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Stuck Behind the Curve:
How the Academic Law Library Can Support
Students who Struggle in Law School

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Submitted to
Professor Penny A. Hazelton
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Introduction

Lower student applications, law school budgets, U.S. News rankings, bar passage rates, dwindling legal career prospects, student debt, and practice-ready students: these are the hot topics in law school education. Many law schools will face a crisis in the next few years as the previous models of legal education fail to address these issues. Law libraries, similarly, need to reinvent themselves to combat budget cuts and maintain their usefulness within the law school system. Old models no longer work and law schools that innovate and reinvent legal education are becoming more desirable. Law libraries need to play a vital role in this redevelopment of the law school. One way they can do this is to focus on helping to reach every student in the law school, especially the struggling students.

Some law schools have developed academic support programs to address student achievement in law school. These programs help students with lower test scores and class grades to improve in law school or focus on helping all students pass the bar exam on the first attempt. The Law School Admissions Council states that “the financial commitment to [academic support programs] is often substantial.”¹ As law libraries struggle to promote their services and face shrinking budgets, partnering with academic support programs or creating components of one within the library if the school lacks this sort of program could offer the library a way to quantifiably justify its existence and relevance. The law library already supports students by providing research and reference help as well as study space in a student-centric environment,² so reaching out to struggling students should be an integral component of their mission.

This paper will first explain who struggling students are and how their population is growing within law schools today. Next, this paper will describe the types of programs currently available to help struggling students within law schools, including academic support programs. Then, this paper will look at the functions of law libraries and the value that they add to struggling students. Finally, this paper will address ways in which libraries can help support struggling students: from small changes in the culture of the library to major program development and implementation.

¹ Law School Admissions Council, *Grants*, <http://www.lsac.org/lscresources/grants/lscac-legal-education-grant-program-assistance.asp> (last visited May 20, 2013).

² Penny A. Hazelton, *Law Students and the New Law Library: An Old Paradigm*, in *LEGAL EDUCATION IN THE DIGITAL AGE* 158-82 (Edward Rubin ed., 2012).

I. Struggling Students in Law School: Who, What, Why

Law students are not all the same; students struggle for many different reasons. Some students have outside influences such as family, living conditions, jobs, or a lack of money that keep them from spending as much time as they need on law school work. Some students struggle to grasp the material as quickly as other students in all classes or certain classes because of their learning styles. Still other students come into law school with little or no experience with the law and so begin at a deficit compared to other students. Even top law schools have students who struggle academically or as a result of difficulties in life that can get in the way of learning.

Additionally, law schools are able to admit a growing number of students with disabilities because advancements in technology are allowing for these students to achieve a higher education in a way that they could not before. “As [the number of students with disability accommodations] grow, they necessitate the creation of increasingly sophisticated academic support programs.”³ While these students and others might have legal restrictions on who can know their status as “disabled,” designing library services that consider each student will benefit all students.

With the decline in law school applications, law schools are trying to fill the seats in their institutions with qualified applicants,⁴ but some schools may accept applicants less-qualified than they would if there an abundance of well-qualified applicants, as was the case several years ago. For law schools, accepting a few less-qualified students is easier than faculty or staff layoffs. Combining potentially less-qualified students with additional students requiring disability-related accommodations and well-qualified students who have always struggled in law schools means that law schools must now provide help and support to a significantly larger portion of their student body.

Once students begin law school and especially once they graduate, they bear the law school’s name, for better or worse. These students’ bar passage rates and career possibilities affect the U.S. News Rankings used to compare the quality of law schools. Every graduated student will represent their law school, and their actions influence the reputation of the school. Good jobs for law school graduates mean better alumni networks for the next graduates to find jobs. More pride in the school promotes alumni giving of money to flow back into the school. If law schools ignore a growing population of their student body and do not

³ Mary Kay Kane, *Trends and Challenges in Legal Education*, AALL SPECTRUM 15, 16 (April 2001).

⁴ Law School Admissions Council, *Three-Year ABA Volume Comparison*, available at <http://www.lsac.org/lsacresources/data/three-year-volume.asp>.

address struggling students in law school, this career and alumni network could begin to dissolve.

By placing an emphasis on learning and remembering the struggling student, law libraries will demonstrate the connection between the library and student achievements. As a law librarian at a law school, one main responsibility is “to prepare [one’s] students for the day they will practice law.”⁵ By integrating the law library more closely with student achievement, law libraries show their strengths, develop quantifiable achievement marks, and create partnerships within the law school to make the case for the law library.

The AALL 2002 publication “*Beyond the Boundaries: Report of the Special Committee on the Future of Law Libraries in the Digital Age*” suggests “a more collaborative role for librarians in the teaching, research, administrative, and publishing functions of the law school, including more direct involvement in lawyering skills training, career services programs, distance education efforts, and electronic publishing.”⁶ This paper argues that academic support services should be included in this list.

The University of Maryland, for example, has been talking about collaboration in the face of budget cuts. Phoebe Haddon, Dean of the University of Maryland Francis School of Law stated, “We [at the University] have been talking about teamwork and how to work together to solve social problems and issues that are so prevalent in the community.”⁷ In 2004, Barbara Gontrum, director of the Thurgood Marshall Law Library at the University of Maryland stated that their efforts to integrate the library with the academic program, “has increased visibility of the library within the school and focused attention on our most important role: navigating the increasingly complex world of information sources.”⁸

Not only is collaboration and reaching out to struggling students recommended, it can be interpreted as a requirement. The ABA rules for libraries state that law libraries must support the faculty and teaching of the school.⁹ If the school has made academic support courses and dedicated faculty, the library is

⁵ Olivia Leigh Weeks, *We Are in the Business of Service: Serving Students and Faculty in an Academic Law Library*, THE CHANGING ROLE OF ACADEMIC LAW LIBRARIANSHIP 125, 126 (2008).

⁶ Margaret Maes Axtmann, *Academic Law Libraries 2.0*, AALL SPECTRUM 14, 17 (July 2006).

⁷ Jack Crittenden & Christina Tomas, *Most Influential People in Legal Education*, THE NATIONAL JURIST 22, 28 (Jan. 2013).

⁸ Barbara Gontrum, *Librarians Bridge Information Gap in Law Courses*, AALL SPECTRUM 22, 28 (March 2004).

⁹ ABA Standards and Rules of Procedure for Approval of Law Schools § 601(a) 2012 (stating, “A law school shall maintain a law library that is an active and responsive force in the educational life of the law school. A law library’s effective support of the school’s teaching, scholarship, research and service programs requires a direct, continuing and informed relationship with the faculty, students and administration of the law school”).

obligated to support its mission. Even if there is no specific academic support program, students that require help should have many opportunities for help. This requires collaboration with the professionals to find what students need that the library can provide.

The decline in applications means law schools are admitting fewer students,¹⁰ and may also be looking for ways to cut spending. Library budgets are shrinking in most law schools,¹¹ and libraries need to find a way to stay relevant. “The promise that academic libraries will continue to have a vibrant, meaningful role in higher education into the foreseeable future is not a given,” says Susan Gibbons.¹² If law schools cut any student services, law students suffer. While many law libraries may have less staff, money, and time to spend on ideas typically outside of the realm of the traditional law library, forming partnerships within the law school and making policies with each student in mind, will incorporate a diverse student body of sometimes struggling students.

Because no struggling student is the same, there is no simple solution to help these students. Law libraries will need to reach out to other departments to find the needs of the school and talk with students regularly to take the pulse of the changing student body. Considering the current environment of declining applications, more students may require more help in law school in order to graduate and achieve success as lawyers. Law libraries are in the perfect place to offer that support.

II. Current Models for Helping Struggling Students

In order to better understand the roles that law libraries can play to support struggling students, an understanding of the types of programs and support already available is necessary. First and foremost are academic support programs [or APSs]. These programs developed specifically to help struggling students succeed. Secondly there is usually an academic or student services department within law schools that handles disability accommodation requests and helps students individually. Finally, law libraries and current programs or policies designed to help struggling students will be discussed. Because there is usually little to no dialogue across these departments within many law schools, understanding the function and development of each is essential for each library in order to successfully collaborate to benefit all students.

