

**\* EDUCATIONAL REQUIREMENTS FOR LAW LIBRARIES**By **FREDERICK C. HICKS**

How can one know what the educational requirements for law librarians are? The question relates not to minimum requirements, but to such qualifications as will enable their possessor to elevate his position and meet the demands of an expanding profession. What are the educational requirements of law librarianship?

There is no ready-made yard-stick with which to measure these requirements, and, I fear that any unit of measure which might be suggested would be found irrelative to different types of law librarianship. Suppose we begin, therefore, not with the yard-stick, but with the thing to be measured.

Not long ago, an eminent professor who has been using libraries all his life said to me, "What do librarians do, anyway? When they have the library started and stocked with books, I don't see how they continue to keep busy?" It is not easy, in a few words, to answer such a question. Suppose the question were "What do law librarians do?" If we can answer that question, perhaps we will then also know what are the educational requirements of law librarianship. But that will be so only if we study the behavior of a composite being made up of many different law librarians all confronted with different problems. And this law librarian must also be presumed to be doing, either in his proper person, or through his assistants, everything that is done in a law library.

This ideal or composite law librarian occupies himself with duties many of which may be described in terms equally applicable to the duties of any librarian. He selects books, checking new and second-hand book catalogues and the weekly issues of the Public Affairs Information Service, and reading book reviews. He orders books and serials, domestic and foreign, and executes customs vouchers for the latter. He records the receipt of ordered material, verifies the bills and pays them, not forgetting the fluctuation in foreign exchange. He calls himself an accountant while serving as a book-keeper. He adopts a type of catalogue suitable for his library; he catalogues, classifies and shelf-lists his books, employing subject headings, class numbers and book numbers. He applies book-plates, stamps and labels, and shelves the books. He lends them, uses a charging system and collects fines. He binds and rebinds books, keeping his eye on sewing, joints, headbands, end-papers, and binding materials. He experiments with leather preservation. He administers reading rooms and a "reserved book" system, provides a reference service, and instructs readers in the use of the catalogue. He carries on an extensive correspondence, takes inventories, occasionally cleans books, answers questionnaires, keeps library statistics, engages assistants and schedules their work and vacations, advertises for pages, conducts an inter-library loan service, sorts and lists his duplicates, exchanges books, prepares exhibits, acknowledges gifts and stimulates others, organizes a "Friends of the Library Association" and has a "gift book," purchases supplies, criticises the color, thickness, tensile strength and tearing resistance of catalogue cards, insures his collection, prepares accession lists, compiles bibliographies and reading lists, guards a collection of

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"restricted books," cooperates with other libraries, checks his collection for the *Union List of Serials* and for the *List of Serial Publications of Foreign Governments*, pays for the Wilson publications on the service basis, devises forms and has them printed, reads proof, "advertises" his library, writes reports, deals with library committees and boards of trustees, prepares budget recommendations and urges increased appropriations, keeps informed on the progress of library science, and writes papers for library meetings. He helps to draw specifications for library buildings and selects book-stacks, reading-room shelves, library tables and "posture" or form-fitting chairs, noiseless book-trucks, card-cabinets, floor-coverings, shelf-label holders, book supports, book dummies, vertical files, atlas cases, shelves for bound newspapers, bulletin boards and visible files. He either is responsible for or influences the service of janitation, which is the new name for the janitor's job. He gives his opinion on book-lifts, automatic electric elevators, direct, indirect and semi-indirect lighting, vacuum cleaners, and methods of heating, ventilation and humidification.

When evening comes, he makes sure that the night staff is intact, draws a long breath and calls it a day; but takes home a book-list to check, or a rough draft of a report that he is preparing, or a book of which he has weakly promised to write a review. And so to bed.

He succumbs to the lure of book-collecting. He wants to see his library complete in the subject to which it is devoted. Theoretically, he is willing to divide the field with other libraries to avoid duplication, but practically it turns out that each specific proposal for cooperation is an unavoidable exception. The only thing that holds him back from purchasing scarce, rare and expensive books is lack of money. He likes first editions and last editions and all the editions between. He checks Pollard's *Books printed in England, Scotland and Ireland, 1475-1640*, and finds that law books have an honorable place in the history of printing, and that he has in his charge some of the most important items. He keeps them in a Treasure Room where he fondly exhibits them to the initiated few. With them are some of the most beautiful of Continental typographical masterpieces, such as a Blaeu edition of the *Corpus Juris Civilis*. He may, as is often the case when general librarians exhibit their treasures, be unable to read them fluently, yet he gets all the thrill that other librarians do from bindings, type, proportions of the page, title-pages, printers' marks, colophons and water-marks. He has a collection of "association books" whose pedigrees he traces.

He does not conduct a children's department, with a story-hour in which the librarian confronts a semi-circle of bright young faces; but he can supply you with books on child labor, children's courts and juvenile delinquency, and he has practical experience with the young through his page service.

