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Report of the AALS Committee on Libraries and Technology, Subcommittee on Law Library Reporting Structures

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I. INTRODUCTION

The reporting structure for academic law libraries is a topic of renewed debate. Tradition and accreditation standards for law schools have supported law school oversight of law libraries to ensure that library services would focus on the goals of the law school. Because legal research has been considered a bedrock component of legal education and legal practice, law libraries have long been closely aligned with law schools. However, new information technologies, increased pressures for efficiencies, growing interest in interdisciplinary work, and growing interdisciplinary demand for lawyer librarian expertise in information law have inspired questions about potential advantages of strengthening the connection between the law library and other libraries in the same university. Suggestions include not only that law libraries collaborate more with university library systems but also that law library oversight might be removed from law schools and centralized within the university library system.

In 2013, the Association of American Law Schools Committee on Libraries and Technology formed a subcommittee to examine the benefits and risks to law schools when law library management is transferred from the law school to a university library system. The subcommittee created this document to unpack many issues at stake when law library management is restructured either to include more collaboration with university libraries or when law library management is centralized within the university library system. The subcommittee augmented its own perspective and expertise through informal interviews with university library directors to frame the examination of issues. The following conclusions arose from the subcommittee's work:

1. Efficiency is a shared goal of law schools, law libraries, university libraries, and universities.
2. Access to all content needed to support research and instruction is a shared goal of law schools, law libraries, university libraries, and universities.
3. Development of innovative solutions to the challenges of evolving research and instructional models, informed by expertise in information law and policy, is a shared goal of law schools, law libraries, university libraries, and universities.
4. Tailored, highly supportive library services for law faculty are goals of law schools but may not be supported by centralized university library management (e.g. legal and empirical research services beyond standard reference guidance; management of faculty working papers and repositories; individualized support for circulation of materials; in-office specialized training and IT equipment access.)
5. Library services tailored for law students are goals for many law schools, but those may not be supported by centralized university library management (e.g. librarians teaching courses such as Advanced Legal Research for credit within law schools) focused on services that are more standardized in support of all disciplines.
6. Close collaboration with or centralization of law library services and oversight into a university library system can improve efficiency in some ways (e.g. unified development of database licensing goals, combined collection budget proposals to provost-level decision makers) yet reduce efficiency in other ways (e.g. addition of layers to law library decisions relating to collection purchases, staff management, and changes in library services.)
7. Close collaboration with or centralization of law library services and oversight into a university library system can improve some library services to a law school community (e.g. delivery of library materials from all campus libraries to individual faculty and students) yet other services

traditional to law libraries may suffer when integrated within the larger library system (e.g. demand for a law library service may not be deemed significant enough to merit attention when taken within the larger context of campus library use.)

8. Despite surface-level similarities, the cultures and structures within each university remain intensely local. Generalizations comparing law school and university library reporting structures may fail to incorporate benefits and risks that result from particular priorities, relationships, geographical proximities or distances, and other nuances which shape local outcomes. Nonetheless, a general conclusion of the subcommittee is that strategic alliances between a law library and a university library, rather than an all-or-nothing reporting relationship, may provide the most benefit to all stakeholders.

The sections that follow provide more detailed information about benefits and risks to the law school community when the law library either collaborates with or is managed by the university library.

II. COLLECTIONS

A. Collection Policies and Practices

Benefits of collaboration with or reporting to a central university library system:

Efficiencies and improved services are possible through non-duplication of purchases, shared expertise in negotiating licenses for electronic products, policies favoring campus-wide access to databases, incorporation by referral to previously negotiated terms with particular publishers, pooled purchasing power for off-site storage and online collection systems, shared access to foreign language specialists common in larger library systems.