¹⁰ Ethan Bronner, *Law Schools' Applications Fall as Costs Rise and Jobs are Cut*, N.Y. TIMES (Jan 30, 2013), available at http://www.nytimes.com/2013/01/31/education/law-schools-applications-fall-as-costs-rise-and-jobs-are-cut.html?_r=0.

¹¹ Taylor Fitchett et al., *Law Library Budgets in Hard Times*, 103 L. LIB. J. 91 (2011).

¹² SUSAN GIBBONS, *THE ACADEMIC LIBRARY AND THE NET GEN STUDENT: MAKING CONNECTIONS*, xv (2007).

A. Academic Support Programs

Academic support programs are a more recent phenomenon in law schools than in other academic institutions. Louis Shulze of New England Law attributes this late adoption to the “sink or swim mentality” of traditional law schools. The first appearance of these programs in law schools was in the 1960s, but these were local and not widespread. Academic support as a service to law students “dawned with the Access 2000 conference”¹³ when the Law School Admissions Council first committed funds, personnel, workshops, and a guide for academic support in law schools.¹⁴

The last decade has brought even more emphasis to the academic support movement. The American Association of Law Schools [AALS] has a section on Academic Support and the Law School Admissions Council [LSAC] currently has grants and awards available for the study of this area.”¹⁵ There are blogs,¹⁶ a national newsletter (“The Learning Curve”),¹⁷ and the Law School Academic Success Project, which was originally funded through an LSAC grant, but now maintained by AALS to draw “together program[s] and teaching ideas” for legal educators, administrators, and students.¹⁸ Presently, academic support has solidified into a department or program and, much like career services, is present in most law schools in the country.¹⁹

While most schools today have this program, not all programs are the same, have the same goals, or even have the same department name. Of the 157 schools responding to the 2011 National ASP Survey, almost half were called either the Academic Support Program or Academic Success Program, which gives the initials and moniker “ASP” to all similar programs. Of the remaining half,

¹³ Shulze *supra* note at 276.

¹⁴ Judith J. Devine & Jennifer D. Odom, *Do Academic Support Programs Reduce the Attrition Rate of First-Year Law Students?*, 29 T. MARSHALL L. REV. 209, 214 n.22 (2004).

¹⁵ Law School Admissions Council, <http://www.lsac.org/lscresources/grants/lscac-legal-education-grant-program-assistance.asp>; American Association of Law Schools Section on Academic Support, <http://law2.umkc.edu/faculty/profiles/glesnerfines/asp/asp.htm>.

¹⁶ Law School Academic Support Blog http://lawprofessors.typepad.com/academic_support/

¹⁷ The Learning Curve, available at <http://law2.umkc.edu/faculty/profiles/glesnerfines/asp/learningcurve.htm>

¹⁸ Law School Academic Success Project, <http://lawschoolasp.org/>

¹⁹ 157 out of 199 schools responded to the first ASP National Survey in 2011. Of those responding, nearly 85% (133 out of 157) stated that they had a formal, named academic support program. When looking at just second, third, and fourth tier schools, 94-97% of schools offer ASP. Law School Academic Success Project, 2011 Summary Report of the 2011 National Law School ASP Survey (2011). *See also* Richard Cabrera & Stephanie Zeman, *Law School Academic Support Programs – A Survey of Available Academic Support Programs for the New Century*, 26 WM. MITCHELL L. REV. 205, 208 (2000) (noting 90.7% of law schools have some form of academic support program according to a survey of ABA-accredited law schools).

there were 56 different names used, not including several schools that had more than one name for their programs.²⁰

The division among what to call this program is a reflection on how many different types of programs there are in each law school. Each program is developed with “the unique needs of its students, faculty, administration, and institution, as well as the available resources” as the main considerations.²¹ As such, programs have developed that are open to all students or targeted to specific students, in different methods (individual, small group, large group), in different formats (online, in person), for-credit or extracurricular, and at different times within the student’s law school life. For purposes of explanation, I will divide the categories by time: Pre-law school, first year of law school, second and third years of law school, and post-law school.

Some ASP services begin reaching out to students before they begin their coursework in law school. Some programs provide low-cost LSAT preparatory classes or introduction to the law classes to entice students who generally would not apply to law schools. Such programs are usually targeted towards more ethnically diverse or underprivileged students. Most programs in this category generally include acclimating students to the style of learning prevalent in law schools and having experience with the “Socratic method” to feel comfortable in the classroom. Programs also usually include how to brief cases and prepare for class. Students may be targeted as “at risk” by their undergraduate grade point average, LSAT scores, or time between undergraduate school and starting law school. These students can be specifically encouraged or even required to attend ASP programs. Other programs provide this pre-orientation program to all students, regardless of need. Some schools provide the instruction for free, some charge, and some offer it for credit, incorporating into the first year legal skills classes.

During the first year there are several different program models for ASPs. Students may be targeted as above and required or encouraged to attend, or ASP programs may be available to all students. One model is to offer an ASP professional or successful upper-level student for each first-year class as a tutor or small-group teacher to those students in order to make sure the students understand the important points on a weekly basis. This model can swing more towards the design of an actual class (given for credit or not and with a weekly lesson plan) or a more informal session. More informally, another model places this upper-level student in a room (physical or virtual) weekly to answer questions the students might have, without a lesson plan. Still another model provides periodic workshops and timely classes on the major issues a first-year student

²⁰ *Id.*

²¹ Schulze, *supra* note at 277, quoting Paula Lustbader, *From Dreams to Reality: The Emerging Role of Law School Academic Support Programs*, 31 U.S.F. L. REV. 839, 842 & n.12 (1997).

faces, like outlining and studying for exams. The different models within first-year classes largely depend on the design of the law school in regards to the Legal Writing and Research class's integration with the first year curriculum. Because each school handles this year so differently, some ASP models are difficult to separate from the overall first-year curriculum.

Second- and third-year ASP services, however, are usually more discernible because law schools tend to treat these years more similarly. Throughout these years, ASP services may include ongoing individual academic counseling, workshops, writing sessions, and programs. The prevalence of these programs largely depends on the goals of the ASP (some do not focus on these years of law school) and the demands of the students for more programs. Students who had a good experience with the ASP in their first year might request more involvement in the upper years as well.

During the second year, students with low grade point averages from the first year could be identified and required to take a class designed to help them raise their grades in other courses. These classes can be taken for credit or not, but are generally taught by an ASP professional. Sometimes these classes may open to anyone to take for extra practice. The purpose of this class is to give students extra help and more feedback in how to write examinations and answer legal questions. In schools where there are required courses in the second year (for instance, tax or evidence), similar programs to the first year small group sessions could appear.

During the third year of law school, most schools and students start looking toward the bar examination. Some programs require students with low grade point averages or those they have identified as needing more help to take a bar preparation class their final semester. Other schools offer this bar preparation to all students, but most encourage lower-achieving students (those identified as least likely to pass the bar) to take this course. Usually an ASP professional teaches this course.

Several schools offer a similar class over the summer after graduation, as a supplement to the commercial bar preparation programs for no credit. Other schools offer full bar preparation support, as an alternative for students who cannot afford the commercial programs. Even after the student has taken the bar, ASPs may play an even bigger role in helping a graduate pass the bar the second time. If the student feels comfortable enough with the ASP staff, their relationship might continue to offer counseling or the graduate could help the ASP in counseling and tutoring new law students.

All of these programs develop within the environment of a particular law school, so no two ASPs are identical in design or structure. The focus of these programs may vary as well: some help students graduate, some help students pass the bar, some help students become successful attorneys, and some have any

combination of these goals. All of these goals should be supported in order to maintain a law school's reputation and have successful lawyers.

B. Academic/Student/Disability Services

Academic services (or student services) similarly arise and develop a purpose specific to the individual law school. Some law schools have an extensive support system within academic services and some are relatively small and narrow in focus. Usually, this department (or one similar to it) has a person designated to help support students with disabilities. This person does not function in the same way an ASP professional would, however. This person is focused on the physical accommodations for students such as desk and classroom accessibility, arranging students to take notes, providing separate testing locations, and offering technology in order for the student to be at a comparable level to "regular" students. For all students, this person might even offer counseling, accommodations for a specific time of illness or tragedy, or to act as an intermediary between a professor and student, but does not generally support students academically.

