last visited May 6, 2019).

²⁸ See LIBRARY INNOVATION LAB, *supra* note 4 (project to digitize all United States case law).

²⁹ See, e.g., *Utah Court Briefs*, BYU LAW DIGITAL LIBRARY, https://digitalcommons.law.byu.edu/utah_court_briefs/36560/ (last visited May 6, 2019).

³⁰ See, e.g., *Legislative History Project*, MISS. COLL. SCHOOL OF LAW LIBRARY, <https://law.mc.edu/legislature/index.php> (last visited May 6, 2019) ("The Legislative History Project provided by the Mississippi College School of Law Library is an online video archive of legislative debate in the state of Mississippi.").

tion through organizations but also of sharing best practices for technologies, process, content choices, and governing intellectual property law.³¹

To Provide Services for Scholarship, Teaching, Learning, and Administration

When law libraries are successful in providing access to law-related information they reduce time that scholars need to conduct research and allow them to be more productive. Other services that law libraries provide increase the school's, and even the broader institution's efficiency, and help improve the reputation of its scholars. Provosts and deans might consider these support services to be fungible, but the costs of library staff and library resources are likely less than what would be lost in faculty productivity as well as the resulting negative impact on institutional reputation and faculty recruitment and retention without those resources.

Law libraries provide research support directly and indirectly to law faculty. Most law librarians provide training and guidance to law students hired as research assistants. Some law libraries hire and oversee the work of student research assistants, either as a supplement to or substitute for students who work directly with a faculty member. Law libraries frequently offer research partnerships with faculty, with law librarians themselves conducting legal research for or with faculty. This participation in the scholarly process is evident in the fact that faculty regularly acknowledge the assistance of law librarians in their publications. Occasionally, faculty include a law librarian as a co-author, depending on the level of analysis that is inherent in the librarian's contribution. Law libraries sometimes match librarians with faculty through a liaison program in order to build a familiar connection for research advice. Having ongoing conversations between faculty members and librarians builds the basis for librarians to identify and forward potentially relevant information before faculty members might be positioned to request it. Law librarians and staff also facilitate faculty scholarship with document retrieval, interlibrary loan services, and purchases in response to faculty requests.

In recent years, law librarians have cultivated expertise in launching faculty scholarship to ensure that it is widely discovered, downloaded, read, and cited. Law librarians offer tips about how to make the most of titles, abstracts, social media, and traditional media and also advise about keywords and metadata that could expand the reach of a faculty member's scholarship.³² Law librarians track and evaluate citations to legal scholarship both to document impact and to make recommendations about ways to increase impact.³³ They promote faculty scholarship not

³¹ See, e.g., White et al., *supra* note 24; Julie L. Kimbrough & Laura N. Gasaway, *Publication of Government-Funded Research, Open Access, and the Public Interest*, 18 VAND. J. ENT. & TECH. L. 267 (2015–16).

³² See, e.g., Simon Canick, *Library Services for the Self-Interested Law School: Enhancing the Visibility of Faculty Scholarship*, 105 L. LIB. J. 175 (2013).

³³ See, e.g., Fred Shapiro & Michelle Pearse, *The Most-Cited Law Review Articles of All Time*, 110 MICH. L. REV. 1483 (2012); James M. Donovan, Carol A. Watson & Caroline Osborne, *The Open Access Advantage for American Law Reviews*, 97 J. PATENT & TRADEMARK OFF. SOC'Y 4, 24 (2015) (finding evidence that making law articles available through an open access platform "pays rich dividends in the currency of subsequent citations in law reviews and court decisions").

only for impact in the academy but also as support for practicing attorneys, helping build the reputation of the school among alumni and others.³⁴ Law libraries sometimes maintain a repository of faculty scholarship and of the law journals published by a law school, navigating the copyright and contractual issues and enhancing the exposure of this content with metadata designed to attract other researchers or other targeted readers.³⁵ Three law library consortia and the Cornell Law Library created LawArXiv, a free, open-access repository for scholarly legal content such as law journal articles, as a non-profit option for preserving and expanding access to this type of content.³⁶ Studies have shown that repositories free of paywalls can reinvigorate the influence of older publications and can expand cross-disciplinary and international impact that leads to faculty speaking and writing opportunities.³⁷

When faculty scholarly impact is to be measured, the law library can support that assessment by collecting information about download counts on scholarship sites, citations in databases of other scholars, in court opinions, and in other online sources.³⁸ This work is of interest to scholars, law journals, and to law schools. At the time of this writing the law school ranking business is moving in the direction of reporting on and rating law schools' scholarly impact, so law librarians' expertise in this area is of increasing value to schools and universities.³⁹

Law librarians regularly serve as resources for law students working as citation checkers, general editors, and managers of law reviews and topical law journals sponsored through law schools. Librarians provide orientation to the library and its services to the journals. Close contact with the journals also informs librarians' efforts to manage information access that is likely to be relevant to these journals' work.

Additionally, law librarians and law libraries produce print and digital publications that add to the body of legal and information science scholarship and to the

See also Alfred L. Brophy, *The Relationship Between Law Review Citations and Law School Rankings*, 30 CONN. L. REV. 43, 47 (2006) ("The Washington and Lee Law Library website provides the most comprehensive and recent citation survey....").

