

Interdisciplinary Legal Scholarship: What Can We Learn from Princeton's Long-standing Tradition?*

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Mr. Hollander argues that the Princeton University Library's long-standing tradition of providing support for the nontraditional, non doctrinal legal scholarship of its faculty and students can offer insights into what an increasingly interdisciplinary future may look like for law school libraries and librarians. After briefly documenting the rapid growth of the interdisciplinary nature of the study and practice of law and describing the history of legal studies at Princeton University, he identifies four types of interdisciplinary research questions and shows how the Princeton response to them can inform the discussion among law librarians about the changing nature of legal scholarship and reference.

¶1 I doubt that I would arouse much controversy among law librarians by arguing that as a profession, law librarians rank among the most skilled legal researchers in the country. Our well-honed skills enable us to effectively support the work of the attorneys, judges, professors, students, and others with whom we work. Our expertise in legal information is invaluable to the patrons we serve. Within academia, we skillfully introduce new law students to legal resources and finding aids. We support faculty research by finding legal resources and information without which important legal scholarship could not occur. In sum, while our skills can always be improved upon, as a profession, we have legal information down pretty pat.

¶2 That said, once we leave the four walls of the law library, much of our expertise stays behind. In one sense, this may not be a problem. After all, we are law librarians who work in *law* schools, *law* firms, and other *law*-related institutions. Law is what we know and law is what we do. Where our skills do become problematic, however, is in the fact that legal scholarship and research, and consequently the reference work expected of us, have changed. Today, it is not surprising when legal research and scholarship uses or even relies on information and methodologies from other academic fields. The legal academy is fast becoming an integrated part of the larger world of academia in which disciplines often cross-fertilize and bleed into one another. As a result, law librarians are increasingly confronted with reference questions that simply cannot be answered with legal information alone. For example, a law professor may need complex financial data to study the effect of a regulation on securities markets over time. Or a law student may need information about life in Elizabethan England to understand the context

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of a statute enacted in that era. Or a doctoral candidate in English may want to see nineteenth-century prison reform legislation that is referenced in the poetry of Emily Dickinson. Or a law professor may want to compile a large set of data on Supreme Court opinions and use statistical analysis software to predict future outcomes. All of these examples require library assistance that goes beyond traditional legal reference; beyond case law, statutes, and digests; beyond even Westlaw and LexisNexis. These questions require interdisciplinary legal reference. To properly answer these questions, one cannot remain ensconced in a world of law-only information. Since it is not good reference practice to point to the library exit and send a patron elsewhere for assistance, law librarians must develop a broader skill set and collaborative arrangements to successfully handle interdisciplinary legal reference questions.

¶3 When I accepted a position as law and legal studies librarian at Princeton University, I was unsure what kind of law-related reference questions I would encounter in an institution without a law school. I was pleasantly shocked to discover that both undergraduate and graduate students were conducting legal research as complex as any student research I had encountered in a law school. I also found a large number of faculty whose research areas included an interest in law and several special interdisciplinary academic programs directly related to law.

¶4 All that said, the legal research conducted at Princeton is distinct from that which typically occurs at law schools. While scholarship within the legal academy has become increasingly interdisciplinary, it exists there alongside (and sometimes in tension with) the more dominant tradition of doctrinal legal scholarship. In contrast, legal scholarship at Princeton University has not been subject to this tension or to the traditional subject-area boundaries of doctrinal legal research. Rather, the study of law at Princeton has existed solely in an interdisciplinary context unique in legal academia. In turn, the library has developed a law collection and a tradition of legal reference that is geared to serving a community of interdisciplinary legal scholars and students conducting research that is often likely to be empirical and quantitative in nature. In other words, the trend in the larger academic law library community is a long-standing tradition at Princeton. After arriving at Princeton, I soon realized that what had developed there was a “laboratory” in which one could study how an academic law library might support nontraditional, nondoctrinal legal scholarship.

¶5 I wish to clarify at the outset that I do not believe that legal reference at Princeton can serve as a *complete* model for an academic law library. After all, one of the most basic functions of a law school library, supporting the training of future attorneys, is not a concern at Princeton. Beyond this, profound differences between the needs of law school patrons and the needs of the law-interested Princeton faculty and students would make any call for law school libraries to emulate Princeton’s library *in toto* patently absurd. However, I believe that my experience at Princeton offers informative insights into what an increasingly interdisciplin-

ary future may look like for law school libraries and librarians. To that end, this article will first briefly document the increasingly interdisciplinary nature of the study and practice of law and its effect (or lack thereof) upon law libraries. The article will then trace the history of legal studies at Princeton University, including the short-lived Princeton University Law School. Finally, the article will describe interdisciplinary legal research in some detail and identify four types of interdisciplinary reference questions that I have encountered at Princeton: “Law and” reference questions, questions involving empirical research, nontraditional reference questions, and questions from nonlaw researchers. I hope these descriptions will provide context and insights to the larger conversation among law librarians about the changing nature of legal scholarship and reference.

The Development of Interdisciplinary Legal Scholarship

¶6 The increasingly interdisciplinary nature of law scholarship and law practice is both long and well documented.¹ The impact of this change upon academic law libraries is the subject of much discussion, concern, and debate among law librarians. The shift away from the traditional model of law as an autonomous discipline toward a more interdisciplinary model, which began in the mid-twentieth century, continues to raise important questions about what skills and resources librarians need to master in order to properly support legal scholarship in our libraries.²

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1. See Richard A. Posner, *The Decline of Law as an Autonomous Discipline: 1962–1987*, 100 HARV. L. REV. 761 (1987) [hereinafter Posner, *Decline*]; Richard A. Posner, *The Present Situation in Legal Scholarship*, 90 YALE L.J. 1113 (1981) [hereinafter Posner, *Present Situation*]; see also Jack M. Balkin & Sanford Levinson, *Law and the Humanities: An Uneasy Relationship*, 18 YALE J.L. & HUMAN. 155, 166–73 (2006) (documenting the turn to interdisciplinary legal scholarship in the legal academy); Roger C. Park & Michael J. Saks, *Evidence Scholarship Reconsidered: Results of the Interdisciplinary Turn*, 47 B.C. L. REV. 949, 949 (2006) (noting how evidence law scholarship has become “decidedly interdisciplinary”); Jeremy A. Blumenthal, *Law and Social Science in the Twenty-First Century*, 12 S. CAL. INTERDISC. L.J. 1, 1 (2002) (discussing the “growing trend” and “increasing number” of law review articles that use “social science—[and] psychology in particular—to inform legal theory”); Mark Tushnet, *Interdisciplinary Legal Scholarship: The Case of History-In-Law*, 71 CHI.-KENT. L. REV. 909 (1996) (noting trend toward interdisciplinary scholarship and, for law and history scholarship, questioning whether it can satisfy the quality standards of historical scholarship); Graham C. Lilly, *Law Schools Without Lawyers? Winds of Change in Legal Education*, 81 VA. L. REV. 1421, 1427–35 (1995) (discussing decline of doctrinal approach to law and rise of theoretical approach, including interdisciplinary legal studies); George L. Priest, *The Growth of Interdisciplinary Research and the Industrial Structure of the Production of Legal Ideas: A Reply to Judge Edwards*, 91 MICH. L. REV. 1929 (1993) (defending increased volume of interdisciplinary legal scholarship); William M. Landes & Richard A. Posner, *Influence of Economics on Law: A Quantitative Study*, 36 J.L. & ECON. 385, 424 (concluding that through the 1980s, “the traditional approach [to legal scholarship]—what we call ‘doctrinal analysis’—was in decline . . . relative to interdisciplinary approaches”); Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34 (1992) (criticizing trend toward interdisciplinary legal scholarship).
 2. It is not the purpose of this section to offer an exhaustive analysis of varieties of and trends in legal scholarship and education, but rather to sketch the contours of both traditional and interdisciplinary legal scholarship and describe the shift toward the interdisciplinary model.

