LAW LIBRARY JOURNAL Vol. 102:3 [2010-23]

Finding the Middle Ground in Collection Development: How Academic Law Libraries Can Shape Their Collections in Response to the Call for More Practice-Oriented Legal Education*

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To examine how academic law libraries can respond to the call for more practice-oriented legal education, the authors compared trends in collection management decisions regarding secondary sources at academic and law firm libraries. The results of their survey are followed by recommendations about how academic and firm librarians can work together to best provide law students with materials they will need in practice.

 The authors would like to thank Amanda Karel for all of her support, especially for her invaluable assistance and guidance with statistical methods. Without her, this article would not have been possible. Leslie would also like to sincerely thank Georgetown Law Library's Scholarly Writing Committee for the granting of scholarly leave and other support that facilitated completion of this article.

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Introduction

¶1 Anyone working in a law library today is familiar with the traditional pressures on library collection budgets. The recent economic downturn has caused even more strain as libraries have sought ways to cut from existing budgets.[1] In the current economic climate, cancellations of library subscriptions and reductions in collections are a necessity and have become the reality for all types of law libraries.[2]

¶2 In addition to the stresses placed on law library collections due to budgetary concerns, law libraries face other institutional changes that impact their collections. Collections are fundamentally changing because of new technologies and a growing reliance on electronic materials.[3] Faced with this new reality, though, law libraries and scholars have done little research examining the impact of potential cancellations on legal research education. Instead, research has focused on the mechanics of collection development[4] or the mechanics of cancellation.[5] In her 2009 article, Amanda Runyon discussed survey results quantifying the types of materials academic law libraries have been cancelling and removing from their col-

1. *See* Karen Sloan, *Law Schools Dealing with Budget Cuts*, NATL. L. J., Jan. 19, 2009, at 1.

2. *See id.* (discussing how library acquisitions were cut as part of a reduced law school budget at the Temple University Beasley School of Law and the William S. Boyd School of Law at the University of Nevada, Las Vegas).

3. *See generally* Amanda M. Runyon, *The Effect of Economics and Electronic Resources on the Traditional Law Library Print Collection*, 101 LAW LIBR. J. 177, 2009 LAW LIBR. J. 11.

4. *See, e.g.*, Connie Lenz & Helen Wohl, *Does Form Follow Function? Academic Law Libraries' Organizational Structures for Collection Development*, 100 LAW LIBR. J. 59, 2008 LAW LIBR. J. 4.

5. *See, e.g.*, Ann T. Fessenden, *Cancellation of Serials in a Budget Crisis: The Technical Problems*, 75 LAW LIBR. J. 157 (1982); Dan J. Freehling, *Cancelling Serials in Academic Law Libraries: Keeping the Collection Lean and Mean in Good Times and Bad*, 84 LAW LIBR. J. 707 (1992).

lections in recent years.[6] While this survey explored big-picture trends in cancellation based on quantitative data, it did not address the possible effects of such cancellations on library services or on the law library as a component of the law school. Collections reflect the pedagogical and scholarly needs of their larger institutions, so changes in library collections should be placed within the larger frame of law school institutional changes.

¶3 Along with collection changes at law libraries, academic law libraries face complications stemming from the fact that their supporting institutions—law schools—may also be entering a state of flux. Scholars have pointed out that legal education addresses three activities: "the practice of law, the enterprise of understanding that practice, and the study of law's possible understandings within the context of a university."[7] These three purposes, though, are frequently seen as being in conflict with each other within the law school. One common critique of legal education is that it emphasizes theory at the expense of preparing students for actual legal practice. Although the Socratic/casebook method has been the bedrock of legal education for more than a century, critics of traditional legal education are gaining prominence.[8] A number of schools are introducing alternative curriculum models for second- and third-year law students as an outgrowth of the movement to modernize legal education.[9] Legal educators have come together to study and offer suggested reforms to legal education.[10]

¶4 Critics have also argued that legal scholarship itself is too far removed from the realities of the practice of law. Some even contend that legal scholarship and legal practice are diametrically opposed, saying legal scholarship has become "pure theory," while legal practice is motivated by "pure commerce."[11] If one accepts this portrayal of the situation, it appears that compromises between the study and the practice of law are difficult to make and that one is always doomed to misunderstand the other. For that reason, a number of practitioners, judges, and academics have called on legal scholars to give more consideration to legal practice in their scholarship.[12]

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6. Runyon, *supra* note 3.

