



University of Arkansas at Little Rock William H. Bowen School of Law
Bowen Law Repository: Scholarship & Archives

Faculty Scholarship

2021

Tomorrow's Law Libraries: Academic Law Librarians Forging the Way to the Future in the New World of Legal Education

Jessie Wallace Burchfield

University of Arkansas at Little Rock William H. Bowen School of Law, jwburchfoeld@ualr.edu

Follow this and additional works at: https://lawrepository.ualr.edu/faculty_scholarship



Part of the [Legal Education Commons](#), and the [Legal Writing and Research Commons](#)

Recommended Citation

Jessie Wallace Burchfield, *Tomorrow's Law Libraries: Academic Law Librarians Forging the Way to the Future in the New World of Legal Education*, 113 *Law Libr. J.* 5, 22 (2021).

This Article is brought to you for free and open access by Bowen Law Repository: Scholarship & Archives. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of Bowen Law Repository: Scholarship & Archives. For more information, please contact mmserfass@ualr.edu.

Tomorrow’s Law Libraries: Academic Law Librarians Forging the Way to the Future in the New World of Legal Education*

Jessie Wallace Burchfield**

Traditionally, the value of an academic law library was measured largely by its physical collection. This article considers the future of law libraries in light of two “drivers of change” identified by lawyer and futurist Richard Susskind: the “more-for-less” challenge and information technology.

“The world has changed. I see it in the water. I feel it in the Earth. I smell it in the air. Much that once was is lost, [f]or none now live that remember it.”¹

Introduction	6
Historical Development of Academic Law Libraries	7
Effects of the Economic Downturn and the Crisis in Legal Education	10
Observations and Predictions of Academic Law Library Leaders	12
Susskind’s Drivers of Change	15
The More-for-Less Challenge	15
Information Technology.	16
One Law Library’s Ongoing Evolution	19
Meeting the More-for-Less Challenge	19
Information Technology.	21
Examples of Law Librarians as Technology Leaders.	22
Librarians Lead Institution-wide Digital Initiatives.	22
Librarians Lead Technology-Focused Groups Within Professional Associations	24

* © Jessie Wallace Burchfield, 2021.

** Associate Dean for Information and Technology Services, Director of the Law Library, and Associate Professor of Law, UA Little Rock William H. Bowen School of Law, Little Rock, Arkansas. The author thanks faculty colleagues Anastasia Boles, Nicholas Kahn-Fogel, Bob Minarcin, and Melissa Serfass for their feedback on drafts of this article. Thanks is also due to librarian colleagues Barbara Bintliff and Richard Leiter for their comments. Library research assistants Yasmeen Al Shukri and Rhiannon Evans provided valuable research support. Michael Burchfield, Emily Burchfield, and Guinte Cranford provided moral support and kept the household running and the author fed. This article is dedicated in loving memory to Ova Lee Wallace, the author’s father, who encouraged her to pursue a profession she loved and to never stop learning.

1. *Galadriel’s Prologue*, LORD OF THE RINGS: THE FELLOWSHIP OF THE RING, at 0:00–0:27 (New Line Cinema 2001), <https://www.youtube.com/watch?v=vOulsEGvSCo> [<https://perma.cc/F8SS-9TWK>].

Librarians Lead Curricular Innovation in Technology	24
Librarians Teach Law Practice Technologies.	24
Librarians Use Technology to Serve Their Schools and Promote Access to Justice in Their Communities	25
Coronavirus Impacts	26
Conclusion	28

Introduction

¶1 When you think of “the law library,” what do you picture? Academic law library director Richard Leiter observes, “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”² The university librarian and dean of libraries at the University of Michigan puts it this way: “In the beginning there was the collection, and the collection was, perforce, housed in physical buildings, with elaborate mechanisms to keep the collection both healthy and usable.”³ For many readers, that is the vision that comes to mind when thinking of “the law library.”⁴ Some may regard that vision dismissively, others with great reverence. Yet as surely as Sauron’s dark forces threatened Tolkien’s Middle Earth, the world has changed for academic law libraries.

¶2 In his book *Tomorrow’s Lawyers*, Richard Susskind predicts that “[u]nless they adapt, many traditional legal businesses will fail.”⁵ He posits that “the golden era for many law firms has passed.”⁶ Given the continuing crisis in legal education, is the same true for academic law libraries? Many prominent law librarians have noted that “the golden age of the academic law library may now be over.”⁷ This assessment is not a surprise to anyone working in an academic law library today. Some might even agree with James Milles, who predicted “law libraries are doomed,”⁸ or with Stephen Gillers,

2. Richard A. Leiter, *Law Librarians’ Roles in Modern Law Libraries*, in *ACADEMIC LAW LIBRARY DIRECTOR PERSPECTIVES* 387 (Michelle M. Wu ed., 2015). Leiter is Director of the Law Library and Professor of Law at the University of Nebraska-Lincoln College of Law.

3. Paul N. Courant, *The Place of Research Libraries in the Digital Age*, 13 *I/S: J.L. & POL’Y FOR INFO. SOC’Y* 245, 247 (2016).

4. Robert C. Berring, *The Shifting Universe of Legal Information*, in *THE NATIONAL CONFERENCE ON LEGAL INFORMATION ISSUES: SELECTED ESSAYS* 21, 22 (Timothy Coggins ed., 1996). Berring notes, “The law library shelves lined with case reporters became our mental image of where law ‘was done’ . . . Law was a profession of its books.” *Id.*

5. RICHARD SUSSKIND, *TOMORROW’S LAWYERS* 3 (2d ed. 2017).

6. *Id.* at 18.

7. Taylor Fitchett et al., *Law Library Budgets in Hard Times*, 103 *LAW LIBR. J.* 91, 94, 2011 *LAW LIBR. J.* 5, ¶ 9; see also Barbara Bintliff, *The Golden Age?*, Inaugural L.A.W. (Learned. Adaptable. Wise) Lecture, Southwestern Association of Law Libraries 61st Annual Meeting, Little Rock, AR (Apr. 15, 2019) (recording available at <https://utexas.app.box.com/s/0to4b9435ysaq467vbma1roefa6nwtuc> [<https://perma.cc/7A23-88UE>]). At the beginning of her remarks, Bintliff states that “[l]aw libraries are no longer the crown jewels of our law schools. Maybe the golden age of law libraries has passed.” *Id.* at 0:56–1:04.

8. James G. Milles, *Legal Education in Crisis, and Why Law Libraries Are Doomed*, 106 *LAW LIBR. J.* 507, 508, 2014 *LAW LIBR. J.* 28, ¶ 5. Milles qualified this pronouncement, which is addressed *infra*, note

who asserts that the physical “law library is becoming an object of historical curiosity, like an original copy of the Declaration of Independence.”⁹ Though law libraries may not be completely doomed, nor are they quite yet historical curiosities, law librarians should heed Susskind’s advice. Academic law libraries must adapt and evolve to remain relevant today and in the future.

¶3 This article briefly discusses the historical development of academic law libraries and reviews observations, analyses, and predictions of leading law librarians, examining recent changes and continuing trends. It examines academic law libraries in light of two of the drivers of change identified by Susskind: the “more-for-less” challenge and information technology.¹⁰ It briefly discusses one academic law library’s experience with these drivers of change and gives a few examples of academic law librarians who are technology leaders. It notes the initial effects of an ongoing global pandemic¹¹ that changed the face of public school, undergraduate, and postgraduate education—including legal education—in a matter of weeks.¹² Lastly, it envisions the successful academic law library of tomorrow.

Historical Development of Academic Law Libraries

¶4 American law schools and their libraries began to proliferate in the 18th century, when prominent practitioners started offering lectures and use of their private libraries to paying students.¹³ Law office–type law schools gave way to more formal institutions as colleges began offering programs of legal education.¹⁴ Harvard Law School, the oldest continuously operating law school in the United States, began in 1817 and advertised that it would offer a “complete law library.”¹⁵ Christopher Columbus Langdell,

63, and accompanying text.

9. Stephen Gillers, *The Legal Industry of Tomorrow Arrived Yesterday: How Lawyers Must Respond*, in *THE RELEVANT LAWYER: REIMAGINING THE FUTURE OF THE LEGAL PROFESSION* 13, 17 (Paul A. Haskins ed., 2015) [hereinafter *THE RELEVANT LAWYER*].

10. SUSSKIND, *supra* note 5, at 3. Susskind identifies three drivers of change in the way legal services will be delivered: (1) the “more-for-less” challenge, (2) liberalization, and (3) information technology. *Id.* Anything that affects the legal market affects legal education, as demonstrated by the reduction in jobs for new graduates following the recession resulting in declining law school applications. The sustained downward trend in enrollment resulted in budget cuts for many academic law libraries.

11. COVID-19 is a respiratory illness caused by the betacoronavirus SARS-CoV-2. *COVID Data Tracker*, CTRS. FOR DISEASE CONTROL, <https://covid.cdc.gov/covid-data-tracker/> [https://perma.cc/E2SF-XXRS]. All 50 U.S. states have reported cases of COVID-19. *Id.*

12. Some U.S. law schools canceled in-person classes and began transitioning to online learning as early as March 4, 2020. Karen Sloan, *Here Are the Law Schools Moving Classes Online Amid Coronavirus*, *LAW.COM* (Mar. 10, 2020, 2:05 PM), <https://www.law.com/2020/03/10/here-are-the-law-schools-moving-classes-online-amid-coronavirus/> [https://perma.cc/B3S2-2UJ7].

13. Christine A. Brock, *Law Libraries and Librarians: A Revisionist History; or More Than You Ever Wanted to Know*, 67 *LAW LIBR. J.* 325, 341 (1974).

14. *Id.* at 342.