¶7 Traditional legal scholarship holds that law is an autonomous discipline, standing alone and separate from other spheres of knowledge, “a subject properly entrusted to persons trained in law and nothing else.”³ Posner points out that this definition of law as a discipline grew out of lawyers’ ever-present impulse to protect their monopoly on law practice.⁴ However, this definition is most commonly associated with Christopher C. Langdell, dean of Harvard Law School in the latter quarter of the nineteenth century. Under Langdell, the law school curriculum was shaped to embody this definition. Variouslly referred to as doctrinal legal analysis, traditional analysis, or the “Langdellian” school, this view holds that law students (and practitioners) should learn and understand legal principles solely by the close study and analysis of judicial opinions, without reference to areas of knowledge outside of this legal literature. As described by Posner, “[i]t involves the careful reading and comparison of appellate opinions with a view to identifying ambiguities, exposing inconsistencies among cases and lines of cases, developing distinctions, reconciling holdings and otherwise exercising the characteristic skills of legal analysis.”⁵ An important characteristic of this methodology is its almost complete autonomy from other spheres of scholarly knowledge. Doctrinal analysis allows for consideration of “whether an opinion is clear, well reasoned and consistent with precedents, the statutes, [] the Constitution. . . , certain premises about justice and administrative practicality.”⁶ Such an approach does not, however, allow for reference to the “theories or methods of the social sciences or philosophy.”⁷ Indeed, according to Posner, “practitioners do not have to know any other field of learning. . . .”⁸ Under this system, the legal literature has an effective monopoly on the study of law, creating a closed system of analysis. In other words, “legal decision making . . . [is] dependent on a comparatively small universe of legal information, a universe whose boundaries [are] effectively established, widely understood, and efficiently patrolled.”⁹

¶8 Although the doctrinal method was attacked as early as the 1880s (by Oliver Wendell Holmes, among others¹⁰), it became the standard of legal education and legal scholarship, and today remains, if no longer dominant, a largely prevalent methodology. The first-year law school curriculum, legal research and writing courses, and the collections and reference practices of law libraries all still reflect this hermetically sealed approach. However, in the sphere of academic legal scholarship, doctrinal methodology has been challenged by a variety of

3. Posner, *Decline*, *supra* note 1, at 762.

4. *Id.*

5. Posner, *Present Situation*, *supra* note 1, at 1113.

6. *Id.* at 1114.

7. *Id.*

8. *Id.*

9. Frederick Schauer & Virginia Wise, *Nonlegal Information and the Delegalization of Law*, 29 J. LEGAL STUD. 495, 514 (2000).

10. See Posner, *Decline*, *supra* note 1, at 762–63.

alternative methodologies, just about all of which turn to resources beyond the limited universe of legal information to try to understand and develop the law.¹¹ According to Posner, beginning in the 1960s, a decline of political consensus in the legal academy, a “boom in disciplines that are complementary to law” (such as economics and philosophy), legal scholars’ natural desire to innovate and “strike out in a new direction,” the increasing faith and reliance upon scientific inquiry and statistics, and the more prominent role of statutory interpretation (as opposed to common law analysis) all contributed to the shattering of the borders protecting Langdell’s comfortable autonomous legal universe.¹² It is not the purpose of this article to explain or analyze the exact nature of this trend beyond this short section, nor to take a position on whether this shift is a positive or negative development.¹³ Rather, at this point, it is sufficient to conclude that the shift away from doctrinal legal scholarship toward interdisciplinary legal scholarship is well established.¹⁴

Law Libraries and the Evolving Nature of Legal Scholarship

¶9 As legal scholarship and legal practice have become increasingly less insulated from other academic disciplines and increasingly more interdisciplinary, law school libraries are beginning to confront a problem: how can autonomous law libraries, practicing traditional “law-only” reference, properly serve a law faculty that expects knowledgeable and helpful reference in other disciplines, such as the social sciences, economics, and data and statistics?

¶10 Some law librarians argue that the entire model of the autonomous law library may be outdated and no longer the best way to serve legal academia. James G. Milles is currently the most vocal advocate of this view. In his 2004 *Law Library Journal* article, “Leaky Boundaries and the Decline of the Autonomous

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11. The other legal sphere where this change has been considerable is in law practice. Just as law scholars have increasingly turned to nonlegal sources, judges have increasingly decided cases and litigants have increasingly argued for legal outcomes using nonlegal sources, such as social science studies. See, e.g., Henry F. Fradella, *A Content Analysis of Federal Judicial Views of the Social Science “Researcher’s Black Arts,”* 35 RUTGERS L. J. 103, 106–16, 168–70 (2003) (documenting the rise of the use of social science studies by courts and proposing that federal judges have become increasingly hostile to the use of such studies as evidence); Schauer & Wise, *supra* note 9, at 497.
 12. Posner, *Decline*, *supra* note 1, at 767–77.
 13. Others have taken up this charge. See, e.g., Edwards, *supra* note 1; Priest, *supra* note 1.
 14. Less well established is a corresponding shift in legal education, although such a shift, if less pronounced, is occurring. In November 2006, Stanford Law School announced a new model of legal education. According to a press release, interdisciplinary studies would form an important component of a new “3D” model because “lawyers must now work in cross-disciplinary/cross-professional teams” to best serve clients. In addition to substantive curricular changes, Stanford Law School also made a technical change by moving its academic calendar from the traditional law school semester schedule to the quarter system used by the larger university. Stanford Law School Press Release, A “3D” JD: Stanford Law School Announces New Model for Legal Education (Nov. 28, 2006), <http://www.law.stanford.edu/news/pr/47/>. While such a change certainly was meant to facilitate easier cooperation with other university departments, it also may be said to symbolize the end of the separation between law and the larger academic world.

Law School Library,” Milles contends that “a blind attachment to autonomy as a goal rather than a means no longer serves the law library’s users, and that continued insistence on total law library autonomy may have the effect of seriously compromising the quality of law library service to legal education and scholarship.”¹⁵ He deconstructs both the history¹⁶ and the continued defense and justification¹⁷ of law library autonomy. According to Milles, law librarians’ insistence on total autonomy results from an adherence to the anachronistic Langdellian formulation of law, is a disservice to patrons, and has cut law librarianship off from “progressive developments in the profession of librarianship.”¹⁸ While his arguments are among the most forceful and eloquent, Milles is certainly not the first to voice them. Major articles addressing this topic appeared in *Law Library Journal* in the mid-1980s and as early as 1970.¹⁹ Furthermore, this is not only an issue of scholarship. In 2003, Mary Whisner of the University of Washington Law Library wrote that interdisciplinary legal research is necessary in law practice and thus relevant to law students:

[M]any practicing lawyers benefit from materials of other disciplines. For example, in making a policy argument about the law, one may well draw from economics and social science. When advising a client in industry, one needs to know something about business and technology. And litigators often need to learn enough about different subjects to develop their cases and to select and communicate with expert witnesses. In fact, learning about different fields—from automotive engineering to neuroscience—can be one of the most enjoyable aspects of litigation.²⁰

Still, even with repeated and long-heard calls, Milles’s 2004 lament over the continuing disconnect between interdisciplinary legal scholarship and outdated autonomous doctrinal legal reference rings uncomfortably true.