7. Ernest J. Weinrib, *Can Law Survive Legal Education?*, 60 VAND. L. REV. 401, 401 (2007). Weinrib defines the third activity as "university study [] requir[ing] that the student's reflections about the law be appropriate to an institution devoted to caring for the intellectual inheritance—the stock of ideas, images, beliefs, skills and modes of thinking." *Id.* at 401–02.

8. *See* WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 75–78 (2007) (Carnegie Report) (discussing the diminishing returns of the traditional (what the report calls the "case-dialogue") method of instruction and the need to supplement traditional methods with other teaching techniques).

9. *See infra* ¶¶ 14–18.

10. *See* SULLIVAN ET AL., *supra* note 8, at 15.

11. Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 34 (1992) (noting that many firms now "pursu[e] profit above all else"). *See also* Dennis Curtis, *Can Law Schools and Big Law Firms Be Friends?*, 74 S. CAL. L. REV. 65, 68 (2000) (discussing the lack of consideration given in law schools to the actual mechanics of practice and how some large law firm managing partners complained that the majority of their jobs were spent dealing with wholly financial concerns).

12. *See, e.g.*, Edwards, *supra* note 11, at 55–56.

¶5 Despite these discussions within the academic legal community, there have been few discussions in the corresponding academic law library community regarding what these potential changes mean for library collections. Are our collections able to adequately prepare students for practical realities as well as meet the scholarly needs of our institutions? This article focuses on how our collections may or not be poised to respond to these changes by looking at collection cancellation decisions, chiefly in regard to secondary and practitioner-oriented materials. Because of the importance of these sources to the practice of law, we suggest that looking at the treatment of these materials is a good guide for assessing the ability of an academic law library to assist the law school in preparing law students for legal practice. We also look at the collection development decisions of law firm libraries, and their attitudes toward secondary-source legal research, to examine whether academic law library collections contain the resources that law students will use most frequently when they enter the practice of law. If law schools are attempting to prepare students for legal practice, then law students should be trained in legal research with collections similar to those they will encounter in practice.

¶6 The second part of this article discusses the conflicting purposes of the legal academy and the calls for its reform, particularly the need to offer better professional preparation to students; law school efforts to alter their curricula; and calls for more practical legal scholarship. We then examine the implications that these reforms may have for law library collections. We review the collection development decisions of law firm libraries regarding secondary sources and practitioner-oriented materials, and discuss the collection development decisions that academic libraries are making with regard to the same materials. That discussion is followed by a brief exploration of how the cancellation decisions of academic law libraries differ from similar decisions made at law firm libraries. We then consider whether this incongruence bodes well for the responsiveness of academic law library collections to the increasing push to revamp the law school curriculum to more adequately prepare law students for life as professionals. The article concludes with our suggestions for aligning academic law library collection management decisions with the needs of the changing law school curricula, with the ultimate goal of increasing the academic law library's role in the preparation of new lawyers.

¶7 Our basic premise is that although the realities of stagnant or shrinking collection budgets dictate that cancellation decisions are necessary for academic law libraries, cancellations should be made in view of larger considerations not only of pending changes in law school curriculum, but also with a view toward anticipating future needs of law students. In other words, academic law libraries should take time to consider larger implications of cancellations and not hurry through any major cancellation project simply in the name of reducing their budgets. Increased attention has been given to making legal education and scholarship more practical and more aware and reflective of practice, and academic law libraries should consider these developments when making collection development decisions.

Discordance in Legal Education and Scholarship

Critiques of Practical Legal Education

¶8 Over the past twenty years, criticism has been focused on the legal academy, alleging both its failure to prepare students to become successful legal practitioners and its failure to promote and produce practical legal scholarship. While the purpose of the legal academy is to bring together the study of the practice of the law, the enterprise of understanding the practice of law, and the study of law within the intellectual context of a university, many critics contend that because the teaching and study of theory is emphasized, law school does not equip students with practical legal skills.[13]

¶9 Legal educators and other commentators have discussed the fundamental need to change legal education, most prominently in the McCrate Report[14] and more recently in the Carnegie Report.[15] These reports have been discussed in detail by legal educators more broadly, and by law librarians and legal research instructors more specifically.[16] One common theme that emerges from these discussions, as well as from the reports themselves, is the need for law school to prepare future practitioners for legal practice by offering practical instruction in addition to the traditional Socratic/casebook method of instruction.[17] Indeed, critics of legal edu-

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13. Weinrib, *supra* note 7, at 403. See Robert W. Gordon, *Lawyers, Scholars, and the "Middle Ground,"* 91 MICH. L. REV. 2075, 2108–09 (1993), describing his view of the deficiencies of legal education:

> My list of skills that they *do not* develop would include: working with statutes, administrative rules, and other non-case materials; working with messy and complicated factual records; drafting legal instruments like contracts, settlement agreements, opinion letters, and informal letters to clients; making sustained, as opposed to two- or three-sentence, policy arguments supported by empirical data; making normative arguments based on open-ended criteria of justice, morality, and fairness; and acquiring a working knowledge of how legal institutions actually operate, not just in formal supposition but in fact.