While they do not offer academic support, the professionals working in this department are integral to developing relationships with students who might require extra help. These professionals may have nondisclosure requirements for identifying students with disabilities, but will be essential in developing plans and policies to help students who are or could be struggling.

C. Law Library

In contrast to the relatively new academic support programs, the law library has a long tradition and place within the law school. It has been described as the "heart" of the law school from 1783 through (and beyond) the year 2000.²² The law library is traditionally known as the collection of materials within the space, the people who work in the space, and the space physically occupied by the library itself.²³

The library's collection used to be fairly straightforward, traditionally including all of the physical, relevant materials selected for library users. These books include reporters, government documents, monographs, law journals and magazines, hornbooks, and other serials. More recently, these resources have

²² Beatrice A. Tice, *The Academic Law Library in the 21st Century: Still the Heart of the Law School*, 1 UC IRVINE L. REV. 159 (Mar. 2011).

²³ Philip C. Berwick, *A New Law School Library and a New Role for Librarians*, THE CHANGING ROLE OF ACADEMIC LAW LIBRARIANSHIP 49 (2008) (providing an overview of the law library and different roles they can play).

included items to help students like outlines and study aids, casebooks, movies and tapes, popular reading collections, and electronic resources like e-journals and databases. Some libraries' collections even include things that would normally be considered outside the realm of law libraries generally—like Frisbees, earplugs, basketballs and chargers, for example—to improve the quality of student life.

Libraries are also composed of the people working in the space and provide many services to students. Libraries have a tradition of customer service interactions, helping students find the information they are looking for, whether from the public services side or technical services side. Reference librarians have a history of teaching in many different ways: one-on-one at the reference desk or research consultations, small groups at workshops, and large groups when invited into subject classrooms and teaching legal research to first years or advanced classes. Most (if not all) law librarians would help a student who is struggling in legal research or who requests such help, but they do not seek out these students. In this model, only students who are vocal about needing help receive help, not those who struggle silently or do not know what the library could do to help them.

Law libraries are not just the people and things inside the library, they are also the space that holds them. “Historically, academic libraries have focused the majority of their attention on the library’s collection and its organization...its strength today is generally described using measures that reflect ‘bricks, bytes, and books.’”²⁴ Similarly, Robert C. Berring described the law library in terms of structure, substance, and law librarians.²⁵

Law libraries, like most libraries in the country, are increasingly losing space for books and are being encouraged to add tables and study rooms. The library is becoming a place where technology like fast Internet access, computers, and other media is expected. A recent American Library Association Publication, “Recent Library Trends,” described the Emerging Library Design as one that includes collaborative study, media integration, service consolidation and expanding technology needs.²⁶ All libraries are facing these demands from their users—law libraries are no exception.

From the present demands and looking to the future, the academic law library will remain the heart of the law school. As a physical space, it remains “vitally important” as a “communal gathering place for research, study, reflection, and learning.”²⁷ The law library has an “indefinable ambience” to produce “work

²⁴ JOSEPH R. MATTHEWS, LIBRARY ASSESSMENT IN HIGHER EDUCATION, 61-96(2007).

²⁵ Robert C. Berring, *Deconstructing the Law Library: The Wisdom of Meredith Willson*, 89 MINN. L.R. 1381 (2005).

²⁶ JEANNETTE WOODWARD, COUNTDOWN TO A NEW LIBRARY: MANAGING THE BUILDING PROJECT, 64-71 (2010).

²⁷ Beatrice A. Tice, *The Academic Law Library in the 21st Century: Still the Heart of the Law School*, 1 UC IRVINE L. REV. 159, 173 (Mar. 2011).

of great consequence” and “as the ‘laboratory of the law school,’ that is known and felt by all users, even in the information age.”²⁸

III. Realistic Suggestions for Law Libraries to Aid Struggling Students

Currently, most law libraries have a mission that does not separate or distinguish among all students in the law school. Most libraries do not have a mission of seeking out and helping struggling students. Struggling students would need to come to the library and seek out the information from a librarian in order to receive help. But if law libraries implemented some changes, had partnerships, or better promoted their services, struggling students might be more likely to find the help they need for success in law school and beyond. Not all students are the same, but by making small changes, libraries could potentially reach more of these students and improve student development campus-wide.

The American Bar Association recognizes the role law libraries have in a law school by having standards for those libraries and requiring a sufficient library for accreditation.²⁹ This shows an interest in what law libraries have and do for the student and faculty population. Formal academic support and student services, on the other hand, are not required for accreditation nor governed by ABA standards for law schools. Because of this, a school with a severe budget cut might be more inclined to cut these services instead of the law library. If this happens (or if an ASP department was never created to begin with), the library may need to perform some of the tasks students need for academic help and support.

In looking at the effects of law library use, few studies have been able to directly correlate law library use with student success. This correlation is nearly impossible to prove with any certainty, as there are other factors that play roles in this convoluted environment. Such factors as faculty, time, undergraduate experiences, and family support cannot easily be accounted for in a study to show the specific role the law library plays in student achievement.

Outside of law, however, some studies have been able to make such a correlation. Ying Zhong and Johanna Alexander used a survey from a California State University library to find “the library services, programs, and/or resources most frequently identified by students as helping them accomplish their academic work more efficiently and successfully.”³⁰ This study indicated that library services “directly and positively impact [students’] academic success.” Their research also indicates that students rate the library itself, seating, and quiet areas

²⁸ *Id.*

²⁹ ABA Standards and Rules of Procedure for Approval of Law Schools §§601-606, 2012.

³⁰ Ying Zhong & Johanna Alexander, *Academic Success: How Library Services Make a Difference*, ACRL 13th National Conference 141, 141 (Mar. 29-Apr. 1, 2007).

the highest for accomplishing their academic work, with group study rooms and library computer workstations the next tier of helpfulness to all students. Interestingly, reference services (24/7, email, and subject specialists) were the least frequently identified factors (perhaps because they are least visible).³¹

Several studies have correlated students who were more active book borrowers as students with higher GPAs or graduating with honors.³² While these studies are not definitive, they tend to show a positive correlation between library use and student achievement. This means that bringing students into the library and making them aware of the services already provided is one major step in supporting academic development, something very likely to help the struggling student.

Law libraries are in a unique position to help struggling students because the very nature of libraries is customer-service driven. The customers are the students and faculty, and libraries can recognize and meet the needs of those customers. In this way, these suggestions recognize the skill set of library staff to combine ASPs and the law library partnerships will make a better and easier student (customer) experience.

While resources—including money, librarians, time and duties of librarians, and/or space—are scarce at nearly all libraries, a good collaboration “can extend the reach of the small library staff, stretch scarce resources, provide improved service to students and faculty, and increase the library’s presence on campus.”³³ In this paper, suggestions will be made for all types of library involvement, as each school is different, requires different involvement from their staff, and has different resource limitations. The goal of this paper is to offer suggestions that could be adopted by each law library to increase visibility, involvement, longevity, and (ultimately) budgets. Each law school is different and not all of these suggestions will be relevant, necessary, or desirable for the law school. Law libraries must first find what is important to the students and faculty of the law school and where the law library can fill gaps or form bridges. Regular meetings with different departments and faculty will ensure that the ongoing and changing needs of the students are met. Attending these meetings with ideas about how the law library can help will stimulate conversation and more ideas.

The suggestions below are not exhaustive or exclusive. Libraries that do not already provide some of these services could create an “R&D [Research &

³¹ *Id.* at 157.

³² JOSEPH R. MATTHEWS, LIBRARY ASSESSMENT IN HIGHER EDUCATION, 61-97, 62-63 (2007) (providing results of studies that look at libraries and student achievement including positive, negative, and no correlation results).