Risks of collaboration with or reporting to a central university library system:

Strict policies of non-duplication of titles to be held in campus libraries could actually reduce the efficiency of law faculty and student research if other campus researchers increase competition for and trigger limitations on the circulation period for law-related materials. Other potential reductions in efficiencies and services for the law school community include reduced support for the law school community by law library copyright experts whose time is at least partially redirected towards other disciplines' issues, delays in new database or other resource acquisition because of increased bureaucracy, denial of law community requests for specialized materials (i.e. individual subscriptions for iPad access to major newspapers), and disapproval of subscriptions to legal databases when publishers refuse to comply with campus library preferences for license terms. Choices of titles and volumes to be kept on site or moved to off-site storage could be limited by campus policies. Relationships with law-focused publishers and vendors may not be developed by campus librarians who do not participate in law librarian conferences, and opportunities for special discounts and accommodations may be lost because of the failure to develop these relationships. University librarians may expect that centralized reporting would increase exposure of legal materials to the broader campus, but vendors such as Westlaw, LexisNexis, and Bloomberg Law continue to refuse to license law-school versions of their products to universities.

B. The Online Library System, Acquisitions, Cataloging, and Circulation

Benefits of collaboration with or reporting to a central university library system:

Most law libraries already collaborate with their campus libraries through a common online system that supports acquisitions, circulation, serials control and binding. Pooled resources for online systems can reduce costs for all libraries for the system and support of the system. All campus researchers benefit when the entire university libraries' holdings may be efficiently searched through one online system.

Efficiencies in cataloging could be achieved because some law libraries do not need a full-time professional cataloger due to availability of many records for purchase or to be copied. Legal materials published in foreign languages would likely be more easily cataloged in a centralized operation that includes foreign language experts.

Centralized processing of new tangible library materials may provide very modest cost savings associated with buying and storing stickers, security strips, etc. in larger quantities.

Risks of collaboration with or reporting to a central university library system:

Many legal materials are very specialized and require distinct cataloging knowledge as well as an understanding of jurisdiction and the structure of the applicable court systems. The multiplicity of similar yet subtly distinct formats for legal materials requires expertise that a university cataloger would need to develop. Common informal names of legal treatises, for example, are sometimes added to catalogs by law catalogers who become familiar with legal researchers' habits largely because of their geographical proximity to legal researchers and to the reference librarians directly assisting those legal researchers. Without these insights and accommodations, legal researchers may be unable to locate print or electronic publications that are in fact held by the law library.

Law schools may lose high-level services that support circulation of library materials by the law school community if library systems or policies cannot be customized for the law school community. Many, if not most, academic law libraries do not levy fines for overdue items, and they often check books out to faculty members on a perpetual loan basis. Other university libraries typically implement rigid fine structures and limited loan duration periods, so law professors using a centralized library system would likely have to adjust to a stricter system that could include termination of library privileges until an overdue fine is paid.

Efficiency and services may be reduced if new library materials are received centrally because materials must be transported across campus after processing, adding delivery activities and likely delaying availability of the materials.

C. Preservation and Digitization

Benefits of collaboration with or reporting to a central university library system:

Many academic law libraries are not large enough to justify a full-time person devoting all of his or her time to archival materials. A university archivist may better preserve law school materials, and if those materials can be located within the law library, the law school community retains easy access and the expertise of reference librarians familiar with legal materials.

Pooled expenditures and expertise can support online access to legal and law-related materials useful to the law school, its alumni, and the greater legal community. Although the costs of digitization equipment may be shared amongst all campus libraries, over time, the largest costs involve paying sufficiently trained staff members to scan, upload, check and properly account for the digital content loaded into the digital repository. Campus-wide digital repository committees can develop workable policies that address access, withdrawal, content, copyright, and “next-to-be-digitized” priority concerns.

Risks of collaboration with or reporting to a central university library system:

If a law school has a comparatively large faculty and student body and has been operating for many decades, a law school-based archive or special collection may be a feasible and desirable option. Although this work may not require the attention of a full-time archivist, these duties may be coupled with other activities such as preservation, conservation, rare book and legal manuscripts work. Law schools benefit from having an expert who is familiar with these special collections so that requests from alumni and other past and potential benefactors are handled effectively and without delay. Researching and writing law school histories is greatly facilitated by an organized and accessible archive. A centralized archive can result in delays of delivery of requested items from the archives, and might require that items formerly housed, or produced, in the law school be used at the centralized archives location.