He does not struggle to raise the percentage of non-fiction reading, but he nevertheless has a collection of legal novels, detective stories and narratives of criminal trials. It is no legal fiction that many of these true stories are stranger than fiction. A large number of lawyers have written essays, novels and poetry. Some of them will be remembered only because of this fact.

There is no Art Department, but the walls of the law library are hung with oil paintings and engravings of lawyers and judges. Wigmore's *Panorama of the*

*World's Legal Systems* is a picture book, the sketches by "Spy" are famous, and Veth's *Advocaat in de Caricatuur* is a work of art.

Technology and natural science are not our librarian's major interests, but he has the decisions of the Commissioner of Patents and probably the Patent Office Gazette with which to satisfy the craving for knowledge of the latest inventions. He has law books specially designed for engineers, architects and builders. The law reports are filled with cases involving an intimate knowledge of electricity, chemistry and physics, and seldom does a scientific discovery fail to have a repercussion in legal records. The first volume of the United States Aviation Reports has appeared, and the American Bar Association has a committee on radio law.

There is no Medical division, but there are books in the collection on forensic or legal medicine, psychiatry, normal and abnormal psychology, behaviorism, expert testimony and anthropology. Dr. Healy is associated with the Yale Law School Faculty, while Hutchins, a lawyer, and Slesinger, a psychologist, write joint articles on evidence.

Philosophers write about law and lawyers write about philosophy. John Dewey is a member of the faculty of the Columbia University Law School, Morris Cohen lectures to lawyers and law students, and Cassius J. Keyser applies mathematical philosophy to legal problems. Legal ethics and legal philosophy bulk large in those general subjects, and have produced a literature for the law librarian to assemble.

He is not called a social science librarian, but he proceeds on the assumption that law is not the least of the social sciences, and he sees its relation not only to politics and government, but to business, to economics, to sociology, to medicine, to anthropology, and to history. He has no business branch, but he has books on banking, taxation, finance, insurance, corporations, accounting, marketing, ships and shipping, railroads and the telephone and telegraph.

He does not pose as an expert in statistics and statistical method, but he collects judicial statistics, the statistics of crime, and of the administration of justice through Attorneys General, prosecuting attorneys, the police and executive officers.

He does not say that his is a library of history, but he has in his charge a huge collection of historical source materials, including statutes, decisions of courts and legal manuscripts. For seeking completeness in the literature of several branches of history he makes no apology,—constitutional history, the history of legal doctrines, and of legal institutions. In the latter he includes the development of legislatures, constitutional conventions, courts, prosecuting offices, the police system, associations of the bar, legal-aid societies, law schools, and the church as a law-making body. He collects biographies of judges, lawyers, statesmen and legal writers.

Turn now and look at this composite librarian some of whose duties and part of whose collections have been described. You may well say, "He isn't a law librarian; that is a misnomer. He is a librarian." Certainly he does many of the things that public, university, and college librarians do. And these duties rise out of like situations. There is the same library technique which can properly be described by the same words of art, there are the same problems of

acquisition, recording, care and use of books, the same relation of library to reader, and the same subjects viewed from a different angle.

But is this a complete picture? We have all seen a vaudeville artist model a man of clay on the stage before our eyes. Perhaps he is Mark Twain or President Wilson. Then, after a few deft strokes, pushes and pinches, and an extra dab of clay, he is Napoleon Buonaparte; or vice versa. It is the same figure with distinctive features changed or added. What are the distinctive features of a law librarian? Or rather, assuming that he has them, what are the things that have left their impress upon him? They are three. First, a special class of readers; second, special subject matter and form of books which predominate in his library; and third, a special technique in their use.

#### READERS

The law librarian deals with many classes of readers, especially in University law school libraries; but most of them are legislators, lawyers, judges, law clerks, law professors and law students. The average of their intelligence and education is high, and, with increased requirements for graduation from law school and for admission to the bar, it tends to become higher. They work under pressure, are impatient of slowness in the acquisition of books, and expect to find them upon the shelves in an arrangement which tradition has sanctified for the lawyer. They are quick to notice ignorance of things special to the legal profession, and equally quick to acknowledge proficiency and skill. They talk in a special language (the jargon of the law) which the librarian must understand. They pronounce latin barbarously, but with the complete justification of custom. The librarian has to be *en rapport* with them, and be, or give the appearance of being, like them. His eye must light up with intelligence when more or less technical topics are discussed. He must know something of the history of the bench and bar and of important legal developments. He must be able to recognize a salient statute or case, when, figuratively (no, literally) speaking it is called by its first name.

#### SUBJECT MATTER

There is a prevalent assumption that the work of the law librarian is so special that he is outside the pale of general library interests. This is not true of our composite law librarian, who is in touch with even more than the classes of books which have already been enumerated. It must be conceded, however, that the major part of his collection is made up of legal literature exemplified by statute law books, law reports, commentaries and treatises, legal periodicals, and books designed to facilitate the use of the foregoing. But this does not produce a library narrow in scope. In time, it covers the whole stretch almost from the beginning of printing down to the present. Geographically, it is as wide as the civilized world. It includes, or may include, law books from every country, past and present, printed in the vernacular, and couched in technical terms of the particular legal system out of which they grew. Even books in English are filled with foreign words Anglicized to become the technical terms of law.