15. *Id.* The original book budget was \$500, and Joseph Story described the library as inadequate. *Id.*

Harvard Law School dean from 1870 to 1895, is generally credited for originally promoting the law library as the heart of the research law school.¹⁶

¶5 Early 20th century expectations for law school library collections were minimal. At the inaugural meeting of the Association of American Law Schools (AALS), the group stated in article 6 of its articles of association a requirement that member schools “shall own or have convenient access to during all regular lar [sic] library hours, a library containing the reports of the State in which the school is located and of the United States Supreme Court.”¹⁷ The American Bar Association (ABA) developed a set of accreditation standards for American law schools in 1921.¹⁸ The resolution it passed concerning standards for law schools included “an adequate library for the use of the students,” but it did not specify the contents of such a library.¹⁹

¶6 As the 20th century progressed, both the AALS and the ABA increased their standards for academic law library collections, specifying lists of items member law libraries must contain.²⁰ These lists emphasized the importance of books. In the 1936 publication of the standards, the ABA Section of Legal Education declared, “Higher education without books is a contradiction. The possession of a store of books is some guarantee of permanency, dignity, scholarship and ambition in an educational institution.”²¹ In response to the lists included in the standards, the core collections of law school libraries around the country were essentially the same.²² Volume and title counts, library square footage, and linear shelf space (occupied and available for growth) were also requested on the ABA Annual Questionnaire for many years.²³

16. *Id.* at 344; *see also* Barbara Bintliff, *Context and Legal Research*, 99 LAW LIBR. J. 249, 257, n.32, 2006 LAW LIBR. J. 15, n.32, quoting Langdell: “We have also constantly inculcated the idea that the [law] library is the proper workshop of [law] professors and students alike, that it is to us all that the laboratories of the university are to the chemists and physicists, the museum of natural history to the zoologists, the botanical garden to the botanists.” Bintliff, *supra* note 7, at 8:25–8:27, noting it was Langdell who said, “The law library is the laboratory of the law.”

17. ASS’N OF AM. LAW SCHS., PROCEEDINGS OF THE ANNUAL MEETING 1900–1901, at ii (1901).

18. ROSALIE A. WAHL ET AL., REPORT OF THE COMMISSION TO REVIEW THE SUBSTANCE AND PROCESS OF THE AMERICAN BAR ASSOCIATION’S ACCREDITATION OF AMERICAN LAW SCHOOLS 8 (Aug. 3, 1995), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/reports/1995_wahl_report.pdf [<https://perma.cc/D7LE-WKM3>].

19. *See* 44 ANN. REP. ABA 19, 38 (1921). Since 1952, the ABA Council of the Section of Legal Education and Admission to the Bar has been recognized by the U.S. Commissioner of Education as a national accrediting agency for American law schools. WAHL ET AL., *supra* note 18, at 8.

20. For a thorough discussion of the origin and progression of the standards, including appendices detailing changes in the requirements for a core collection, *see* Michael Whiteman, *Book Burning in the Twenty-first Century: ABA Standard 606 and the Future of Academic Law Libraries as the Smoke Clears*, 106 LAW LIBR. J. 11, 2014 LAW LIBR. J. 2. *See also* Theodora Belniak, *The History of the American Bar Association Accreditation Standards for Academic Law Libraries*, 106 LAW LIBR. J. 151, 2014 LAW LIBR. J. 9; Gordon Russell, *The ABA Section on Legal Education Revisions of the Law Library Standards: What Does It All Mean?*, 106 LAW LIBR. J. 329, 2014 LAW LIBR. J. 20.

21. Belniak, *supra* note 20, at 161, ¶ 32.

22. *Id.* at 172, ¶ 71.

23. Jessie Wallace Burchfield, *Ranganathan Rephrased: The Library is an Evolving Organism*, A LEGAL MISCELLANEA (Aug. 1, 2018, 3:21 PM) <http://alegalmiscellanea.com/ranganathan-rephrased-the-library-is-an-evolving-organism/> [<https://perma.cc/EV9N-E82E>]. In the somewhat distant past, the author and

Those law libraries that could afford to do so retained core materials in print even as they became more readily available online, partly for this reason. The print collection remained a prime indicator of an academic law library's quality.²⁴

¶7 In 2014, the language in the ABA standards regarding the required core collection was changed to state that the collection could be provided "through ownership or reliable access."²⁵ This gave libraries the freedom to cancel expensive subscriptions to print reporters and statute sets and rely on electronic access.²⁶ The library questions were removed from the ABA Annual Questionnaire in 2017,²⁷ deemphasizing print holdings even more. Leiter observes that when the ABA accreditation standards changed their focus from ownership of materials to reliable access and the ABA stopped collecting information about volume and title counts, many law school deans and other administrators interpreted this as a signal that library resources were no longer important. At the same time, costs for that "reliable access" were escalating,²⁸ resulting in little relief for library materials budgets despite the elimination of many print resources.²⁹

select student workers physically measured all the empty shelf space in the library each year for those reports.

24. "Only a short two decades ago, academic law libraries were primarily interested in collecting materials, most in print, that faculty needed for scholarship and teaching." Roberta F. Studwell, *The Strategic Academic Law Library Director in the Twenty-first Century*, 109 *LAW LIBR. J.* 649, 650, 2017 *LAW LIBR. J.* 29, ¶ 2. "For decades, the formula for developing collections in law school libraries was fairly clear: acquire the core primary and secondary materials, enhance for local research and curricular needs, add microform to address gaps, and subscribe to the major legal research databases." Christine Bowersox & Sheri Lewis, *Collection Building in the Twenty-first Century: Law Firm and Academic Perspectives*, *AALL SPECTRUM*, July–Aug. 2017, at 48, 50.

25. Whiteman, *supra* note 20, described this proposed change at 26, ¶ 47. The proposed standards became effective on August 12, 2014. *AM. BAR ASS'N, 2014–2015 STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS v* (2014).

26. Whiteman, *supra* note 20, at 29, ¶ 56. Subscription to just one major database such as Westlaw Edge, Lexis+, or Bloomberg Law provides a law school's faculty and students reliable access to "[a]ll federal court decisions and reported decisions of the highest appellate court of each state," "[a]ll federal codes and session laws, and at least one current annotated code for each state," "[a]ll current published treaties and international agreements of the United States," and "[a]ll current published regulations (codified and uncoded) of the federal government and the codified regulations of the state in which the law school is located." *Id.*

27. Email from Kenneth R. Williams, Data Specialist, Section of Legal Educ. & Admissions to the Bar, to Users of ABA Questionnaires (June 13, 2017, 3:41 PM) (on file with the author).

28. Leiter, *supra* note 2, at 387. Margie Axtmann and Rita Reusch predicted this in a 2002 report: "The annual ABA questionnaire still requires [volume count], and these data are important to deans and senior administrators. If and when law schools abandon this emphasis, law libraries are expected to move away from print sources more quickly." *AALL, BEYOND THE BOUNDARIES: REPORT OF THE SPECIAL COMMITTEE ON THE FUTURE OF LAW LIBRARIES IN THE DIGITAL AGE 106* (2002) [hereinafter *BEYOND THE BOUNDARIES*].

29. Bowersox & Lewis, *supra* note 24, at 51. Bowersox and Lewis note that the traditional collection development model "changed quickly and drastically" in response to "the explosion of digital content, rapid increases in information costs, shrinking library budgets, consolidation of the vendor market, changing accreditation standards, and new directions in academic scholarship and teaching." *Id.* at 50.

Effects of the Economic Downturn and the Crisis in Legal Education

¶8 In the wake of the post-2008 recession, enrollment at U.S. law schools declined alarmingly.³⁰ Beginning in the 2010–2011 testing year, the total number of individuals taking the Law School Admission Test (LSAT) declined every year through 2014–2015.³¹ The numbers began trending upward again in 2015–2016, but have not rebounded to the high numbers of 2009–2010.³² Total J.D. enrollment at U.S. law schools has trended slightly upward in the last two years, but 81 schools had decreased 1L enrollment in 2018, and 84 had decreased 1L enrollment in 2019.³³ Some law schools did not survive. Charlotte Law School, a for-profit law school, closed its doors in August 2017, with no teach-out plan.³⁴ The Section on Legal Education currently lists two accredited law schools that have closed and are “teaching out” their students.³⁵ Some schools have uncertain futures due to the fiscal problems of their parent institutions.³⁶

30. Milles, *supra* note 8, at 508, ¶¶ 2–3.

31. LAW SCH. ADMISSIONS COUNCIL, LSAT TRENDS: TOTAL LSATs ADMINISTERED BY ADMIN & YEAR (2019), <https://report.lsc.org/TestTakers.aspx> [<https://perma.cc/M5QM-D7JR>] (click on the “Historical Data” button at bottom right).

32. *Id.*

33. AM. BAR ASS’N, SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, 2019 STANDARD 509 INFORMATION REPORT DATA OVERVIEW, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/2019-509-enrollment-summary-report-final.pdf [<https://perma.cc/YBE7-J2JT>]; see also AM. BAR ASS’N, ABA PROFILE OF THE LEGAL PROFESSION 24 (2019), <https://www.americanbar.org/content/dam/aba/images/news/2019/08/ProfileOfProfession-total-hi.pdf> [<https://perma.cc/NCU3-F44D>] [hereinafter ABA PROFILE] (“Overall enrollment of students pursuing a juris doctor degree hit 111,472 in 2018—the highest number in three years. This represented an increase of 1,345 students (or 1.2%) over the previous year. Still, it was far below the high of 147,000 enrolled law-school students in 2010.”).

34. FED. STUDENT AID, FACT SHEET: SCHOOL CLOSURE, CHARLOTTE SCHOOL OF LAW LOCATED IN CHARLOTTE, N.C. (Mar. 2018), <https://studentaid.gov/sites/default/files/charlotte-law.pdf> [<https://perma.cc/53PQ-PLQC>]; see also Elizabeth Olson, *For-Profit Charlotte School of Law Closes*, N.Y. TIMES (Aug. 15, 2017), <https://www.nytimes.com/2017/08/15/business/dealbook/for-profit-charlotte-school-of-law-closes.html> [<https://perma.cc/67YC-9XV7>]. Former students received a \$2.65 million class action settlement in January 2019, though many objected that it was not enough. Karen Sloan, *Ex-Charlotte Law Students Get \$2.7 Million Settlement, Despite Objectors*, LAW.COM (Jan. 17, 2019), <https://www.law.com/2019/01/17/ex-charlotte-law-students-get-2-7-million-settlement-despite-objectors/> [<https://perma.cc/ZUW5-JGFY>].

35. Those schools are Thomas Jefferson School of Law and University of La Verne Law School. AM. BAR ASS’N, SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, ABA-APPROVED LAW SCHOOLS, LAW SCHOOLS ON A TEACHOUT PLAN, https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/ [<https://perma.cc/39QJ-MHY9>]. [Ed.’s note: Arizona Summit Law School, Valparaiso University Law School, and Whittier Law School were following teach-out plans at the time of writing, but closed before this article went to press.]

