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Morris L. Cohen
Yale Law School

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TRADITION AND CHANGE IN LAW LIBRARY GOALS

Morris L. Cohen*

In a time of great technological change and frustrating financial constraints, it is difficult to see what the future holds for librarianship in general and law librarianship in particular. Libraries and the profession of those who administer them are, of course, shaped by the economic, political, and scientific forces which influence all social and intellectual activity. In the contagion of prophesying which took place in 1980 (as it has at the beginning of every decade), librarians, like other professionals, sought to discern what the future held for their field. Fiscal pressure, increased need for access to an ever expanding literature, and technological change were the dominant themes of those speculations among law librarians.

Ten years earlier, in an effort to foresee future trends for the seventies, I reviewed our prospects in this journal:

[W]e have moved from an affluent society into a world of more limited resources, into a period of squeezed budgets, and into a complex of fiscal pressures inhibiting the operation of both individual libraries and the profession as a whole. . . . At a time when legal publishing is expanding its output and increasing its costs, and when the use of all law libraries is increasing both quantitatively and qualitatively, we find ourselves caught between the pincers of financial need and demand for service.¹

These considerations have long been central in our professional thinking. In 1876, the United States government published a comprehensive study of all aspects of librarianship in that centennial year.² The chapter on law libraries, reflecting the concerns over a century ago, focused on the same issues: the proliferation of legal publications, the rising cost of their acquisition, the lack of space for housing them, and the general need for access to legal information. Only technological change was missing from an otherwise familiar list of troublesome problems.

The work of law librarians and the organization of our libraries are shaped by the literature we administer and by the readers and institutions we serve. The literature, institutions, and researchers of the law have long histories going back to the beginnings of English legal history. Reviewing that history, we see the development and persistence of traditions, and the rise and influence of various changes in those traditions.

Law librarianship, like librarianship in general, is influenced by forces of tradition and change. Those forces usually operate in opposition to each other, as countervailing stimuli to, or as restraints on, our professional work and goals. Whatever the exact nature of their interplay at any specific time, that historical process is crucial to an understanding of the law librarian's philosophy and ac-

* Librarian and Professor of Law, Yale Law School, New Haven, Connecticut.

1. Cohen, *President's Page*, 63 LAW LIBR. J. 419, 419 (1970).

2. BUREAU OF EDUCATION, U.S. DEP'T OF THE INTERIOR, PUBLIC LIBRARIES IN THE UNITED STATES . . . (1876).

tivities. To overlook or even to understate the impact of tradition and change will distort one's perception of the mission of law librarianship.

The influence of these two somewhat abstract themes can best be seen in their specific manifestations in law, in legal literature, in the methods of legal research, and in law librarianship. For example, we can see how (in law) the constitutional tradition of separation of powers was affected by the development of judicial review; how (in legal literature) the traditional forms of judicial reporting were affected by the development of the National Reporter System; how (in legal research) the traditional methods of finding cases by digests were affected first by the development of citators and then by computerized research services; how (in law libraries) traditional shelf arrangements were affected by use of the Library of Congress Class K; and how cataloging was affected by cooperative computerized networks like OCLC and RLIN.

TRADITION

Although law libraries existed in England as early as the fifteenth century, beginning with records of a library in Lincoln's Inn in 1475, law librarianship as a profession emerged only in the second half of the nineteenth century. Law librarians shared their common interests and concerns within the American Library Association (ALA) from its founding in 1876, but the symbolic birth of the profession in this country was the establishment of the American Association of Law Libraries (AALL) in 1906. Evidence of development of professional values begins with the first volume of the *Law Library Journal* in 1907. From its successive volumes we can distill the following significant traditions which obviously shaped the thinking and practice of law librarians over the last seventy-five years:

1. **A clear preference for association with lawyers and the legal profession, rather than with other librarians and with the total library profession.** The AALL itself was formed by conscious separation from the ALA, and the *Law Library Journal* developed as an alternative to *Library Journal*. This choice brought undeniable strength to law librarianship, but also carried with it an unfortunate isolation from some of the best thinking in general library circles.

2. **A deep involvement with providing access to both the primary and secondary sources of legal literature.** This led to a greater involvement with the publication of legal materials, particularly reference works, bibliographies, and finding tools. It also stimulated law librarians to monitor publishing practices and sometimes to improve standards of quality and performance. The Association's creation of the *Index to Legal Periodicals* and its early concern with statutory indexing are two examples of this valuable role.

