

Toolkit for Academic Law Libraries
Academic Law Libraries Special Interest Section
American Association of Law Libraries

The Unique Role of Academic Law Libraries

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As providers of access to information within the academy, academic libraries of all types share many common characteristics and operational requirements. In many situations, it is advisable and expedient for the academic law library to take advantage of these commonalities to align with other campus libraries to present a united voice. Otherwise campus decision-making may fail to take note of factors affecting the libraries in significant ways. For example, decisions may be made about the format of the campus ID card without taking into account the uses to which the card is put by the library system[s]. Or campus libraries may have to join to advocate about their common needs before those who manage the university's technology and telecommunications systems, particularly when the libraries share an online public access catalog. In these and similar cases, library administrators need to communicate and collaborate to point out their similar concerns and inject themselves into these decision-making processes.

There are, however, instances where the academic law library administrator is called upon to emphasize and demonstrate distinctions that may require differences in funding, staffing, resource allocation, and other treatment between the law library and other campus libraries. Furthermore, occasions arise when law librarians seek to market their libraries' unique holdings and services separately from those of other campus libraries. For instance, the law library may wish to celebrate a collection milestone or sponsor a lecture or symposium to highlight a special collection, such as a concentration in human rights or Native American law materials. In these instances, the law library administrator must make a strong case for the unique role of the law library.

An academic law library is different in its content, organization, and use than other types of academic libraries. Providing bibliographic access to scholarly research in general relies heavily on subject matter expertise and familiarity with specialized resources. As bibliographers, librarians must possess sufficient levels of these qualifications to organize and manage information and to guide researchers to ample and appropriate information. In the field of legal research, however, these requirements are compounded by the structures of common law and statutory research. Information must be organized and presented according to the interlocking hierarchies of precedent and jurisdiction. These additional constraints affect every aspect of the law library, from the assistance offered at the reference desk and the research training provided in the classroom to the organization of physical space and the collection. Furthermore, law librarians must possess highly specialized knowledge, expertise, and experience in providing services that affect the property, lives, and liberty of their ultimate end users.

When considering aspects of library practice that are special to law libraries, those bulleted below are normally accepted as most salient. Which unique characteristic[s] of academic law libraries in general, or of your library in particular, will prove significant or persuasive will, of course, depend upon the situation in which you find yourself arguing for special treatment distinct from that of your campus library colleagues. Thus, they are presented in no specific order, and you are invited to select from among them according to your needs and judgment:

- **Heart of the law school – Laboratory:** American legal education has developed around the model of the law library as the core of the students’ legal study experience. Still heavily reliant on developing legal reasoning skills through the Socratic method, legal education renders the law library a research laboratory where students must perform the “experiments” of identifying the building blocks of successful legal analogies. From the first year on, students must be trained in navigating the law library. To graduate truly marketable professionals, the law school must develop within each and every student the capacity to use law library resources with skill and competence, so that they will be fully prepared to defend the property, life, and liberty of their clients. To this end, there must be a complete, well-organized, and well-maintained collection at hand, as well as expert, articulate, and approachable professionals to guide the students in the use of the collection.
- **Special qualifications and expertise of the law library director and staff:** The accreditation standards of the American Bar Association require that the law library director possess a Juris Doctor degree from a law school accredited by the A.B.A. and a Masters degree from a library school accredited by the American Library Association. The Membership Statement of the American Association of Law Schools designates similar qualifications in its guidelines. While many academic library directors have advanced degrees, the vast majority of law school library directors hold not only the advanced degrees of the library profession but also the equivalent professional degree to the faculty who rely on the library for research support. In addition to the directors, many of the other law librarians, particularly those serving in reference departments, are also dual degreeed. Having mastered the same academic rigors as the law students and faculty, and in many cases having passed a bar examination and practiced law, these highly skilled and specialized library professionals offer an exceptional level of credibility and expertise.
- **Unique reference issues:** Law librarians must walk a fine line: the special nature of their resource materials and of the questions patrons bring to the Reference Desk calls upon law librarians’ professional expertise and judgment to avoid crossing over from providing reference assistance to engaging in the unauthorized practice of law. The legal reference services provided by these highly skilled and specialized professionals are unique in that they can actually affect the property and liberty rights of their patrons. They must develop and practice extraordinary reference skills to serve their patrons while avoiding the pitfalls of potential misinterpretation and misuse of legal information.

