

Law Librarians' Roles in Modern Law Libraries

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Old timers may be tired of hearing it said that law libraries are dead and all legal materials will be soon be available only in digital formats. It has been said that once books are gone, librarians will become unnecessary. The refrain has been repeated frequently and passionately for well over thirty years. Librarians who doubted the predictions were seen as self-serving cranks who didn't want to see their life's work end up being replaced by a computer. There is also an irrational popular presumption, a myth really, that digital, internet-based information is free. The source of the confusion stems from the mistaken assumption about libraries that is common among lay people, that they are merely collections of books. Librarians, the people who work in libraries, therefore, are therefore destined to suffer whatever fate awaits the libraries themselves as collections dwindle and there is no longer any need for publishers to publish books because researchers no longer use them.

Changing Formats and Their Influence on Libraries

Many librarians have a difficult time justifying their own existences in the face of such dire predictions and logic. This difficulty is a failure to clearly communicate the nuanced relationship that librarians have with books, or, rather the information that is contained in the books. It is critical to keep this distinction in mind. Since books and printed materials have been the currency of legal scholarship and practice for hundreds of years, libraries have been indelibly associated with books, but books are merely a format for containing the legal information that lawyers, law faculty, and law students need in order to perform their work. "Legal information" is a weak term when it comes to describing the true work of law libraries, which includes curating, collecting, and maintaining collections of materials to support the work of lawyers and people who are working with, and interested in, the law. However, for lack of a better term, "legal materials" will be used here to describe the materials, books, microforms, or databases that law librarians work with and to describe the work that law librarians do.

Changes in Curating and Maintaining Collection

It is worth taking a moment to describe what librarians do that transcends working with books. The most important aspect of being a law librarian is a knowledge of

legal bibliography. This is foundational. As the professionals charged with building a collection of legal materials to serve the needs of their constituents, this knowledge is absolutely essential. Law librarians should possess an expansive knowledge of all the sources of the law. This knowledge is critical for building a useful collection and for assisting researchers in finding the appropriate materials needed for their research. Whether a collection is primarily a print collection or a digital one, knowing which materials will best serve the needs of lawyers, law students, and faculty is and should be obvious.

This knowledge of legal bibliography serves law librarians in two key ways. First, it informs and guides their decisions about which materials to collect in which formats, and how to organize them for use. Technically, this is known as curation and, even though it has traditionally referred to a particular mode of a librarian's work with books, it is, in fact, even more important as applied to digital materials because while books can be physically arranged on shelves in a logical order, digital materials are virtually invisible. The challenges of "collecting" invisible materials that are typically identified by such arcane things as URLs can be challenging beyond imagination and is discussed in some detail below.

Second, knowledge of legal bibliography helps librarians organize collections in ways that are useful to our patrons and constituents. This may sound trivial, but when you consider that a moderate sized research library consists of well over 50,000 *titles*, which translates into more than 300,000 volumes, the task of organizing them into a useful and intuitive logical order is not a simple one, whether you are dealing with books or databases. The skill with which this is done is a key component to making a library useful and is an example of how the librarian's knowledge of legal bibliography is of practical value in any time and with any technology. Applying this principal to digital materials means organizing our websites links in ways that assist users to discover digital materials selected and collected by the library.

In addition to possessing the skills to curate collections of legal materials, librarians are also expert in how to use those materials. After all, having a title on a shelf or a link to it on a website does no good if a researcher doesn't know how it works or what it contains. Traditional print materials can be extremely dense in their content and organization and many are not at all intuitive to even a well-educated user. For example, BNA's Labor Relations Reference Manual or the Restatements, each of which are challenging to use even by experienced researchers due to the numbers of volumes in each title, have arcane numbering systems used for volume, page, and section, not to mention their sometimes bizarre indexing systems. These important works can be a challenge to use, but equally difficult to maintain and keep up to date in print form. Librarians, as experts in the use of these materials, are the only professional qualified to teach their use and to oversee their continual maintenance and supplementation.