¶11 In his article, Milles concludes that “[j]ust as legal scholarship [and law practice are] no longer practiced in isolation from other disciplines, so law librari-

15. James G. Milles, *Leaky Boundaries and the Decline of the Autonomous Law School Library*, 96 LAW LIBR. J. 387, 388, 2004 LAW LIBR. J. 25, ¶ 2.

16. *Id.* at 389, ¶ 5 (“rooted in a Langdellian view of the scientific nature of the study of law”).

17. *Id.* at 390–91, ¶¶ 7–10 (countering typical justifications for law library autonomy: law libraries are mainly “reference units”; “the law library provides the entire universe of information that law scholars need”; and “legal information is so abstruse and specialized that it is of interest only to the law school community”).

18. *Id.* at 404, ¶ 39; 413, ¶ 53.

19. See, e.g., Albert Brecht, *Changes in Legal Scholarship and Their Impact on Law School Library Reference Services*, 77 LAW LIBR. J. 157, 169 (1984–85) (noting that in doing interdisciplinary legal research “[l]aw faculty members frequently will have to look beyond their own library for research materials; their librarians will have to rethink how to satisfy faculty research needs in an [interdisciplinary] environment where those needs cannot always be met with in-house material”); Mathew F. Dee, *Law Library Purchasing in an Interdisciplinary Era*, 63 LAW LIBR. J. 19, 26 (1970) (“It behooves us to learn more thoroughly the information sources available in other disciplines as law continues to overlap. . .”).

20. Mary Whisner, *Researching Outside the Box*, 95 LAW LIBR. J. 467, 472–73, 2003 LAW LIBR. J. 36, ¶ 16 (citing Interview with Kristen A. Henderson, law librarianship student, University of Washington, in Seattle, Wash. (Feb. 2003)).

anship can no longer be practiced in isolation from the broader world of information.”²¹ He proposes that law librarians employ empirical methods (and not “best practices” or small-scale surveys) to determine the research and information needs of law library patrons and then use the resulting data to better serve their patrons (“social informatics”).²² Also, he proposes a sort of hybrid autonomy/integration for law libraries, in which they shed some autonomy, yet not become a full branch library or entirely integrated into the university library system.²³ To be sure, law library autonomy may have important advantages related to budgeting, personnel decisions, facilities, and other issues. However, autonomy has segregated law librarians from library resources and practices beyond law, and this has not served law patrons well as they increasingly use these nonlaw resources. In sum, Milles sees law librarians’ somewhat bizarre devotion to complete autonomy as an impediment to effective reference service in an environment where a growing portion of their patrons conduct interdisciplinary research. As a remedy, empirical analysis of patrons’ research needs should guide reference practices and may well lead law libraries to (at least partial) integration into the wider university library system. Furthermore, law librarians should not fear or reflexively oppose such integration if it best serves the needs of law library patrons.

¶12 While seconding Milles’s argument, this article seeks to shed light on a related issue. Assuming Milles’s suggested empirical analysis will lead to a greater focus on interdisciplinary reference and a greater integration with main university libraries, many questions will then need to be addressed. How would these changes affect the day-to-day tasks of academic law librarians? What additional skills would law librarians need to develop and what additional nonlegal resources would they need to master? What subject-area librarians are they likely to collaborate with, and how? In what different ways can legal information be used and manipulated (for example, to compile new legally related empirical data sets)? In this new interdisciplinary environment can (or should) the law library become an important resource for a university as a whole by reaching out to nonlaw faculty and students who need help with legal resources? After all, if the law faculty are making use of resources in economics, psychology, political science, history, and other disciplines, it is probable that faculty in these and other disciplines are using legal resources. While certainly not providing a definitive answer to all these questions, the experience of interdisciplinary legal *scholarship* at Princeton University and of interdisciplinary legal *reference* at the Princeton University Library may offer interesting insights into these issues and perhaps a sneak preview of the interdisciplinary future of academic law librarians.

21. Milles, *supra* note 15, at 421, ¶ 69.

22. *Id.* Note that Milles is calling for librarians to conduct the type of empirical studies that legal scholars are increasingly conducting. See *infra* ¶¶ 34–38 for a discussion of this type of research. Such studies will use hard data to better understand the needs of our patrons.

23. *Id.* at 422, ¶ 70. Milles spends a significant part of his article debunking the myth (quite effectively, in my view) that the American Bar Association accreditation standards require law library autonomy. See *id.* at 393–400, ¶¶ 13–30.

Princeton University and Law

¶13 The Princeton University Library has long supported the largely unheralded legal research and scholarship conducted at the university. Because this scholarship and reference have existed outside of the traditional law school and law library environments, the Princeton University Library can be seen to be a “living laboratory” of interdisciplinary legal reference.

The Law Collection

¶14 Even without the need to support a law school, the Princeton University Library has developed a substantial law collection that includes both current and historic print material. The law collection is housed in the main campus library (Firestone Library) and the law reference materials are kept in the library’s Social Science Reference Center. Furthermore, the proliferation of electronic resources has allowed the library to provide access to a huge body of material that it would not otherwise provide in print. For example, while the library has historically held subscriptions to several major and local law journals, HeinOnline’s Law Journal Library provides access to almost every law journal in the country, back to the first volume. Also, in print, Princeton owns only the *Federal Supplement*, the *Federal Reporter*, the *Supreme Court Reporter*, the *United States Supreme Court Reports*, *Lawyers’ Edition*, the *United States Reports*, the *Atlantic Reporter*, and part of the *Northeastern Reporter*. The library does not own or subscribe to any of the other regional reporters. Likewise, Princeton owns just the federal and New Jersey statutes (official and annotated). Nonetheless, subscriptions to Westlaw and LexisNexis easily fill many of these holes in the library’s print law collection. Furthermore, in the last five years, the library has greatly expanded its electronic subscriptions which now include most of the major databases typically found in law schools, including the digital U.S. Supreme Court Records and Briefs, the digital Serial Set, and many others.²⁴ The library is a charter member of the Law Library Microform Consortium (LLMC) and an affiliate of the Center for Computer-Assisted Legal Instruction (CALI).

¶15 The library also holds a treasure of rare and historic works on law. A simple walk through the dusty nooks of Firestone Library will often yield such treasures (although it will not include other works that are kept in the library’s vast rare book vaults). Many visitors are astounded at the types of historic material on the open shelves. For example, access to the 1801 edition of Thomas Jefferson’s *A Manual of Parliamentary Practice*²⁵ is not rare. Digital versions of the 1801 and

24. For a full listing of Princeton’s legal databases, see Princeton University Library Articles and Databases, Law, <http://library.princeton.edu/catalogs/articles.php?subjectID=19> (last visited July 3, 2007).

25. THOMAS JEFFERSON, *A MANUAL OF PARLIAMENTARY PRACTICE: FOR THE USE OF THE SENATE OF THE UNITED STATES* (Washington City, S.H. Smith 1801).

1840 editions are available in Gale's Making of Modern Law digital archive of historic legal treatises and several editions are available on microform. A print version was published as recently as 1988 (by Princeton University Press).²⁶ Princeton has access to many of these versions, but also has the print editions published in 1837, 1840, 1858, and 1871 on the open stacks. The library's 1801 edition is housed in the rare books vaults.²⁷ Finding works such as this in the collection is not uncommon, especially materials on constitutional and international law. Also, the library's manuscript division (housed at Mudd Manuscript Library) holds an important collection of public policy papers that includes many legal resources, such as the archives of the American Civil Liberties Union (which includes files from its major cases, including the landmark *Gideon v. Wainwright* case²⁸).

