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# The Law School Library: Its Function, Structure, and Management

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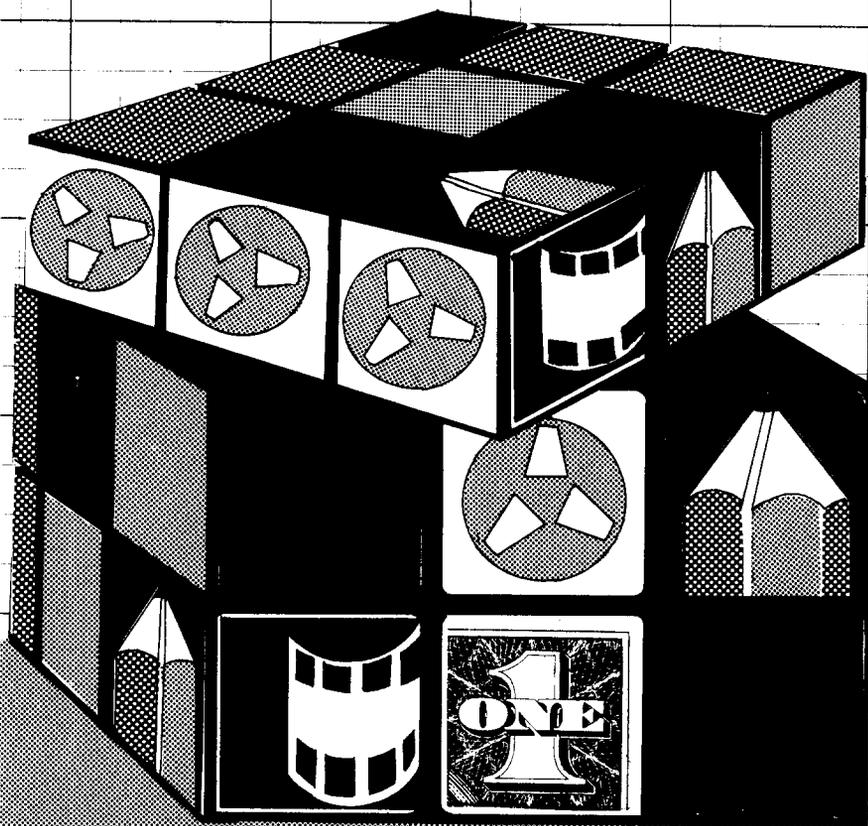
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# The Law School Library

## Its Function, Structure, and Management

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■ The law library has a special and unique importance because of the nature of our legal system and its role as a laboratory for anyone involved in a legal proceeding. Students, faculty, lawyers, judges, and lay persons cannot accomplish legal work without the library. Law libraries, in the process of transition, are planning or implementing computer-based retrieval systems and video devices for training and instruction. Law librarians have significant responsibilities for accurate information retrieval and teaching legal research techniques.

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THE LAW LIBRARY has many users. It not only serves the law faculty and students but is also used by the practicing lawyer on a daily basis. In addition, lay people use the law library to find answers or explanations to their questions. Without the law library, the legal system could not function; a system grounded on precedent must, at a minimum, provide access to those precedents.

The special nature of the law library is highlighted by noting that there are more books about law than any other single subject. The National Reporter System, published by the West Publishing Company, which includes all reported appellate cases and many trial court cases, now comprises 7,500 volumes and is growing at approximately 200 volumes each year. The National Reporter System represents only a fraction of the primary materials

found in a basic law library. There are official state case reporters, statutes, and various secondary materials.

Of the approximately 175 accredited law schools in this country, only 15 have libraries with less than 100,000 volumes. Most of those have around 100,000 volumes, and many are relatively new schools. A large number of state and county law libraries have collections of more than 100,000 volumes. It is estimated that a minimum of 225 law libraries in this country have holdings of more than 100,000 volumes. A large percentage of those exceed 200,000, with a few exceeding 500,000 volumes.\*

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\* The purpose of this comment is to sketch the role and structure of the law school library. The basis of the following presentation will be drawn from the author's extensive experience with the University of New Mexico Law School library.