³³ David P. Bunnell, *Collaboration in Small and Medium-Sized Academic Libraries* DEFINING RELEVANCY : MANAGING THE NEW ACADEMIC LIBRARY (Janet McNeil Hurlbert, ed.) 157 (2008) (describing several different services—including academic affairs and tutoring—with whom to collaborate).

Development] Culture” that engages the staff to constantly strive “to stay current and bring new ideas into the organization.”³⁴ As a regular part of the librarian’s duty, this would encourage innovation among the staff to keep abreast of emerging competitors and partners for the library.³⁵ This would only work if there are “mechanisms” in place to experiment and explore, like a “sandbox” that would enable staff to try out new ideas and find good ones to implement.³⁶ By allowing library staff to experiment with new ideas and evaluate long-term value, all staff could work together on ideas to further the mission of the library. By watching some ideas fail, students might be more willing to take risks as they prepare for their profession and recognize that at some point, almost every student struggles.

A. Pre-Law School: Potential, Accepted, and Admitted Students

Law libraries can start to make a difference in the lives of students before they even begin law school. Accepted or admitted students should have access to and be invited into the law library. Students often visit the library when considering different law schools or once they have chosen a law school, so creating an environment where the students are welcomed into the library will set the stage for subsequent positive library interactions. Even engaging high school or college students by demystifying the application and education process would decrease apprehension about law school and could encourage a more racially, socially, and economically diverse group of students to become applicants.

One example of how to invite pre-law students into the library is by partnering with a non-profit organization to create a low-cost LSAT preparation program. LSAT scores, while seemingly neutral, are “deeply entwined with privilege in our society.”³⁷ By providing space, resources, or staff, the library would be reaching a new segment of the population and potentially increasing the applicant pool for the following years at that school. The library could similarly (with less time and resources) host an event for these students to learn about the law. Even if these students do not ultimately become lawyers, the library could use this outreach as a way to prepare citizens to learn about their civic duties.

For potential applicants and admitted students, librarians could partner with the admissions department to have a quick tour or easy guide to the library to

³⁴ SUSAN GIBBONS, THE ACADEMIC LIBRARY AND THE NET GEN STUDENT: MAKING CONNECTIONS 92-93 (2007).

³⁵ *Id.*

³⁶ *Id.* at 93.

³⁷ Catherine E. Smith, *Seven Principles: Increasing Access to Law School Among Students of Color* 96 IOWA L. REV. 1677 (July 2011) (quoting Dean Michelle J. Anderson, *Legal Education Reform, Diversity and Access to Justice*, 61 RUTGERS L. REV. 1011, 1012 (2009)).

become acquainted with the material. Often tours for new students try to overwhelm people with the library's expansive collection and all the resources available at the school or in the library. This could frighten away some students who might see their research as "not worthy" of using the library or who feel they could never learn how to use it. Instead, tours could be modified to show these potential students *how* to use the collection and leave with some understanding of the library's organization and purpose within the law school.

During the tours, students and patrons could be encouraged to add the library's telephone numbers and email addresses to their phones for help later. Libraries could also set up an area to welcome new and potential students with books on how to succeed in law school and pre-law school materials for use or check out. Librarians should be familiar with these materials and be able to place the incoming student with the right book for his or her situation. This collection could also be referenced throughout the year when students start struggling or after the first release of their grades to reinforce their practices.³⁸

Many libraries have programs during orientation, however there is so much information for the students they are often overwhelmed and forget most of the material. By reaching out to students before they become overwhelmed, librarians could make a connection with the students and become a lifeline for when things start to get overwhelming. One way to do this would be with a welcome letter that includes the list of librarians--with pictures--in the library, what the library does, contact information, pictures and a map or guide, and suggested reading lists.

In conjunction with the appropriate department (if there is one), the library could also offer programs to "jump-start" legal research knowledge. Students are usually apprehensive about beginning law school and are looking for a way to have an advantage over their classmates, so by introducing legal research early, this could secure the library as a place to go for help for the next three years and beyond. By focusing on the perspective of the prospective student, libraries can make sure the student is receiving an accurate reflection of the library. A new student will be looking for a place they could see themselves working, studying, and researching. By focusing on that perspective, the library's orientation would allow the student to set himself or herself up for succeeding and not become a struggling student.

B. Law School

During law school, the law library plays an important role in student learning and development. The library may coordinate skills with first year legal

³⁸ *See Id., for example* (outlining a program undertaken at the University of Denver to level the playing field and increase diversity in the school).

research and writing classes, teach specialized or advanced legal research classes or courses, and provide study space and materials to complete the degree. By focusing on how these decisions affect *each* law student (rather than *all* law students), libraries can make law school a place where all students can thrive.

1. Using the Library's Space and Design as a Tool for Struggling Students

Space is an important component of the law library. It provides students a place to study and do the individual work needed to succeed. Getting students into the library is often half of the battle in helping a struggling student. When students are struggling, ASP professionals will often assess how those students are studying, where they are studying, and what they are studying. A student who is unfamiliar or uncomfortable with the library will spend less time there. Other study locations may be less geared towards quiet study, so an ASP professional may suggest a student study in the library.

One way to get students into the library is to hold classes and meetings in the library. If the library has the meeting room space, ASP classes, workshops, and tutoring sessions could all be held in the library. These students would then become familiar with the library and more inclined to see it as a study space in the future. Student services and ASP professional offices could also be relocated to the library to allow easier collaboration between these professionals and librarians.

While losing library space may seem harmful to the library, it does not have to be. One library director views the relinquishing of space as a “good thing” that increases the traffic and “bustle” in the library.³⁹ By inviting offices into the library, there would also be more professionals aware of student needs within the library to help develop policies and programs to help students.

Once the students are in the library, they will need to find the space that offers the best study environment for them. Because everyone has different needs, it is difficult for a library to appeal to everyone. Instead of offering one type of chair throughout the library, there could be many different types of carrels, chairs, and tables. While it may not be as aesthetically pleasing, it would allow more students to find a comfortable location, including those with disabilities or physical differences that do not normally fit in a “one size fits all” model.

Also, students have different needs for levels of noise. The majority of students in law school prefer a quieter, individual study space. Most libraries currently offer this and it should not be ignored. This component of the library is important, especially in law school where the majority of work to be done is individual and requires great concentration. Some students, however, require more bustle and noise when working. Others need absolute silence in order to

³⁹ Darcy Kirk, *The Law School Librarian: Filling in the Gaps*, THE LAW SCHOOL LIBRARIAN'S ROLE AS AN EDUCATOR 85, 94 (2008).

concentrate. Libraries could attempt to offer these locations within their design by creating a tiered system that allows for different noise levels in different areas.

The library should also consider the life of the student when studying in the library. Law materials are heavy to carry, so by positioning lockers or carrels that allow students to store their materials, it will become more convenient for students to study in the library. This would help students with disabilities have their materials closer, as well as allowing all students to spend longer periods of uninterrupted time studying in the library. By having easily accessible lockers, students could place their materials there while using the bathroom, buying coffee, or eating lunch, without the fear of theft or the inconvenience of carrying everything. Additionally, the library could try to “reserve” study spaces for those students taking a break or that have special needs. While it might be difficult to implement, this would give those students a sense of security and the opportunity to truly feel comfortable within the library.

For all students, and especially those struggling academically, areas where students can be tutored or have small group discussions with a sufficient level of noise or conversation would be helpful. “Collaborative space” and “research commons” are current buzzwords for today’s libraries,⁴⁰ but by looking at the principles of these spaces and reasons behind them, certain elements would significantly help struggling students, even if the words themselves might be fleeting. Study rooms or spaces where tables are designed to facilitate this discussion would be helpful for student learning and tutoring. Sufficient space should be available for the school population who uses them and they should be able to be reserved during heavy-use times. Ideally, these rooms would also be soundproof to not interfere with other students. If students cannot focus in the library, their work may suffer and they may leave the library altogether. By incorporating these different types of requirements, one-on-one and small group tutoring could occur within the library space. Without this, these services may be given outside of the library, furthering the distance between the library and where learning occurs.