Negotiating Access

In their online formats, some materials may be somewhat more useful, but publishers have made access to them more complex by allowing online access through a complicated system of contractual restrictions and limitations. Access to some

databases may be limited to members of law school communities only through the use of passwords, IP authentication, or proxy servers. A library may also have to negotiate tricky contractual terms to provide access to public and institutional patrons. Contracts may limit the numbers of email notifications available to patrons or may require them to create individual accounts to set up their own systems of notifications, email newsletters, or research files. They may also limit access to archival files, or to news and analysis features only when a print subscription is maintained as well. Libraries that are open to the public and serve lawyers and lay people may find themselves providing only limited online access to materials that were once freely available to all users when the title were held in print. For example, most academic law libraries carried statutes and official reporters for all fifty states, today few do. Many libraries have also cancelled many, if not all, of their print subscriptions to law reviews and journals in favor of IP-authenticated access to HeinOnline, or have cancelled various BNA looseleafs in favor of new online arrangements. If the complexities of filing twenty-plus volume sets with each volume consisting of well over a thousand pages is complicated, managing and implementing highly detailed and complex license agreements and their terms can be equally confounding.

These are all essential aspects of a librarian's job of curating and maintaining a useful collection of legal materials. As the law grows and evolves to meet the needs of society, so do the sources of the law and the law librarian's special knowledge of legal bibliography becomes even more important. Distinguishing the most useful and reliable sources to the same information from among many has several layers beyond mere cost. Some sources may be inexpensive, or even free, but may be more (or less) useful for some purposes than commercial sources that cost much more. It is inconceivable that someone with no knowledge of legal bibliography or the law itself could curate a research law library for the useful benefit of law students and faculty.

New Modes of Teaching Research

It was once thought that the rise of computers and word processing in offices and law schools were going to be the end of print altogether. However, for some time now, it has been clear that rather than reducing the amount paper produced by scholars, lawyers, and law students, computers have actually facilitated the creation of more documents than ever before.¹ In fact, anecdotal evidence suggests that more legal information is being produced than ever before: there are more legislative documents, regulations, and judicial opinions produced today than at any time in the past. The numbers of monographs on law topics also seems to be on the rise. The pace of growth in the volume of primary legal materials shows no signs of letting up, as

¹ According to Bowker's Annual ISBN Output statistics, http://www.bowker.com/assets/downloads/products/isbn_output_2002_2013.pdf, the numbers of print titles published in 2002 was 215,138. The numbers of print titles published in 2013 was 304,912. The percentage change in the numbers of ISBNs for print titles issued between those years is 41.73% increase. Including reprints and print on demand titles brings the figure of print ISBNs issues to more than 1.4 million titles and a 470% increase in the numbers of print titles published over that time.

attested to by the consistent, if not increasing size of the Federal Register, United States Code, Statutes at Large, Federal Reporter, and, even the Federal Appendix. Should all these titles cease being produced in print, their volume as digital materials continue to be problematic for researchers. Only forty years ago, there were five sources for opinions of the United States Supreme Court: US Reports, Supreme Court Reporter, US Reports Lawyer's Edition, US Law Week, and CCH's U.S. Supreme Court Bulletin. Today there are dozens of sources, many online, and they are not all equally reliable or useful. Librarians' responsibility to curate the legal materials that they make available to their patrons and constituents is becoming increasingly more important in the face of this explosive growth in legal bibliography. Users must rely on librarians as experts to help them determine the best sources for their particular needs.

For many decades, librarians have been responsible for teaching legal research classes in law schools. Teaching legal research today has to undergo radical change in the face of the proliferation of so many new legal materials in new platforms. Teaching legal research today must focus on how the materials are published, in which formats and platforms, and how these things impact the choices researchers may make about which sources to use in different situations. Librarians are positioned to suggest the authority of various online sources and can understand the differences between various algorithms and database structures that may be of use or possess special benefits to researchers for various projects or for different purposes, even for different clients.

Hand in hand with teaching students legal bibliography is teaching them how to distinguish which sources are reliable. Also very important is teaching about authentication of online sources of primary law, as well as advocating for government action to provide reliable and systematic methods for authentication of these sources. The ephemeral nature of online digital materials makes all online materials suspect absent a specific mode for authenticating its content. This is a significant problem whether the information source is the government, the courts, a commercial source, or an academic or scholarly one, like a blog or organizational website. Librarians are uniquely qualified to discern the reliability of information published on websites on a wide variety of topics on the basis of their breadth of experience with legal bibliography. Knowledge of the history of various commercial, non-profit, and governmental publishers of online materials and their records for accuracy and care in preserving them is a key responsibility of librarians as they curate the materials for their constituents.