## Role and Function of the Law Library

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In addition to law sections of general libraries, there are at least four institutions that have law libraries. First, most law firms have libraries. The size of these libraries relates directly to the size of the law firm. Some are as large as, if not larger than, most county law libraries. Others are quite small containing mainly local or regional reporters and local statutes. Second, many counties or county courts have libraries. These vary in size, ranging from a few thousand to 700,000 volumes in the case of the Los Angeles County Law Library.\* Third, most states have state or supreme court libraries. These libraries are used primarily by government officials. Finally, all law schools have libraries for the benefit of students, faculty, judiciary, bar and, in many cases, the general public. These four libraries do have a common denominator; they contain the necessary materials and information through which the lawyer acts.

A goal of our legal system is conflict resolution. To develop the principles which become the standards for resolving disputes, legislation and case precedent are the essential ingredients. Analysis and synthesis of these sources are the lawyer's methodology. Without access to the information, the lawyer cannot function. The law library (in essence) is the lawyer's laboratory.

In addition to cases and statutes, there are many secondary materials—treatises, monologs, journals, and form books—which aid the lawyer in understanding issues, gaining ideas for resolving them, and providing forms to carry out any plan. These secondary materials are essential tools for the lawyer serving a client. Most law libra-

ries contain at least a minimal collection of secondary material.

Indeed, all libraries have as their primary objective housing and making available the information lawyers and students of law need in their work. However, few county, state, and law office libraries are large enough to supply lawyers with all needed resources. Physical space and costs are too prohibitive for these libraries to be full-service libraries. As a result, in many states the law school libraries have come to serve this purpose. For example, in New Mexico, the Supreme Court has a fine library; however, the primary law library for the state is the library at the University of New Mexico (UNM) Law School. Recognizing that UNM is the only law school in the state and that New Mexico is the fifth largest state geographically gives some idea of the responsibility that the library has accepted.

### The Law School Library

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Service to the bar is only one, and the least important, of the law school library's obligations. The library's primary responsibility is to the educational and research programs of the law school. In the educational area, the library must complement the classroom and clinical instruction. This means that the library must have the particular source materials, as well as adequate copies and sufficient facilities for students and faculty. Moreover, the staff must help in the teaching of legal research and bibliography.

With respect to research, the library must have the information, or be able to acquire it quickly, that faculty and student researchers require. Faculty research is as varied as the faculty. Generally, a law school faculty reflects interest in all areas of the law; thus, the library must be able to respond to all legal subject matters. Although the library may concentrate in one area (for example, UNM has a large Indian Law collection and is developing a Latin

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\* The data on state and county libraries is taken from Volume 74, No. 1, Winter 1981 of the *Law Library Journal*, pp. 121-151, 160-196.

American collection), access to all areas is essential. Because of law journals, moot court programs, and independent research projects, students are also involved in legal research. Their demands must be accommodated.

As this brief description illustrates, the law school library is multifaceted. It must serve the practicing lawyer, the law professor, the law student, and the public. Often, the needs of these groups overlap. The library resources that students and faculty need are generally the same as lawyers require, but the research and teaching requests of the law school are generally broader than the bar desires. Therefore, law school libraries must be research as well as service libraries. This bears on the size and training of the library staff and on the budgetary demands of the law school library.

## **Staff**

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The staff of law school libraries usually consist of a law librarian, technical service librarians, and reference and research librarians. The law librarian normally is trained in library science and must be a member of the law faculty. The other librarians may or may not have legal training and generally are not members of the law faculty. At UNM, the library has its own faculty which consists of all the professional librarians.