See also Jason M. Dolin, *Opportunity Lost: How Law School Disappoints Law Students, the Public, and the Legal Profession*, 44 CAL. W. L. REV. 219 (2007); Edwards, *supra* note 11, at 38 (arguing that students who are not taught professional skills lack "the capacity to analyze, interpret and apply cases, statutes, and other legal texts" and "will not understand how to practice as a professional"); Nancy P. Rapoport, *Is "Thinking Like a Lawyer" Really What We Want to Teach?*, 1 J. ASS'N LEGAL WRITING DIRECTORS 91 (2002) (arguing that law school is too fixated on "thinking" and should also be teaching other skills); Randall T. Shepard, *What the Profession Expects of Law Schools*, 34 IND. L. REV. 7, 10 (2000) (stating that practitioners seek law school graduates who have "as much of a start as possible in acquiring and refining skills in writing and oral communication").

14. AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992).

15. SULLIVAN ET AL., *supra* note 8.

16. Duncan Alford, *The Development of the Skills Curriculum in Law Schools: Lessons for Directors of Academic Law Libraries*, 28 LEGAL REFERENCE SERVICES Q. 301, 314 (2009) (asserting that law librarians have not seized the opportunities presented by the reports to reform legal research instruction); Barbara Bintliff, *Legal Research: MacCrate's "Fundamental Lawyering Skill" Missing in Action*, 28 LEGAL REFERENCE SERVICES Q. 1, 1 (2009); Joyce McConnell, *A 21st Century Curriculum*, W. VA. LAW., Sept./Oct. 2008, at 12 (discussing the recommendations of the Carnegie Report and how the curriculum at the West Virginia University College of Law measures up to its recommendations).

17. *See* Dolin, *supra* note 13, at 221–22; Edwards, *supra* note 11, at 35–36. See also Frank S. Bloch, *The Case for Clinical Scholarship*, 6 INT'L J. CLINICAL LEGAL EDUC. 7, 8–10 (2004) for an excellent brief history of the development of American legal education.

cation have noted that students themselves are increasingly dissatisfied with their law school education.[18]

¶10 Additionally, critics have cited models used by other professional education programs to teach practical skills to their students, and discussed adapting those models to provide practical skills to law students. Some ideas for changing legal education include instituting a practicum like that used in medical school,[19] increasing the numbers of clinical and experiential learning programs,[20] and limiting reliance on the "Socratic-Casebook method."[21] Clinical legal programs have been widely discussed as both a means of offering legal assistance to underserved communities and teaching practical legal skills to law students.[22] Some advocates for clinical legal education also point out that there should be more collaboration and cooperation between legal research and writing programs and law school clinics in order to better advance skills education.[23] Still others have pointed out that there can be a balanced approach between teaching theory and skills, and that the separation between doctrinal and skills courses is unnecessary.[24] In other words, the teaching of skills and doctrine need not be seen as in conflict with each other.[25]

¶11 However, despite the focus on the need for increased practical legal education, the need for legal research skills and instruction as an important part of that practical legal training has been quite neglected.[26] In a recent article, Barbara Bintliff points out that legal research instruction has been de-emphasized at the majority of American law schools at the same time that the MacCrate and Carnegie reports were being written about the practical deficiencies of legal education.[27]

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18. Dolin, *supra* note 13, at 242 (noting that many students express a desire to learn more practical skills such as client relations, drafting forms, and operating a law office).

19. *Id.* at 252.

20. Erwin Chemerinsky, *Rethinking Legal Education*, 43 HARV. C.R.-C.L. L. REV. 595, 596 (2008).

21. Dolin, *supra* note 13, at 254.

22. Bloch, *supra* note 17, at 10. *See also* Peter Toll Hoffman, *Clinical Scholarship and Skills Training*, 1 CLINICAL L. REV. 93, 94 (1994) (arguing that "clinical legal education is fundamentally skills training"); Stefan H. Krieger, *The Effect of Clinical Education on Law School Reasoning: An Empirical Study*, 35 WM. MITCHELL L. REV. 359, 360 (2008).