3. **An obligation to be the primary and constant teacher of the materials and methods of legal research.** This responsibility is apparent not only in the law schools, but in virtually every law library setting. It includes formal classroom instruction, workshops and demonstrations, education through reference service, the preparation of texts and guides to legal research, exhibits, and a variety of audio-visual offerings. It should be noted that the assumption of this obligation is closely related to the law librarian's concern with status and self-image and may provide benefits, both tangible and intangible, beyond the usual service satisfactions of librarianship.

4. **A primary commitment to providing the maximum service to readers.** This dedication is a natural result of the law librarian's interests in the legal profession, in

bibliographic expertise, in improved access to legal sources, and in the teaching function. It has produced a high level of reference service, an extensive instructional literature, current awareness services, and a zealous dedication to reader satisfaction, often without regard to collection limitations or fiscal consideration.

5. A pragmatic rather than a scientific approach to the problems of library administration, particularly in technical services. Most law librarians in the early period of our profession saw themselves first as lawyers or guardians of the law, and second as librarians. The great challenge was bibliographic scholarship and its related functions; administration was a necessary but lesser concern. Formal training in library science was deprecated, and the intellectual concerns of general librarianship was subordinated to legal issues. For example, the discussions of cataloging in the early meetings of the AALL were usually quite simplistic when compared to the far more sophisticated treatment of the cataloging process in general librarianship a generation earlier. This limitation continued to some degree until the last decade. It undoubtedly delayed the use of subject classification in law libraries and inhibited network activity and library automation.

These traditions also contain the express and the unspoken values which guide and motivate law librarians. Some are essentially positive in nature, some negative, and most a mixture of the two. These traditions have been subject to change and have varied in strength and effect over the years. This brief summary cannot convey the dynamics of their development, their interaction, and their impact on us, as individuals, and on our work.

What can we learn from the history of law libraries or law librarianship to understand better the play of tradition and change on our profession? Unfortunately, Clio has not smiled on us. Until Christine Brock (now Christine Anderson) wrote her revisionist history of law libraries and librarians in 1974,³ the muse of history stimulated relatively little inquiry into the development of law librarianship. Before then, not even the *Law Library Journal* offered much serious historical treatment of the profession. Ms. Anderson's provocative and insightful study broke new ground and, at the same time, exposed some hard truths about law librarianship. Our overdependence on the legal profession, our obsession with status and image, our isolation from the mainstream of librarianship, and our technical naiveté were costly barriers to changes that had advanced other fields of librarianship. On the other hand, our dedication to bibliographic expertise and scholarship, to service, to teaching, and to improved access to legal information were traditions which strengthened the law librarian's role and effectiveness. Our deep involvement with the law and with the legal profession had some advantages. As law and its institutions changed, and the needs of our users changed with them, law librarians were aware of those changes and were able to adapt services and acquisitions promptly to meet them.

Our traditional strength in bibliography enabled us to develop and maintain great collections, to fulfill an important teaching role in legal research, and to provide sophisticated reference service to readers. But our self-imposed isolation from the rest of the library world often kept our technical services behind the latest approaches in those fields.

3. Brock, *Law Libraries and Librarians: A Revisionist History; or More than you ever wanted to know*, 67 LAW LIBR. J. 325 (1974).

CHANGE

Aside from the increase in size of law libraries and of legal literature over the last seventy-five years, a phenomenon dealt with elsewhere in this issue, there are five other changes which are apparent in law librarianship over this period:

1. The change from a concept of service primarily to the legal profession to a much broader notion of service to all who may need legal information. Although the bench, the bar, and the law schools are still the major clientele of law libraries, we now recognize an obligation to assist many other groups who need access to our collections and services. In some situations that responsibility extends to the whole of the general public.

2. Change from the law librarian's focus on the traditional book as the central tangible object of our work, to a wider concern with *legal information*, regardless of the form or shape in which it appears. Thus, we are involved with a great variety of non-book media—microforms, computer services and terminals, tape cassettes and reels, videotapes and discs, slides, print-outs, releases, paper files of all kinds, and so on. These materials, virtually unknown in law libraries at the beginning of this century, have, of course, changed not only the nature of our collections, but also the services we offer.