³⁴ *See, e.g.*, Jesse Bowman, *Cost-Conscious Current Awareness*, 106 ILL. B.J. 50, 51 (2018) (recommending attorneys take advantage of the increasingly fee-free access to law-school sponsored journals that can provide analysis of developing topics in the law and recommending use of the Washington and Lee Law Library website to identify subject-specific law journals).

³⁵ James M. Donovan & Carol A. Watson, *White Paper: Behind a Law School's Decision to Implement an Institutional Repository* (2008), https://digitalcommons.law.uga.edu/law_lib_art_chop/15/ (last visited May 6, 2019).

³⁶ *See* LAWARXIV, <http://lawarxiv.info/> (last visited May 6, 2019).

³⁷ Richard A. Danner, *Applying the Access Principle in Law: The Responsibilities of the Legal Scholar*, 35 INT'L J. LEGAL INFO. 355, 356, 389 (2007) (noting the goals of broader impact for legal scholarship made available through open access methods and finding evidence of the long tail in impact for older materials that are more easily discovered and retrieved).

³⁸ Yale law librarian Fred R. Shapiro has contributed a number of studies of scholarly impact of law scholars and of legal scholarship. *See, e.g.*, Fred R. Shapiro, *The Most-Cited Law Review Articles*, 73 CAL. L. REV. 1540, 1543 (1985); Fred R. Shapiro & Michaelle Pearse, *The Most-Cited Law Review Articles of All Time*, 110 MICH. L. REV. 1483 (2012).

³⁹ *See* Scott Jaschik, *Do Law Schools Need a Second Ranking from 'U.S. News'?*, INSIDE HIGHER EDUC. (Feb. 18, 2019).

reputation of the home institution. In some institutions law librarians have appointments that carry faculty status with explicit or implicit expectations of scholarly publication. Some law librarians write even without these requirements. Law librarians publish in peer-reviewed journals devoted to law librarianship, and many publish in law journals. Many write about law library administration and services as well as about legal information management. Some write about developments in information law and policy. Law librarians bring a range of personal interests to their work, and their scholarship reflects a great diversity of interests. Other publications authored by the law library itself, often as a collaborative effort to selectively scan or pull together digital collections. These efforts may involve editorial as well as technical expertise when content is selected, organized, indexed, and made reliably accessible. These products build connections between the school and alumni and can reach well beyond the known community.

The modern law library is also an important part of the teaching mission of the law school and perhaps of a university's information or library science program. In this capacity, law libraries support teachers, and law librarians often offer instruction themselves. Those law librarians with both a master's degree and a law degree are especially well suited to provide guest instruction on legal research for seminars, practicum courses, clinics, externship programs, and upper level courses in specialized areas of law. Librarians are also widely utilized to teach legal research in first year and upper level courses. Some law librarians develop advanced legal research courses including specialized courses focusing on transactional, litigation, or topical practice areas. Some law librarians bring experience from practicing law and from judicial clerkships and can draw on this background in their teaching. A law librarian's legal research skills include not just a "tool box" pedagogical approach but also the iterative nature of research, analysis of results, and refinement of the search for governing law and persuasive policy. Teaching legal research requires much more than a custodial familiarity with legal publications. Many law librarians have expertise in both research strategies and legal research pedagogy.⁴⁰ The trend towards experiential learning is one that law librarians are embracing in their teaching of legal research, and law schools benefit from this contribution to the curriculum. Law librarians with research and analysis expertise are extremely valuable to law students who will likely sink or swim in their summer jobs depending on their ability to conduct effective research and prepare legal documents based on that research. Given that summer jobs are often the springboard for permanent employment after graduation, law students' research skills are foundational for their careers.

Many law libraries employ librarians who teach full courses in the law school. Some law librarians, especially those who are law library directors, teach foundational and upper level law courses including legal research skills courses and

⁴⁰ Michael Chiorazzi & Alexandra Lee Delgado, *Those Who Do, Teach: Preparing Law Librarianship Students for the Teaching of Legal Research*, 37 LEGAL REFERENCE SERVS. Q. 134 (2018) (describing the need to teach aspiring academic law librarians how to teach legal research because most will be expected to teach).

substantive law courses.⁴¹ Others teach courses relating to the growing role of technology in law practice since law librarians are actively engaged in the use of information technologies for legal resources. Additional ways that law librarians contribute to teaching include their participation in moot court, trial advocacy courses, and negotiation initiatives or competitions. Each teaching example is likely to be a result of a productive intersection of local curricular needs and the talents, interests, and experience the law librarian brings to that opportunity.