36. Concordia University School of Law students learned early in the spring 2020 term that their law school might close at the end of that semester due to fiscal issues at the parent university. Staci Zaretsky, *Law School Left in the Lurch After University Unexpectedly Decides to Close Its Doors*, ABOVE THE LAW (Feb. 11, 2020, 11:42 AM), <https://abovethelaw.com/2020/02/law-school-left-in-the-lurch-after-university-unexpectedly-decides-to-close-its-doors/> [<https://perma.cc/M9FX-E9TC>]. Although the interim dean sought to partner with another university, the law school ultimately closed. *Permanent Closure*

¶9 At most law schools still in operation, there has been a constriction. In a 2018 survey, 57.8 percent of academic law library directors responding reported that their law libraries had undergone reorganization since August 1, 2016.³⁷ More than half of those reorganizations involved staff reductions.³⁸

¶10 The 2014 final report of the ABA Task Force on the Future of Legal Education identified several factors that were negatively impacting the legal education system in the United States: (1) the high price of a legal education; (2) the large amount of student debt; (3) consecutive years of sharp decline in law school applications; and (4) dramatic changes in the legal job market for new graduates.³⁹ The combination of these factors led to financial stress for law schools, hurt the career and financial prospects of law graduates, and deteriorated confidence in our current system of legal education.⁴⁰

¶11 One key recommendation from the task force was to reform the system for accreditation by dramatically changing, or possibly repealing, standards that “increase costs without conferring commensurate benefits.”⁴¹ The report noted the move to “streamline” the accreditation standards relating to law libraries as an act of good faith by the Section of Legal Education and Admissions to the Bar in response to the “environmental and structural stresses and challenges” identified by the task force.⁴² The task

Message, CONCORDIA UNIV. SCH. OF L., <https://law.cu-portland.edu/> [<https://perma.cc/E34Z-3MC3>]. Western State College of Law was in limbo for much of 2019 after Dream Center Education Holdings, which operated the school, was placed in receivership. Staci Zaretsky, *Law School in Crisis May Be First to Close Its Doors Mid-Semester*, ABOVE THE LAW (Mar. 7, 2019, 1:43 PM), <https://abovethelaw.com/2019/03/law-school-in-crisis-may-be-first-to-close-its-doors-mid-semester/> [<https://perma.cc/A2HK-Z36B>]. Western State was acquired by WestCliff University in August 2019, and the ABA agreed to continue its accreditation in December 2019. *American Bar Association Approves Western State College of Law Accreditation*, BUS. WIRE (Dec. 19, 2019), <https://www.businesswire.com/news/home/20191219005670/en/American-Bar-Association-Approves-Western-State-College> [<https://perma.cc/HL6R-CR3W>].

37. AM. ASS'N OF L. LIBRS., AALL STATE OF THE PROFESSION 2019 SNAPSHOT 4, <https://www.aallnet.org/wp-content/uploads/2019/03/AALL-State-of-the-Profession-2019-Snapshot.pdf> [<https://perma.cc/YD2L-ACLS>].

38. *Id.*

39. AM. BAR ASS'N, TASK FORCE ON THE FUTURE OF LEGAL EDUCATION, REPORT AND RECOMMENDATIONS 1 (2014), https://www.americanbar.org/content/dam/aba/administrative/professionals_responsibility/report_and_recommendations_of_aba_task_force.pdf [<https://perma.cc/Q8P4-WB9W>] [hereinafter FUTURE OF LEGAL EDUCATION]. A task force member echoed the cost concerns in an essay for a 2015 book from the ABA Standing Committee on Professionalism Center for Professional Responsibility, articulating three general criticisms of law schools: (1) they produce too many graduates for the market; (2) the costs of legal education are excessive when measured against starting salaries; (3) they lack practical skills training. Thomas W. Lyons, *Legal Education: Learning What Lawyers Need*, in THE RELEVANT LAWYER, *supra* note 9, at 221, 222. The latest available statistics show that the average law school graduate had debt totaling \$145,000 in 2016. ABA PROFILE, *supra* note 33, at 34. This was a 77 percent increase since 2000, and almost 71 percent of law graduates had borrowed money for law school. *Id.*

40. FUTURE OF LEGAL EDUCATION, *supra* note 39, at 1.

41. *Id.* at 2.

42. *Id.* at 17.

force declared, “An evolution is taking place in legal practice and legal education needs to evolve with it.”⁴³

Observations and Predictions of Academic Law Library Leaders

¶12 In 2011, a group of experienced academic law library directors⁴⁴ wrote an article addressing budget challenges in academic law libraries.⁴⁵ They acknowledged “the worst recession many law librarians have ever seen”⁴⁶ and encouraged other academic law library directors to be “imaginative, creative, and strategic thinkers, *particularly about resources*.”⁴⁷ They reported consensus among directors that “tough times for academic law libraries are permanent” and that the academic law library needed to expand its role within the law school.⁴⁸ They surmised that changes already seen in the law firm environment beginning in the 1990s—shrinking library space, cancellations of print resources, a focus on *access to* instead of *ownership of* specified resources, and a need for continual marketing of the library’s services—likely signaled the future of academic law libraries.⁴⁹

¶13 Fitchett and her coauthors agree with Susskind that technology is a driver of change. In fact, they identify the potential of new technologies as possibly the most important driver of change in the world of legal education, predicting that developments in online legal education, changing ABA standards regarding distance learning, ubiquitous access to information, sophisticated course management tools, and other technology will “change the face of legal education forever.”⁵⁰

¶14 Fitchett and her coauthors asserted in 2011 that law librarians must accept that many patrons rely almost exclusively on electronic resources and respond accordingly by providing effective curation and delivery of those resources.⁵¹ This is increasingly

43. *Id.* at 29.

44. Taylor Fitchett, Director of the Law Library, University of Virginia Law Library; James Hambleton, Professor of Law and Associate Dean for Budgeting and Planning, Texas Wesleyan University School of Law; Penny Hazelton, Professor of Law and Associate Dean for Library and Computing Services, University of Washington Marian Gould Gallagher Law Library; Anne Klinefelter, Associate Professor of Law and Director of the Law Library, University of North Carolina at Chapel Hill Law Library; and Judith Wright, Associate Dean for Library and Information Services and Lecturer in Law, University of Chicago D’Angelo Law Library.

45. Fitchett et al., *supra* note 7.

46. *Id.* at 91, ¶ 1.

47. *Id.* (emphasis added).

48. *Id.* at 94–95, ¶ 10.

49. *Id.* at 95, n.16. In the broader context of academic libraries generally, a 2018 report found that almost two-thirds of responding academic libraries reported flat budgets in the face of numerous demands outside of maintaining a collection—things like providing web development services, building and maintaining institutional repositories, compiling data research, working with open access projects, and producing digital media, to name just a few. Oya Y. Rieger, *What’s a Collection Anyway?*, ITHAKA (June 6, 2019), <https://sr.ithaka.org/publications/whats-a-collection-anyway/> [<https://perma.cc/Y5YV-88EW>].

50. Fitchett et al., *supra* note 7, at 93, ¶ 5. Susskind goes so far as to say that e-learning will cause a complete overhaul of traditional legal education. SUSSKIND, *supra* note 5, at 47–48.

51. Fitchett et al., *supra* note 7, at 98, ¶ 21; *see also* Bintliff, *supra* note 16, at 249, ¶ 1, which opens with

the case. A survey conducted in academic year 2014–2015 found that all law library types were transitioning from print to electronic.⁵² The authors note that while earlier literature had predicted several more years of a hybrid print and digital environment, survey responses indicated that a predominantly electronic environment was much more imminent.⁵³

¶15 Contemporary scholarship bears out that assertion. Pauline Aranas observed in 2015, “We are all shifting from primarily print to primarily digital collections.”⁵⁴ Michael Whiteman noted in a 2014 article that digitization is “a necessity,” “not a choice” for academic law libraries.⁵⁵ In a 2019 book, Susskind posited that society is nearing the end of its transition from print-based to digital creation, transmission, and consumption of information, including legal information.⁵⁶

¶16 The need to focus on best practices for curating and delivering electronic resources is reinforced by a recent issue brief from OhioLINK,⁵⁷ arguing that while traditional library systems and work flows were created for the acquisition, management, and delivery of physical items, times have changed, and librarians must recognize that “[i]t’s not what libraries hold, but who libraries serve.”⁵⁸ The brief points out that while under the traditional library model users came to the physical library to discover and access materials, today’s library users can discover and access many materials—and they expect to access *all* materials—from anywhere with Internet access, usually without library staff intervention.⁵⁹ Librarians must demand, and help create, systems and processes that facilitate discovery, access, and use of the information users need to succeed in their work, recognizing that library collections today are much more than locally housed tangible objects. Libraries now provide—and should facilitate—access to

the observation that “[t]he debate about whether print or electronic resources are better for legal research ended essentially because the consumers of the resources made a decision. Electronic resources are now used so overwhelmingly for legal research that their relative merit seems almost irrelevant.” Whatever the discipline, most researchers now display a preference for obtaining information from search engines, academic networks, databases with which they are already familiar, and peer networks, using whatever is convenient and readily available rather than following a structured and comprehensive search strategy. Rieger, *supra* note 49.

52. Wilhelmina Randtke & Stacy Fowler, *The Current State of E-Books in U.S. Law Libraries: A Survey*, 108 LAW LIBR. J. 361, 379, 2016 LAW LIBR. J. 18, ¶ 78. Participating academic law libraries reported that this transition was due to budget cuts. *Id.*

53. *Id.* at 380, ¶ 79.

54. Pauline Aranas et al., “*Nowhere to Run; Nowhere to Hide*”: *The Reality of Being a Law Library Director in Times of Great Opportunity and Significant Challenges*, 107 LAW LIBR. J. 79, 98, 2015 LAW LIBR. J. 3, ¶ 93. Aranas is Director of the Law Library at the University of Southern California Gould School of Law.

55. Whiteman, *supra* note 20, at 38, ¶ 88. Whiteman is Director of the Robert S. Marx Law Library at the University of Cincinnati College of Law.