23. Sarah O'Rourke Schrup, *The Clinical Divide: Overcoming Barriers to Collaboration Between Clinics and Writing Programs*, 14 CLINICAL L. REV. 301 (2007).

24. Kathryn M. Stanchi, *Step Away from the Case Book: A Call for Balance and Integration in Law School Pedagogy*, 43 HARV. C.R.-C.L. L. REV. 611, 611–12 (2008).

25. *See id.* at 612. Stanchi suggests "increas[ing] the number of courses that integrate doctrine, theory and skills so that students [can] learn to use [them together] in a practical context." More specifically, she suggests reorganizing a number of different courses "so that legal skills, such as problem solving, advocacy, writing, and negotiation, are central to the course."

26. Roy M. Mersky, *Legal Research Versus Legal Writing Within the Law School Curriculum*, 99 LAW LIBR. J. 395, 396, 2007 LAW LIBR. J. 22, ¶ 4. In Mersky's view, the attention that the MacCrate Report gave to training in legal writing was at the expense of legal research instruction. He goes on to state that, as bad as the position of legal writing instruction has been in law schools, it eclipsed the position of legal research, which has been relegated to an even lesser position. *Id.* at 396, ¶ 5.

27. Bintliff, *supra* note 16.

Practical Shortcomings of Current Legal Research Instruction

¶12 While it is true that the MacCrate and Carnegie reports do not specifically mention the shortcomings of law students and new associates when it comes to their research skills, other research and scholarship highlight the flaws of young legal researchers. Identified faults of newer researchers include an over-reliance on computerized legal research that "allows researchers to proceed without thinking,"[28] along with an inability to place search results in a larger context and to evaluate resources.[29] Students routinely overlook secondary sources as an integral part of their research.[30] While law librarians have devoted considerable time to discussing the process of legal research instruction itself, they have largely ignored the question of whether the collections being built and maintained at the institutions in which they teach affect how students are prepared for the practice of law.

¶13 In a recent article, Patrick Meyer synthesized a number of earlier studies discussing the poor research abilities of law students and new attorneys.[31] These surveys found that new associates were deficient in a variety of research tasks.[32] Meyer's own 2007 study explored practitioner librarians' preferences for print resources versus online materials and found that print is still widely used in the practitioner environment.[33] He concluded that print research components still must be integrated into research classes to give law students a fairer expectation of the kind of research that they will be doing in practice.[34]

Curricular Changes at Law Schools in Response to the Carnegie Report

¶14 Law librarians and legal research educators are not alone in responding to the Carnegie Report's call to improve legal education. A number of law schools have

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28. Thomas Keefe, *Finding Haystacks: Context in Legal Research*, 93 Ill. Bar. J. 484, 484 (2005).

29. *See* Christopher Knott, *On Teaching Advanced Legal Research*, 28 Legal Reference Services Q. 101, 103–04 (2009).

30. Sarah O'Rourke Schrup wrote of her experiences with students in a clinic:

> Particularly troubling to me was the fact that many of the students simply did not take the time to research the background substantive criminal law on which their appeals rested or to fully understand the procedural posture of their cases even though I had provided links to several criminal-law treatises and other similar background materials. My students simply researched the relevant caselaw surrounding a discrete issue but not the history or purpose of those rules, which resulted in analytical gaps in their final products. And if they did not understand a legal principle, rule, or theory, some students simply gave up rather than dig into the research that would educate them and allow them to solve the problem.

Schrup, *supra* note 23, at 334.

31. Patrick Meyer, *Law Firm Legal Research Requirements for New Attorneys,* 101 Law Libr. J. 297, 302–10, 2009 Law Libr. J. 17, ¶¶ 11–42.

32. *Id.* One survey found that new associates were "deficient in research tasks such as developing a research plan and being an efficient researcher; knowledge of subject-specific research resources; the importance and uses of loose-leaf services, digests, and legal encyclopedias" among other skills. *Id.* at 302, ¶ 13 (footnotes omitted).

33. *Id.* at 314–16, ¶¶ 55–61. Of particular interest to our study was Meyer's finding that 85.8% of firm law librarians expected associates to conduct secondary source research primarily in print. *Id*. at 316 tbl.4.