Law librarians provide even more services in capacities beyond information access, scholarship, and teaching. Many are important contributors to the general administration of a law school and of a university. Law librarians may serve on faculty committees or other law school and university committees. Librarians are important to have at the table whenever new initiatives are developed because they are experienced in managing programs and projects and in supervising other people. They are frequently partners with IT support programs in law schools, with both the library and IT reporting to the law library director. Law librarians are often involved in a law school's development and alumni relations, competitive intelligence efforts, foreign student orientation, student wellness programs, grant research, and bar passage initiatives. Law librarians have traditions of keeping detailed records, managing complex budgets, and reporting statistics to a variety of accrediting agencies for the school and for the campus. So, they are often important contributors to larger processes that require information relating to the sufficiency of the law library's support for a law school. Law librarians have advanced and implemented strategies and systems for planning, prioritizing, and collecting comparative data, and law schools and universities are well served by these sophisticated efforts.⁴² Even beyond the law school and campus administration, law librarians have a record of administration leadership in state bar associations and the American Bar Association. ABA accreditation teams have long included a law librarian to assess compliance with library-related standards but also to lead teams that provide overall assessment of law schools.⁴³

⁴¹ Michael J. Slinger & Sarah C. Slinger, *The Career Path, Education, and Activities of Academic Law Library Directors*, 107 LAW LIBR. J. 175, 196 (2015) (examining the teaching habits of law library directors and finding that "nearly half (46%) of directors have taught a substantive law course, a number unchanged since 1986.").

⁴² Law librarians at the Yale Law Library and the New England Law Library Consortium support a benchmarking project called ALLStAR that helps libraries in budgeting and other management issues. *Reports from the ALLSTAR Official Survey*, NELLCO, <https://www.nellco.org/page/ALLSTAR> (last visited May 6, 2019). See also Carl A. Yirka, *The Yirka Question and Yirka's Answer: What Should Law Libraries Stop Doing in Order to Address Higher Priority Initiatives?*, 12 AALL SPECTRUM 28 (2008).

⁴³ Associate Dean and Director of the Law Library, Professor Joan Howland was recognized for her important leadership roles with the American Bar Association. Mike Stetz, *Most Influential People in Legal Education*, 25 NAT'L JURIST 20, 25 (2016) (listing Howland sixteenth in a national ranking for 2016).

To Provide a Welcoming Place for People

Another core function of law libraries is to provide a welcoming place for people. While information may be going virtual, people are still embodied. People need places for research and study, quiet individual work, and collaborative work. People also need places equipped to support the full range of tools used for legal research. Although this role for law libraries is integral to information access and the provision of scholarship and teaching support, the library space merits its own recognition. Law students need an accommodating set of spaces where they can use paper and electronic resources for class preparation and review, conduct editorial work for a journal, build their speaking and negotiation skills, and simply rest during the stressful schedule of law school. They need a place to build and reinforce a community that will last well into their careers as graduates and develop a supportive alumni network from a particular year in the history of the school. Many stories about a law student's life include the law library.⁴⁴

Library spaces can either encourage or discourage engagement with information access and library services. To facilitate engagement, almost all law libraries are housed within a law school. Students can move back and forth between classes and can stay in familiar territory on weekends if they choose. Faculty can wander the stacks easily, and law library staff can deliver physical collection materials promptly. The quality and convenience of well-planned spaces can make a big impression on students and can also inspire faculty and alumni. Ideally, a law library will offer multiple types of spaces such as an attractive reading room with high ceilings and striking décor, cozy carrels, and group study rooms. A law library should also accommodate technology which at this time in history means ample and convenient electrical outlets and robust wireless connectivity to the internet. Some mix of available computers and places for individuals' laptops is advisable to meet the needs of law students and visitors from across campus and elsewhere, depending on the local institution's mission. Some libraries offer technology support with loan of commonly used cords or even tablets and laptops. Law libraries also need to have scanning, photocopying, and microfiche friendly options.

The library space needs to be clean. It needs to be well lit. It needs to have comfortable chairs, tables and other furniture that offers ergonomic support for a variety of body types as well as a variety of reading and typing activities. Generally, the space should be free from noise, although rooms for discussion should also be part of a law library's structure. The space needs to be large enough to address law students' needs and to accommodate other legal researchers as appropriate.

The law library space should also provide offices for librarians and for library staff. Some models tend towards open work spaces while others tend towards enclosed locations for individuals. Each has its own advantages and disadvantages. If librarians have teaching responsibilities or provide reference guidance to practicing lawyers, confidentiality may encourage the office model.

⁴⁴ See Richard R. Danner, S. Blair Kaufman & John G. Palfrey, *The Twenty-First Century Law Library*, 101 LAW LIBR. J. 143, 145 (2009) (in which Dick Danner describes law students flooding the Duke Law Library to use all of its varied spaces).

When deans and provosts explore 21st century efficiencies, an important consideration should be the value of welcoming law library space closely connected with the law school.

Conclusion

Law libraries can perform traditional and new functions in ways that are strategic and efficient. The effectiveness of law libraries is largely attributable to the service commitment and the types of expertise cultivated by academic law librarians---law, information science, pedagogy, and management. No other model of curricular and scholarly support for legal education and for law-related higher education can match the law library's capacity to encourage productivity of law schools and universities. The important role of law libraries is also acknowledged in law school ranking and accreditation systems. Far from being irrelevant in a time of information innovation, law libraries are important partners in the 21st century law school and university.