Law libraries are increasingly embracing solutions for capturing, managing, promoting, sharing, and permanently preserving important legal collections in digital forms. Materials deposited in a digital repository are generally unrestricted and accessible over the Web, but not always. The law school community’s priorities for digitization may be minimized in the context of campus projects. For example, university librarians may lack an understanding of what “parts” of a title need preserving (e.g. pocket parts, loose-leaf pages, and superseded supplements) or higher-profile specialized collections. Access restrictions to digital materials are much easier to establish, adjust and maintain in an environment that does not require conformity with more generic campus library norms.

III. SERVICES and STAFF

Benefits of collaboration with or reporting to a central university library system:

Interdisciplinary and empirical research interests of law faculty and students may be better supported by university librarians with expertise in non-law subjects. This type of support may be available through increased collaboration as well as through a centralized administration of the law library. Law librarians working more closely with university librarians may develop more expertise in non-law subjects and empirical methodologies through collegial relationships or if their work is truly centralized through a university library.

Law library hours may be set to match campus norms rather than law school norms, providing an easy-to-understand, uniform policy.

Larger hierarchies may give law librarians more opportunity for advancement/promotions, particularly librarians without the J.D. needed for many law library management positions. These opportunities may lead to higher levels of service to the law school community from librarians attracted to these types of career opportunities.

Innovation in services and in efficiencies may be more possible through flexibility of a larger staff when the law library is incorporated into a university library system.

If the law library were able to rely on university librarians for backup service, time for conference travel or for webinars might be more accessible.

If the law librarians were hired under a ranking and promotion system which applies the same standards to law and other university librarians, interaction among all campus librarians may increase, potentially producing a better understanding of the strengths and weaknesses of individuals reviewed and to a university-wide collaborative library environment. Law schools may see some benefits or efficiencies in services through an active system that evaluates librarians on criteria that are also of interest to the law school. A larger university system of review of librarians' work would result in tradeoffs in efficiency of the process as more university librarians are available to review law librarians and as law librarians are required to review librarians beyond the law library.

Risks of collaboration with or reporting to a central university library system:

Law libraries may lose the ability to provide tailored, high-level support for the law school community if all services are standardized through a university system. Law librarians typically provide research support and teaching in the law school at levels that exceed services provided by their campus counterparts. Historically, this engagement with the law school has been grounded in the fact that the law library not only contained the essential tools of a lawyer – whether a professor/lawyer, a practicing lawyer, or a student/lawyer, but that these tools were part and parcel of *being a lawyer*. Legal research is a core skill of a lawyer. Facilitating the use of these unique tools and keeping them current has always been a central role for law librarians. In many law schools, the law librarians are the primary instructors in legal research, and supervision of this teaching may be

an important interest of a law school, an interest that would be more difficult to address if the law librarians' incentives are controlled by the university library.

Law library hours may be set to match campus norms rather than law school norms, so efficiency and service to the law school are no longer the priority. Special accommodations for the irregular timing of law school exams, summer bar preparation, and law review deadlines may not be allowed. After-hours access for law faculty may not be permitted under standardized university policies.

The input of the law school community and even of the law library management in selection of library staff may be minimized, and the effectiveness of services to the law school may suffer. Many academic law libraries require librarians to hold a J.D., and university librarians may be poorly positioned to evaluate the expertise or effectiveness of these librarians. Special skills and services such as patent research and support for law clinics may be undervalued and therefore discouraged by university library management.

Law librarians may have less ability to collaborate with other law librarians to develop new tools, new expertise, and new solutions to legal research challenges if support for professional development is standardized along university library guidelines. Law libraries' have stronger traditions of support than university libraries including support for participation in organizations and events that are law-related, rather than library-related. Services to the law school and ultimately efficiencies may be reduced.