34. *Id.* at 321, ¶ 72. Meyer addressed his conclusions to what legal research instruction would entail and did not draw broader conclusions about what academic law library collections should look like.

implemented changes to their curricula to offer more practical learning opportunities for students.[35] Central to these changes has been increased development of law school clinics and other experiential learning programs, since preliminary studies have indicated that clinics aid students with lawyerly problem solving.[36]

¶15 The most dramatic curricular change so far among the top tier of law schools from the *U.S. News and World Report* rankings is at the Washington and Lee University School of Law. Washington and Lee has adopted a new third-year program to emphasize simulated and actual practice experiences.[37] This new third-year program "will be entirely experiential, comprised of [*sic*] law practice simulations, real-client experiences, the development of professionalism, and the development of law practice skills."[38]

¶16 Other law schools are also transforming their curricula in response to the Carnegie Report. The University of Dayton School of Law has proposed integrating skills training throughout the curriculum, including a requirement to complete an externship, "small enrollment capstone" course, or clinical course.[39] In their third year, all students will be "required to demonstrate their lawyering skills by participating in simulated exercises . . . . To pass, students must demonstrate a satisfactory proficiency in a range of lawyering skills, which include research and writing, interviewing, counseling and negotiation, and other skills."[40]

¶17 Erwin Chemerinsky, the dean of the new law school at the University of California, Irvine, wants each student at his law school to receive practical training in law school clinics or externships as part of his or her legal education.[41] Dean Chemerinsky suggests that clinical experiences can range from an appellate litigation clinic, where students write briefs for an appeal to a federal circuit court, to clinics focused on transactions, litigation, or administrative proceedings.[42] He goes on to note that there are also many opportunities to weave practical skills into substantive classes: "I taught a class on Federal Practice of Civil Rights. Each stu-

35. Susan Sturm & Lani Guinier, *The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity*, 60 VAND. L. REV. 515, 516 (2007). Sturm and Guinier go on to note, however, that long-term reform is difficult because the changes do not go far enough to engage the features of the law school that underlie its existing culture of competition and conformity. *See id*. at 520–21.

36. *See* Krieger, *supra* note 22, at 394; *see generally* Susan R. Martyn & Robert S. Salem, *The Integrated Law School Practicum: Synergizing Theory and Practice*, 68 LA. L. REV. 715 (2008).

37. Washington and Lee Univ. Sch. of Law, Washington and Lee's New Third Year of Law School, *available at* http://law.wlu.edu/deptimages/The%20New%20Third%20Year/ThirdYearProgramCommunicationsDocumentfinal.pdf (last visited May 14, 2010).

38. *Id.* at 3. In discussing the types of skills that students will develop in this program, the school emphasizes "strong writing and communication skills," and never specifically discusses research skills. *Id.* at 17.

39. Lisa A. Kloppenberg, Engaging Students to Educate Problem Solving Lawyers for Clients and Communities 2, *available at* http://www.aals.org/documents/curriculum/documents/Dayton.pdf (last visited Apr. 26, 2010).

40. *Id*. at 4.

41. Chemerinsky, *supra* note 20, at 596.

42. *Id*.

dent was required to draft a complaint, prepare a discovery plan, and engage in a negotiation exercise."[43]

¶18 Because legal research deficiencies are not often considered within the mainstream academic literature (even in literature calling for law school curricular reform), scholarship about curricular reform does not specifically discuss how these changes will improve legal research education and address new attorneys' research shortcomings. However, it is arguable that giving students the ability to obtain practice skills will also afford them the opportunity to research in a more practice-like setting. Thus, law librarians and other legal research instructors may hope to provide some improved research instruction within these settings.

Calls for Practical Legal Scholarship

¶19 Along with the criticism leveled at the lack of practical training in legal education, there has also been much criticism of the lack of "practical" legal scholarship written by legal scholars.[44] Critics have voiced the view that, increasingly, legal scholarship is meant for other academics and is of no value to practitioners.[45] Some commentators have noted that scholarship by law faculty focuses too heavily on theory and not enough on "the marriage of theory and practicality."[46] Others have said that there may not be a need to treat theory and practice as being so distinct from one another.[47] Furthermore, proponents of practical scholarship point out that engaging in this type of scholarship serves student needs better,[48] leads to

43. *Id.* at 597.