56. RICHARD SUSSKIND, *ONLINE COURTS AND THE FUTURE OF JUSTICE* 42 (2019).

57. OhioLINK is a statewide academic library consortium that serves 117 libraries, including 8 law school libraries. Gwen Evans & Roger C. Schonfeld, *It’s Not What Libraries Hold; It’s Who Libraries Serve: Seeking a User-Centered Future for Academic Libraries*, ITHAKA (Jan. 23, 2020), <https://sr.ithaka.org/publications/its-not-what-libraries-hold-its-who-libraries-serve/> [<https://perma.cc/PE9G-WQ8X>].

58. *Id.*

59. *Id.*

information in myriad formats. An ideal “facilitated collection” provides information in “a coordinated mix of local, external, and collaborative services assembled around user needs.”⁶⁰ Furthermore, academic law libraries must evolve away from their former “collection-centric” model of service to an “engagement-centered” model that focuses on user satisfaction.⁶¹ Even the design of physical facilities must focus less on housing and securing collections of tangible items and more on student study spaces and library service areas.⁶²

¶17 When Milles predicted “law libraries are doomed,”⁶³ he qualified his prediction:

What I mean is that the law library as (1) an iconic place within the law school (2) managed financially and administratively as part of the law school, and (3) with staff devoted to the law school, will become increasingly rare.⁶⁴

Evidence is mounting that libraries are changing in the ways Milles predicted. Many new and renovated academic law libraries have a smaller footprint and fewer physical items.⁶⁵ Many law schools are also repurposing portions of library space.⁶⁶ Seven law libraries now report to the university library and not the law school dean.⁶⁷ Some libraries have had certain functions, such as technical services, subsumed by their main campus libraries.⁶⁸

¶18 Kenneth Hirsch, then director at the Robert S. Marx Law Library of the University of Cincinnati School of Law, asserted in his response to Milles that though law libraries were moving toward a more digital collection and physical shelf space was less valuable, services such as skilled assistance navigating electronic resources

60. *Id.*

61. Studwell, *supra* note 24, at 657, ¶ 24. Forward-thinking law librarians have been saying this for years. In a 2002 listserv discussion, then director of the Ross Blakely Law Library Victoria Trotta urged participants to identify relevant patron groups within their institutions and analyze their information and research needs, then design and deliver programs and services that respond to those groups and their particular needs. BEYOND THE BOUNDARIES, *supra* note 28, at 64.

62. Aranas et al., *supra* note 54, at 98, ¶ 93.

63. Milles, *supra* note 8, at 508, ¶ 5.

64. *Id.*

65. The Law Library at the UNT Dallas College of Law, for example, occupies one floor of the law school building and “over 20,000 square feet.” *Law Library*, UNT DALLAS COLL. OF L., <https://lawschool.untdallas.edu/law-library> [<https://perma.cc/NY23-EUB3>]; see also Lyons, *supra* note 39, at 225, predicting “[l]ibrary facilities will be smaller.”

66. Kenneth J. Hirsh, *Like Mark Twain: The Death of Academic Law Libraries Is an Exaggeration*, 106 LAW LIBR. J. 521, 528, 2014 LAW LIBR. J. 29, ¶ 22. Hirsh gives the example that before his arrival as the law library director at the University of Cincinnati School of Law, an entire floor of the library had been given over to the Ohio Innocence Project. *Id.*

67. Elizabeth Adelman, *The Three Percent: Common Issues in Non-autonomous Law School Libraries*, in ACADEMIC LAW LIBRARY DIRECTOR PERSPECTIVES, *supra* note 2, at 53 n.4, 54. Those libraries are Buffalo, Chicago, Cornell, Oregon, Vanderbilt, Washington University, and Wayne State. *Id.*

68. Examples of merged technical services are the University of Denver Sturm Law Library and the St. Louis University Law Library. At the UA Little Rock Bowen School of Law, IT services, which once reported to the law library director, now reports to main campus IT.

remained important.⁶⁹ He acknowledged that the future academic law library would no longer be “an iconic space that occupies the largest single portion of building floor space and is filled with rows of books,” but contended that “purpose-built space that provides workspace for librarians and students, small-group meeting places, small classrooms and labs, and accessible shelving for print materials” would still be an essential component of a good law school.⁷⁰ Whiteman agreed with this assessment, predicting that academic law libraries “will shrink in both physical space and physical holdings, but will continue to be the center helping train and produce ‘practice-ready’ lawyers.”⁷¹ Bintliff reminded readers that the purpose of academic law librarians is to collect and organize legal information resources (in whatever format) and teach about them—the reason law libraries exist is to ensure that lawyers and others can conduct legal research.⁷² Former law library director Roberta Studwell asserted that “the law library as a place to meet, discuss issues, and analyze the law will always be needed” even if the physical library is not required to access needed legal information.⁷³

Susskind’s Drivers of Change

The More-for-Less Challenge

¶19 Susskind identifies the more-for-less challenge as the dominant force affecting the future of legal businesses.⁷⁴ Bar leaders acknowledge “the evidence that the public expects us to deliver legal services in the most accessible, effective, and efficient way.”⁷⁵ This challenge certainly affects legal education, which is under pressure to be “better, faster, and cheaper,”⁷⁶ and academic law libraries feel the cuts. Darin Fox recognizes this challenge when he notes that law libraries are being asked to support the missions of their institutions within the constraints of smaller materials budgets, smaller staffs, and less space.⁷⁷ A 2018 survey revealed that 64.5 percent of responding academic law

69. Hirsh, *supra* note 66, at 528, ¶ 23.

70. *Id.* at 528–29, ¶ 23.

71. Whiteman, *supra* note 20, at 12, ¶ 2.

72. Bintliff, *supra* note 7, at 2:00–2:18; *see also* Leiter, *supra* note 2, at 392 (a law library “is a collection built and organized with a purpose, to facilitate the learning and practice of law”; the purpose has not changed even though the formats of the collection and users’ perceptions and use of the collection have changed). In his discussion of university libraries, Courant predicts that even with mass digitization of materials, the need for a physical collection will not be eliminated entirely: “So long as there is a practical advantage for scholars and students to have access to a physical collection that is nearby and organized to contribute to the expertise and interests of the local institution, universities will find it valuable to maintain local access.” Courant, *supra* note 3, at 247–48. He goes on to assert that librarians often help students and other researchers access and navigate electronic resources as well. *Id.*

73. Studwell, *supra* note 24, at 670, ¶ 88.

74. Susskind, *supra* note 5, at 15.

75. William C. Hubbard, *Foreword*, in *THE RELEVANT LAWYER*, *supra* note 9, at xvii, xxi.

76. Studwell, *supra* note 24, at 657, ¶ 30.

77. Darin K. Fox, *Libraries and Data*, in *ACADEMIC LAW LIBRARY DIRECTOR PERSPECTIVES*, *supra* note 2, at 31, 52. Fox is Director of the Law Library at the University of Oklahoma College of Law.

librarians were more involved in classroom teaching than they had been in 2013.⁷⁸ Among the libraries that responded to the survey, 96.7 percent reported that librarians taught credit-bearing classes at the law school.⁷⁹ Law libraries were also expected to serve a more diverse student body, to prepare for a more technologically savvy faculty and administration, and to facilitate the transition of their collections from print to digital.⁸⁰

¶20 The need to teach “cost-effective legal research” is another aspect of the impact that the more-for-less challenge has on academic law libraries.⁸¹ Clients no longer want to pay high hourly rates for an associate to do research, nor do they want to be charged for database fees.⁸² Thus, librarians must expose students to an ever-expanding variety of tools and sources, teach which to use in which situation, and show how to use those tools and sources efficiently and effectively. They must also teach students to evaluate the accuracy and weight of the authority of the information they retrieve. These are tall orders.

Information Technology

¶21 Long before he wrote *Tomorrow's Lawyers*, Susskind declared, “I believe that the practice of law and the administration of justice will be more radically affected in the coming 50 years by IT than by any other single factor of which we can be aware today.”⁸³ Leaders in the legal profession acknowledge that legal practice is undergoing a transformation, and most commentators believe that the pace of this transformation is accelerating.⁸⁴ Susskind notes that Moore’s Law, a 1965 prediction that the processing power of computers will double every two years while costs diminish, is still playing out.⁸⁵ Electronic discovery, artificial intelligence (AI), and “Big Data” are just a few areas that are already changing law practice in significant ways.⁸⁶ To succeed, the legal profession, law libraries included, must identify and grasp the opportunities afforded by these emerging technologies.⁸⁷ Some fear that “the emergence of information technologies has threatened modern librarianship with obsolescence”⁸⁸ But, as one

78. AALL STATE OF THE PROFESSION, *supra* note 37, at 4.

79. *Id.*

80. *Id.*

81. Kelly C. Reynolds, *Legal Information Revolution: A Commentary on Computer Uses in Law Offices*, 93 OR. L. REV. 903, 908 (2015).

82. *Id.*

83. RICHARD SUSSKIND, *TRANSFORMING THE LAW: ESSAYS ON TECHNOLOGY, JUSTICE AND THE LEGAL MARKETPLACE* 79 (2000).

84. SUSSKIND, *supra* note 5, at viii.

85. *Id.* at 11.

86. Randy J. Diamond et al., *Let's Teach Our Students Legal Technology: But What Should We Include?*, AALL SPECTRUM, Sept.–Oct. 2018, at 23, 23. In this article, five law library directors recognized as technology leaders discuss what they describe as a “technology-driven renaissance in the legal profession” and advise about what law schools should teach and how law librarians can contribute their expertise.

87. *Id.* at 28.

88. Paul D. Callister, *Law and Heidegger's Question Concerning Technology: Prolegomenon to Future Law Librarianship*, 99 LAW LIBR. J. 285, 303, 2006 LAW LIBR. J. 17, ¶ 40.

commentator puts it, leveraging technology and “[c]reating conditions for 21st-century learning, collaboration, networking, and innovation is the new holy grail.”⁸⁹ Law librarians already “take the lead with the purchase, implementation, operation, and overall management of research databases in their organizations.”⁹⁰ Staying abreast of technology trends and engaging in continuous training are absolutely essential for tomorrow’s law librarians as they support the teaching and scholarship of law faculty and help educate law students.⁹¹ Teaching law students how to competently use and manage law-related technology is imperative to their future success in practice.⁹²

¶22 Former ABA president William C. Hubbard identifies several aspects of legal work that technology has completely transformed, including (1) automated document review driven by algorithms; (2) mediation and settlement using software; (3) the ability to share documents instantly using email, web tools, or cloud storage; (4) the formation of new affinity groups due to blogs, websites, and social media; (5) global legal outsourcing; (6) electronic filing of pleadings; (7) web-based conferencing; (8) electronic document search; and (9) instantaneous communication via text, web, and email.⁹³ He notes that technology is the most powerful driver of change in the legal profession and in the larger world.⁹⁴ Frederic Ury, chair of the 2014–2015 ABA Standing Committee on Professionalism, observes that “[t]echnology has changed the profession forever.”⁹⁵

¶23 Continuous training will be required for librarians and library staff to succeed in teaching the use of research databases, practice technologies, and other tools, such as course-management platforms and instructional technology.⁹⁶ As an example, in the wake of stay-at-home orders due to the COVID-19 pandemic, librarians at Stanford Law School answered the call to provide backup to the educational technology specialist for Canvas and Canvas/Zoom integration, “pivot[ing] very quickly from simply being users of those technologies to being trainers on those technologies.”⁹⁷ Diamond

89. Jill King, *Legal Revolution—The “Future Normal” and the Changing Nature of Work*, in 2020 VISION: THE FUTURE OF LEGAL SERVICES 83, 88 (Laura Slater ed., 2d ed. 2015).