Innovation in services and efficiencies may be less possible if university policies are more rigid than a law library. For example, if teaching law school courses is treated as external to library work, law librarians may not be willing to work overloads to teach legal research or other courses in the law school. Collaboration with law faculty on scholarship may similarly be discouraged. In addition, the services law libraries provide to student-run law journals is unique and is not supported in a university library environment.

When the law library reports to the law school, librarian ranking and promotion systems support evaluation and reward of librarians for contributions most valued by the law school, rather than for contributions generally valued across disciplines that are supported through a university library. Law schools and law librarianship have unique measures of qualifications including the J.D. for many librarian roles, participation in professional associations for law librarians and for lawyers and law schools, and publication in law librarianship journals and in student-edited law reviews. In addition, some law librarians may be valued for their ability to teach legal research courses in the law school or for their ability to make judgments about law collection and database management in light of evolving law school and law practice needs. Law librarian ranking systems that involve regular extensive review of each law librarian's productivity may be cumbersome for a small librarian staff to manage, but participants are likely to be familiar with and able to quickly evaluate the documentation prepared. When law librarians are evaluated based on discipline-specific criteria, law schools may receive more tailored services.

The ranking system could have a significant impact on the accountability of law librarians to the law library director, the law school dean, and to the law school community. Any system granting

ultimate decision-making authority outside of the law library community could create an alliance with campus priorities to the exclusion of any specialized law school priorities and in the worst case scenario, librarians who are not easily managed by the law library director.

IV. FACILITIES

Benefits of collaboration with or reporting to a central university library system:

Close collaboration with or direct reporting to a central university library system could mean that a law library would gain discounts available for large quantity purchases of furniture, service contracts for services such as equipment maintenance and repair, painting, lighting, etc.

Risks of collaboration with or reporting to a central university library system:

Most law libraries are housed within the same building or set of buildings that house the law school. Close collaboration with or direct reporting to a central university library system could introduce a new layer of negotiation between the dean of the law school and the university library manager (e.g. the law school seeks to claim space from the law library; the university library asks for the law school to share the cost of a security guard for the law library.) Discounts that might accrue from a centralized contract for certain services could be offset by a lack of flexibility in choice of furniture styles, timing of purchases, and even quality of options.

V. OVERALL MANAGEMENT

Benefits of collaboration with or reporting to a central university library system:

When a law library budget is derivative of the law school, the library director must articulate library needs to law school deans who generally do not share an understanding of library issues such as publication costs and IT trends. When a law library budget is derivative of a university library system budget, common issues such as collection cost increases, updates needed for online discovery and collection management, and off-site storage should be easily discussed by the law library director and university librarian. In a unified library budget proposal, library issues are top priority, and to the extent that the law library's needs are similar to other campus libraries' needs, these matters will have a strong advocate to the university's budget managers. A budget process that includes the law library with campus libraries could provide additional sources of funding, including overhead from grants generated outside of the law school and private funds raised for all university libraries. The law school community may benefit through increased support for library services and resources.

Risks of collaboration with or reporting to a central university library system:

In areas where law library needs are distinct, such as in providing high levels of faculty support or in teaching courses for credit in the law school, the law library might not find a strong advocate for funding from a university librarian who cannot provide similar levels of support across the campus due to funding, physical distance from each discipline's faculty, or because of tradition or different

priorities. Similarly, the law school community may be the better resource for identifying and targeting alumni for private fund raising to support particular law library initiatives that primarily benefit the law school.

A law library that reports to the university library is likely to have more bureaucracy than one that reports to the law school. Additional layers of oversight can lead to inefficiencies such as reduced productivity in staff and a reduction in law library services and resources available to the law school community.

Perhaps most importantly, the reporting line of the law library director creates incentives, and even a slight difference in orientation and incentive may result in substantial differences in the level of law library service to the law school over time. A law library director reporting solely to the law school dean has a primary incentive to maximize service to the law school and will look to the dean for recognition, but a law library director reporting to the university librarian will naturally be motivated to filter law school interests through the lens of the university library's priorities.

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