3. The literature which we administer, and which our readers need, has grown beyond traditional legal sources, and now encompasses many disciplines. Law librarians have seen not only a growth in the volume and forms of the materials they handle, but a diversification in the subject matter of those materials. This includes the social sciences, the physical sciences, and virtually all areas of human knowledge. The impact of this change is felt in every area of the library's operation—acquisitions, cataloging, and public service—as well as in the training and knowledge necessary for law librarianship.

4. Technology and technological change have become daily concerns affecting most of the basic functions of the library. Whereas seventy-five years ago the law librarian could safely assume a continuity and stability in the basic design of the library's procedures, environment, and approach to problems, today the only certainty is that of change.

5. There has been a striking increase in interlibrary dependence and cooperation, which is perhaps the most remarkable feature of contemporary librarianship in this country. No law library, not even the largest, can function effectively without significant reliance on the resources of other libraries and on the cooperative schemes which are becoming an integral part of the operations of all research libraries. These undertakings include not only traditional interlibrary loans, which have grown enormously, but also cooperative cataloging and acquisitions programs, shared resource arrangements, network-supported data bases, and bibliographic utilities.

GOALS

The continuing clash of tradition and change, and the resolution of those conflicts, affects the goals and philosophies of every human activity. Librarians exist in time as well as in space. Their work is shaped and influenced not only by their jurisdictional and institutional context, but also by their past, their present, and the promise and threat of their future. Yet from this complex background of tradition and change, we should be able, at any time, to identify certain goals which are com-

mon to law libraries generally and which can serve as standards for judging our performance as law librarians.

I propose the following statement of general goals, each of which must be adapted to the specific needs of the institution and readers the library serves. These goals represent one librarian's view of the current objectives of law libraries. They are offered not only to stimulate discussion of where we are today, but also of where we should be going in the future.

We should

1. Offer a full range of readers services which are designed:

- (a) to provide maximum access to the library's resources, with appropriate measures for the arrangement and conservation of collections to assure their availability for present and future use;
- (b) to assist users in obtaining any information which may be needed in their work, regardless of whether such information is presently within the library's collections;
- (c) to instruct users, as necessary, in the effective use of the library's collections, and in the materials and methods of legal research generally; and
- (d) to inform users (by exhibits, publications, bibliographies, or other means) of the library's resources, of additions thereto, and of new developments affecting the materials and methods of legal research.

2. Develop, maintain, and improve research collections of high quality, including primary sources, secondary sources, finding tools, and materials from other disciplines, as may be necessary for the needs of the group or institution which is served by the library.

3. Create and maintain records of the library's holdings which are adequate:

- (a) to inform its readers and to facilitate the most effective use of the library's resources;
- (b) to support the efficient administration of the library's collections and services; and
- (c) to reflect the library's holdings to those beyond its primary users to other libraries and users.

4. Contribute to the advancement of librarianship, information science, bibliography, and legal scholarship:

- (a) through the development of the library's own collections and services;
- (b) through the evaluation and utilization of new technology and techniques where appropriate and through participation in information networks and other cooperative activities among libraries;
- (c) through the encouragement of individual professional activities, writing, teaching, and consultation by members of the library's staff; and
- (d) through the support of educational programs, internships, exchanges, and professional activities among libraries and librarians.

5. Administer the library's functions and programs, so as:

- (a) to provide a humane work atmosphere and personnel program for the dignity, well-being, and professional development of all staff members;

- (b) to assure the effective, convenient, and safe use of its facilities and resources;
- (c) to preserve and protect the library's collections and resources for future use; and
- (d) to use its funds and fiscal resources responsibly and efficiently, with accurate accountability, to the maximum benefit of the library's services and collections.

These goals are stated in general terms to make them applicable to all types of law libraries. If each sector of the profession were to elaborate and to enlarge the outline to meet their specific concerns, and if individual libraries were to adapt it further to their particular needs, we might better understand and articulate the varied elements of our professional commitment. From such an exercise in self-analysis, we can develop guidelines to rationalize our activities. Goals and philosophies will change, as they have in the past, but that change need not be solely determined by external, inexorable forces. We can have a role in their change and in our own professional destiny, if we are conscious of the process and are willing to participate in it.