90. AALL STATE OF THE PROFESSION, *supra* note 37, at 2.

91. Camille Broussard et al., *Teaching Legal Technology*, AALL SPECTRUM, Mar.–Apr. 2017, at 22, 25.

92. FUTURE OF LEGAL EDUCATION, *supra* note 39, at 14.

93. Hubbard, *supra* note 75, at xix.

94. *Id.*

95. Frederic S. Ury, *Saving Atticus Finch: The Lawyer and the Legal Services Revolution*, in THE RELEVANT LAWYER, *supra* note 9, at 3, 6.

96. BEYOND THE BOUNDARIES, *supra* note 28, at 28; *see also* Broussard et al., *supra* note 91, at 25 (“Technological innovation will continue to change the practice of law. . . . Law librarians are perhaps uniquely situated and suited to accept the challenge of aligning forces and creating the technology training programs necessary to support the legal profession . . .”). The authors assert that legal technology skills must be taught collaboratively over time by “all segments of the legal profession” beginning in law school and continuing throughout practice. *Id.* For a discussion of the evolution of, and fierce competition between, legal research platforms Lexis and Westlaw, *see* Deborah E. Shrager, *Saying Farewell to a Classic*, AALL SPECTRUM, Dec. 2014, at 27. The continuing frequent enhancements and interface changes, combined with the introduction of competing systems such as Bloomberg Law, FastCase, CaseMaker, and others, require legal information professionals to engage in frequent training to remain proficient.

97. Email from Taryn Marks, Head of Rsch. & Instructional Servs., Robert Crown L. Libr., Stanford

and his coauthors also urge law librarians to make using and teaching Big Data “part of our DNA.”⁹⁸

¶24 Oliver Goodenough encourages legal educators to design courses with the evolving needs of law practice constantly in mind.⁹⁹ Teaching legal technology requires continuous evaluation and adaptation of instructional objectives and methods as various technological tools, and the rules surrounding their use, evolve.¹⁰⁰ For example, a recent survey found that 10 percent of lawyers report using AI-based tools, and 36 percent think AI use will become common in law practice over the next three to five years.¹⁰¹

¶25 Law librarians are already producing scholarship in this space and teaching law students about the implications of using AI-driven tools. A recent study by Susan Nevelow Mart vividly demonstrated the variance in results among six major databases.¹⁰² Nevelow Mart’s study ran the same search in six different databases: Casetext, Fastcase, Google Scholar, Lexis Advance, Ravel, and Westlaw.¹⁰³ When looking at the top 10 results, she found very little overlap, noting that “[a]n average of forty percent of the cases were unique to one database, and only about seven percent of the cases were returned in search results in all six databases.”¹⁰⁴ The study shows the importance of using multiple search tools to achieve more comprehensive results. Professor Jamie Baker argues in a 2018 article that the Duty of Technology Competence should extend to the use of algorithms.¹⁰⁵ Baker points readers to the AALL *Principles for Legal Research Competency*,¹⁰⁶ particularly Principles III and V:

III. A successful legal researcher critically evaluates information.

...

V. A successful legal researcher distinguishes between ethical and unethical uses of information, and understands the legal issues associated with the discovery, use, or application of information.¹⁰⁷

Univ., to Rsch. Instruction & Patron Servs., SIS listserv (Apr. 27, 2020, 2:51 PM CDT) (on file with author).

98. Diamond et al., *supra* note 86, at 28.

99. Oliver R. Goodenough, *Developing an E-Curriculum: Reflections on the Future of Legal Education and on the Importance of Digital Expertise*, 88 CHI.-KENT L. REV. 845, 877 (2013).

100. *Id.*

101. ABA PROFILE, *supra* note 33, at 52.

102. Susan Nevelow Mart, *The Algorithm as a Human Artifact: Implications for Legal [Re]Search*, 109 LAW LIBR. J. 387, 2017 LAW LIBR. J. 20. Everyone who teaches legal research needs to read this article. Everyone who conducts legal research needs to be aware of its implications. Nevelow Mart is Director of the Law Library at the University of Colorado at Boulder Law School.

103. *Id.* at 390, ¶ 4. The searches used jurisdictional limits to manage the results. *Id.*

104. *Id.* at 390, ¶ 5.

105. See Jamie Baker, *Beyond the Information Age: The Duty of Technology Competence in the Algorithmic Society*, 69 S.C. L. REV. 557 (2018). Baker is Associate Dean and Director of the Law Library at Texas Tech University School of Law.

106. AM. ASS’N OF L. LIBRS., PRINCIPLES AND STANDARDS FOR LEGAL RESEARCH COMPETENCY (2013), <https://www.aallnet.org/advocacy/legal-research-competency/principles-and-standards-for-legal-research-competency/> [https://perma.cc/QK5W-3K46].

107. *Id.*

Recognizing that many law schools now make it part of their mission to ensure their graduates are “practice-ready,” Baker urges librarians and other law faculty to incorporate instruction and exercises on evaluating the use of algorithms into required classes.¹⁰⁸

¶26 Algorithm bias is not the only problem. Although online tools can “reward[] . . . attorneys with on-point results in seconds,”¹⁰⁹ the sheer volume of information retrieved can be overwhelming. Law students must be taught effective filtering techniques such as narrowing by jurisdiction, date, weight, and issue. And they must be taught how to effectively evaluate and synthesize their selected results.¹¹⁰

One Law Library’s Ongoing Evolution

Meeting the More-for-Less Challenge

¶27 At the University of Arkansas Little Rock Bowen School of Law (Bowen), the librarians began facing the more-for-less challenge fairly dramatically in 2013, when several positions vacated by retirement were left unfilled due to a budget crisis. Upon the retirement of the director at the end of June 2013, an interim director was appointed for an indefinite term. Upon the retirement of the acquisitions and serials assistant in 2013, that position was entirely eliminated. The systems librarian began a phase-out retirement in 2013, giving up all systems duties, which were redistributed among remaining librarians and staff. The next year brought no relief. Upon the resignation of the law school’s communications director in January 2014, the position was left vacant indefinitely, and the bulk of law school communications work was assigned to the library coordinator “half-time.” The cataloging librarian resigned in June 2014, and her position was not filled. In 2014, an internal search was conducted for director, with the understanding that the current position of the candidate selected would be eliminated.

¶28 With the loss of so many positions, the librarians had to advocate and innovate. Upon learning of the impending retirement of the cataloging assistant in January 2015, the librarians put forth a proposal to merge that position and the former acquisitions and serials assistant position into a new position: technical services coordinator. The newly created position would support three important functional areas: (1) Cataloging and Systems Support (50 percent), (2) Digitization/Institutional Repository (25 percent), and (3) Acquisitions/Serials (25 percent). Upon the end of the phase-out retirement of the systems librarian in June 2015, the librarians put forth a proposal to merge that position with the unfilled cataloging librarian position into a new position, meta-data and systems librarian, that would also have teaching duties. These positions were

108. Baker, *supra* note 105, at 575.

109. Ury, *supra* note 95, at 7.

110. Dolly M. Knight, Maribel Nash & Scott Vanderlin, *Reference Desk: The Changing Law Library*, AALL SPECTRUM, July–Aug. 2019, at 56, 58. The authors assert that “[i]n a world of information confusion, information professionals become more necessary than ever, not less.” *Id.*

not approved upon the first request. New duties important to the law school (institutional repository functions for the proposed technical services coordinator and teaching responsibilities for the proposed metadata and systems librarian) were added to the original position descriptions to demonstrate their value to the law school mission.

¶29 Under the leadership of the law school dean, Bowen undertook curricular reform beginning in 2013. One area that directly affected the library was legal research, which had been taught by the director and other J.D.-holding librarians both semesters of the 1L year as a stand-alone, one-hour required course. The dean wanted to incorporate 1L research instruction into the legal writing course and have the librarians develop and teach a suite of practice-oriented courses, any of which would satisfy a one-hour upper-level research requirement. To have time to design and subsequently teach these courses, the librarians had to decrease their hours on the reference desk. This was accomplished by expanding the role of the library research assistants, positions originally created to work on faculty research projects. The dean increased funding for these positions so that trained, upper-level students could work the majority of reference hours. The entering class of 2014 was the first to receive all 1L research instruction from their legal writing professors, and the first librarian-taught advanced legal research courses were offered in fall 2015.

¶30 The teaching versus reference dilemma faced by the Bowen librarians not only illustrates Susskind's more-for-less challenge (in this case, provide more services with fewer librarians), but it also demonstrates an instance of answering "the Yirka question."¹¹¹ That question, "What should law libraries stop doing in order to address higher priority initiatives?"¹¹² has become a touchstone for law library leaders since first posed by Carl Yirka in 2008, and it continues to be relevant.¹¹³ In this instance, to fulfill the higher priority of having dual-degreed librarians teach advanced legal research classes, those librarians had to step away from most of their hours on the reference desk serving patrons in a traditional front-line role.

¶31 The addition of the systems and metadata librarian and technical services coordinator positions increased the library's net staffing only briefly. The special collections and reference librarian, who also taught, retired in 2019, and the dean decided not to fill her position. Also in 2019, the library coordinator was promoted full time to law school communications director and the library coordinator position was eliminated. The library staff was once again challenged to do "more [with] less." Duties of both positions have been redistributed. The acquisitions/serials/government documents librarian is now also the special collections librarian. Whereas a rotation had been in place to allow one librarian to be released from teaching each semester to focus on

111. Carl A. Yirka, *The Yirka Question and the Yirka Answer—What Should Law Libraries Stop Doing in Order to Address Higher Priority Initiatives?*, AALL SPECTRUM, July 2008, at 28.