- **Maintenance of depository collections:** Many academic law libraries choose to accept their statutory prerogative to serve as federal (and state) depository libraries. In so doing, they often function as the only depository library on campus, if not in the geographic region. Because of the obligation that depositories make their depository materials accessible to the public at large, these libraries undertake an increased commitment of public service. They make significant collections of government materials available to their patrons. They accept the considerable responsibility for acquiring, maintaining, and staffing these collections and for providing access to the public. They comply with government rules regarding the preservation of these materials. They retain staff with expertise in the classification of government documents and specialists in government documents reference. They often provide non-legal government materials to neighboring institutions through shared housing agreements, thus offering an important community service beyond the walls of their own facilities.
- **Classification schedules:** Almost all United States law school libraries classify materials according to the Library of Congress (LC) classification system. This complex and comprehensive system of standardized intellectual organization of library materials allows customization for local use as necessary. Applying this classification system to the physical arrangement of materials in the library, highly skilled and specialized library professionals assist in the research process and help guide researchers to the materials that are most relevant and useful to their individual pursuits. These library professionals must survey, understand, and be sensitive to the search behaviors and requirements of legal researchers in order to help them avoid wasted research time and labor.¹ In addition, knowledge of the way the law is produced and then published is an absolute necessity for technical services law librarians to understand complex supplementation and publishing patterns of unique legal materials. This specialized knowledge is essential to maintaining the currency and accuracy of materials that are continually updated by the publishers and to organizing these items logically on the shelf for researchers, thus enabling researchers to locate the latest versions of the law.

To successfully catalog legal materials requires knowledge of jurisprudence, legal systems and concepts, legal literature, comparative law, and international law. The endeavor involves frequent consultation of sources such as legal dictionaries, glossaries, encyclopedias, periodical articles on recent developments in the law, and specialists in legal bibliography, particularly legal reference librarians.² Furthermore, legal catalogers must comprehend the special rules for cataloging laws and treaties and must be able to apply these rules correctly. As the legal system develops and changes, legal catalogers have worked collaboratively to reflect those changes within LC, not only within the KF (American law) classification schedules, but also more recently within the fields of foreign and international law. Not only do specialists in law libraries, mostly academic

¹ JAMES R. SHEARER & ALAN R. THOMAS, CATALOGING AND CLASSIFICATION: TRENDS, TRANSFORMATION, TEACHING, AND TRAINING 17 (1997).

² MELODY BUSSE LEMBKE & RHONDA K. LAWRENCE, CATALOGING LEGAL LITERATURE: A MANUAL ON AACR2R AND LIBRARY OF CONGRESS SUBJECT HEADINGS FOR LEGAL MATERIALS 1(1997).

law libraries, across the nation contribute to these advances in classification, but also once the new classifications are developed, highly skilled and specialized professional catalogers and collection managers in each law library must work intensively to incorporate the new classifications. Entire sections of the library's catalog must be updated, an extremely technical and specialized type of work, and often major portions of the library's physical collection must then be shifted. The result of these massive undertakings is invariably improved access and increased research efficiency for legal scholars and researchers.

- **Attract consortium partners to campuses with otherwise modest library collections:** As the costs of specialized library materials continue to burgeon, libraries within adjoining regions have increasingly turned to shared collection building and interlibrary lending partnerships. To facilitate these partnerships, library consortia are often built around joint electronic catalogs through which patrons can identify and access the holdings of all consortium members. While this type of resource sharing can provide great long-term savings, the initial outlay for the construction of the shared catalog may be considerable and beyond the means of smaller universities. However, equally important as the economic contribution of a potential consortium member may be unique holdings that will add materials to the joint collection that no or few other consortium members possess. Thus, a smaller university that has a law library will find that its legal collection enhances its candidacy for membership, especially to the extent that its legal materials are specialized or unique in the community. Typically neighboring campus (non-law) libraries' legal holdings will be limited to selected primary materials, often in incomplete runs, and to intermittent acquisitions of secondary and scholarly materials scattered throughout the collection in areas devoted to history, political science, social science, and other subjects upon which the law has ancillary bearing. As these general academic collections, substantial though they may be, are not devoted specifically to legal research and are not organized, maintained, or managed by law specialists, they offer neither the depth nor the ease of access required by researchers of the law. The academic law library, on the other hand, can provide a broad and complete spectrum of primary materials from federal, state, local, foreign, and international jurisdictions, as well as a variety of sophisticated finding aids and a comprehensive trove of scholarly materials, managed by a cadre of highly skilled and specialized professionals to facilitate access to these materials. Hence, both administrators and users of even the most prestigious university libraries will seek to partner with their more modest academic neighbors if access to a law library collection is a benefit of the partnership. Membership in these consortia enhances the prominence and visibility of the entire campus in the regional academic community.
- **Depth of faculty support:** Traditionally, highly skilled and specialized law library professionals provide law faculty with the utmost in customized research support for their teaching and scholarship, a level of research support that is unavailable in general academic libraries. Examples of personalized service that faculty may receive from law librarians include: annotated subject bibliographies in the faculty member's field of research or specialization; research guides for a professor's seminar class; guest lectures on advanced or specialized research in professors' classes; private assistance and support