¶16 In total, the Princeton University Library holds more than 100,000 distinct print titles classified in law. This number does not include any microform or electronic holdings. Furthermore, this is not the number of *volumes*, but rather the number of *titles*. Indeed, the total number of volumes is a fair amount higher.²⁹ The subject-area strengths of the law collection are constitutional law, international law, and British law. While the law collection at Princeton is certainly smaller than at a standard law school library, it nevertheless constitutes a significant collection.

Legal Education and Scholarship at Princeton

¶17 Legal education, scholarship, and reference at Princeton have a long and twisting history. In a forthcoming article, I hope to explore this history in more detail. For the purposes of this article, however, a brief summary of this story is sufficient to understand the place of law at Princeton today.

¶18 Law has been taught at Princeton since the eighteenth century. Indeed, it was John Witherspoon, himself a signer of the Declaration of Independence, whose courses on public law attracted the father of the Constitution and future president James Madison (class of 1771) to study at Princeton.³⁰ This tradition of teaching law was formalized in 1847 with the founding of the Princeton University School of Law whose short existence is largely unknown, even within Princeton today. The law school operated until 1855 and conferred bachelor of law degrees upon its seven graduates, among them, members of several prominent New Jersey families. The law school was housed in a separate building adjacent to campus that

26. THOMAS JEFFERSON, JEFFERSON'S PARLIAMENTARY WRITINGS: "PARLIAMENTARY POCKET-BOOK" AND A MANUAL OF PARLIAMENTARY PRACTICE (Wilbur Samuel Howell ed., 1988).

27. Duncan Alford, who held the law librarian position at Princeton several years ago and is currently the library director at the University of South Carolina School of Law, noticed the works by Jefferson in the open stacks. He was surprised they were not in the rare book vault until he learned that the 1801 edition was there. A quick walk through the stacks easily reveals similar finds.

28. 372 U.S. 335 (1963).

29. The total number of volumes could not be calculated because a significant number of them—especially older volumes—do not have item records in the library's cataloging system.

30. ALEXANDER LEITCH, A PRINCETON COMPANION 370 (1978).

included its own separate law library.³¹ Ultimately, however, the law school failed due to lack of funds.

¶19 The demise of the law school, however, was not the end of the story of law at Princeton. That story continued upon two separate tracks: attempts to revive the law school and the continued teaching of law absent a law school (mainly through the Department of Politics). Princeton University has repeatedly explored the idea of reviving its failed law school. The idea was raised in, *inter alia*, 1871,³² 1890,³³ 1902,³⁴ and 1918.³⁵ The idea was seriously considered in 1923–25³⁶ and 1973–74.³⁷ In both the 1920s and the 1970s, the Princeton Board of Trustees appointed committees to explore the idea of starting a law school. Both of these committees engaged in serious discussions of the costs of starting and maintaining a law school (including the costs of a separate law library) and of the nature of legal education.³⁸ Both explored the idea of starting a nontraditional law school that would teach law in an interdisciplinary context and not even train students for entry to the bar.³⁹ But, in the end, no law school of any type resulted from the work of either committee, mostly due to the high cost of the enterprise.

¶20 Although Princeton failed to revive its law school, legal scholarship thrived at Princeton. By 1884, the university's political science offerings included courses in jurisprudence, public law, international law, and English common law.⁴⁰ In 1896, the university appointed its first McCormick Chair in Jurisprudence, which has been held by several renowned legal scholars, including Edward S. Corwin (a "giant[] of American constitutional commentators"⁴¹) and Walter F. Murphy

31. JAMES CARNAHAN, *LAW SCHOOL OF THE COLLEGE OF NEW JERSEY* (1846) (pamphlet on file with University Archives, Mudd Library, Princeton University); *see also* 2 JOHN MACLEAN, *HISTORY OF THE COLLEGE OF NEW JERSEY: FROM ITS ORIGINS IN 1746 TO THE COMMENCEMENT OF 1854*, at 319 (1877).
32. *President's Report*, 5 Princeton University Board of Trustees Minutes and Records 164, 177 (June 26, 1871) (available in University Archives, Mudd Library, Princeton University).
33. *See* LEITCH, *supra* note 30, at 282.
34. *Id.* "Shortly after his election as president . . . [of Princeton University, Woodrow] Wilson, in a report to the trustees, proposed a school of jurisprudence in which law would be taught. . . ." *Id.*
35. 17 Princeton University Board of Trustees Minutes and Records 9 (Oct. 24, 1918) (available in University Archives, Mudd Library, Princeton University).
36. 21 Princeton University Board of Trustees Minutes and Records 23 (Apr. 12, 1923) (available in University Archives, Mudd Library, Princeton University) (authorizing John G. Hibben, President, Princeton University, to appoint a special committee to study the establishment of a law school at Princeton University).
37. *See* Maxine Lipeles, *Princeton Weighing Law School Plan*, N.Y. TIMES, Dec. 29, 1974, at 47.
38. *See* Letter from Edward Sheldon, Chairman, Special Committee to Study the Establishment of a Law School at Princeton University, to James Byrne (May 2, 1923) (on file at University Archives, Mudd Library, Princeton University); Princeton and Legal Education: A Preliminary Survey 6 (Oct. 13, 1975) [hereinafter Preliminary Survey] (on file with University Archives, Mudd Library, Princeton University).
39. *See* Memorandum of Some Ideas Concerning a New Type of Law School Which Might with Advantage be Established at Princeton University 1 (Nov. 1925) (on file at University Archives, Mudd Library, Princeton University); Preliminary Survey, *supra* note 38, at 6.
40. LEITCH, *supra* note 30, at 370.
41. *Id.*

(author of the law school casebook, *American Constitutional Interpretation*⁴²). The university's long-standing tradition of constitutional law scholarship remains strong today. In 2007 alone, books published on the subject by Princeton faculty include *Constitutional Democracy: Creating and Maintaining a Just Political Order*, by Walter F. Murphy;⁴³ *Religious Freedom and the Constitution*, by Christopher L. Eisgruber;⁴⁴ and *Political Foundations of Judicial Supremacy: The Presidency, the Supreme Court, and Constitutional Leadership in U.S. History*, by Keith E. Whittington.⁴⁵

¶21 In 1999, the Program in Law and Public Affairs (LAPA) was founded jointly by the Woodrow Wilson School of Public and International Affairs, the Department of Politics, and the University Center for Human Values to facilitate interdisciplinary teaching and research of law-related subjects on campus.⁴⁶ LAPA serves as the campus focal point for undergraduates, graduate students, and faculty from all departments that are interested in law. In 2007, just under two hundred members of the campus community (mainly faculty) formally affiliated with LAPA as associates. Interdisciplinary legal research and scholarship is the common thread bringing together these students and scholars from all disciplines.