112. *Id.*

113. See Milles, *supra* note 8, at 520, ¶ 46 (Yirka question applies to whole law school, not just the library); Fitchett et al., *supra* note 7, at 101, ¶ 27 (accept "doing less with less"); Hirsh, *supra* note 66, at 528, ¶ 21 (libraries must address this question to demonstrate their value); Studwell, *supra* note 24, at 658, ¶ 28 (Yirka question essential to strategic planning).

librarian projects, now every dual-degreed librarian must teach a section of specialized legal research each semester.¹¹⁴ As for the library coordinator position, the evening library academic tech position was upgraded slightly, and the person in that position will be trained in the business office functions formerly performed by the library coordinator.

Information Technology

¶32 To meet the more-for-less challenge, Bowen's teaching librarians have leveraged technology in their classes by developing a hybrid course. Readings, online tutorials, and videos are assigned for four asynchronous online classes that cover basic content such as an introduction to sources and hierarchy of legal authority, an introduction to terms and connector searching, introduction to researching statutes, and introduction to administrative law. The same online content is shared by all the courses. The courses also share the same pre-course diagnostics, quizzes, and final exam, all administered via TWEN. For the nine face-to-face class meetings, topic-specific, in-class exercises (ungraded formative assessments) and written assignments (graded formative assessments) engage students in practicing their research skills. By dividing the labor of selecting/creating the basic online content and quizzes, the teaching librarians maximize their time for creating the topic-specific content and problems for each course. By teaching a hybrid course that meets for only nine weeks, they still have time for their more traditional library work each semester.

¶33 Bowen librarian Professor Sherrie Norwood piloted the first fully online version of one of the SLR courses, SLR: Business Law, which she developed in the fall semester of 2019 and taught for the first time in spring 2020. This turned out to be prescient; due to the COVID-19 pandemic, all classes at Bowen moved fully online in mid-March of 2020.

¶34 Other examples of leveraging technology to meet the more-for-less challenge include using a shared Google Sheets document to compile professional association membership and service data for the annual report, which can then be presented in a table format rather than in a narrative for each librarian; converting the circulation manual used to train student workers to a wiki format and creating short videos for new staff training; using a blog to communicate updates to staff and student workers;¹¹⁵ using Gimlet¹¹⁶ or a similar tool to collect reference statistics and to record answers to

114. Another example of the Yirka question in action. Librarians teaching a required upper-level skills course have higher value to the institution than when performing traditional library work such as creating research guides or doing in-depth collection development.

115. The blog, UALRLawCircNotes, also links to an online incident reporting form, to severe weather information (a must in "Tornado Alley"), to the circulation wiki, and to a list of important phone numbers. Staff are asked to check the blog whenever they first arrive on duty.

116. Gimlet is a web-based tool that can be used to track statistics at any service point. GIMLET, <https://gimlet.us/> [<https://perma.cc/DXE6-UJT2>]. Libraries can track statistical information such as category of question, length of question, difficulty of question, and type of patron. In addition to having the ability to enter a question and the answer given, librarians and reference assistants can assign tags to each entry. An RA can search Gimlet to see whether someone has already listed the resources needed to answer

questions for future quick lookup; and using the GroupMe¹¹⁷ platform to communicate among circulation staff and student workers.

Examples of Law Librarians as Technology Leaders

¶35 Librarians were some of the first in the legal academy to adopt emerging technologies, and many librarians continue to make valuable contributions in this space for the benefit of their institutions. The Legal Innovation and Technology SIS (LIT-SIS) of AALL “serves the fastest-growing sector within law librarianship.”¹¹⁸ LIT-SIS began as the Special AALL Committee on Automation and Scientific Development in 1972 and officially became an SIS in 1977.¹¹⁹ The section offers programs at each annual meeting covering topics such as “networking, document imaging systems, interactive multimedia, distance learning, and the Internet . . .”¹²⁰

¶36 Not all librarians who are tech leaders are LIT-SIS members, but many are. Librarians are demonstrating their leadership and expertise with technology, within their institutions and in the broader academy and profession, in a variety of ways. The examples that follow are illustrative and not all-inclusive.¹²¹

Librarians Lead Institution-wide Digital Initiatives

¶37 The homepage of the University of Oklahoma (OU) College of Law Donald E. Pray Law Library features a magnificent image of a traditional law library: reading tables surrounded by shelves filled with volumes of reporters.¹²² Yet the library also leads in teaching technology to law students and providing equipment for students to use. Housed in the library, the Inasmuch Foundation Collaborative Learning Center “[u]nit[es] state-of-the-art technology with the scholarly mission of the Law Library . . . giving law students an advantage in the digital age.”¹²³ The Center contains a technol-

a particular question. Librarians can use it to run a variety of useful reports.

117. GroupMe is an app that allows rapid exchange of messages among members of a set group and is platform neutral. GROUPME, <https://groupme.com/en-US/> [<https://perma.cc/75NA-U4GM>]. Since adoption of the messaging platform in fall 2019, there has been much more efficient communication among circulation workers.

118. *About Us*, LEGAL INNOVATION & TECHNOLOGY SIS, AM. ASS’N OF L. LIBRS., <https://www.aallnet.org/cssis/about-us/> [<https://perma.cc/83US-98T2>].

119. *Id.* The original name was the Automation and Scientific Development SIS. The name was changed to the Computing Services SIS at the AALL Annual Meeting in 1996 and to Legal Innovation & Technology SIS in 2020. *Id.*

120. *Id.*

121. While there are other law school technology leaders who are *not* librarians, this article focuses on the work of librarians—and really highlights only a few out of many due to space constraints.

122. *Donald E. Pray Law Library*, COLL. OF L., UNIV. OF OKLA., <https://www.law.ou.edu/law-library> [<https://perma.cc/AE87-2PRR>].

123. *Inasmuch Foundation Collaborative Learning Center*, L. LIBR., COLL. OF L., UNIV. OF OKLA., <https://www.law.ou.edu/law-library/inasmuch-foundation-collaborative-learning-center> [<https://perma.cc/XR7V-BK2U>].

ogy-equipped seminar room,¹²⁴ modern study carrels,¹²⁵ technology-equipped study rooms,¹²⁶ and two custom-designed virtual reality stations.¹²⁷

¶38 Darin Fox and Kenton Brice lead the law library's Center for Technology and Innovation in Practice. The school's Digital Initiative Project provides each law student with an iPad, an Apple pencil, and a keyboard case and offers technology classes and the opportunity to earn technology certifications.¹²⁸ Students are required to attend three hours of technology training per year, but most students voluntarily exceed that requirement.¹²⁹ OU was first recognized as an Apple Distinguished School in 2017; that designation was recently renewed.¹³⁰ By leading the way in this important initiative, the law librarians demonstrate the library's continued relevance and their vital role in the law school's mission.

¶39 OU also uses virtual reality in the classroom. Brice and a team of emerging technology librarians created a virtual scene from a casebook to give students a "three-dimensional evidentiary experience."¹³¹ Brice had previously worked with OU's Oil and Gas, Natural Resources and Energy Center to create a 360-degree video of a West Texas water reclamation site, allowing students to "see it for themselves."¹³²

Librarians Lead Technology-Focused Groups Within Professional Associations

¶40 Professor Emily Janoski-Haehlen is Associate Dean for Academic Affairs and Institutional Excellence and Director of the Law Library at the University of Akron School of Law, where she teaches Technology in Law and Legal Reasoning. Her current research explores social media law, Internet privacy, legal research instruction strate-

124. The room seats 16 students and contains "four 65-inch monitors, an Apple TV, multiple HDMI inputs, speakers, rolling glass boards, and a Crestron panel for switching inputs." *Id.*

125. The carrels are "designed for use with laptop computers, iPads, and print materials . . . [and] incorporate task lighting, foot stools, and power outlets." *Id.*

126. "Designed to facilitate group work with technology, each of the four study rooms includes an Apple TV, HDMI inputs, a 65-inch monitor, wall-mounted and portable glassboards, writable glass table tops, sound dampening acoustic panels, USB charging ports, standard charging ports, and rolling work chairs." *Id.*

127. "The library is currently creating 360-degree videos that can be used to train law students on a variety of topics—courtroom procedure, appellate advocacy, negotiations, and boardroom and courtroom presentations." *Id.*

128. *OU LAW: A LEADER IN LAW SCHOOL INNOVATION 4* (2019), <https://books.apple.com/us/book/ou-law-a-leader-in-law-school-innovation/id1488544482> [<https://perma.cc/CMU4-JWRP>].

129. *Id.* at 8. Four "attorney-librarians" teach in the Digital Initiative. *Id.* at 21. Two of these librarians, Brice and Darla Jackson, have twice been recognized as part of the "Fastcase 50," an annual award to honor 50 of the "smartest, most courageous innovators, techies, visionaries and leaders" in the legal arena. *Id.* at 20.

130. Kenton Brice, *OU Renewed as Apple Distinguished School*, UNIV. OF OKLA. COLL. OF L. (Feb. 10, 2020), <https://law.ou.edu/news-and-media/ou-law-renewed-apple-distinguished-school> [<https://perma.cc/4ZZQ-8C9Y>].

131. *OU: A LEADER IN LAW SCHOOL INNOVATION*, *supra* note 128, at 12.

