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**Gallagher Law Library, University of Washington School of Law**

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# Organizational Structures of Academic Law Libraries: Past, Present, and Future

Volume 1

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# Gallagher Law Library, University of Washington School of Law

Jonathan Franklin<sup>1</sup>

## INTRODUCTION

The Gallagher Law Library<sup>2</sup> at the University of Washington School of Law has a long and storied history, having had Arthur Beardsley as the first director of the law library in 1922 and Marian Gould Gallagher and Penny Hazelton as its longstanding directors. The core of the library's original collection was the gift of the first Dean, John T. Condon. He donated his personal library in 1902 and it is said to have fit in two wheelbarrows.

The law school was founded in downtown Seattle in 1899 and became a member of AALS in 1909. It is the only public law school in Washington State and is strongly tied to the University of Washington as a whole. We currently have approximately 500 JD students and 200 LLM students, as well as other non-JD degree-seeking students. The law library does not have an evening program, a part-time JD program, or a major undergraduate education presence. The law school has approximately 60 faculty members, including tenured, tenure-track, and teaching faculty.

Since 2003, the Gallagher Law Library and the School of Law have been housed in William H. Gates Hall on the main University of Washington, Seattle campus. The University of Washington has two other campuses, Bothell and Tacoma, though neither one has a law school. UW Tacoma does have a strong pre-law undergraduate program and UW-Seattle has a well-known Law, Society, and Justice undergraduate program.

Physically, the UW Law Library is located in the lower two of the six floors of William H. Gates Hall. Even though these floors are mostly underground, it has plenty of natural light, even in Seattle, thanks to skylights and large above-grade windows. In contrast to its previous location, Condon Hall, the law library has one entrance/exit. The library has historically been open to the public, and the information desk, which currently serves as the circulation and reference desk, is right at that entrance. This creates a way for us to help all who enter without them having to look for us and also to keep an eye on the more heavily used areas from a single location.

As of 2021, the law library's total budget is approximately 1.65 million dollars, with 1 million dollars in salaries and benefits and the other \$650,000 for collections and our

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<sup>2</sup> The Gallagher Library, named for the famous UW law librarian Marian Gould Gallagher, is also known as the UW Law Library.

share of the Integrated Library System (ILS). The Director reports to the Dean of the Law School and the budget for the law library comes from the law school.

## HOW WE GOT WHERE WE ARE

Over the past ten years, the UW Law Library has slowly transitioned from an independent law library to a largely autonomous library with a few shared services. This means that we now rely on support from the staff at main campus libraries for a few core functions. The major factors in that transition were a change in our primary funding source, a shrinking staff, the UW as a whole joining a regional consortium with a shared ILS, the rapid adoption of digital resources during the pandemic, and most recently, the unionization of librarians, including law librarians, across all three University of Washington campuses. Each of these topics needs some unpacking to understand why we are now more closely tied to our main campus library system than we were ten years ago.

### Sources of Funding

Historically, the Gallagher Law Library received its budget directly from the state of Washington. This changed ten years ago when the law school began to receive the allocation for the library and to redeploy those funds to better align with the law school's overarching priorities. This change had two effects. First, it meant that if the law school felt another law school department needed resources more than the library, it could more easily fund a new position in that department. It also made the law library more dependent on funds raised by the law school as defined by the University's new fiscal model, activity-based budgeting (ABB). ABB meant that rather than funding by allocation, the University funded academic units based on the number of students in its classes and its degree programs. While this funding model was relatively budget-neutral for the law school, it exposed the library and the law school to rising and falling budgets based on law school JD and LLM admissions. This variability can be challenging for a library trying to maintain a permanent staff and a stable subscriptions budget. In contrast, the main campus libraries are centrally funded by the Provost, which can also lead to rising and falling budgets, but typically for different reasons. The law library does have a few endowed gift funds that are outside the main budget process.

The primary effect of these budget challenges has been an increasingly smaller staff. As staff voluntarily left, the vacancies were not filled and the law library experienced additional staffing cuts. Five years ago, the staff was approximately 31 FTE. The UW Law Library is now a staff of approximately 9 FTE. For the other positions, the Law Library lost the lines as they became vacant so the law school could decrease its financial footprint as requested by the University. The staff continues to work well as a team, but the Law Library no longer has an original cataloger, a full-time ILL staff person, or anyone dedicated to evaluating and rolling out new technologies. As the staff became smaller, by necessity, we sought expertise from the staff at main campus libraries.

