

Issues Facing Academic Law Libraries - New Challenges, New Opportunities

By Linda K. Fariss

When I first started working at the Indiana University Law Library in 1976, I was introduced to a strange new world. I had worked in academic libraries before, but this was a new experience, familiar in some ways, but different in others. Today, thanks largely to new technology, law libraries share more in common with other academic libraries than they did in the time that I first arrived at the Law Library. As a result, all of these libraries typically share closer working relationships. Many of the issues facing law libraries are similar to issues facing the general academic library, but with a different twist. Law libraries, like all types of libraries, are looking for ways to re-invent themselves. Budgets are shrinking, space is being reduced, and students and faculty are approaching research in different ways than in the past.

Standard 601(a) of the *ABA Standards for Approval of Law Schools* states that "A law school shall maintain a law library that is an active and responsive force in the educational life of the law school. A law library's effective support of the school's teaching, scholarship, research and service programs requires a direct, continuing and informed relationship with the faculty, students and administration of the law school" (American Bar Association [ABA], 2011, p.44). Historically, the common phrase used to describe the academic law library is "the laboratory of the law school" (Price, 1960, p. 231). The law library has always been a core part of the law school with the primary mission to serve the legal research needs of law school faculty and students.

Because of the close relationship that a law library maintains with its law school, the vast majority of law libraries are "autonomous," a term that causes confusion among librarians. For most law libraries, this is simply an

administrative arrangement whereby the law library is under the umbrella of the law school and not the university library, especially for budgetary and policy purposes. The case for autonomy comes from Standard 602(a) of the *ABA Standards for Approval of Law Schools*, which does not require but strongly encourages that the law library be part of the law school administrative structure. This standard requires that "a law school have sufficient administrative autonomy to direct the growth and development of the law library and to control the use of its resources" (ABA, 2011, p.44). In the past this has caused some misunderstanding between libraries within a university as to its meaning. It certainly does not suggest that the law library operates outside of all university administrative control. The chain of that control is simply somewhat different than for other academic libraries. Today this appears to be a less contentious issue because technology, primarily in the form of shared online catalogs and databases, has brought libraries closer together. Typically on university campuses you will find law libraries working together with the other libraries for the common good, creating a much healthier atmosphere.

Because most law libraries are administratively part of the law school structure, they share a very special relationship with the school. All libraries by their nature are service units, and this is especially true for the law library in regard to the law school. Because the budget for the law library flows from the law school, it is important that the library remain a vital part of the school. Law librarians work closely with the faculty and student body to provide outstanding service.

Interacting with a smaller group of faculty makes it possible to provide more personalized

service. As faculty and students rely more heavily on electronic resources for their research, librarians are constantly looking at new ways to maintain contact with these groups. Teaching plays an increasingly important role for law librarians. Ad hoc lectures are given in substantive law courses and many law librarians teach legal research courses in the law school, either as part of the first year legal research and writing program or advanced legal research courses. At our library, we also hold lunch time programs for the faculty to inform them of new databases and services, and we offer one-on-one training sessions for faculty who are more comfortable with that type of environment.

As is true of most academic libraries, law libraries have faced budgetary challenges in the last few years. Many of these problems are a result of budgetary cutbacks at the university level. A prevalent belief among law librarians is that we are facing an additional challenge due to the importance of law school rankings, primarily those in *U.S. News and World Report*. As competition for students and faculty becomes more rigorous, all law school deans are aware of their school's ranking and the rankings of peer schools. Unfortunately for law libraries, they do not figure prominently into the calculations for determining rank (Morse, 2010). When deans are looking to increase support for areas that are important to the rankings, such as admissions and career services, the library budget will likely be heavily scrutinized. This makes it even more important for the law librarian to make sure that the dean and faculty understand the importance of maintaining a strong law library to support their curricular and research needs.

The loss of space is another issue facing many law libraries. At a director's breakfast at the American Association of Law Libraries annual meeting a few years ago, the directors were asked how many were losing space for non-library purposes. Over half of the librarians responded affirmatively (Fitchett, Hambleton, Hazelton, Klinefelter, & Wright, 2011). As noted previously, law schools are placing more emphasis on expanding offices such

as admissions and career services and many are also increasing student enrollment in response to decreased budgetary support at the university level. The space for these offices and classrooms has to come from somewhere within the current building. As the availability of electronic resources grows, law school administrators assume that the law library needs less physical space and frequently will turn there first. The wise librarian has already devised a plan in response to this very real possibility!