From these facts flow definite consequences affecting the duties of the law librarian.

He must be expert in an extensive special *bibliography*, which, although special, has all the subdivisions of bibliography as a whole. It comprehends general legal bibliography, national and local bibliography, trade bibliography, author bibliography, subject bibliography (the subdivisions of law), bio-bibliography, and period bibliography. At the same time, since legal literature is part of a larger literature, he must be familiar with bibliography generally. A list of books printed before 1640 must include law books. So must Gross' *Sources and Literature of English History*, and Reece's *State Documents for Libraries*. The *United States Catalogue*, 1928, while not to be described as his handy desk-book, is constantly thumbed over, not only for law books, but for thousands of so-called non-legal books which deal with the back-ground of the law, or with subjects about which there has been legislation and litigation. All things and all human relations may be the subject of litigation and legislation.

A special collection, for the use of a particular class of readers, requires a specialized *classification*. The books must be arranged on the shelves so that lawyers and others affected with the legal virus may readily find them. They have ideas of their own how books should be arranged, and their professional ancestors were accustomed to the "open-shelf system" long before the epoch-making discovery by public librarians that access to books is important to readers. Classification schemes invented for use in general libraries must be expanded, modified and adapted for use in law libraries. They must serve the library rather than be served by it. The Library of Congress scheme, modified, may be used for one part of the collection, The Dewey system for another, and a scheme, locally invented, for a third. Whatever the scheme may be, it can be used only when one knows what the books are about. How can one know specifically the subject of each law book for the purposes of classifying it? Must the librarian be a lawyer? Not necessarily; but he must at least be "legally minded," and whether he holds a law degree or not, he must study law as long as he remains a law librarian.

Almost inseparable from the question of classification of law books is that of *subject-headings*. Our law librarian must not only know what each book is about, but must choose descriptive headings that will have meaning to the technically trained legal user of the catalogue. This is not a simple matter even when he is dealing with books in English relating to the Common Law. But suppose he needs to choose headings for three books in Dutch, French and German respectively, each dealing with a subdivision of the law of the country of its origin. To do so intelligently involves a working knowledge of three foreign languages, some knowledge of foreign law and of Anglo-American law, and the ability to decide whether any subject-heading in English is the exact equivalent of what seems to be the corresponding foreign technical term. Qualifications are called for which our law librarian will not always possess. Nevertheless, he must be able, with what help he can get, to deal with the situation.

#### USE OF LAW BOOKS

As has been said, our librarian does reference work even as other librarians do. But he also has a more specialized task of doing reference work in law books. This involves a knowledge of what has been called "the elaborate system

of reference to law books." This expression is no misnomer. Legal literature is more elaborately indexed than any other class of literature. As a publishing enterprise, indexing has been carried further and is more quickly and consistently kept up to date in law, than in any other subject. For brevity of reference a system of citations is used. The origin of the system antedates printed books. It was found useful and persists today. Parenthetically it may be said that it is a phenomenon no more extraordinary than a reference to chapter and verse of a book of the Bible as 2 Sam. 1:12 instead of writing *The Second Book of Samuel, otherwise called The Second Book of Kings, chapter 1, verse 12*. Yet two learned librarians, in 1928, discovered the fact with astonishment and recorded the discovery with an exclamation point in their excellent *Bibliography, Practical, Enumerative, Historical*. In the use of these legal reference books one encounters those same subject-headings which are important in law cataloguing, and one comes upon "law classification," which to the lawyer does not mean classification of law books. Ability to use legal reference books quickly and skillfully is an art involving as a prerequisite some knowledge of law and legal literature. It can be acquired only by practice. Our librarian is required not only to use legal reference books skillfully, but also either formally or incidentally to teach others to do so.

We have sketched a librarian and turned him into a law librarian. If you accept the representation as correct, can we now answer the question, "What are the educational requirements of law librarianship?" Would the following be a fair statement? Law librarianship requires:-

A knowledge of the fundamentals of library science comparable to that possessed by university, college and public librarians,—to be applied with imagination to law library problems.

A flair for bibliography, legal and general.

The equivalent of a college education, with special emphasis on languages and the literature of the social sciences, including in the latter history, economics, sociology, political science, international relations, and anthropology, and reaching out towards psychology and psychiatry.

Some knowledge of law, or, more accurately, a mind capable of thinking in legal channels. There are persons, otherwise intelligent, who can handle law books under direction for years without acquiring an understanding of the simplest legal expressions.

I have created in this composite law librarian, with his manifold qualifications, a Frankenstein which would destroy me if he turned his basilisk eye in my direction. He represents an ideal towards which we should strive. He would be welcomed to the staff of any library. He has been created, but not fancifully. He is a composite, but not made up of imaginary elements. Piecemeal his parts may be found in the persons of law librarians now at work. With what clearness it has been possible for me to create him, he stands before you to be rended apart in this Round Table, or to be retained as an ideal which library schools may help us to approach.