## **The Move to a Consortial Catalog**

The process of moving towards a shared services model was jump-started by a 2011 decision for the law library and the main campus library to each drop their independent Innovative ILS programs and join a new consortium of over 35 institutions of higher education in Washington State and Oregon, all linked together by a courier service. The consortial catalog, based on Alma and Primo, took years of effort, and members of the law library staff served on numerous committees with peers from the main campus. The significant time spent on the transition strengthened relationships between the two institutions, which facilitated asking for favors without an official Memorandum of Understanding (MOU).

The transition to a consortial catalog meant that Gallagher Law Library could no longer operate like a boutique hotel that did things our way all the time. Not only were the law library's holdings merged with the main campus library's holdings, but the data were also harmonized to adhere to consortial standards. In retrospect, this was fortuitous because the law library no longer had the staff to maintain an ILS. This transition also led to internal discussions about our identity as an autonomous law library. The Gallagher Law Library also decided to retain its own symbol for inter-library loan (ILL), so we could continue to have direct borrowing and lending, rather than giving it up and fully integrating with main campus's ILL operations. Our goal continued to be to provide the best possible service to our primary patrons, the faculty, staff, and students at the law school. At the same time, the law library started to rely more on the campus page who moved books around campus to different libraries, rather than having someone from the law library retrieve books from another campus library.

## **Creating Parallel Policies**

Part of having a shared catalog is the need for harmonization far beyond bibliographic issues. The law library needed to work out terminology for locations, normalizing of fees and fines, management of staff ILS roles, and a host of other issues from replacement costs to 'how damaged is too damaged to reshelve a book?' As part of the catalog implementation, the law library agreed to permit main campus libraries to manage the staff roles within Alma and to handle fees, fines, and appeals on lost books and the like. This relationship benefits both libraries because it allows main campus libraries to harmonize policies for all campus libraries. While the law library does not have to register law library patrons, reevaluate and update law library policies, the law library can also refer unhappy patrons to main libraries account services rather than trying to explain policies the law library might not agree with.

While Gallagher Law Library is part of the University of Washington School of Law, it has substantial autonomy, much more than a main campus branch library. At the same time, the Law Library is more closely tied to them than in the past due to technology, and therefore, cannot necessarily have circulation policies that conflict with those on the main campus. Imagine a webpage that sets out main campus policies and is riddled with asterisks where law policies differ. For example, if a law faculty member borrows three books, one from us, one from the main campus, and one from another consortial library,

the law library cannot expect the faculty to renew the items on their own through three different portals or know when to return them if three different sets of loan rules apply. While auto-renewal of all non-hold items and the elimination of fees and fines can improve how the law library is seen within the law school, those policies are not necessarily feasible for the entire campus or consortium. Although Gallagher Law Library did not always get its way, the law library arrived at workable solutions after everyone's views had been considered.

### **Shared Cost of Our Consortial Integrated Library System**

Aside from circulation policies, the law library also collaborated in paying for our new consortial catalog. Cost-sharing is almost always part of a collaborative relationship. In the case of the shared catalog, the cost of UW's share was split between the law library and the main campus in proportion to what we had each spent on our separate integrated library system instances. While this seems logical, the result is that the law library pays far more than its share in terms of relative holdings, staff sizes, circulation, or almost any other measure. At the same time, if UW Libraries had to handle the true cost of the ILS, for which it already shoulders quite a burden compared to their consortial peers, the cost would be a heavy lift. The fact that Gallagher Law Library pays an outsized share of the ILS cost has led to the willingness of the main libraries to undertake certain law library tasks, such as initial batch loading of electronic records, occasional original cataloging, and collaborative database acquisition.

### **The Transition from Print to Digital**

The law library staff has been able to continue to order and receive content because the ratio of print to digital acquisitions has shifted very quickly over the past year and a half. In response to COVID and budget cuts, the law library drastically cut its Thomson Reuters Library Maintenance Agreement (LMA). We used the funds to cover the acquisition of e-books in place of print, which helped make new content accessible to our patrons while we were closed. This also means that after we get through our backlog, we will be receiving fewer packages in the mail, filing far fewer pocket parts and looseleaf pages, and rarely need to shift shelves of print to make room for new volumes. In addition, the law library has stopped receiving, binding, and shelving print law reviews. Our workflows are also vastly improved thanks to intentionally minimizing the number of vendors we deal with, wholesale adoption of GOBI, use of Alma approval workflows, and the cancellation of our East Asian material in the vernacular, which could only be processed by a limited number of staff.