Law libraries are responding to the loss of physical space in several ways. If the library is fortunate enough to have access to an off-site storage facility within the university, many of the space issues can easily be handled. However, not every campus has such a facility or the library might not be able to get permission to place all of the volumes in storage. As a result, law libraries are looking to permanently reduce print collections, both by cancelling subscriptions and discarding print volumes. Electronic sources such as *Hein Online*, *Lexis*, and *Westlaw* are increasingly being relied upon as the only source for periodicals and case reporters.

Obviously budget and space reductions are something that no librarian wants to be facing, but it does not have to be an entirely negative experience. I have dealt with both at the Maurer Law Library. While initially devastating, in the long run there were positive aspects to both experiences. It is easy to go along with the status quo, not really thinking about whether the collection accurately reflects the way patrons are using the resources. When faced with a budget reduction, we reviewed every serial subscription to decide whether to keep a publication in print or to rely on electronic access. In addition to cancelling many print subscriptions, we ultimately discarded all print periodicals that were available electronically in order to deal with a space reduction. We have found that our patrons do not miss them for the most part, and we were able to use the space more effectively and divert the subscription costs to other more pressing areas in our book budget.

We were also fortunate enough to have access to an off-site storage facility. Of course, a library cannot go through these experiences multiple times without seriously damaging the quality of the collection and services.

One of the most exciting new opportunities to come along in academic law libraries is the institutional repository. When law libraries are re-inventing themselves to remain relevant to the law school, I believe that this is an important service to offer. Law libraries have long maintained print archives of the law school's history, and the digital institutional repository is a logical next step. Libraries can collect and make available in digital format, brochures, photos, publications, conferences, and other materials from the law school. Additionally, faculty scholarship is an important part of the institutional repository. The concept of open access for scholarly work has been gaining in popularity for some time in academic circles. By making the law school faculty's scholarship available through the institutional repository, it becomes freely accessible to anybody in the world, not just the legal community.

The push for open access in law schools received much interest after a group of law library directors got together at Duke University in November 2008 and began drafting the "Durham Statement on Open Access to Legal Scholarship," which was finalized in February 2009 (Danner, Leong, & Miller, 2011). The statement calls for law schools to stop publishing their journals in print and to publish them electronically in a stable and open format (Danner et al., 2011). Law school journals are different than other types of journals in that they are generally run by a student editorial board and are not large income producers for a law school. Although more journals are now providing open access, either through their website or in the law library's institutional repository, few have ceased to provide a print copy as well. Newly established law journals are sometimes published only in a digital format. This provides an excellent opportunity for the law library to partner with the law school to host the journal

on its repository. The Maurer School of Law has established two new journals in recent years and both are available in electronic format only. Both will be hosted on the Law Library's repository.

As law libraries are discarding print collections and important resources are becoming available only in a digital format, concern has increased about preserving these valuable publications. Libraries that cancel subscriptions and discard entire periodical collections are encouraged to at least retain and preserve the journals that originate at their own law school. Insuring that digital materials are retained in a stable environment is also a concern. To address many of these concerns, the Legal Information Preservation Alliance (LIPA) was established by a group of law school libraries following a preservation conference sponsored by Georgetown University Law Library and the American Association of Law Libraries in 2003. The goal of LIPA is to preserve legal information in both print and digital formats that are at a risk of loss (LIPA, 2011). The activities of LIPA are supported by a growing number of member law libraries.

Since I began working at the Law Library incredible changes have occurred. The early years were spent building a large physical facility to house an increasing print collection. Law libraries were generally measured by the size of their collection. Today, less emphasis is placed on the size of the collection, and libraries are cancelling print subscriptions and actually discarding large segments of their collection. More emphasis is placed on the quality of service and depth of the collection, regardless of format. As budgets and physical space shrink, law librarians are working to remain relevant to the law school by providing new services while retaining the core of what we are - an indispensable research facility for our faculty and students. The Law Library is still the "laboratory of the law school." That laboratory has just taken on a different appearance.

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Bio

Linda K. Fariss has recently been appointed Director of the Law Library at the Indiana University Maurer School of Law. Prior to this she served as the Associate Director of the Law Library. She received her MLS and JD from Indiana University - Bloomington. For many years she has co-taught, along with Keith Buckley, the Law Librarianship Course at the Indiana University School of Library and Information Science.