¶22 LAPA cosponsors law-related graduate and undergraduate courses with many university departments. Examples of such courses include "Readings in American Legal History, 1607–1977" (cosponsored with the Department of History), "Themes in Islamic Law and Jurisprudence" (cosponsored with the Department of Near Eastern Studies), "Legal and Regulatory Policy Toward Markets" (cosponsored with the Woodrow Wilson School), "American Constitutional Development" (cosponsored with the Department of Politics), and "The American Family in Law and Society" (cosponsored with the Department of Anthropology). In the spring 2007 semester, LAPA sponsored thirty-six courses (eleven graduate courses, twenty-two undergraduate courses, and three freshman seminars).⁴⁷

¶23 At the heart of LAPA are its fellows program and its astonishing schedule of events. Each academic year LAPA hosts six to eight law scholars (mainly law school professors) from around the country as visiting fellows. While at Princeton, they work on a major research project, participate in a biweekly seminar program,

42. WALTER F. MURPHY ET AL., *AMERICAN CONSTITUTIONAL INTERPRETATION* (2003).

43. WALTER F. MURPHY, *CONSTITUTIONAL DEMOCRACY: CREATING AND MAINTAINING A JUST POLITICAL ORDER* (2007).

44. CHRISTOPHER L. EISGRUBER & LAWRENCE G. SAGER, *RELIGIOUS FREEDOM AND THE CONSTITUTION* (2007). Professor Eisgruber came to Princeton from New York University Law School and is the former director of Princeton's Law and Public Affairs program. He is currently the provost of the university.

45. KEITH E. WHITTINGTON, *POLITICAL FOUNDATIONS OF JUDICIAL SUPREMACY: THE PRESIDENCY, THE SUPREME COURT, AND CONSTITUTIONAL LEADERSHIP IN U.S. HISTORY* (2007).

46. For a more detailed history of the LAPA program, see Christopher L. Eisgruber, *Program in Law and Public Affairs*, in 3 *ENCYCLOPEDIA OF LAW AND SOCIETY* 1197 (David Clark ed., 2007).

47. For the full list of courses, see Program in Law & Public Affairs, Current Courses, <http://lapa.princeton.edu/2006-2007courses.php> (last visited July 28, 2007).

and often also teach courses. The fellows form the nucleus of a community of law-engaged faculty and students and participate in an endless schedule of LAPA-sponsored events, seminars, conferences, and symposia (at least one, and usually more, per week).

¶24 In sum, legal scholarship has a long history at Princeton University. To this day, even without a law school, a large volume of legal research occurs at Princeton, just about all of it, interdisciplinary. The LAPA-affiliated faculty regularly publish the results of their interdisciplinary research in the legal literature.⁴⁸ Princeton graduate students and undergraduates regularly take courses and write papers on legal topics. Because this legal research is almost universally integrated with other disciplines, the reference practices of the Princeton University Library may be helpful to law school librarians interested in learning how to better support nontraditional legal research.

Interdisciplinary Legal Scholarship and Reference and the Princeton Example

¶25 Because law professors increasingly conduct interdisciplinary research, law librarians will increasingly be expected to support that research, which will invariably alter the nature of their work. Traditional legal research and reference will not

48. For example, in 2006 alone, Princeton faculty publications in the legal literature included: Kim Lane Scheppele, *We Are All Post-9/11 Now*, 75 *FORDHAM L. REV.* 607 (2006); Ken I. Kersch, *Everything is Enumerated: The Developmental Past and Future of an Interpretive Problem*, 8 *U. PA. J. CONST. L.* 957 (2006); Orley Ashenfelter et al., *Evaluating the Role of Brown v. Board of Education in School Equalization, Desegregation and the Income of African Americans*, 8 *AM. L. & ECON. REV.* 213 (2006); Linda Hamilton Krieger & Susan T. Fiske, *Behavioral Realism in Employment Discrimination Law: Implicit Bias and Disparate Treatment*, 94 *CAL. L. REV.* 997 (2006); Christopher L. Eisgruber, *Secularization, Religiosity, and the United States Constitution*, 13 *IND. J. GLOBAL LEGAL STUD.* 445 (2006); Carol J. Greenhouse, *Separation of Church and State in the United States: Lost in Translation?* 13 *IND. J. GLOBAL LEGAL STUD.* 493 (2006); Kim Lane Scheppele, *Guardians of the Constitution: Constitutional Court Presidents and the Struggle for the Rule of Law in Post-Soviet Europe*, 154 *U. PA. L. REV.* 1757 (2006); Anne-Marie Slaughter, *A New U.N. for a New Century*, 74 *FORDHAM L. REV.* 2961 (2006); Keith E. Whittington, *Recovering "From the State of Imbecility,"* 84 *TEX. L. REV.* 1567 (2006) (reviewing CALVIN H. JOHNSON, *RIGHTEOUS ANGER AT THE WICKED STATES: THE MEANING OF THE FOUNDERS' CONSTITUTION* (2005)); Kim Lane Scheppele, *Small Emergencies*, 40 *GA. L. REV.* 835 (2006); Ran Hirschl & Christopher L. Eisgruber, *Prologue: North American Constitutionalism?* 4 *INT'L J. CONST. L.* 203 (2006); Kim Lane Scheppele, *North American Emergencies: The Use of Emergency Powers in Canada and the United States*, 4 *INT'L J. CONST. L.* 213 (2006); Daniel T. Rodgers, *Living Without Labels*, 24 *LAW & HIST. REV.* 173, (2006); Robert P. George, *Are Human Embryos Human Beings? If So, What Level Of Respect Do Embryonic Human Beings Deserve?* 13 *TRINITY L. REV.* 27 (2006); Ken I. Kersch, *Justice Breyer's Mandarin Liberty*, 73 *U. CHI. L. REV.* 759 (2006) (reviewing STEPHEN BREYER, *ACTIVE LIBERTY: INTERPRETING OUR DEMOCRATIC CONSTITUTION* (2005)); Christopher L. Eisgruber, *Justice Stevens, Religious Freedom, and the Value of Equal Membership*, 74 *FORDHAM L. REV.* 2177 (2006); Ken I. Kersch, *How Conduct Became Speech and Speech Became Conduct: A Political Development Case Study in Labor Law and the Freedom of Speech*, 8 *U. PA. J. CONST. L.* 255 (2006); Ken I. Kersch, *The Supreme Court and International Relations Theory*, 69 *ALB. L. REV.* 771 (2006); Keith E. Whittington, *Give "The People" What They Want?* 81 *CHI.-KENT L. REV.* 911 (2006).

disappear; rather, interdisciplinary legal research is likely to become more common. As this occurs, is it enough to send those patrons to the main campus library to work with librarians who have no legal reference background? Or should law librarians be equipped to handle nonlegal, but legally related reference queries? Should the law library form an active partnership with the main library to best serve the nonlegal research needs of law faculty? In other words, as the needs of academic law library patrons change, how should law libraries and law librarians adapt to best meet these needs? Specific answers to these questions will vary from institution to institution. However, no matter how a library chooses to service interdisciplinary legal reference questions, simply pointing to the library exit and sending patrons to the main campus library to work with librarians with whom the law librarians have no active collaborative relationship is bad reference practice. Beyond that, I will leave it largely to librarians in those institutions to arrive at policies that best fit the individual law library.

¶26 Legal research is typically interdisciplinary at Princeton University; therefore, so is legal reference. Arriving at Princeton from a law school library where traditional, doctrinal legal research was the norm meant that I had to make a significant adjustment. I hope that my experience can provide some insight and context to law librarians in law libraries who are expected to support interdisciplinary legal research.