132. Anna Stolley Persky, *How Are Law Schools Using Virtual Reality Tools in Classrooms?*, ABAJOURNAL.COM (Jan. 1 2019), https://www.abajournal.com/magazine/article/virtual_reality_augments_law_school_curricula [<https://perma.cc/4WW6-MK3D>].

gies, and technology in the practice of law.¹³³ Janoski-Haehlen recently chaired the AALS Section on Technology, Law and Legal Education.¹³⁴

Librarians Lead Curricular Innovation in Technology

¶41 Roger Skalbeck cofounded Georgetown's Iron Tech Lawyer Competition with Tanina Rostain; it grew out of their seminar class Technology, Innovation and Law Practice.¹³⁵ Instead of writing papers or taking a final exam, teams of students compete to design apps to solve legal problems.¹³⁶ Still running, the competition now hosts an open invitational that includes student teams from around the world.¹³⁷ Skalbeck and computer services librarian Paul Birch led a team of Richmond law students in developing an application for the competition.¹³⁸

Librarians Teach Law Practice Technologies

¶42 Jennifer Wondracek, Director of Law Library and Professor of Legal Research and Writing at Capital University Law School, previously served as Director of Legal Education Technology and Professor of Practice for the UNT Dallas College of Law.¹³⁹ Each semester at UNT, Wondracek taught two to three sections of Law Practice Technology, a course that satisfies the law school's practice-related technology requirement.¹⁴⁰ In the summer of 2018, she led a small group of students and employees in creating a virtual reality crime scene for use in a criminal law class.¹⁴¹ Wondracek

133. See *Emily M. Janoski-Haehlen*, UNIV. OF AKRON COLL. OF L., <https://www.uakron.edu/law/faculty/directory/profile.dot?u=ejanoskihaehlen> [<https://perma.cc/5694-T9VT>]; see, e.g., Emily Janoski-Haehlen, *The Courts Are All A"Twitter": The Implications of Social Media Use in the Courtroom*, 46 VAL. U. L. REV. 43 (2011).

134. See, e.g., Richard Weiner, *Akron Law Professor Making Her Mark on Legal Technology*, AKRON LEGAL NEWS (Mar. 3, 2020), <http://www.akronlegalnews.com/editorial/28145> [<https://perma.cc/ZQ79-7XVN>].

135. Roger V. Skalbeck, *Tech Innovation in the Academy*, in THE NEW LIBRARIAN 74 (2012), <http://epubs.iltanet.org/i/87421-the-new-librarian/72?m4=> [<https://perma.cc/6ZEP-8WZW>]. Skalbeck is Associate Dean for Library and Information Resources at Richmond University School of Law.

136. *Id.* at 75.

137. IRON TECH LAWYER: GEORGETOWN LAW INVITATIONAL, INST. TECH. L. & POL'Y, G'TOWN L., <https://www.georgetowntech.org/irontechlawyer> [<https://perma.cc/RQ38-FV54>].

138. *Closing the Justice Gap with Technology*, UNIV. OF RICHMOND NEWSROOM (Apr. 29, 2020), <https://news.richmond.edu/features/article/-/17199/closing-the-justice-gap-with-technology-students-reach-finals-in-international-competition.html> [<https://perma.cc/4Z3N-BH3K>]. Richmond's team advanced to the finals. *Id.*

139. *Jennifer L. Wondracek*, CAP. UNIV. SCH. OF L., <https://law.capital.edu/FacultyBio.aspx?ID=2147485122> [<https://perma.cc/73BX-Y3L6>].

140. Email from Jennifer Wondracek, Dir. of Legal Educ. Tech. & Professor of Practice, UNT Dallas Coll. of L., to author (May 13, 2020, 12:04 PM CDT) (on file with author). "The Practice-Related Technology Requirement ensures that students graduate with competence in practice-related technologies. Competent and effective law practice entails the ability to use such technologies." *Curriculum and JD Requirements*, UNT DALLAS COLL. OF L., <https://lawschool.untDallas.edu/curriculum-and-jd-requirements> [<https://perma.cc/UM48-RAVZ>].

141. Persky, *supra* note 132; see also UNT Dallas L. Commc'ns, *How UNT Dallas College of Law Created a Virtual Crime Scene to Help Law Students*, DALLASINNOVATES (Sept. 11, 2019), <https://dallasin>

believes that virtual reality technology has the potential to revolutionize legal education and law practice.¹⁴² She also firmly believes that law students and attorneys must remain up-to-date as technology evolves.¹⁴³

¶43 Randy Diamond, Director of Library and Technology Resources at the University of Missouri School of Law, teaches courses in Advanced Legal Research, Electronic Discovery, and Law Practice Management and Technology.¹⁴⁴ Diamond, an expert in electronic discovery, was one of the first to develop a course on this topic, which he has been teaching since 2010.¹⁴⁵ In 2020, Diamond developed a new course titled Innovation and Technology in the Practice of Law. The course description reads:

As in other industries, the legal profession is undergoing substantial disruption. Pressure to reduce client costs in the private sector and longstanding access to justice constraints in the public sector have fueled innovation through technology and redesign of traditional legal service models. The course surveys topics at the intersection of law and technology such as artificial intelligence, Blockchain, cybersecurity, data privacy, electronic discovery, social media, and smart contracts; established law practice tech applications including practice management software and document automation; and evolving machine learning and data analytics tools to future proof law. Innovations in the delivery of public sector legal services are considered. Throughout the course, students will experience and evaluate practice tools that are essential for a lawyer's technology competency. No technical background required.¹⁴⁶

As indicated in the course description, this survey class introduces students to many technologies—some still emerging—that are having an impact on the practice of law.

Librarians Use Technology to Serve Their Schools and Promote Access to Justice in Their Communities

¶44 Ayyoub Ajmi, Associate Director and Digital Communications and Learning Initiatives Librarian at the University of Missouri-Kansas City School of Law Leon E. Bloch Law Library, is another law school technology leader. At UMKC, Ajmi is “building and managing an integrated digital communications platform which provides access to the Law School library and its digital resources, supports law faculty’s effective use of technology to enhance student learning, and facilitates information and communication among various constituencies of the law school.”¹⁴⁷ Ajmi recently turned his

novates.com/how-unt-dallas-college-of-law-created-a-virtual-crime-scene-to-help-law-students-1433/ [https://perma.cc/B55P-EE63].

142. Persky, *supra* note 132.

143. Jennifer Wondracek, *Law Students—Avoid Malpractice and Embrace Technology!*, STUDENT LAW BLOG (Feb. 20, 2019), <https://abaforlawstudents.com/2019/02/20/law-students-avoid-malpractice-and-embrace-technology/> [https://perma.cc/BDN7-9WP5]. Wondracek provides a list of essential practice-related technology skills. *Id.*

144. Randy J. Diamond, UNIV. OF MO. SCH. OF L., <https://law.missouri.edu/person/randy-j-diamond/> [https://perma.cc/HVV3-DHJV].

145. *Id.*

146. Email from Randy J. Diamond, Dir. of Libr. & Tech. Rsch. & Professor of Legal Rsch., Univ. of Mo. Sch. of L., to author (May 14, 2020, 11:13 PM CDT) (on file with author).

147. Ayyoub Ajmi, UMKC SCH. OF L., <https://law.umkc.edu/profiles/faculty-directory/ayyoub-ajmi.html> [https://perma.cc/GA82-DYWH].

focus to improving access to justice using technology tools, such as working with prosecutors' offices to build an app to facilitate expungement applications.¹⁴⁸ In the midst of the COVID-19 crisis, Ajmi was instrumental in setting up a fully remote self-help clinic in partnership with Legal Aid.¹⁴⁹ He also assisted the Kansas City Youth Court in transitioning to remote services.¹⁵⁰

Coronavirus Impacts

¶45 At this writing, the United States, along with the rest of the world, is battling a global pandemic, COVID-19, a disease caused by the novel coronavirus SARS-CoV-2.¹⁵¹ The U.S. Centers for Disease Control and Prevention (CDC) first officially reported confirmed U.S. cases on January 22, 2020.¹⁵² The number of new cases reported each day began to rise swiftly in early March.¹⁵³ State and local governments and educational institutions took measures to minimize the spread. The *National Jurist* reported that more than 100 law schools had moved to online instruction by mid-March.¹⁵⁴ A survey of the websites of ABA-approved law schools,¹⁵⁵ conducted between March 31 and April 16, 2020,¹⁵⁶ found that 199 of the 203 law schools had moved their instruction fully online.¹⁵⁷

¶46 Information on the institutional websites revealed that 55 law school campuses were completely closed; 7 campuses were closed but had open residence halls; 92 campuses were closed except for essential purposes, essential personnel, or students with waivers; 27 campuses were open with specific restrictions—students only, by appointment only, or no visitors; and 18 were open with no specified restrictions.¹⁵⁸ A majority of the law libraries provided remote services only. Seven law libraries were open; 18 were open but did not allow public access.¹⁵⁹

148. Email from Ayyoub Ajmi, Assoc. Dir. & Digit. Commc'ns & Learning Initiatives Libr., UMKC Sch. of L., to author (May 14, 2020, 1:57 PM CDT) (on file with author).

149. *Id.*

150. *Id.*

151. *Coronaviruses*, NIH NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES, <https://www.niaid.nih.gov/diseases-conditions/coronaviruses> [<https://perma.cc/UR5H-Y4PR>]. The World Health Organization declared COVID-19 a global pandemic on March 11, 2020. *Id.*

152. *Previous U.S. COVID-19 Case Data*, tbl. 2, *Number of COVID-19 Cases in the U.S. by Date Reported*, U.S. CTRS. FOR DISEASE CONTROL & PREVENTION: CORONAVIRUS DISEASE 2019 (COVID-19), <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/previouscases.html> [<https://perma.cc/7X8F-THPD>].

153. *Id.*

154. *Online Learning to the Rescue: Are You Ready for It?*, CORONAVIRUS SURVIVAL GUIDE, SUPP. TO 29 NAT'L JURIST, Spring 2020, at S1, S1.

155. *ABA-Approved Law Schools*, AM. BAR ASS'N, https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/ [<https://perma.cc/HY3V-TBHW>].

156. Spreadsheet compiled by Research Assistant Yasmeen Al Shukri (on file with author).

157. *Id.* Baylor's website indicated "most if not all"; Arizona Summit, University of LaVerne, and Whittier were all on teach-out plans, and their websites did not provide this information. *Id.*

158. *Id.*

159. *Id.* It should be noted that the spreadsheet captures the status of each library at only a point in time.

¶47 Library closures and hours of operation in the wake of the pandemic continue to be a moving target. For example, Bowen Law Library operated on reduced hours and with only the first floor open from March 23 through March 31,¹⁶⁰ closed completely from April 1 through April 20 due to the spread of COVID-19 in Arkansas,¹⁶¹ and resumed regular hours opening the *first floor only to students only* from April 21 through May 8 to support students during reading week and final exams.¹⁶² During the time the library was closed, those students who needed access to the law school's Wi-Fi to attend their online classes could use the student lounge on the second floor of the law school.¹⁶³ Other libraries may well have made similar rolling adjustments to meet the needs of their specific communities.