with electronic research and web page construction; downloading, printing, copying, and delivery of research materials from all formats according to the faculty member's specialized needs; customized electronic access to services such as the Legal Scholarship Network or the Current Index to Legal Periodicals. Many law libraries have formal or informal faculty liaison programs to provide individualized service to specific faculty members, and law librarians are particularly proactive in directing newly acquired materials and news of late breaking developments in their areas of specialization and research.

- **Technology leadership:** Law librarians have been working with electronic legal research resources for over 30 years, most notably since Lexis emerged in the 1970s as the pioneering full-text research database. Thus, technology has been integral to legal bibliography for so long that law libraries have naturally been at the forefront of the introduction of computer systems into American law schools. In most law schools, the library was the first department to designate specific technology responsibilities to one of its staff members. Although many different models now exist, some where law school information systems and the law library are combined and some where they are separate, it is still generally recognized that library staff are among the most technologically capable in the entire school. They use the greatest range of computer systems, including the many modules of the library catalog, cataloging and bindery systems, spreadsheets, word processing, interlibrary loan systems, and countless research databases, on a daily basis. Consequently, these highly skilled and specialized professionals have a well-developed perspective on when it is appropriate to rely on online or CD-ROM legal research resources and when it is best to turn to resources in print or microform formats. Law librarians, therefore, are the best equipped to guide students, faculty, and support staff in making choices about which formats to use in which research situations. Because of their expertise in both legal doctrine and legal bibliography, law librarians can distinguish between the factual and conceptual aspects of research problems and can assess the impact of format and resource selections in addressing these different types of issues. Law students, faculty, and staff also frequently seek law librarians' assistance on hardware and software issues and their advice about electronic research, computer purchases, and Internet connectivity.

The law school's computer lab[s] are usually located in the law library and maintained by librarians and staff members. Research classes, often taught by librarians, are regularly scheduled in these labs. This training goes beyond expanding the students' Westlaw™ and Lexis™ skills. Students are introduced to many specialized databases, some licensed through special subscriptions, some available to the public but not widely known. They are trained in tax research, foreign law research, location of treaties and international documents, and creation of legislative histories using online sources. They are also trained to assess the credibility and authority of these sources and to weigh the efficiency and costs of online research against the other information formats available to them in the library.

- **Teaching roles:** The law library is far more than a research center where students and faculty come to study and to find information. Highly skilled and experienced law

library professionals are actively engaged in formal and informal instruction on many levels. Some teach courses offered for credit on law schools' curricula; others offer voluntary enrichment sessions or guest lectures for law school and other campus classes. At the reference desk and in private reference consultations, librarians provide research instruction from the most elementary to the most complex and esoteric. In the computer lab, librarians and database representatives offer training in the use of electronic research resources (*see* "Technology leadership," *supra*). Tours of the library combine location information with research instruction. Dimensions of our teaching roles include:

- **Legal research:** Within the law school, the library is the laboratory in which students learn core skills of the legal profession. Law librarians, many of whom have undergone the same rigorous training as our students, provide instruction in that laboratory. While many general librarians offer bibliographic instruction, law librarians, regardless of whether or not they are also members of the law faculty, teach courses or participate in teaching: the first-year legal research and writing program; advanced legal research courses; specialty courses, such as tax research or foreign and international law research; introductory research sessions prior to the beginning of the first year; refresher research sessions for students beginning summer clerkships or for graduates starting in their first jobs
- **Interdisciplinary research:** Automated information resources, with their widespread availability, have tended to dissolve the boundaries between legal and non-legal information as appropriate authority for judicial as well as legislative decision making. As exemplified by the Brandeis brief, non-legal information has influenced courts from the early 20th century on, but the mere fact of the enormous enhancement of access via the Internet, electronic databases, and CD-ROM products has promoted judicial notice of scientific, economic, and social science "facts" by the courts and an explosion of cross-disciplinary work in legal academia. Consequently, law librarians are called upon to offer access and instruction in more than just classic legal information sources. Fortunately, law librarians are educated, skilled, and experienced professionals with extraordinary capacities for finding, customizing, and integrating all types of information. They are skilled in retrieving resources associated with all disciplines and fields of inquiry and in integrating the use of recently developed electronic information sources with more traditional formats such as print and microform. Law librarians regularly teach research sessions in medical, business, statistical, and social science resources, particularly in upper level seminar classes.
- **Critical thinking:** As bibliographic educators, law librarians' challenge is to go beyond merely training students to find sources of legal information. In doing their research, students must learn to analyze and assess the relative authority and credibility of the sources that they find. Law librarians must teach students not only how legal authority is located within published electronic and print sources, but also how to select the most reliable, cost-effective, and efficient research strategies and sources. Because of the demanding nature of legal practice and the impact of legal research on life, liberty, and property, law librarians are called