Understanding Interdisciplinary Legal Research

¶27 If law professors are increasingly conducting interdisciplinary studies,⁴⁹ and it is the duty of law librarians to effectively support their work, then a basic understanding of the nature of that research is necessary. At Princeton, much of the interdisciplinary legal scholarship is within the social sciences and history. Therefore, the description that follows will focus on social science-oriented legal literature.⁵⁰ Still, interdisciplinary legal scholarship comprises an extremely broad array of topics and subtopics, making formulation of an overarching definition quite difficult. Such scholarship is found in a variety of legal scholarship movements, such as the legal realist or critical legal studies movements. It also finds expression in fields specifically created around an interdisciplinary topic, such as the law and

49. See sources cited *supra* note 1.

50. For this article, “social sciences” is meant to include most non-humanities fields, while not meaning to discount the existence of humanities-based interdisciplinary legal research, including, among others, law and history, law and philosophy, and law and religion. This limitation is used because the social science-based legal literature does constitute a significant portion of the interdisciplinary legal scholarship, and this type of scholarship is, by far, the most common at Princeton University. As a side note, I’d like to highlight an example of “law and religion” scholarship that also relates to the topic at hand. Chaim Saiman has written an article that discusses Langell’s conception of law and the emergence in Eastern European *yeshivot* of a possibly parallel legal movement. This piece is an interdisciplinary work about non-interdisciplinary legal movements of the nineteenth century. Chaim Saiman, *Legal Theology: The Turn to Conceptualism in Nineteenth Century Jewish Law*, 21 J.L. & RELIGION 39 (2005).

economics movement. Also, another type of interdisciplinary legal research comes not from the legal academy, but from scholars in other disciplines, such as political scientists who study the legal system as a political institution. This scholarship, in all its manifestations, can analyze the law in substance; advocate for a change in substantive law; or seek to analyze, explain, or understand how legal institutions function or how and why legal decisions are made. In sum, even when limited to its social science-based varieties, interdisciplinary legal scholarship is quite diverse.

¶28 One explanation of the rationale underlying interdisciplinary legal scholarship is that social science is necessary to understand the societal effects of law:

To understand the actual effects of law on society, however, it is essential to go beyond the law and legal doctrine. The law itself possesses neither an internal metric nor a methodology for determining effects. Obviously, the most promising avenues for studying the effects of law are social sciences that have been developed to study effects in other contexts. . . . Again, attention to legal doctrine alone will not provide answers to the question.⁵¹

A similar rationale applies to law and politics scholarship.

To the extent that it is important to understand the legal system as one of society's political institutions, it is important to invoke broader learning about politics and political institutions, for example, with political science. Again, a focus on legal doctrine alone will be insufficient since legal doctrine, on its face, is unlikely to reveal political influence or consequence.⁵²

Under this formulation, the hermetically sealed universe of traditional doctrinal legal analysis cannot answer important questions about the ways in which law functions within and affects society. An inverse explanation is also possible. While law affects society, to what extent and in what ways does society affect law? Stated this way, law is not merely the result of detached case law analysis, but also of societal factors such as the psychology of litigants, juries, and judges. In sum, it is generally these types of questions that social science-based interdisciplinary legal research seeks to shed light upon. Whether in the social science or humanities context, interdisciplinary legal research seeks to study and understand the law with knowledge or methodology from outside the closed world of legal information.

Four Types of Interdisciplinary Legal Reference

¶29 Legal reference in an interdisciplinary environment is at least different and at most challenging compared to traditional legal reference. Despite these differences and challenges, or perhaps because of them, working with patrons who are conducting interdisciplinary research is quite rewarding and can serve to make law librarians better librarians and researchers in general.

¶30 Legal reference in an interdisciplinary environment does not require a radical shift in thinking. Rather than a change in outlook, an expansion of outlook will

51. Priest, *supra* note 1, at 1933.

52. *Id.*

go a long way toward effective reference in an interdisciplinary world. To stay relevant to law faculty and find new relevance for a broader patron base, law librarians should consider expanding their knowledge and professional contacts (both on the individual and library level) beyond the Langdell-style closed world of doctrinal legal reference. Law librarians may begin to think of law as a subject not necessarily separate and apart from the rest of academia, but rather as an important and integral part of a diverse world of knowledge and academic inquiry. Such a change of outlook will become increasingly helpful for librarians who wish to provide the best support possible for the scholarship conducted in their institutions.

¶31 Law reference at Princeton has long existed outside of that closed world and may serve as a sort of living laboratory for law librarians transitioning to a more interdisciplinary outlook. Based on my experience at Princeton, I have identified four general types of interdisciplinary legal reference.

Supporting “Law and” Research

¶32 In this type of research (e.g., *law and economics*, *law and philosophy*), a patron typically is seeking nonlegal information along with legal information. Helping such patrons does not require becoming an expert in all subject areas. However, it is necessary to become more familiar with resources beyond traditional treatises, primary legal authority such as cases and statutes, and computer-assisted legal research systems such as Westlaw and LexisNexis. By learning some basic information about major nonlegal resources and by collaborating with librarians who have expertise in other subject areas, a law librarian can successfully handle most of these reference questions. Learning the basics of nonlegal resources is not overly challenging. Most university library Web sites list databases by subject and provide research guides. Becoming familiar with the location and content of these links is a good start, but collaboration with other subject-area librarians is the most important part of this type of reference. Whether such collaboration requires, as Milles proposes, some partial loss of law library autonomy, is a discussion for another day.⁵³ However, at Princeton, law has no autonomy from other subject areas and therefore collaboration occurs naturally and is central to law reference. Working in this environment has given me the opportunity to collaborate with other librarians in a way that may be helpful to librarians based in law-related institutions. The first step toward effective collaboration is simply meeting the librarians in the main library. Beyond that, simple one-hour training sessions with these librarians can give law librarians the tools to get patrons started finding nonlegal materials. When I arrived at Princeton, a large part of my training involved meeting individually with the other subject-area librarians. During those sessions the librarians introduced me to a few of the major print resources (such as subject encyclopedias), finding aids, and databases. More time was spent with librarians

53. See Milles, *supra* note 15, at 420–23, ¶¶ 67–71.

whose subject areas were more likely to be the subject of legally related reference. For example, I spent far more time with the politics and economics librarians than I did with the plasma physics librarian.

¶33 The result of the meetings was certainly not an expertise in these subject areas, but rather a very basic familiarity with some of the major resources in each subject area and, even more important, a professional and personal connection to each librarian. One face-to-face meeting on a professional topic sounds like an event of little consequence. On the contrary, even a simple meeting sets the stage for both parties to collaborate more easily on future projects. With just these basic steps, law librarians will find it easier to recognize when collaboration is necessary or beneficial and with whom the collaboration should occur. When working with a patron who needs both legal and nonlegal information, it is good practice to contact the nonlegal subject librarian with whom a professional relationship has already been established and discuss the patron's research needs. Just as the law librarian is best equipped to help the subject librarian understand the legal context in which the nonlegal information will be used, to "translate" from the language of law to the language of librarianship, so is the subject librarian most qualified to help the law librarian with nonlaw research. At Princeton, I repeatedly encounter terms or concepts that mean something different to a nonlaw librarian than to a law librarian. For example, a "primary source" can mean very different things to nonlaw librarians than to a law patron. To a nonlaw librarian, primary sources are usually along the lines of eyewitness accounts of an event or raw data collected from field research. By collaborating closely with the subject librarian and developing a basic knowledge of major nonlegal resources, law librarians will be able to effectively guide their law patrons to all the information they need to conduct "law and" research. It is far better to look at such reference opportunities as a whole question for which we are responsible, rather than simply helping with the legal information and sending the patrons off to fend on their own in the main campus library.⁵⁴

Supporting Data and Statistical Legal Research

¶34 Another variant of interdisciplinary legal scholarship that law libraries will most certainly be expected to support is empirical research. If not "interdisciplinary" in the strictest sense, because it does not necessarily rely on the knowledge and literature of another academic discipline, it is interdisciplinary because it uses a basic methodology from the social sciences: reliance on and analysis of data and statistics. In this context, "statistics" does not simply mean a citation to data published by a survey organization or government agency. Rather, researchers either

54. I recognize that my advice throughout this article to collaborate with the main university library cannot apply to independent law schools that are not connected to a larger university. Perhaps collaborative arrangements with local universities that do not have a law school will provide the opportunity for these law librarians to work with librarians in other subject areas.

compile large data sets for interpretation or, more commonly, work with existing data sets. Data analysis is exceedingly important in the social sciences and its use by legal academics has exploded since Peter Schuck's clarion call for law professors to conduct more empirical research.⁵⁵ Schuck defines empirical studies as "those that involve the application of statistical techniques of inference to large bodies of data in an effort to detect important regularities (or irregularities) that have not been previously identified or verified."⁵⁶ In this type of research, existing sets of coded computer-readable data are manipulated and then analyzed for the purposes Schuck describes. The data files are computer files, such as massive Microsoft Excel files or, more often, CSV files ("comma separated values"). The researcher can use statistical software, such as Stata or SPSS, to interpret the data files by isolating variables, running regressions, modeling projections, and extracting data subsets, among other techniques.