2. Using the Collection and Library Materials to Help Struggling Students

One way to help struggling students is to purchase the types of study materials that will help them succeed. Struggling students need to know the types of materials that will help make the cases and law they are struggling with become clear. Having these available in audiobook form would also significantly

⁴⁰ See, for example, Katherine Long, *Seattle University’s New Library Creates Casual, Social Place to Study*, SEATTLE TIMES (Oct. 19, 2010 at 10:03pm) available at (describing the new Seattle University library that is trying to “lure back” students from coffee shops by creating casual, collaborative spaces).

help auditory learners. This includes having an accessible collection of hornbooks, outlines, other secondary materials, current course textbooks, and books on how to raise law school grades or the law school experience. While some (if not many) faculty members cringe at the idea of student reading through a commercial outline,⁴¹ this may be what the student needs in order to understand the material. If the library does not provide this type of study material, only students who can afford the extra cost of the outlines will buy them. This will create or further a gap between the students with financial means and those without. Canned briefs may be inaccurate, use unspecific language, or be incomplete,⁴² but if students and faculty are educated in how to use this type of secondary material, the materials should be in the library's collection.

The library should also collect resources to help the students practice for upcoming exams. Books about taking law school exams, for example, could help a student understand how to succeed in a course. The library could collect past exams (with model answers, if the professors are willing) and former student outlines to help students learn how to study for the test. Libraries could also have collections of multiple choice or hypotheticals for each class, much like they already do in creating research guides, but geared towards each course. Currently, most academic support programs help students find this material and use these practice questions, but by providing them from the library website, the library could also highlight hornbooks or other resources available at the library for these students. Also, certain publishers have guides to casebook and briefs online—this would help students to access information and be more prepared to learn in class. Library resources “must be utilized in ways which will enhance the individual human learning experience,”⁴³ so by providing this material along with the knowledge of how to use it, the library can aid struggling students.

Once the libraries have this material, it must also be easy to retrieve. Ideally, items like exam questions and former student outlines would be made available from the library's website, allowing for students to seamlessly access the items remotely. The library should also review its policy on accessing the secondary materials and commercial outlines. If they are scattered on the shelves throughout the library, the students may not be able to easily find them. If they are behind the circulation desk and restricted by operating hours or by time limit, this also might unnecessarily restrict their use. The culture of the school might also restrict students from asking someone to check them out for fear of looking weak.

⁴¹ See Norman Otto Stockmeyer, *Better Grades @ No Extra Cost*, THE PILLAR 58 (June 3, 2011) (stating that going to class is the most important factor in grades and that more time spent with commercial outlines means lower grades).

⁴² Norman Otto Stockmeyer, *My Encounter with Canned Briefs*, THE PILLAR 5 (May 2012) (stating “Students who want to maximize their success should...shun canned briefs.”).

⁴³ Giblin *supra* note 60, at 701.

Libraries should examine where these items are housed and how easily accessible they are to students who might not even know they exist. For libraries in which these materials are popular, they find that they are often some of the most heavily used books in the collection.

Finally, to help struggling students in the library, the collection itself could be easier to navigate. Libraries can be mazes; they have their own set of rules students may not be familiar with and may be too embarrassed to ask about. If not already implemented, law libraries could offer clear maps, signs, and guides to point students in the right direction. Students with disabilities may find navigating a library particularly difficult, so libraries should regularly review signage keeping in mind the many different disabilities students may have. If a library were to envision itself more like a department store, how much different would it look and what changes would be made to help students find the material or area they need more clearly?

The library could also take advantage of new technology make materials more clearly and accessible. Quick Response (QR) codes are read by applications on smart phones, which nearly all students own,⁴⁴ and point the student to a webpage or PDF designed by the library.⁴⁵ For instance, QR codes could be placed around the library to explain the library collection, point students toward online research guides while looking at a particular section, or link to online material. QR codes could also help engage students in the library with social media and allow for easy access to contact information, hours, or library handouts. By using technology, students would see the library as a place to innovate and try things that may or may not work—exactly the mindset students need to take when studying for the practice of law.

3. Campus-wide Partnerships Support All Students

Forming partnerships and collaborations among all staff in a law school encourages cooperation and communication that helps all students. When law school staff are disconnected from each other, programs might be duplicated or not performed because each department thinks it is within the realm of the other. Because law librarians are used to collaborating in the reference office and with faculty, they are in an excellent position to form these collaborations that will help support all students.

⁴⁴ Aaron Smith, *Nearly Half of American Adults are Smartphone Users* Pew Internet & American Life Project, available at <http://pewinternet.org/Reports/2012/Smartphone-Update-2012/Findings.aspx> (Mar. 1, 2012).

⁴⁵ See, e.g. Alex Kern & Janice Milliken, *QR Codes: Helping Users Access Content* 16 AALL SPECTRUM 24 (May 2012) available at <http://www.aallnet.org/main-menu/Publications/spectrum/Archives/Vol-16/No-5/qr-codes.html>.

The most natural collaboration is with the academic support program within the law school. One major function of many academic support programs is to offer workshops, especially for first-year students. Libraries could engage by co-presenting with these workshops, help support the professionals giving the presentations with research help, host the materials and promote the workshop on the library's website, and even present some workshops of their own, especially when it comes to resources available in the library.

Academic support programs also sometimes provide tutoring (one-on-one or small groups) for their students. Libraries could offer to host these sessions or make material available that would help the tutors and students. These student-tutors often have very little teaching experience and might not know the types of resources the library can offer. Librarians that form a partnership with ASPs could make sure that these advanced students have their needs met, which would directly then help the struggling students learning under the tutelage of the upper level students. For more formal academic support courses, librarians could guest lecture, explaining the importance of good and thorough legal research.

The library could also partner with career services. Career services often have the goal of helping students find a job when they graduate. This also usually includes finding Internships and summer jobs, fixing resumes, and preparing for interviews. Libraries could partner with career services to host programs and use library space for practice or real interviews. Libraries could also co-host workshops on the types of legal research skills employers are seeking. By cooperating with career services on these types of programs the validity and visibility of the programs will be enhanced.

Struggling students could find themselves more often in careers of public service or starting their own business. Students in a law firm often find a built-in support system in place within the firm, but graduates in public service or on their own do not have this. To help support this trend, libraries could partner with career services to provide workshops that could aid these students. For instance, there are an "increasing number of reliable and free Internet-based legal research resources" that law schools have not taught students to use to their fullest potential.⁴⁶ By providing these workshops on research and partnering with career services, students who complete the workshop can receive a certificate or something to include on his or her resume to distinguish themselves from other applicants.

John Browning, a practicing attorney, suggests law schools teach social networking to students.⁴⁷ He believes that this new area should be a part of the law school curriculum. This could be a topic where libraries collaborate with

⁴⁶ DAVID I. C. THOMSON, *LAW SCHOOL 2.0: LEGAL EDUCATION FOR A DIGITAL AGE* 49 (2008).

⁴⁷ John Browning, *Why Social Networking Should Be Part of Every Law School's Curriculum*, *THE NATIONAL JURIST* 16, Feb. 2013.

career services about how and what to reveal on social media, raise student awareness regarding its growing use in court today, answer specific technical questions about how they function, and help all students to think about the law in broader and more realistic ways. Struggling students may find these types of programs very helpful, especially as they need to set themselves apart from other applicants in finding a job, when grades are not the best reflection of their skills.

There are a multitude of other departments and programs that the library could partner with – too numerous and varied to name in this paper. Libraries may find that law school clinics or student journals could use partnerships. Financial aid and the registrar could partner to make material and information more available to students, like reinforcing due dates. The information technology department is also an area that could collaborate well with the library. By assessing the law school culture, attending campus-wide meetings, and forming relationships and communicating, libraries will form partnerships that will help the student body, and struggling students in particular.

4. Faculty Collaboration: Engaging the Faculty and Forming a Bridge to Students

Librarians are in a unique position in the law school. Many law schools separate law librarians from full-time, tenured faculty, but most librarians have teaching roles, especially in the first-year legal research curriculum. Librarians tend to have consistent contact with students in a mentoring role and can offer advice to students in a non-threatening way because of their role. Because of this, librarians are in the perfect position to function as a bridge between faculty and students.