upon to impart these analytic skills and techniques much more than are general academic librarians in order to meet their responsibility to the legal community that their students are destined to join. Law librarians must continually educate students to apply critical criteria to electronic research tools and techniques so that these future lawyers are able to protect their clients' interests effectively with sound legal research.

- **Formulating search queries:** Over and above their responsibility to instruct law students about legal information resources, law librarians must also attempt to develop in students a greater richness of legal and general vocabulary and an appreciation of linguistic variety in order to improve students' abilities to construct successful search queries that take into account the variety of ways and contexts in which legal doctrines may be expressed. Without highly developed language skills, legal researchers may fail to uncover important legal authority, especially in the full-text online research environment found in the most heavily used legal databases, Westlaw™ and LexisNexis™. With their rich educational backgrounds and innate linguistic abilities as well as their knowledge of and facility with aids such as legal dictionaries and thesauruses and Words and Phrases indexes, law librarians are extraordinarily expert in imparting skills and resources for formulating successful legal search queries.
- **Resource for the legal community:** In addition to faculty, students, alumni, staff, and the university community, the law library has a remarkable constituency unlike those of other academic libraries—the legal community, including local practitioners, law firm staff, corporate counsel, judges, and court personnel. Even if these legal professionals rely primarily on in-house, courthouse, or public law libraries, almost all turn to the law school library periodically because of the greater depth of its collection and access to the scholarship of the academy. Many law firms, even if they have their own libraries and librarians, rely on academic librarians for their access to extensive resources and specialized expertise. Local bar associations often tap academic law librarians as speakers in continuing legal education programs. The abiding respect of the legal community for the law school depends in great part on the ongoing ability of the law library to provide the specialized resources and expertise not available in the more practice-oriented collections found elsewhere in the local community.
- **Library web services as marketing tools:** In addition to turning to the physical library, the law library's constituency relies on the scholarship, expertise, and resources displayed on its web site. Law libraries have capitalized on the power of the Internet by using their web sites to publicize their services to the campus community, to colleagues, and to the community at large. Without even visiting the physical library, the community can take a virtual tour of the facility; browse special library collections; search the library catalog; initiate borrowing and delivery of materials; get information any time of day or night from a virtual reference service; acquire bibliographies, research guides, and interactive tutorials; and discover previously unimagined library features and services. As alumni and other members of the community find themselves increasingly reliant on this

convenient access to the library's special services, a new avenue is opened to fortify the law school's outreach and development efforts.

- **Advocacy to improve legal practice and scholarship:** As a profession, law librarians collaborate to bring about reform on issues within their purview that affect legal research and the legal profession at large. Examples include the following:
 - **Leadership in citation reform:** As judicial opinions, statutes and administrative regulations have become officially available in myriad formats, the traditional page-based citation forms prescribed by THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION have proven awkward to adapt easily to apply to all formats. Law librarians have developed and promoted a UNIVERSAL CITATION GUIDE, published by the American Association of Law Libraries, with citation forms that apply equally well to primary legal sources in print or digital formats. The guide's recommendations have been adopted by some jurisdictions and are under consideration by others.
 - **Advocacy and partnering with legal publishers, vendors, courts, and legislatures to control costs and improve access to legal information:** Through their regional and national associations, law librarians lobby and negotiate with purveyors of legal information to give feedback that will encourage these entities to improve the quality and control the costs of legal materials and databases. For example, the American Association of Law Libraries Committee on Relations with Information Vendors has consistently influenced legal publishers to adopt fair and cost-effective practices. The Association's GUIDE TO FAIR BUSINESS PRACTICES FOR LEGAL PUBLISHERS is the accepted industry standard for self-regulation and for effective and productive customer relations. Negotiation and publication of these guidelines has benefited the entire legal community. By their participation in these joint efforts, law school librarians help control the budgets of their institutions and keep publishers and vendors aware of the special information needs of the students and faculty.