¶35 Typically, a large research library will have a data lab that assists students and faculty in finding and manipulating data (sometimes these units are independent of the university library or part of the university information technology department).⁵⁷ These labs are typically staffed by both data librarians, who help patrons identify and obtain relevant sets of data, and data consultants, who assist patrons with the use of the data and the statistical software and are typically not librarians. There are many types of data sets, including financial and economic data, public opinion surveys, census data, legislative data, government data, social attitude data, and much more. The data sets are compiled by researchers and must be cited just as one would a book or journal article. Increasingly, law faculty are compiling law-related data sets of their own.⁵⁸ Scholars use the data they analyze to understand the law in new ways and argue that the law should develop in one fashion or another. An example of this type of research is *Judge and Jury: American Tort Law on Trial*,⁵⁹ in which the authors analyze data from thousands of tort cases to try to explain the factors that drive the United States tort law system, especially large jury awards. Such studies, often conducted by nonlaw academics (this one

55. Peter H. Schuck, *Why Don't Law Professors Do More Empirical Research?* 39 J. LEGAL EDUC. 323 (1989).

56. *Id.* at 323.

57. At the Princeton University Library, the data lab is called Data & Statistical Services and is basically a room containing computers capable of running the complex statistical software. At Princeton, the lab is a library unit and not a part of the information technology department.

58. For example, Lee Epstein of Northwestern University School of Law, along with several other scholars, has compiled a data set on U.S. Supreme Court Justices. She describes the set as a multi-user, public database containing a wealth of information on individuals nominated (whether confirmed or not) to the U.S. Supreme Court (John Jay–Samuel A. Alito, Jr). Specifically, the Database houses 263 variables, falling roughly into five categories: identifiers, background characteristics and personal attributes, nomination and confirmation, service on the Court, and departures from the bench.

Lee Epstein et al., *The U.S. Supreme Court Justices Database*, <http://epstein.law.northwestern.edu/research/justicesdata.html> (last visited July 28, 2007).

59. ERIC HELLAND & ALEXANDER TABARROK, *JUDGE AND JURY: AMERICAN TORT LAW ON TRIAL* (2006).

was conducted by economists), are now also increasingly conducted by law faculty. In a recent example, “Outing Outcomes: An Empirical Study of Confidential Employment Discrimination Settlements,”⁶⁰ Minna J. Kotkin, a professor at Brooklyn Law School, uses a coded data set of more than 1100 settled cases to analyze the factors relevant to the amount of money plaintiffs receive in settlement agreements. In “Nonobviousness and the Federal Circuit: An Empirical Analysis of Recent Case Law,” Christopher A. Cotropia, a professor at the University of Richmond School of Law, collects and analyzes data from “all Federal Circuit cases over a four-year period considering the nonobviousness of a patent claim” to discover whether and how the Federal Circuit has altered the nonobviousness requirement.⁶¹ Law librarians have increasingly been asking whether their skills are adequately honed to best support such research, which looks to hard data rather than doctrinal analysis to understand the law.

¶36 A very specialized expertise is necessary to support statistical analysis. Collaboration with the university’s data lab will be essential to facilitate such quantitative work. Some law libraries have already done this. For instance, the Harvard Law Library Web site includes a page about data resources,⁶² providing basic information about conducting empirical legal research at Harvard Law School, listing relevant data sets, and containing referrals to the data consultants at Harvard’s data labs, the Harvard College Library Numeric Data Services, and the Harvard-MIT Data Center. At the least, law librarians should work with the university’s data librarian to identify and purchase law-related data sets. The university data consultants can help patrons use the statistical software no matter what the subject matter of the data, but law librarians should be prepared to identify and purchase relevant data sets.

¶37 What follows is an example of a typical reference question at Princeton that required collaboration with the data and statistics librarian and consultant. In his junior research paper, student Micah Kaplan wanted to use a statistical analysis to test two competing theories of Supreme Court decision making.⁶³ Kaplan planned to contrast the traditional doctrinal explanation for judicial decisions (precedent, close textual analysis, etc.) with the main explanation of judicial politics scholars (personal attitudes of the individual judges) in establishment clause cases. To do this, he first needed to find establishment clause case law. For this part of his research, I was his reference librarian. I taught him how to use treatises to gain a

60. Minna J. Kotkin, *Outing Outcomes: An Empirical Study of Confidential Employment Discrimination Settlements*, 64 WASH. & LEE L. REV. 111 (2007).

61. Christopher A. Cotropia, *Nonobviousness and the Federal Circuit: An Empirical Analysis of Recent Case Law*, 82 NOTRE DAME L. REV. 911, 914 (2007).

62. Harvard Law Sch. Library, Data Resources, <http://www.law.harvard.edu/library/collections/data/> (last visited July 3, 2007).

63. Micah Kaplan, *Supreme Court Decision Making: Legal vs. Attitudinal Models and Individual vs. Institutional Performance in Establishment Clause Jurisprudence* (Spring 2007) (unpublished junior research project, Princeton University) (on file with author).

basic understanding of the substance of establishment clause case law and to find some cases to get started. He then used Westlaw, both the key numbers and full-text searching, to ensure that he found all the relevant cases. After spending time reading and understanding the case law, he then moved on to a statistical analysis far more sophisticated than I can follow: coding, variables, regressions, probit estimations, logit estimations, coefficients, and the like.⁶⁴ At this point I could no longer help him, so I directed him to the data and statistics lab. Because Kaplan had compiled his own data, he proceeded directly to the data consultants for help with the statistical software without seeking the data librarian's help. In another example, a faculty member was interested in conducting a statistical analysis of European Union legislation to try to understand under what circumstances the EU legislative bodies enacted human rights legislation. Working directly with the data librarian, we identified a useful data set and then the patron was able to work with the consultants for data analysis.

¶38 For these legal research projects, a law librarian was not sufficient to help the patron. Rather, an interdisciplinary legal research project required an interdisciplinary reference team. Only by working with the law librarian, data librarian (in the case of the E.U. legislative research), and data consultants were these reference queries properly handled. Perhaps in the future, a law data lab, a law data librarian, and a law data consultant will be common within law school libraries. In the meantime, as with the "law and" research, collaborative relationships are exceedingly important.

Supporting "Nontraditional" Legal Research

¶39 Another variety of interdisciplinary legal reference is what I term nontraditional legal research. While nontraditional legal research is often conducted by nonlaw patrons, such as faculty from other disciplines, law patrons also engage in such research. These patrons usually are seeking legal information in a quantity or format or for a purpose that is atypical for doctrinal research.