Librarians should (and many already do) serve on committees within the law school and student committees like the Student Bar Association. Librarians should make this a regular part of their schedule and commitment to the school to help develop faculty relations and be seen in this role from both the faculty and student perspective. By keeping the pulse of the students and faculty, librarians can serve as advocates and mediators for either side.

An effective way for librarians to serve as a bridge between professors and students would come from partnering with professors on student assignments. Librarians could then be that bridge to answer questions and redirect students who struggle on the assignments.⁴⁸ This means that a librarian would work with a faculty member, not just as a liaison for research purposes, but also on the faculty

⁴⁸ MONTY L. MCADOO, *BUILDING BRIDGES: CONNECTING FACULTY, STUDENTS, AND THE COLLEGE LIBRARY* (2010). This book elaborates on this idea in giving practical solutions for creating this bridge, collaborations, and what to do if the bridge collapses and crossing the bridge in the classroom and in the library.

member's classes, assignments, lectures, and exams. Librarians could help the professor with new and timely examples, add new technology to the class, and help the faculty member choose relevant assignments and exam questions. The library could help by hosting recorded classes, assignments, or notes and questions from each class. They could also provide quizzes throughout the semester to help students practice and stay on track.⁴⁹ By having all information available in one place and designed for the students' benefit, the library could help to alleviate student stress and give students somewhere to turn immediately if they begin to struggle.

A successful example of a professor teaming up with a library was Professor Stephen Nichols at Johns Hopkins University. Instead of asking the students to read a modern version of an older novel before class, he incorporated research methodology and engaged the library during his class. He taught French literature and used the library's digitization of old manuscripts to read the text as it appeared hundreds of years ago, incorporating online dictionaries and encyclopedias for unfamiliar words. He had assignments that further incorporated the library, like tagging these texts for the online catalog.⁵⁰ His results were a massive success, for his students' engagement and understanding, his own understanding of the texts, and the library's projects and collaboration with the faculty.⁵¹

A law library could develop a similar partnership with a law professor, depending on the resources of the library. HeinOnline has PDFs of old British cases, for instance, where students could read from material as it appeared. If the library has rare books, law students interested in history could help the library evaluate them. International students and international law classes might find reading in a foreign language with live translation more interesting and engaging. Finally, classes that have a practical or practice component (like property or family law) could evaluate practice materials (like a deed or a contract) with case law and court rules. This would help students both learn the cases and how to be a better lawyer by doing something practical. While teaching assistants often help provide this material when asked, librarians can bring these ideas and materials to the professor in order to stimulate creativity and provide the best materials for the professor.

According to Catherine Carpenter, chair of the curriculum committee of the American Bar Association Section on Legal Education and Admissions to the Bar, experiential learning like this is a growing trend (some say the biggest trend)

⁴⁹ Norman Otto Stockmeyer, *Using Multiple-Choice Quizzes to Assess Academic Progress and Enhance Student Success*, THE LEARNING CURVE 12 (Jan. 2011).

⁵⁰ Stephen G. Nichols, *Co-Teaching: The Library and Me*, NO BRIEF CANDLE: RECONCEIVING RESEARCH LIBRARIES FOR THE 21ST CENTURY 28 (Aug. 2008).

⁵¹ *Id.*

in legal education.⁵² Paul Tremblay, the Faculty Director of Experiential Learning at the Boston College Law School said that experiential learning is “fun,” “hard work,” and “really challenging.” This is an area where librarians can help faculty to bring together the latest research and work with faculty to make this experience more “real” to the classroom.

Similarly, Richard Sobelsohn suggests “Professors should bring practical guidance, checklists, sample agreements, drafting notes, and other hands-on tools into the classroom to supplement theory.”⁵³ How many graduates leave law school knowing exactly where to find these types of items? Even if a professor brought his or her first-year property class a sample easement agreement to view, how many students would know where to find one when they start practicing law? These are the types of issues that librarians engaged with faculty could remedy, producing more focused and knowledgeable graduates. Sobelsohn concludes by saying, “It is incumbent upon all of us who educate future attorneys to be vigilant in making sure that our curricula not only teach the legal theories..., but also provide the relevant practical guidance...directly related to the topic.”⁵⁴

The librarian could even help the professor develop the course website by adding a research guide specifically for that class, updated regularly with current news on that topic, and including past exams and review questions. By engaging with the students on the website, students with more chances to absorb the material. This type of partnership will also provide another person knowledgeable about the specifics of the class besides the professor, with whom they could talk when they start to struggle. A “strong positive correlation” has been shown between course website use and student grades,⁵⁵ so having a website that is well-designed, up-to-date, and dynamic will draw in the students.

For example, at University of Maryland’s Thurgood Marshall Law Library they “implemented an innovative course liaison program designed to increase student awareness of specialized library resources within the context of their coursework.”⁵⁶ Students recognize the role the library plays in their coursework, which strengthens the ties between the library and faculty and gives the students a starting place for extra help or research. As law school begins to accommodate

⁵² Michelle Weyenberg, *Moving Experiential Learning Into the Curriculum*, THE NATIONAL JURIST 12, 12 (Feb. 2013).

⁵³ Richard Sobelsohn, *How Legal Education Can Get Practical*, THE NATIONAL JURIST 7, Feb. 2013.

⁵⁴ *Id.* at 8.

⁵⁵ Norman Otto Stockmeyer, *Link Between Course Website Use and Law School Grades Confirmed*, MICHIGAN COMPUTER LAWYER 16 (Sept.-Oct. 2003).

⁵⁶ Barbara Gontrum, *Librarians Bridge Information Gap in Law Courses*, AALL SPECTRUM 22, 22 (March 2004).

global and practice-oriented education, “law librarians have the tools to guide law faculties and even deans toward new methods of education-delivery.”⁵⁷

4. Library Culture: Safe Haven

Humanizing legal education is a recognized movement within the American Association of Law Schools.⁵⁸ Libraries can and should play a large part in this movement. Librarians are familiar with customer service and strive for positive interactions with students all the time. While “students have become more demanding,”⁵⁹ these customer-oriented and student-centric people have learned to adapt and meet those demands that could further support student development in this difficult and stressful time.

The law library is a nonthreatening environment where there is no cause for hostility, aggression, or anxiety, as there is in the rest of law school.⁶⁰ “To succeed, staff members must develop the ability to have empathy—they must be able to intellectually identify with the feelings, thoughts and attitudes of patrons.”⁶¹ They must look beyond what is actually being asked, or the tone in which it is being asked, to understand the deeper need (emotional or academic) of the student. Librarians must be able to help students know where and how to get academic help, whether through a library resource or colleague that will meet that need. Making the law library an empathetic and non-threatening environment will invaluablely aid struggling students who might need an empathetic ear or some extra patience as they struggle through law school.

A small change that could be quite meaningful to students is to train all library staff, part-time staff included, on the basic types of materials students in law school need. In the traditional circulation/reference divide, these types of questions would be asked of reference. Reference librarians are increasingly teaching and strapped for time, however, so properly trained circulation staff would be more available to answer basic reference questions.⁶² Students may be

⁵⁷ John Makdisi, *Improving Education-Delivery in the Twenty-First Century: The Vital Role of the Law Librarian*, 95 LAW LIBR. J. 431, 432 (2003).

⁵⁸ Barbara Glesner Fines, *Fundamental Principles and Challenges of Humanizing Legal Education*, 47 WASHBURN L.J. 2008 (2009), available at SSRN: <http://ssrn.com/abstract=1326929>. This section is currently called “Balance in Legal Education,” but still retains the web address of “Humanizing Law School” http://www.law.fsu.edu/academic_programs/humanizing_lawschool/.

⁵⁹ Barbara Tearle, *Law Librarianship and Legal Information Provision in the 21st Century*, 8 LEGAL INFORMATION MANAGEMENT 4, 6 (2008).

⁶⁰ Robert Giblin, “Changes and Challenges: Law School, The New Legal Education and the Law Library” 73 LAW LIBR. J. 693, 700 (1980).

⁶¹ *Id.* at 700.