44. *See* Edwards, *supra* note 11, at 35 (defining an "impractical" scholar as one who "produces abstract scholarship that has little relevance to concrete issues, or addresses concrete issues in a wholly theoretical manner"); *see also* David Hricik & Victoria S. Salzmann, *Why There Should Be Fewer Articles Like This One: Law Professors Should Write More for Legal Decision Makers and Less for Themselves,* 38 SUFFOLK U. L. REV. 761, 785–86 (2005) (noting that law professors are in the unique position of having both academic freedom and the ability to write about practical legal problems); Shepard, *supra* note 13, at 11–12. Robert Gordon defines one view of what is meant by practical scholarship: "'Practical' scholarship thus ideally takes the form of the article addressed to some specific knotty doctrinal problem that is already, or soon likely to be, before the courts; or, even better, of the treatise devoted to encyclopedic exposition of all the doctrine in some legal field." Gordon, *supra* note 13, at 2078.

45. *See* Michael J. Saks et al., *Is There a Growing Gap Among Law, Law Practice, and Legal Scholarship? A Systematic Comparison of Law Review Articles One Generation Apart*, 30 SUFFOLK U. L. REV. 353 (1996); Edwards, *supra* note 11, at 35. Edwards quotes one of his former clerks who was questioned about how he uses academic literature: "I look for articles and treatises containing solid doctrinal analysis of a legal question; comprehensive summaries of an area of law; and well-argued and -supported positions on specific legal issues. Theory wholly divorced from cases has been of no use to me in practice." *Id.* at 46.

46. Hricik & Salzmann, *supra* note 44, at 763.

47. *See* Gordon, *supra* note 13, at 2096 ("The point of theory is to clarify and inform practice: if it does not, it is just bad theory.").

48. Hricik & Salzmann, *supra* note 44, at 774–75 (explaining that students who edit law reviews could improve their practical writing skills by observing how scholars apply legal doctrines and principles to practical issues).

better classroom instruction,[49] and engages student interest relevant to their future practice.[50]

¶20 Scholars who have written on the need for practical legal scholarship have described such scholarship as being done "with an eye toward improving the process of law or educating those who affect it."[51] Practical legal scholarship is described as being both "prescriptive" and "doctrinal" in that it regards existing sources of law but also seeks to solve legal problems,[52] and is also described as being "engaged" scholarship.[53]

¶21 Many commentators have offered specific prescriptions for how to make scholarly legal writing more practical. Definitions of what makes legal scholarship more practical vary, from those who argue for more skills-based scholarship to those who argue for more practical doctrinal scholarship. Some clinical faculty members have pointed out that there is an important need for clinical scholarship as an antidote to the lack of practical law review articles.[54] While all clinicians do not agree on what constitutes clinical legal scholarship, most concede that it generally has some skills component or a public interest orientation (owing to most clinics' services to underserved communities).[55] Within the group of clinical professors calling for more clinical legal scholarship are some professors who believe that clinical scholarship should be focused more on skills training.[56] Some have pointed out that within the clinical literature, while there is greater coverage of some skills—like advocacy skills—entire topics of skills are omitted from the literature.[57] At least one commentator has said that legal writing professors are in a unique position that makes them more able to create practical scholarship articles.[58] Others have argued that top law reviews need to print more practical scholarship; they have the power to determine what is published and currently show little regard for articles that have a practical component.[59]

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49. *Id.* at 775 (suggesting that professors can make up in the classroom for their lack of long-term practical experience by researching and writing about real-life issues).

50. Mitchell Nathanson, *Taking the Road Less Traveled: Why Practical Legal Scholarship Makes Sense for the Legal Writing Professor*, 11 LEGAL WRITING: J. LEGAL WRITING INST. 329, 357 (2005).

51. Hricik & Salzmann, *supra* note 44, at 765.

52. See Edwards, *supra* note 11, at 42–43, where he states that the treatise is the paradigm that he sees for practical legal scholarship: "These works create an interpretive framework; categorize the mass of legal authorities in terms of this framework; interpret closely the various authoritative texts within each category; and thereby demonstrate for judges . . . what 'the law' requires."

53. Hricik & Salzmann, *supra* note 44, at 764.

54. *See* Bloch, *supra* note 17, at 7–8 (noting that clinical scholarship strengthens clinical education by helping to "improve[e] the quality of law practice and enhance[e] the public role of the profession"); Clark D. Cunningham, *Hearing Voices: Why the Academy Needs Clinical Scholarship*, 76 WASH. U. L.Q. 85 (1998). *But see* Hoffman, *supra* note 22, at 101 ("The clinical community appears to be no longer interested in writing about lawyering skills and only marginally interested in writing about how to teach such skills.").