New Modes of Reference Assistance

Reference service, too, is affected by the rise in prominence of digital formats. Not only are the modes of reference service themselves changing as more patrons seek help via email, but many of the answers to reference questions are in the form of reference to digital materials or referrals to databases or online websites. Since virtually all library patrons have broad access to the internet, reference assistance often involves counseling researchers to consult various websites or databases and

explaining nuanced differences between them and recommending one source over another.

Even though the differences in sources are sometimes quite subtle and nuanced, they frequently have substantial practical effects on reference work. As our faculty and students demand access to materials in a variety of different formats and platforms, we must be prepared to assist them with access on any device or equipment that they may own. For example, a faculty member recently needed a book that had been published as an Amazon Single. The book was 60 pages long and cost only a few dollars but the faculty member doesn't own a Kindle, the only way to access these titles. Amazon books cannot be downloaded and the library doesn't have a Kindle or Amazon Kindle account, even though several individual librarians do own them. At one point it was suggested that we could create a Kindle account, purchase the book and photocopy it from one of the librarians' personal Kindles. In the end, the faculty member created a personal account and bought the book himself to read on his computer. Our patrons today are showing up with various tablets and computers that can create a sometimes astonishing array of logistical challenges as we help them access our materials.

Helping our constituents use and access library materials today can challenge libraries in other surprisingly technical ways, too. As computer labs have morphed into printer labs and as photocopiers are being replaced with book scanners that allow patrons to email or download scans of their materials as PDF's, librarians are being called upon to manage complex relationships between technologies. For example, Chromebooks can crash some print servers, and some print servers cannot print GoogleDocs because of peculiar native file names. When researchers use a library's materials, they expect that they can do so without technical obstacles. While these kinds of challenges are the kinds that have been traditionally left to IT departments to solve, they represent the intimate and intricate ways that library services overlap and intersect with role of the library in providing access to library materials. Failure to accommodate patron access to library materials simply because the library does not have the appropriate equipment is equivalent to denying a patron access to library materials by not supplying proper lighting.

This new climate in which librarianship, library materials, and technology intersect places librarians in the position of having to master two seeming disparate worlds: technology and books/information, but the two are not necessarily mutually exclusive. Technology should be seen as merely a tool for accessing a new format of legal materials; think of computers, tablets, etc., as new forms of bindings or printing formats. Access to many new library materials is impossible without a computer of some sort, so librarians must be expert in the use, usage, and maintenance of both the tools and the information. There is no group that is more capable of being the experts in both the technology of legal information and all aspects of legal bibliography. Professionals in IT departments typically do not want to know about legal research, legal bibliography, or how the information is used; their focus is on keeping the technology infrastructure running for all departments. A modern research law library without librarians would surely be a frustrating, if not impossible, place for library users.

As Libraries Change So Do Libraries and Librarians

It may seem redundant to say that as libraries change, librarians do too. But as described above, a law library is more than a collection of books managed by librarians, it is a collection built and organized with a purpose, to facilitate the learning and practice of law. This basic principle does not change as the formats of the materials that a library collects changes, but what does and has changed is how patrons use the materials and how library collections are perceived.

Size Doesn't Matter Anymore

The most profound thing about how libraries are changing is the perception that they are disappearing and that their collections will one day shrink to the point of nothing. This is a myth that must be fought on two fronts. First, law school administrators who buy into the myth that libraries are books and that as books disappear, librarians become irrelevant, must be convinced that libraries and books are not one and the same. A few years ago, the ABA ceased collecting information about sizes of collections around the same time that the ABA Accreditation Standards shifted focus from collection size to resource access. Almost simultaneously with this shift in emphasis, law school administrators jumped to the conclusion that libraries were no longer as important, even as the costs of libraries continued to climb due to inflation and the proliferation of legal information and the technology to support it. What these administrators fail to realize is that physical collections of books are not libraries, and librarians must take great care to educate their constituents about what libraries are and how librarians manage them. There are many approaches possible for pursuing this kind of education, but all must be explored and appropriate methods exploited.