⁶² Olivia Leigh Weeks, *We Are in the Business of Service: Serving Students and Faculty in an Academic Law Library*, THE CHANGING ROLE OF ACADEMIC LAW LIBRARIANSHIP 125, 141 (2008)

more reluctant to ask their librarian professor for help on the same information they were already taught but might not have understood. By instructing the circulation or part-time staff in which materials would be beneficial to students and when, the student might feel more comfortable and receive better advice than not asking at all. This could make a large difference, for example, when it comes to students checking out commercial outlines. If the library does allow this, the circulation staff could make sure the student understands what the book should be used for and how to get the most out of it.

All library staff could also be educated in how to help students with research and skills. “Teaching is done informally every day of the week” in the library.⁶³ Teaching students to use the library efficiently before they become frustrated will enable students to learn more about processes and have librarians inject teaching and learning in every interaction.⁶⁴ Many ASPs follow personality-specific or learning-type specific curriculum. Library staff could help a student find material more suitable for a visual learner or an audio learner when they were struggling. Library staff could also be aware of students that seem lost within the library or in where to start research. By creating a culture where library staff make their mission to seek out and aid struggling students and educating the staff in how to do so, students will receive reinforcement and intervention before they reach the point of struggling or failing and library’s will avoid violating any student privacy issues, such as FERPA guidelines.

Graduate students (law students included) are in a particularly interesting situation, where their needs fall in between undergraduate students and faculty.⁶⁵ Like undergraduate students, many law students are ruled by the academic calendar and only wish to fulfill course requirements within a certain time limit. Like faculty, they are in a discipline that they enjoy and are open to exploring their interests to further their development. Because of this complicated position, graduate students require different things from the library at different times. Sometimes students simply need help to complete a project, and other times law students need help in to build their curiosity and find a passion or direction within the legal field.

As a library, the staff and reference librarians should recognize these differences and understand what level of help the student requires. A student who just needs one case might feel overwhelmed if the librarian were to show that

(explaining that teaching, while always a component of librarianship, is increasingly a “primary role” of the law school librarian).

⁶³ Olivia Leigh Weeks, *We Are in the Business of Service: Serving Students and Faculty in an Academic Law Library*, THE CHANGING ROLE OF ACADEMIC LAW LIBRARIANSHIP 125, 135 (2008).

⁶⁴ Nancy L. Strohmeyer, *Skills and Concerns of Future and Continuing Academic Law Librarians*, THE CHANGING ROLE OF ACADEMIC LAW LIBRARIANSHIP 61 (2008).

⁶⁵ JOHN M. BUDD, THE CHANGING ACADEMIC LIBRARY: OPERATIONS, CULTURE, ENVIRONMENTS 246 (2005).

student many different ways to find the case. Conversely, a student who is developing an interest in a particular subject might feel slighted if a librarian only shows him one case when he wanted many. While this is a component of a good reference interview, library staff could also learn to recognize which type of answer the student requires and how to best get that student the information they desire.

5. Practical Requirements for Legal Research

Legal research is an ongoing discipline that students should develop all three years in law school. Unfortunately, students usually do not have the time to devote three years to develop these skills. The library could create checklists for students at each year in law school to make sure they stay “on track” to learn all the legal research skills they will need to begin working. The AALL Legal Research Competencies and Standards for Law Student Information Literacy and Boulder Conference Statement is a good place for librarians to begin creating these checklists for their students.⁶⁶ In the first year, librarians could partner with the Legal Writing faculty to have students work through this list of achievable skills. Students often focus only on the graded assignments or their final exams. By focusing first year classes on the skills that students will need to know, students will be more likely to succeed in their summer programs, work experiences, and in their upper-level classes.

A similar checklist should be made available (or required) for students at the second and third years of law schools. While most schools do not have legal research for upper classes in the same way that they do for first-year classes (mandatory, structured, heavy emphasis on these skills as a tool for learning),⁶⁷ students should recognize that legal research is an ongoing process and there are skills to acquire throughout law school. This would help keep upper level students engaged in learning and achieving practical skills, while showing students that research skills are not just a first-year goal.

⁶⁶ American Association of Law Libraries, *AALL Legal Research Competencies and Standards for Law Student Information Literacy*, (July 2012) <http://www.aallnet.org/main-menu/Leadership-Governance/policies/PublicPolicies/policy-lawstu.html>; Boulder Statement on Legal Research Education: Signature Pedagogy Statement, *reprinted in* LAW LIBRARIAN BLOG, http://lawprofessors.typepad.com/law_librarian_blog/2010/11/boulder-statement-on-legal-research-education-signature-pedagogy-statement.html (Nov. 2, 2010) (adopting some metrics and goals for legal research education).

⁶⁷ "During the 2012-2013 Academic Year, 113 schools offered an Advanced Legal Research course...This means that 57% of law schools are currently offering an ALR course." "Only two schools currently *require* Advanced Legal Research." Student Paper, *Specialized Legal Research Courses: Who's Teaching Them and Why Law Librarians Should Consider Teaching Them* (with an Update on Who's Teaching Advanced Legal Research Courses) 10 (2013).

Librarians could even help struggling students in ASPs by working through this upper level checklist in the second and third years.⁶⁸ These targeted students often need the extra help in achieving skills and in writing papers, so having a librarian available to help teach and work on these skills would aid the students and allow them to form connections and foster a relationship with someone who can help.

Offering legal research classes as “skills” classes would allow students to receive credit for their legal skills requirements by doing legal research. This would give some legitimacy to legal research as a *skill* within the law school curriculum and put more emphasis on the importance of legal research in the future careers of the law students. Struggling students may not have the grades to compete for the same jobs as high achieving students, but by focusing on the skills of research and writing and regularly finding out answers to legal questions, struggling students could distinguish themselves while developing marketable skills.⁶⁹

Finally, career services often creates lists of classes that students should take in order to better prepare for a particular job. Libraries could create similar lists that would help students hone in on skills that would help them in particular jobs. For example, a tax lawyer has different legal research skill requirements than a prosecutor or family law attorney. By creating these lists of skills, students can see the clear and direct purpose of legal research skills and have marketable skills to discuss at an interview.

C. Bar Preparation

Studying for the bar is a difficult time in a law student’s life, especially a student who has struggled in law school. “Programs aimed at improving bar passage rates already exist and are generally included within law school academic support programs.”⁷⁰ Law libraries typically play a lesser role in students’ lives once they have graduated law school. While these students research needs have decreased, their need for a quiet space, emotional support, and learning tools have increased. This is where the law library can help.

⁶⁸ For examples of the types of skills law librarians have identified, see Janis L. Johnston, *Constant Mission: Changing Methods*, THE LAW SCHOOL LIBRARIAN’S ROLE AS AN EDUCATOR, 51, 52-53 (2008) (describing the key skills law librarians are responsible for teaching law students, divided from 100%). See also Christopher Simoni, *Teaching the Questions, Not the Answers*, THE LAW LIBRARIAN’S ROLE AS AN EDUCATOR 77, 78 (2008) (explaining the primary skills law students need for entering law firms).

⁶⁹ Christopher Simoni, *Teaching the Questions, Not the Answers*, THE LAW SCHOOL LIBRARIAN’S ROLE AS AN EDUCATOR, 77, 83 (2008).

⁷⁰ Linda Jellum & Emmeline Paulette Reeves, *Cool Data on a Hot Issue: Empirical Evidence that a Law School Bar Support Program Enhances Bar Performance*, 5 NEV. L. J. 646, 659 (2005).

Most libraries offer graduated students access to the law library and the law library materials during this time. It is essential to give the student a place to study, but the library could do even more to facilitate studying at this difficult time. The library could institute new rules during bar times, with stricter quiet zones and longer hours, if necessary. The library could offer reserved seating for students who plan to commit at least five days per week of studying in the library. These students often have heavy materials and could use lockers to keep their materials while they eat or go home for the evening. The library could also put up supportive signs and encourage students who are in the midst of the preparation. These students might also require a bit more patience and understanding to help them through this time.