55. Bloch, *supra* note 17, at 11.

56. *See* Hoffman, *supra* note 22, at 103. Hoffman writes: "Clinical scholarship should also help lawyers improve their representation of clients and help students prepare to practice law." *Id.* at 144.

57. *Id.* at 102–03.

58. Nathanson, *supra* note 50, at 354.

59. Hoffman, *supra* note 22, at 108.

The Need for Academic Law Library Collections to Meet Changing Curricular and Scholarship Needs

¶22 For academic law libraries, curricular changes must warrant review of existing library collections as well as future collection development decisions. If law librarians are to be effective advocates for increasing the level of legal research instruction in the curriculum, then we must have collections that can meet the needs of increased skills instruction and scholarship.[60] Law librarians must consider whether their collections will meet the needs of students who will be enrolling in clinical and experiential learning programs in greater numbers. Do they include materials that can assist students who are taking on a "lawyerly" role in their education? It is from this framework that we suggest that academic law library collection decision-makers consider law firm collections, which are uniquely purposed for practical needs, when making collection development and management decisions. The decisions that law firm collection managers make reflect the legal research environment in which students will one day practice.

¶23 Furthermore, academic law libraries also need to ensure that their collections meet the needs of scholars who are attuned to engaging in more practical legal scholarship. According to at least one writer, law professors who are working on practical legal scholarship need to utilize "cases, statutes, and other authoritative texts"; in other words, doctrinal texts.[61] Secondary and practitioner-based resources are excellent tools for an overview of existing legal doctrine in a given area of law. In print, these resources are easily readable and offer content that enables scholars to quickly ascertain the existing state of law in a given area.

Law Firm Survey Results

Methods

¶24 To examine whether academic law library collections are prepared to support a transition to more practice-oriented law school curricula, we designed two different surveys. One survey was designed to examine the materials that are routinely used by legal practitioners at their law firm libraries. The other survey was designed to collect general information from academic law libraries about their collection development and management practices; those portions relating to practitioner-oriented materials will be discussed in this article. The two surveys were distributed to academic and firm law libraries simultaneously.

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60. See Krieger, *supra* note 22, at 394, pointing out that within his study, students in clinics were more likely to see legal research as a part of the process of problem solving:

> Even though these subjects identified fewer rules than their nonclinical counterparts, they focused on legal research as the next step to take in the case. One possible explanation for this finding is that these students' clinical experience has trained them not to rely on their own knowledge of legal doctrine, but to treat every case as one that needs research. (footnote omitted)

61. Edwards, *supra* note 11, at 35.

Respondents

¶25 To recruit respondents for our online survey of law firm librarians, we sent a request to the Law-Lib and LLSDC listservs in April 2009. A follow-up e-mail reminding potential respondents about the study and asking them to complete the survey was sent approximately two weeks later. Overall, 107 self-identified private law firm librarians filled out the survey. The total number of members of Law-Lib and LLSDC listservs is unknown; therefore, it is not possible to calculate a final response rate. Some respondents did not answer all questions, so the final sample size varies by question, as indicated by "n."

¶26 Sixty-six of the 107 libraries that participated in the study identified the state in which they were located. These respondents represented twenty-four different states and the District of Columbia.[62] As shown in table 1, the largest percentage of the law firm libraries estimated having between 5000 and 9999 volumes in their print collections (36.2%, 25, $n = 69$) and serving more than 300 attorneys (29.4%, 20, $n = 68$).[63]

Table 1

Estimated Number of Volumes Held and Attorneys Served by Law Firm Libraries

Estimated Size of Print Collection[a]	% (No.) of Libraries	Number of Attorneys[b]	% (No.) of Libraries
0—4999 volumes	24.6% (17)	0—9	2.9% (2)
5000—9999 volumes	36.2% (25)	10—29	4.4% (3)
10,000—14,999 volumes	15.9% (11)	30—49	4.4% (3)
15,000—19,999 volumes	7.2% (5)	50—74	8.8% (6)
20,000 or more volumes	15.9% (11)	75—99	11.8% (8)
		100—149	16.2% (11)
		150—199	11.8% (8)
		200—299	10.3% (7)
		300 or more	29.4% (20)