¶48 A full discussion of the response to the COVID-19 crisis is outside the scope of this article. However, it must be noted that the pandemic likely accelerated the pace of at least some of the coming changes predicted by Susskind and others. At least one writer predicts that “the coronavirus will . . . propel law into the digital age The entire legal ecosystem will be affected—consumers, providers, the Academy, and the judicial system.”¹⁶⁴

¶49 The Academy has now seen that legal education instruction can be delivered fully online.¹⁶⁵ Though this fully online environment was instituted as an emergency measure, with the expectation of returning to in-person instruction when safe to do so, it is doubtless that “[l]egal education will never be the same.”¹⁶⁶ Some assert that online

160. Email from Jessie Burchfield, Bowen L. Sch. Assoc. Dean for Info. & Tech. Servs. & L. Libr. Dir., to Bowen law student email list (Mar. 17, 2020, 10:26 AM CDT) (on file with author).

161. Email from Theresa Beiner, Bowen L. Sch. Dean, to Bowen law student email list (Mar. 31, 2020, 1:51 PM CDT) (on file with author).

162. Email from Jessie Burchfield, Bowen L. Sch. Assoc. Dean for Info. & Tech. Servs. & L. Libr. Dir., to Bowen law student email list (Apr. 15, 2020, 2:08 PM CDT) (on file with author).

163. Email from Dean Beiner, *supra* note 161.

164. Mark A. Cohen, *COVID-19 Will Turbocharge Legal Industry Transformation*, FORBES.COM (Mar. 24, 2020), <https://www.forbes.com/sites/markcohen1/2020/03/24/covid-19-will-turbocharge-legal-industry-transformation/#c12968011951> [<https://perma.cc/RT88-58A2>]. The Council of the ABA Section on Legal Education and Admissions to the Bar is considering a proposed rule amendment that would allow enactment of emergency policies in case of “extraordinary circumstances” negatively affecting multiple law schools. Stephanie Francis Ward, *ABA Legal Ed Section Contemplates Rule Change in Light of Novel Coronavirus*, ABAJOURNAL.COM (May 8, 2020), <https://www.abajournal.com/news/article/legal-ed-contemplates-rule-change-due-to-covid-19-crisis> [<https://perma.cc/F3UY-M7X3>].

165. The quality of that instruction will no doubt be the subject of many forthcoming articles and opinion pieces from a variety of viewpoints. Greg Duhl, Faculty Director for Blended Learning at Mitchell Hamline School of Law, and Dean Martin Pritikin, Concord Law School, predict that the rapid transition to online delivery due to the COVID-19 crisis will demonstrate the benefits of online learning to those who had previously resisted online legal instruction. *How to Excel in an Online Class: Answers from the Experts*, CORONAVIRUS SURVIVAL GUIDE, SUPP. TO 29 NAT'L JURIST, Spring 2020, at S2, S3.

166. Andrew Strauss, *Post Coronavirus: Legal Education Will Never Be the Same. Online Is Here to Stay*, NAT'L JURIST (Apr. 10, 2020), <http://www.nationaljurist.com/national-jurist-magazine/post-coronavirus-legal-education-will-never-be-same-online-here-stay> [<https://perma.cc/6HAD-CWAB>]. Strauss is Dean of the University of Dayton School of Law, one of four ABA-accredited law schools pioneering an online J.D. program under a variance granted by the ABA. The website for the hybrid program, among other things, assures prospective students that “[l]aw librarians are only a click away” *The*

legal education may even be better than the long-standing in-person mode of instruction.¹⁶⁷ Now that it is evident it can be done, there is likely to be more demand from current and prospective students for online delivery of legal education even after the present crisis has passed. Faculty and administrators who had previously resisted exploring online teaching may be more open to that method moving forward.¹⁶⁸ Law librarians must prepare to guide their institutions through this ongoing and likely accelerated transformation.

Conclusion

¶50 Section 6.8(b) of the AALS bylaws contemplates potential format changes for tomorrow's academic law libraries, while emphasizing the continued importance of library collections and services: "*Whether physical or virtual*, the library is central to the law school and shall be organized and administered to perform its educational function and to assure a high standard of service."¹⁶⁹ As Bintliff eloquently states, the academic law library is the law school's "permanent intellectual resource."¹⁷⁰ Callister notes that one of the roles of the academic law library is to be the law school's "social knowledge network."¹⁷¹ Formats can change, and collections may expand or contract, but the key to a successful law library will always be the skills and expertise of the librarians, who are the library's most important resource.¹⁷² Law librarians help shape legal education by providing resources, tools, and instruction to both faculty and students. They also enable, support, showcase, and disseminate faculty research and scholarship across all media platforms. And by maintaining access to the foundational work in every legal discipline while preserving the cutting-edge work of today's faculty scholars, they ensure that the entire universe of legal scholarship will remain accessible to the law students, law professors, and lawyers of the future.

ABA-Approved Online Hybrid J.D. Program from the University of Dayton, UNIV. OF DAYTON SCH. OF L., <https://onlinelaw.udayton.edu/online-jd/> [<https://perma.cc/U4TN-2428>].

167. Strauss, *supra* note 166. Strauss makes this assertion based on his experience with the online program at Dayton. *Id.*

168. *Id.*

169. AM. ASS'N OF L. SCHS., BYLAWS § 6-8 ("Library.") (2020), <https://www.aals.org/about/handbook/bylaws/> [<https://perma.cc/ZKS5-EFNQ>] (emphasis added).

170. Barbara Bintliff, *The Roles and Status of the Academic Law Library Director*, in THE LAW SCHOOL LIBRARIAN'S ROLE AS AN EDUCATOR 121, 129 (2008) [hereinafter LAW SCHOOL LIBRARIAN'S ROLE].

171. Callister, *supra* note 88, at 304 ¶ 44. "An organization's principle [sic] value is not its physical assets, but what the organization 'knows'—including both the information it accesses and stores and the collective knowledge, wisdom, and social relationships of the organization's members (in this case the knowledge, skill, and relationships of the librarians)." *Id.*

172. Janis L. Johnston, *Constant Mission: Changing Methods*, in LAW SCHOOL LIBRARIAN'S ROLE, *supra* note 170, at 51, 55.

¶51 Like the rest of the legal profession, academic law libraries must “adapt and seize our future; or resist and settle for lost relevance in the world around us.”¹⁷³ The successful academic law library of tomorrow must be proactive and responsive *today*, rather than remaining passive and reactionary. Librarians must continually revisit and refine the library’s mission and goals in response to the evolving needs of law students and faculty, practitioners, and judges.¹⁷⁴ It will be important to stay abreast of “changes in research practices, scholarly communications, teaching patterns, and learning styles.”¹⁷⁵ To plan effectively, law librarians must constantly review relevant library, legal education, law practice, and legal technology literature, and also watch for trends in related fields and in society at large.¹⁷⁶

¶52 Tomorrow’s law libraries will still have a primary goal to provide collections and services that patrons will use.¹⁷⁷ To successfully accomplish this goal, librarians must be actively engaged in the life of the law school and in tune with their institutions’ unique missions and cultures.¹⁷⁸ The final report of the ABA Task Force on the Future of Legal Education urged each law school in America to “make an assessment of the particular value it believes it can and should deliver, and make a commitment to communicating and delivering that value.”¹⁷⁹ Academic law library directors and librarians should work closely with their deans, other administrators, and faculty to define the vision and mission of the law school, which will then inform the priorities and actions of the library.¹⁸⁰

¶53 As librarians work with law school administrators and faculty colleagues to anticipate and shape the future of legal education, tomorrow’s academic law libraries will undoubtedly look very different from the traditional vision of “shelves lined with case reporters.”¹⁸¹ Some of them may be almost entirely virtual. But the librarians who

173. Ury, *supra* note 95, at 5.

174. James E. Duggan, *Meeting the Needs of Tomorrow’s Library User Today*, in LAW SCHOOL LIBRARIAN’S ROLE, *supra* note 170, at 19, 29. “No library can hope to make plans for its role and its services without an essential understanding of the external environment, both elsewhere in the university and more broadly. Environmental scans . . . are important.” Deanna Marcum & Roger Schonfeld, *Driving with Data: A Roadmap for Evidence-Based Decision Making in Academic Libraries*, ITHAKA (May 28, 2014), <https://sr.ithaka.org/publications/driving-with-data-a-roadmap-for-evidence-based-decision-making-in-academic-libraries/> [<https://perma.cc/4CVD-J8M9>].

175. Marcum & Schonfeld, *supra* note 174, at 7.

176. Studwell, *supra* note 24, at 659, ¶ 33.

177. Duggan, *supra* note 174, at 29.

178. See FUTURE OF LEGAL EDUCATION, *supra* note 39, at 23, stating, [d]ifferentiation of law schools has increased in recent years. Some schools have, for example, added to the basic educational framework an institutional emphasis (real or nominal) in a particular field of law. Some differentiation has been deeper, involving, for example: a commitment to providing opportunity for legal education to those who might otherwise not have it; a pervasive focus on developing trial or other practice skills; or development of integrated systems through branch campuses or consortium arrangements. *Id.*

179. *Id.* at 26.

180. Librarians can take an active role in the work of many law school departments. At Bowen, the librarians have taught a research workshop in the 1L Student Success Program, graded practice tests for the Bar Success Program, attended and participated in recruitment events, and presented CLE programs on behalf of the alumni office and various student organizations.

181. Berring, *supra* note 4, at 22.

are the heart of those libraries will continue to be skilled navigators, organizers, and evaluators of legal information in all its forms, as well as masters of relevant technologies. The successful academic law libraries of tomorrow will not all look alike. They will be led by librarians who craft collections, instruction, and services to support and advance the vision, mission, and goals of their individual law schools.

*“The library [will be] a place where knowledge and information freely dwell to define, empower, preserve, challenge, connect, entertain and transform individuals, cultures and communities. The dwelling place, whether physical or virtual, [will be] the product of collective reflection, aspiration, commitment, expertise and organization. . . .”*¹⁸²

182. VISION OF THE COMMUNAL ROLE OF LIBRARIES, endorsed Mar. 31, 2005, by the Faculty, Fellows, and Observers of the Salzburg Seminar, *Libraries in the 21st Century*, <https://www1.law.umkc.edu/faculty/callister/session422/statement.pdf> [<https://perma.cc/6724-WXM3>].