With a little more time and staff investment, librarians and staff could offer to keep time for students in groups for multiple-choice practice question sessions. By simulating the exam conditions, students could be better prepared for the exam and test-taking conditions. In addition, libraries could offer timers or stopwatches for students to check out. Libraries could collect bar preparation materials from commercial programs or others to hold in their library for those students who cannot afford the programs or would like to supplement their program. These materials are often expensive, but by collecting the material the library would be helping those students who cannot afford the program. Students who have fewer financial resources, are less likely to pass the bar.⁷¹ By collecting these materials, students with fewer resources could simulate the expensive bar preparation programs and increase their scores.

Librarians can also use one of their strengths to help students in the bar preparation process—reading and writing. Commercial bar preparation companies usually only grade a certain number of essays and will not read outlines. Many ASP professionals try to perform this function for certain students, but do not have enough time to offer their services to all students. Librarians could offer to help ASP professionals review and grade essays and outlines for bar exam questions. This is usually time-intensive and would require some training, but could offer students a big boost in personal feedback before the bar and, hopefully, increased success.

One final but time-intensive way for librarians to help with students preparing for the bar is to offer bar preparation classes through the library. For example, the library could offer a two hour Contracts Review Session that would bring students together to focus on contracts issues. Often in learning, hearing the same thing several different ways is advantageous and can aid recall at the time of the exam. If a librarian or ASP professional leads one of these classes with a review and game or assignment, the program might appeal to different learning

⁷¹ Kristin Booth Glen, *When and Where We Enter: Rethinking Admission to the Legal Profession*, 102 COLUM. L. REV. 1696, 1704 (2002).

styles and increase students' scores. These types of programs could also offer food and a chance for students to socialize and decompress a little afterwards, which could aid in relaxing and rejuvenating for the next day of studying. The goal at this time is to have all students pass the bar examination, so by appealing to and rallying the students, the library can become an integral part in the measurable goal of bar exam pass rates.

D. After Law School Graduation

Most libraries offer graduates access to law materials and the library. Libraries should continue to offer this, with the same level of support for alumni as students. After the bar, students who have struggled will fall into three separate categories: 1) students who passed the bar but still require support as a lawyer; 2) students who did not pass the bar and will try again; and 3) students who did not pass the bar and will not try again. The students who passed the bar will be looking for jobs and need to hone skills—especially legal research and writing. Librarians could help these students find resources to find jobs; provide materials on specific employers and how to get jobs, edit resumes, etc.; and provide a place to hold interviews (practice or real). Career Service departments often fill this role, but by collaborating with this department, law libraries could identify the needs of the students.

Some of these students may become solo practitioners who will require a bit more support in legal research. Librarians could have workshops or CLE programs to help these graduated students learn effective and timesaving research skills. Some of these graduates may need help with making a decision in whether to buy or license legal information tools for their law firm library in the future. This is an area where librarians are especially skilled and could help support this graduate, but many graduates might not even think to ask for this type of help.

The second category of student who will try to take the bar again will require much of the same help offered to students taking the bar the first time, but perhaps more of it. This student will be without the support of his or her fellow classmates and may feel more alone and pessimistic about outcomes or have fewer funds to take the commercial classes again and less time to prepare. In this case, a librarian in partnership with an ASP professional could help this student to pass the bar exam by providing materials and support to increase his or her scores.

The third category of student is often one who feels most neglected by the law school. This student was probably a struggling student throughout law school and did not achieve all of the skills or knowledge necessary to pass the bar or become a lawyer. This student could also feel embarrassed and defeatist towards the bar and legal profession. A librarian might be a more neutral person to engage with this student than the ASP professional or the career center on campus that

would help him or her only find a legal job. A librarian could think creatively about the skills this type of person possesses and help them find resources to find a suitable job for his or her skills, even without being a member of the bar. Not every person who goes to law school must become a practicing attorney. Law librarians demonstrate this daily.

All of these suggestions require the librarians to take an active role within the law school while that graduate was a student. By knowing the student body and needs of the students, law librarians can help to support students in every level of their education.

V. Conclusion: The Library Crisis and Why Helping Struggling Students is Integral to Academic Law Libraries' Futures

Libraries across the country are facing budget cuts and questions about their longevity as an institution in the digital age.⁷² In making the case for a new type of participatory library, two public librarians say:

“Here’s the truth:

- We are losing the interest of our users.
- We no longer consistently offer the services our users want.
- We are resistant to changing services that we consider traditional or fundamental to library service.
- We are no longer the first place many of our current and potential customers look for information.”⁷³

Some libraries are combatting this sentiment by renovating to incorporate study spaces and collaborative research spaces to mixed reviews by librarians. Some librarians want students to use the library no matter what the library looks like. Others see the redefinition of the library without books as disconnecting the resources a patron uses from library. Regardless, Chris Cox, Dean of Libraries for Western Washington University says, “The old shushing library is changing... it’s not that way anymore.”⁷⁴

The cohabitation of library space can provide “an environment in which different campus entities housed within the library space join forces to provide a

⁷² See, for example, Janet L. Balas, Facing Budget Cuts: Must we Rob Peter to Pay Paul? 26:6 COMPUTERS IN LIBRARIES 36 (June 2006).

⁷³ MICHAEL E. CASEY & LAURA C. SAVASTINUK, LIBRARY 2.0: A GUIDE TO PARTICIPATORY LIBRARY SERVICE xxiv (2007).

⁷⁴ Katherine Long, *Seattle University’s New Library Creates Casual, Social Place to Study*, SEATTLE TIMES Oct. 19, 2010.

seamless and supportive panoply of services for students.” This could include programs like writing centers, tutoring services, services for students with disabilities, and student advising that would build “a strong local network of referral and support for students.”⁷⁵ Increasingly, those spaces also include technology services and cultural and social entities like art galleries and theatres.⁷⁶

Instead of resisting the change or waiting to see where the pieces fall before adapting, law libraries should look to the future and embrace the future of library services. That is not to say that librarians should take every new idea that appears, but that libraries need to take “reasoned risks to push the envelope when a clear trend emerges and a different way of envisioning and delivering services make sense.”⁷⁷

One such trend is academic support programs in law schools. Law schools see these programs as a way to increase bar passage rates and create better lawyers. Currently, these programs are funded (sometimes generously funded) and have the support of the faculty. Law libraries should not miss this opportunity to help students and secure greater collaboration and relevance within the law school. “Often [librarians] are not nimble enough to ‘strike while the iron is hot.’ We miss many opportunities to provide service due to bureaucracy.”⁷⁸ In order to be “nimble” libraries must recognize these trends, must determine ways to incorporate those trends into the collection, place, and services the library provides, and “...*must* adapt to keep up with the changing needs of our users.”⁷⁹ By keeping in mind that law students are a diverse population of students of all achievement levels, the law library can be sure to reach every student – even those who are struggling.

Students struggle in law schools in many different ways. There are different support services for different needs. Law libraries tend to focus on the student body as a whole, rather than thinking about the diverse group of people who make up law school students. By understanding the students they support while providing dynamic support programs closely integrated with the law school’s faculty and staff, law libraries stand better prepared to address:

⁷⁵ Eleanor Mitchell, *Place Planning for Libraries: The Space Near the Heart of the College*, DEFINING RELEVANCY: MANAGING THE NEW ACADEMIC LIBRARY 35, 45 (Janet McNeil Hurlbert ed., 2008).

⁷⁶ *Id.* at 45.

⁷⁷ MICHAEL E. CASEY & LAURA C. SAVASTINUK, LIBRARY 2.0: A GUIDE TO PARTICIPATORY LIBRARY SERVICE xxi (2007) (quoting Steve Watkins).

⁷⁸ *Id.* at 22.

⁷⁹ *Id.* at xxiv.

- Academic Challenges: Students could struggle academically, not knowing what to do in class, how to study, how they are evaluated, or where to go for help.
- Life Challenges: Students could have emotional or life problems or financial that take time away from school.
- Unforeseeable Challenges: Students could have any number of problems or barriers that could keep a student from achieving all that he or she could be in law school.

Law libraries can and should reach out to make a difference in students' lives while securing their presence on campus and their future as the "heart of the law school."