¶40 Helping these patrons can be quite challenging. It is common that material that is ancillary to traditional legal research is the information that is of central importance to the nontraditional law researcher. For example, usually a doctrinal researcher seeks legislative history to better understand and interpret a statute. In contrast, the nontraditional law researcher may need legislative history, not to better understand a statute, but to study the influence of various constituencies or interest groups on government over time or at a certain point in time. In this type of reference question, often the facts of a case are more important than the legal result. Trial transcripts, which are often of little legal importance (and quite difficult to find), may become the most important document to the research.

64. *See id.* at 14–25.

¶41 This type of research is likely to rely upon historic materials rather than those related to the current state of the law. In my experience, even veteran legal researchers are shocked to learn that it is quite cumbersome to conduct some types of historic legal research, such as tracing changes in a statute that has been amended and changed repeatedly over decades. This difficulty is compounded when the patron wants to trace changes in several statutes in each state from the current year back to 1900, which is not atypical in nontraditional legal research.

¶42 Indeed, one of the most common difficulties is that often, when patrons are not conducting close doctrinal analysis (i.e., tracing a legal rule through the courts), they are seeking large quantities of legal information to detect patterns over time and perhaps to conduct a statistical analysis. One Princeton faculty member told me the following anecdote. Years ago, when visiting a prestigious law school, he was collecting data for a research project. To do this he needed to learn how to Shepardize cases and approached the library's reference desk for guidance. The librarian was floored to learn—in the professor's words, “she almost fell on the floor”—that he intended to Shepardize all the cases on a very long list. The librarian could not imagine why a professor would spend his time doing this, unaware that such mundane data-collecting procedures are an important part of quantitative research.⁶⁵

¶43 An example of nontraditional legal reference from my experience at Princeton is the research of an undergraduate, Amanda Rinderle. Her project was titled *Marbury v. Madison: Citation Pattern and Content Analysis in the Supreme Court, Circuit Courts and State Courts*.⁶⁶ Rather than conduct a doctrinal substantive analysis of *Marbury*⁶⁷ and judicial review, Rinderle set out to quantitatively test a revisionist theory that challenges the accepted idea that *Marbury* was important in establishing judicial review. That theory holds that judicial review was already established before *Marbury* was handed down and that the decision's great importance was a twentieth-century invention.⁶⁸ To test this theory, Rinderle analyzed patterns of when, how, and for what legal proposition *Marbury* had been cited from 1803 to 2006. Her paper includes tables, graphs, and charts plotting the citation patterns she collected. From these data, Rinderle noticed a mid-twentieth century explosion of citations to *Marbury* and, over the course of the twentieth century, a “clear evolution” in the legal proposition for which *Marbury* is cited.⁶⁹ Rinderle concluded that these data patterns support the revisionist theory, at least in part.⁷⁰ This project perfectly illustrates a nontraditional type of legal research.

65. “Much of empirical research is grunt work.” Schuck, *supra*, note 55, at 331.

66. Amanda Rinderle, *Marbury v. Madison: Citation Pattern and Content Analysis in the Supreme Court, Circuit Courts and State Courts* (Fall 2006) (unpublished junior research project, Princeton University) (on file with author).

67. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803).

68. See Rinderle, *supra* note 66, at 6–11.

69. *Id.* at 27.

70. *Id.*

To collect her data, Rinderle had to use legal resources in ways that differ from how they are typically used. This, in turn, altered the type of reference help that she needed to complete her research.

¶44 Rather than using Westlaw or LexisNexis to find case law to support or defeat a legal proposition or find cases on a legal topic, Rinderle was interested in counting every citation to *Marbury* in every state supreme court and federal court in every year for more than two centuries, and in documenting the legal proposition for which *Marbury* was cited in each such instance. Then she scrutinized these data, looking for patterns that might shed light on *Marbury*'s influence on American case law that would not be noticed or detected by using doctrinal analysis. Obviously, the tools used to collect the data were Shepard's and KeyCite. However, the nontraditional volume of material and the nontraditional purpose (creating a huge table of data) altered the way I recommended that she proceed. Granted, the actual use of the tools was not dramatically different from what any law student does using Shepard's or Key Cite. However, I was obliged to think about strategies and searches that were better tailored for her goal than what is traditionally done. Often, as in this case, the tools and information are available to the patron for nondoctrinal legal research, yet because the patron's purposes are so different from the "normal" purposes of legal researchers, in quantity, format, or some other aspects, the librarian needs to be creative in thinking about resources and offering advice.

Nonlaw Patrons and Legal Research

¶45 As law librarians become more skilled at interdisciplinary legal reference (or even more integrated into the larger university library system), law libraries may increasingly serve nonlaw students and nonlaw faculty conducting legal research. It is not my purpose here to discuss whether this is a desirable or proper use of law library resources. Rather, since this type of reference is quite common at Princeton, I thought I'd briefly share some insights.

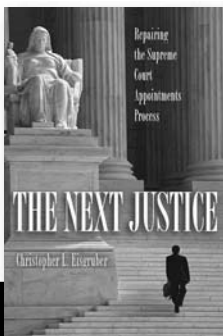
¶46 An obvious issue is that when a patron has no background in legal research, reference must begin at the very beginning: how to read a case citation, what is the difference between cases and statutes, what is a case reporter, etc. In these situations, even the easiest reference questions can become long and complex. Because such nonlaw patrons will be conducting academic legal research, librarians are not limited by the restrictions on practicing law. Therefore, challenges arise that are not present when assisting *pro se* patrons. Indeed, it is challenging to judge how much background and detail to offer, trying not to overwhelm while still offering the tools necessary for the patron to locate the needed information. Over time, judging what information to include becomes easier.

¶47 Another problem is confronting assumptions that the patron may have about what information is easily accessible. For example, it is very commonly assumed that trial transcripts, even from very old cases, are easily accessible from a searchable electronic database. It usually never occurs to patrons that this is not

the case. Learning the truth can be especially distressing to a patron who planned on using such a transcript as a main source of information, such as the history student I worked with who planned to consult such transcripts for his paper on historic gangsters. Rather than transcripts, newspaper accounts became his most important primary sources. Sometimes a patron's lack of knowledge works in the opposite way. For example, some patrons are pleasantly surprised to learn that nineteenth-century case law, which they thought would be difficult to find and search, is available and searchable on Westlaw or LexisNexis. Working with non-law university patrons who are conducting interdisciplinary legal research is quite challenging but, by doing so, law libraries can increase their value to the entire university community.

Conclusion

¶48 In sum, interdisciplinary legal reference can be quite challenging. It requires the librarian to go beyond the standard skill set, outlook, and comfort zone. Having done that, the work can be quite rewarding. Once we law librarians extend ourselves, our knowledge and expertise will become even more valuable to the patrons we serve. Furthermore, our clientele may increase to include nonlaw faculty and our professional contacts will expand to include highly talented librarians from other subject areas. The exact details of how the transition should work will vary from institution to institution. Should all librarians be cross-trained? Should the law library have one librarian who is a liaison to the university library? Should the law library market itself to the nonlaw faculty? Should the law library have its own data librarian? Should the law library have formal or informal collaboration arrangements with the university library, data services, or both? This article does not seek to answer those questions, but rather to propose that as law librarians skilled in interdisciplinary reference, we only stand to become more skilled, more sought after, and more valuable to all of our patron communities. While the increase in interdisciplinary legal research certainly poses challenges, law librarians have a lot to gain in this transition by becoming well rounded, more versatile professionals.



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