### **The Process of Unionization**

While the law library has remained largely self-sufficient due to all these changes, the recent unionization of librarians at UW has strengthened relationships with peers across campus in unanticipated ways. Although all UW librarians have been part of a campus-wide librarian association for years, this group is self-organizing and not an official body

of the University of Washington or a labor group. It therefore does not speak for librarian employment conditions and benefits. With the push for unionization, librarians across all three campuses have had to discuss and rank their concerns and clarify how they think those issues should be addressed. This led the law librarians to better understand some issues our peers face and gave us a chance to discuss our concerns with them. This process has also highlighted that while law librarians see themselves as different from other librarians on campus, that view might not be held by administrators at the University. We will likely continue to work closely with the staff of main campus libraries through collective bargaining and after the union contract is finalized.

### **WHERE DO WE GO FROM HERE?**

While much of this chapter is about the relationship between the law library and the main campus library, it is worth noting that Gallagher Law Library is more closely tied to numerous other departments on campus than ever before. The implementation of a university-wide human resources system meant that the law school and library had to adopt the same system that was rolled out across campus. Our meetings about the new university-wide financial system have led to meetings with everyone from vendor control to those who will oversee the new fiscal APIs. Our database licensing efforts now include the privacy office, records retention, and procurement, with more oversight and risk assessment than ever before. The same holds for seeking help from facilities for HVAC programming issues, campus police for public safety issues, the campus-wide computerized access control system for the doors, and even our now automated lighting schedules. As such, it is worth noting that we are all becoming more interdependent regardless of the level of our structural autonomy from main campus libraries.

### **To MOU or Not to MOU?**

The idea of having an MOU with main campus libraries is not new. It often seemed prudent to try to memorialize our collaborative relationship and note the numerous areas where we work together to serve the UW as a whole more efficiently. At the same time, with each enumeration, there were numerous questions, such as whether saying something in a document binds the parties to future behavior, whether one could make any financial commitments in a time of flux, or whether the MOU was restricting what future leaders might want to do. It would also raise a host of questions for the staff reading and trying to interpret how the MOU would affect their daily work, given that the MOU could not anticipate all possible outcomes or which circumstances might change. As such, MOU drafts became more and more general and at a certain point, all parties agreed that an official MOU would best be left for once new leadership was in place at both institutions. This did not mean that the libraries would stop trying to help each other whenever possible, and acknowledged that situations can change rapidly and in unexpected ways.

## Main-campus Library as a Magnet

The critical mass of a main campus library with 250 staff compared to a law library with 9 staff means that they have the vast majority of library personnel on campus and the law library is sometimes the tail on the (husky) dog. The main campus library's staff has expertise in languages, full-time staff dedicated to maintaining Alma and Primo, awareness of ever-changing campus fiscal procedures and how they apply to libraries, licensing expertise due to more frequent licensing, and numerous other benefits relative to a sub-10 FTE academic law library on the same campus. As the law library relies on the main campus library more to collaborate and acquire e-journal subscription bundles, the ILS, and databases of mutual interest, it is worth being conscious about how it all appears to an outsider, such as a Dean or Provost.

Should Gallagher Law Library move further towards the main campus library to gain efficiencies, might the Provost notice it and suggest the libraries merge? What would the ABA Standards look like at that time and would such a move hurt the law school? Or, does the law library pull away and become more independent to demonstrate why it needs to be fully autonomous while perhaps not being able to offer the boutique services with our current staff size? The law school's mission is likely to change in the next ten years, so it is hard to predict what type of institution the law library might be serving in 2030. Ultimately, it is necessary to think about what aspects of the academic law library are most important to preserve regardless of the configuration to best serve the current mission of the law school.

Ultimately, the in-depth research done by our legal librarians for faculty is the distinguishing characteristic that highlights how Gallagher Law Library differs from our peers on the main campus. It is possible to give some of this work to research assistants, who often do excellent work. But much like student workers and interns, research assistants change every year and do not develop a deeper understanding of faculty scholarship. Librarians know what faculty are working on and have the institutional knowledge to best support their scholarship.

## What Makes Law Librarians Special?

While others will explore this topic in more detail, there is an assumption that some aspects of a law library could be centralized more easily than others. For example, parts of technical services, monograph interlibrary loan, circulation, licensing, and a few other areas could be rolled into the main campus libraries' workflow. While there could be efficiencies, there will also be potentially diminished service to the law school's users. If the law library is fully centralized, the largest effect on the law school might be that reference librarians would no longer be able to provide boutique services such as teaching graded law school courses on work time, schedule frequent one-on-one trainings with law school patrons, and heavily support individualized interdisciplinary, empirical, historical research for scholars working in legal and legal-adjacent areas. Whether law librarians need a JD is open to question, but future law librarians will need to continue to be conversant in the topics of scholarly interest to their patrons.