It is imperative that the library have a competent reference and research staff. These librarians perform research and reference work for faculty, students, lawyers, state agencies, and the public. For example, the research and reference department at UNM includes a lawyer/librarian, a lawyer, and three staff professionals who handle reference questions from students, faculty, lawyers, and the public; are assigned substantial research projects by the faculty; and provide preliminary research for lawyers throughout the state. Lawyers understand that they can call in a question and be provided with "an hour's

free research." The staff will prepare a bibliography for the lawyer and photocopy and mail relevant information to the lawyer. The staff also serves the judiciary on occasion and responds to questions posed by inmates at the state prison.

Obviously, these people must understand the nature of legal questions, the library, and the faculty, student, and lawyer population with whom they deal. The library has accepted the substantial costs involved because of the importance it places on the notion that, as a state law library, it must serve the varied needs of different users. Since the lawyers in New Mexico are dispersed over a large geographical area with little access to a complete law library, the library must respond to their needs. The quality of legal representation is dependent upon it.

## **Facility**

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A spacious and comfortable law school library facility is essential. The facility's function is not merely to store books and other materials—obviously, the library is a work place for the user—but it must also serve as the lawyer's laboratory. Lawyers normally do not select one book and read all or most of it; they continuously search for and select additional legislative material, cases, and interpretive information to analyze and synthesize. It is not unusual to find stacks of books with notices, "Please do not shelve." To help the lawyer with extensive research projects, the UNM law library has four offices for members of the bar. Lawyers can reserve these offices for a week at a time. This allows them to work on their projects without removing their research materials and work product at the end of each day.

Law students quickly learn that they will spend hours in the library researching a problem or simply preparing for classes. For this reason, law school accreditation rules require that a law school library be able to seat at least

50% of the schools' student body at any time. Most libraries have more than the minimum; for example, the UNM library has seating space for all its law students.

### **Introducing New Technologies**

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Law libraries are facing a new facility need: computer and video libraries. As in the case of libraries in general, law libraries are introducing data retrieval systems into their collections. It is unusual to find a law school library that does not have either LEXIS or WEST-LAW. These are national computer research databases, the former offered by Mead Data Company, and the latter by West Publishing Company. Moreover, state computer systems which access state cases, statutes, attorney general opinions, and similar legal material are being developed. Finally, law libraries are beginning to establish video libraries. Local and national continuing legal education tapes, video tapes prepared by faculty to supplement a class, and tapes of classes which allow students to complete a course without ever visiting a classroom are beginning to be introduced into libraries. Law schools and libraries are asking themselves how does the video and computer explosion fit within their library and educational plans. The more specific concerns involve acquisition of the equipment and databases, and providing adequate space and security within the library. Book shelves, tables, and chairs are only a part of the library's facilities. Micro tape devices, computer equipment and space, audiovisual carrels, and the like are emerging as the new facility needs.

Not only are these new technologies forcing libraries to reconsider their use of space, they are also causing rethinking in education. Electronic research and teaching devices must be integrated into the curriculum. Should they complement or even replace traditional courses, and how? How do we teach students to use these devices? The library staff is essential here. It has been



exposed to these technological advances and is not as apprehensive about them as is the faculty. These information specialists are the "frontline" educators who will instruct the faculty and students in the use of technology.

### **Budget**

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With the increase in the cost of printed materials, the need for additional and more qualified staff, the introduction of computer and other electronic equipment, and the additional need for library space, the budgetary demands of the UNM library are escalating at an astounding rate. The library budget is presently 30% of the law school's total instructional budget. The questions raised by the large financial needs of the library are: Can administrators continue to allocate larger percentages of their total budget to the library? If so, how?

In addressing these questions, it must first be noted that most law school libraries are not part of the university library system, they are a division of the law school. Law school accrediting rules state:

The law school library must be a responsive and active force within the educational life of the law school. Its effective support of the school's teaching and research programs requires a direct, continuing and informed relationship with the faculty and administration of the law school. The law school library

shall have sufficient administrative autonomy to direct its growth, development and utilization to afford the best possible service to the law school.