Keeping detailed track of reference questions and librarian activities is one way that librarians can remind administrators about the service that they provide to patrons. Using social media, newsletters, and other methods to keep patrons informed and engaging them about new services and changes to old ones are also possible avenues. Communication about library activities and services has always been a key component of good library practice in the form of library acquisitions lists, annual reports, and newsletters. As physical evidence of a library's size and collection diversity becomes less apparent as it shifts to a predominantly digital format, the need for communication describing a library's services and activities becomes critical.

Where Form Molds Substance

In addition to fighting the battle on the size front, it is critical to communicate to our constituents that if a library subscribes to twenty commercial databases, it is not the equivalent of owning twenty titles. HeinOnline, for one, while listed as a single resource on many library web pages is not a single title; rather, it is hundreds, if not thousands, of titles, and libraries are generally mistaken if they think that their constituents and administrators understand what is meant when they see a link to HeinOnline on a page. One of the great challenges that we face on this front is how we can use our expertise to curate digital collections *and* arrange them in a way that

is useful to our constituents. Most law libraries maintain websites that display the names of, and links to, the databases to which they subscribe. As their numbers increase, these lists are less and less helpful. It is rare for patrons to come to a library wishing to access HeinOnline, or BNA. They are more likely to come to the library's web page with a subject to research in mind. Librarians must rethink how we use and structure our web pages to facilitate access to the materials our patrons need. Law libraries have a long tradition of cataloging holdings using the elaborate classification schemes that effectively arrange library collections by subject. It is critical for libraries to rethink the way that their digital holdings are presented and made available to online library users; simply classifying online titles and integrating them into existing online catalogs may not be enough. It may well be time for libraries to integrate online records of holdings into web pages. In other words, instead of providing a search bar on a webpage that allows online users to search the library's online catalog, which was traditionally designed to search print collections, today's library users not only expect but deserve something more, such as graphical access to individual files available through online vendors, such as HeinOnline, Bloomberg BNA, Lexis, or Westlaw. These database vendors are fulfilling the roles of book and serial jobbers of old by providing access to numerous files created by numerous sources. As we rethink how to make our patrons aware of our holdings, we need to rethink our understanding of our vendors. The larger database vendors mentioned above should no longer be seen as single databases, rather as "jobbers" of multiple individual ones. For example, Westlaw is actually comprised of databases from hundreds of sources that we access through a single password, making Westlaw more like a gateway to a variety of individual sources. The same is true with Lexis, Bloomberg BNA and HeinOnline.

In order to restructure a library's thinking about providing access to its growing collection of online materials, librarians should be prepared to revisit basic library skill sets. As mentioned above, librarians must be masters of platforms on which or through which we make new materials available to our patrons. As librarians master the platforms, we become masters of certain technologies, and we must learn to use those platforms to create new ways to guide our patrons to discover the new materials. This charge transcends merely making our web pages more user-friendly or more appealing and intuitive, although our online resources also must be all of these things. The new tools that libraries create to facilitate use of and access to new materials must become so useful that they are taken for granted and become virtually invisible to the user. Technology should never be an obstacle to getting the job done, it must be designed in such a way that the user can focus on the results of the search, not the processing of searching.

The More Things Change ...

Ranganathan's Five Laws of Library Science² are as true today as they were when they were written nearly 100 years ago. The only thing about them that has changed is the word, "books," for which we can substitute "information sources," instead.

1. Books are for use.
2. Every book its reader.
3. Every reader his book.
4. Save the time of the reader.
5. A library is a growing organism.

Keeping these laws in mind and applying them to modern materials, there should be little doubt as to what is our mission as the materials that we curate, maintain, and organize become increasingly more digital: We must adapt our skills to accommodate new modes of curating, maintaining and organizing collections while always keeping the reader's experience foremost in our minds. We may not like the fact our patrons use Google more than our online catalog, but ask yourself, in your own personal day to day research, which do you use more? Access to modern libraries must be that simple, and librarians have the skills and training, if not the experience to make it so.

² S.R. RANGANATHAN, THE FIVE LAWS OF LIBRARY SCIENCE (1931).