In the past, scholars and students needed the law library because it was the only place to find the text of cases, statutes, and treatises. Now that these documents and much more are available on their desktops, the value of the law library staff is in curation, also known as the selective dissemination of content. Curation can take many forms, including sending targeted emails to individual faculty members, teaching specialized legal topic classes, and highlighting the best tools for a specific area, or drafting individualized research memos. It takes in-depth legal knowledge to complete known-item searches for ILL. It takes specialized legal knowledge to select monographs and databases to best serve the law school's mission. While health sciences and business school librarians are also experts in their domains, they traditionally do not provide the same level of customized service as law librarians. An additional benefit of our continuing autonomy is that we can make changes quickly without the complex decision-making processes required by a large organization. This nimbleness and adaptability of our current size will permit us to pilot new technologies and processes, which we will then be able to share with our main campus peers.

## **Opportunities and Challenges**

Our primary opportunities with main campus libraries are also our challenges in working with them. There are four areas of opportunity: library-technology support, support for rarely used but necessary library-specific tasks, campus-wide legal information training, and harmonized status and policies for librarians across campus.

## **Technical Support for Shared Initiatives**

As a small library, the Gallagher Law Library is unable to dedicate staff to manage and implement major technological changes, whether that is migrating to a new library catalog, changing our institutional repository, or even investing time and resources in automating workflows. When collaborating with main campus libraries, the law library is better able to influence how certain problems can be solved, which facilitates the adoption of the mutually agreed-upon processes. As the tail of the dog, the law library will not always get its way. But, more often than not, the libraries' goals are aligned. The challenge in these situations is that larger organizations necessarily have required more process before arriving at a decision. This has led to the law library wanting to quickly pivot and the main campus library engaging in an extended evaluative process. For example, the law library felt that having an institutional repository was a priority and ultimately decided the law library could not wait for main campus libraries to select, implement, and start supporting their next-gen institutional repository (IR).

## **Support for Niche Service**

As a smaller library, the law library has had to put some of its projects on the back burner because the projects required skills the staff no longer had. If the law library wanted to add a Ph.D. thesis from one of the school's graduates to the collection, it was assigned to the original cataloger. The law library no longer has anyone with that skill. At the same

time, it would not make sense for the law library to employ an original cataloger given how few unique items are received that need to be cataloged. For tasks like this, having a good relationship with the main campus libraries is incredibly beneficial. As mentioned above, the law library feels that it pays more than its fair share for the consortial catalog and cannot cancel electronic serials that are in a bundle with the main campus libraries. At the same time, the law library also gains when the main campus library does not charge us for services the law library staff cannot fulfill. The law library has offered to pay for these services, but main campus libraries decided that the transaction cost of billing back and forth was not worth the effort. So far, this 'it all comes out in the wash' approach has worked well for both organizations.

### **Campus-Wide Legal Information Training**

As legal information experts, to the extent that support for the broader institution is part of the law library's role, the law library staff offers its expertise in non-law school classes, collection development decisions, and broader public outreach. Students in law-adjacent classes across campus, from pharmacy to civil engineering, have classes on the legal aspects of their area. The law library has a wide array of resources that it licenses and so does the main campus. If law librarians teach outside the law school, the law librarians can help build the pipeline to law school while improving legal information literacy. When main campus library collection development is trying to decide between databases with similar legal content as part of the bundle, the law library staff can help the main campus library assess what might better meet the needs of the campus based on what has been seen in classes as well as previous experience with those vendors in the law school context. Finally, as a public institution, the law library has a goal of supporting legal researchers beyond the university. Law librarians are well situated to create the tools needed to satisfy the public's demand for usable and approachable legal information without practicing law.

### **Unified Librarian Personnel Codes—Perks and Pitfalls**

One opportunity that the law library has taken advantage of is to informally follow the main campus libraries' personnel code and have it accepted by campus HR. More recently, a few challenges have highlighted the opportunities and drawbacks of sharing a unified personnel code.

While autonomy is often understood in the context of control over the ILS, website, database, or budget, personnel policies are an important area to consider when thinking about the relationship between the law library, the law school, the main-campus library, and the campus HR department(s). Depending on the educational institution, there might be one code for all librarians on campus, two separate codes, or some hybrid. Much like the discussions of the benefits and drawbacks of a standalone vs. merged ILS, there are benefits and challenges to having a unified code that applies to all librarians.