- (a) The dean, law librarian, and faculty of the law school shall be responsible for determining library policy, including the selection and retention of personnel, the selection of acquisitions, arrangement of materials and provision of reader services.
- (b) The budget for the law library shall be determined as part of, and administered in the same manner as, the law school budget.

This autonomy creates a basic conflict, usually with the general university administration. Because the UNM law library budget is so large, questions are constantly being raised as to whether a library of such size is needed. University administrators ask this question on principle; law faculty, consciously or unconsciously, sometimes question the need to collect so heavily in their colleagues' subject areas. The library must defend itself from these lines of attack while remaining fair to all parties.

of the law library is essential to the law school and the legal profession. The obligation of the law school, in general, and the dean, in particular, is to raise the funds needed by sustained growth of the library.

Persuading, arguing, and cajoling the central administration has been the traditional method of funding the library, especially with state affiliated schools. But more long-range planning is required. University budgets are finite, and in today's economy, cannot be stretched further.

Outside funding is called for. Endowment programs and charges for library use by lawyers are not unusual. However, they have not been available for many state law school libraries because it is believed that taxes support the institution. Thus, the library should be open without further charge.

A new method to attain additional financial support for the law school library is being explored in New Mexico, and probably in other states, as well. The method involves clients' trust funds. Pursuant to the Code of Professional Responsibility, a lawyer is required to maintain a client's funds in a trust account. These monies, which in-

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A second criticism from university administrators who try to compare the law library to other types of libraries is that staffing is unnecessarily large. The library is in the uncomfortable position of having to justify the need for its relatively large staff in comparison to other university libraries.

The question, "Can we continue to fund the law library" should be answered by stating, "We must." The development, growth, and innovation

include awards won for the client which have not been disbursed, are not banked in separate accounts for each client. Rather, one trust account is opened in which are deposited monies attributed to all clients. Interest is generally not earned on these trust accounts because of uncertainty as to who is entitled to the interest. The banks are the only ones who benefit from this system.

The proposal is that lawyers bank trust funds with state or local bar asso-

ciations. These associations would maintain the funds in a banking institution and would earn interest on these funds. The bar would then allocate that interest to ongoing bar projects. One of those projects is support of the law school library. Since the law library is a resource available to and used by all lawyers in the state, allocating at least a part of the interest allows the bar to participate in the continued development of the library.

### **Evaluation**

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Law schools, including their libraries, are formally evaluated periodically by the American Bar Association and, for those schools which are members, the Association of American Law Schools. Although these accrediting agencies are interested in the quality of the libraries, they normally measure them through quantifiable data. They are interested in the size and composition of the collection, the size and arrangement of the facility, the number, qualifications and salaries of the staff, and the efficiency of the processing and cataloging function. The logic is that a quality library requires a minimum commitment, defined by the accrediting associations in terms of books, equipment and people; and that there is assurance that at least a basic minimum is maintained. Standards above that minimum are the concern of the law school.

Self-evaluations of law schools vary. Some schools have faculty committees which formulate library plans and monitor them. Other schools, such as the UNM law school, use informal processes. Although a general library

plan—an accreditation requirement—is involved, the library is continuously evaluated. The librarian speaks to all the faculty about collection development; a regular list of book purchases is circulated among the faculty; and a member of the law faculty sits on the law library faculty meetings. Last year, in addition, a nationally recognized law librarian was commissioned to evaluate the library. That evaluation will become the basis of a review of the library plan.

Evaluation of the library also comes, directly or indirectly, from outside sources. Since the library is used by lawyers, they are also concerned about its growth and development and the services that directly affect them. Since the library is committed to serving its users, their suggestions are encouraged.

### **Conclusion**

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The law library is the paradigm special library; its users cannot practice their profession without it. In fact, our justice system cannot function without it. The challenge is to continue the development of the library so that students, faculty, and lawyers will have the means to resolve human conflict in an orderly fashion. It is the obligation of library administrator's to assure that the library continuously responds and serves its users and to provide the financial resources that this obligation demands.

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