Campus HR is likely better prepared to handle issues related to librarians if they are all under the same umbrella. This can streamline resolving issues that might never have arisen in the law library, but for which there is precedent on the main campus. The

detriment of the merged code model is that the campus library might have ten librarians for every one that the law library has. This means that the main campus libraries will need more committees, have enough librarians to staff unbiased peer-reviews, and have appeal processes with review by librarians outside the appellant's supervisor or supervisor's supervisor. In contrast, in a law library of 9 FTE, this level of staffing is not feasible and there is a deeper sense that other law librarians are in the best position to evaluate requests for law librarian promotions.

Beyond the size difference, law librarians serve an academic department, the law school. This means that our positions are somewhat distinctive and that the best evaluators of librarians up for promotion are other law librarians who serve their academic units, even if they are employed at another institution, as opposed to librarians from the main campus library. In this instance, it makes less sense to have a unified code that covers the promotion, discipline, and merit evaluation of all librarians of different specialties and on multiple campuses of the same institution.

At the University of Washington, the law library has attempted to keep two codes with largely parallel structures. Gallagher Law Library has the same processes as the main campus libraries, but we have fewer levels of review and often fewer committees. HR departments might wonder why they are working on a personnel code for six librarians in one unit on campus and consider it an inefficient use of their time. Law librarians can facilitate the process by drafting the proposed code and offering to work directly with the law school and campus HR, but that does not guarantee success.

It is worth remembering that at UW, librarians have a unique role within the law school. Many faculty members and administrators consider librarians neither fish nor fowl. The law librarians do not necessarily follow all the processes that the faculty do. At the same time, the law librarians do not fall under the policies of other paraprofessionals or other classified staff across the institution. This is made even more challenging because there is no analogy. Other UW librarians are in a centralized unit and report up through the Dean of Libraries. Unless the law school administration wants to collaborate with the main campus libraries and vice versa, it can be quite a challenge for law school HR to determine when law librarian policies parallel those for the faculty and when they should parallel those for the law school staff.

One of the law library's current challenges is that central administration grants the law school permission to fill lines. Given that both faculty members and librarians take up these lines, the law school has had to decide whether to fill a line with a faculty member or a librarian, effectively placing their needs in competition with each other. While librarians are paid less than law school faculty, the lines themselves are scarce in the current economic climate. To the extent that hiring more faculty means a lighter teaching load for other faculty members, the preference of the faculty will often be for the hiring of faculty over librarians. This is not an issue faced by the main campus libraries where their discussions with the provost don't force others to choose between filling a line with a librarian or a faculty member.

An adjacent concern is that law librarians are often paid more than their peers on the main campus, a differential justified by the special services that law libraries offer as well as the fact that those with JDs could choose a more lucrative career as a lawyer. However,

this differential is also a potential cause of tension with the main campus peers, and it should not be ignored.

## CONCLUSION

In conclusion, perhaps it is the legal training, but my perspective on the optimal academic law library structure is “it depends.” As leaders, we need to evaluate each unique situation and make the best possible choice for the library within its specific context as part of the law school.

## EPILOGUE

After the pandemic-driven closure, the law library reopened exclusively to the law school community. Under new library leadership, the law library has taken exciting steps to reorient the library’s focus and perhaps move back towards a more autonomous model, relying more heavily on student workers than we have in the past.

The law library hired a temporary employee to document revised ILL and document delivery procedures, redefined document delivery to include free scanning of certain materials, and moved away from the campus LibGuides and LibAnswers license to a standalone law library license. The law library has also become more self-sufficient in loading electronic serial records into the shared catalog. These moves have made the law library less reliant on main campus libraries services. In turn, this means less law library staff time spent on main campus libraries committees and a decreased need to coordinate policies with main campus counterparts except when the ILS is involved. In addition, the increased acquisition of e-books and the cuts to our print collection have decreased our long-term need for additional non-student technical services staff.

The COVID-19 pandemic has changed the rules of the game and opened the door to greater autonomy. By closing to the public, not staffing a public desk, and covering reference remotely, the law library has likely saved ourselves the need for 2 FTE. The law library’s increased reliance on student workers, who are non-union, short-term, and able to be reassigned and retrained more easily than a permanent employee will likely lead to greater flexibility.

These changes have freed up the existing permanent staff to take on higher-level duties. While this sounds good, with the increased reliance on student-workers, the higher-level duties often include the hiring, training, and managing of students. It might be time for library and information schools to require student management in their curricula.

Almost all the issues raised in this chapter are on the table for discussion during the negotiation of the Collective Bargaining Agreement, so check back in 2023 or 2024 and see what things look like then.