[a] $n = 69$ [b] $n = 68$

62. In descending order: Did not disclose location 38.3% (41), Washington D.C. 14.0% (15), Georgia 5.6% (6), Ohio 4.7% (5), California 3.7% (4), Illinois 3.7% (4), New York 3.7% (4), Texas 3.7% (4), Maryland 2.8% (3), Massachusetts 1.9% (2), Michigan 1.9% (2), Utah 1.9% (2), Wisconsin 1.9% (2), Alabama 0.9% (1), Arizona 0.9% (1), Arkansas 0.9% (1), Colorado 0.9% (1), Indiana 0.9% (1), Maine 0.9% (1), Minnesota 0.9% (1), Missouri 0.9% (1), New Mexico 0.9% (1), North Carolina 0.9% (1), Oregon 0.9% (1), Washington 0.9% (1), and West Virginia 0.9% (1) ($n = 107$).

63. Throughout this section, numbers in parentheses reflect the percentage of the whole being discussed, the actual number of libraries in that category, with n equal to the total number that answered the question. E.g., (29.4%, 20, $n = 68$) in this context means that 29.4% of the responding libraries, which equals 20 libraries, out of a total of 68 libraries answering the question, responded this way.

Questionnaire Design

¶27 The online survey completed by respondents from law firm libraries consisted of fifteen closed-ended questions and one open-ended question. Respondents were not required to answer all questions. Through the use of filtering and branching questions, respondents were directed to questions that were applicable to their libraries.

¶28 The full survey consisted of five broad sections. However, only three sections are relevant for the purposes this article.[64] Respondents were first asked for information about the electronic resources and print materials within their law firm library's holdings. Next, they were asked about training of and expectations for new associates at their law firms. Of particular interest were respondents' expectations for new associates' legal research training in law school. Finally, respondents were asked for general information: geographic location, the estimated size of the print collection, and the estimated number of attorneys within the law firm.

Results

Law Firm Collection Management

¶29 Respondents were asked to identify the practitioner-oriented materials held in their collections from a list of eight categories: subject-specific treatises, looseleafs, procedure manuals, subject-specific desk books, form books, practice guides, particular series (secondary practitioner-oriented resources that are not specialized by practice area, such as *Am. Jur. Trials*), and nonlegal, practice-specific materials. Respondents then indicated which of the different types of materials they were cancelling standing orders to or removing from their law firm libraries' collections.

¶30 As shown in table 2, three-quarters or more of the libraries held each of the eight types of practitioner-oriented materials in their collections, with all of the libraries holding subject-specific treatises. Looseleafs, procedure manuals, and subject-specific desk books were also very common holdings for the law firm libraries. A number of libraries indicated that they held "other" practitioner-oriented materials within their collections such as subject-specific periodicals, court rules, dictionaries, zoning regulations, and continuing legal education materials.

¶31 Perhaps signaling the necessity of these types of materials for the practice of law, in addition to having such high subscription rates, procedure manuals and subject-specific desk books had some of the lowest cancellation/removal rates of the eight different material types.[65] In contrast, over half of the law firm libraries had cancelled or removed five different material types from their collections.[66]

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64. The relevant portion of the survey is reprinted *infra* as appendix A. The remaining sections of this questionnaire examined (1) borrowing patterns from academic and court law libraries and (2) expectations for the collections of academic and court law libraries. Please contact the authors for results about these issues.

65. Procedure manuals: 19.7%, 13, $n = 66$; subject-specific desk books: 28.1%, 18, $n = 64$.

66. Particular series: 69.2%, 36, $n = 52$; looseleafs: 62.3%, 43, $n = 69$; subject-specific treatises: 54.3%, 38, $n = 70$; form books: 54.2%, 32, $n = 59$; other practice materials: 50.0%, 8, $n = 16$.

Table 2

Law Firm Libraries' Practitioner-Oriented Holdings

	Holdings[a]	Cancelled/Removed Materials
	% (No.) of Libraries	% (No.) of Libraries
Subject-specific treatises (e.g., *Collier on Bankruptcy*)	100.0% (76)	54.3% (38)[b]
Looseleafs (e.g., *CCH Standard Federal Tax Reporter*)	97.4% (74)	62.3% (43)[c]
Procedure manuals (e.g., Wright and Miller's *Federal Practice & Procedure*)	92.1% (70)	19.7% (13)[d]
Subject-specific desk books (e.g., *Washington Family Law Desk Book*)	92.1% (70)	28.1% (18)[e]
Form books (e.g., *West's Legal Forms*)	84.2% (64)	54.2% (32)[f]
Practice guides (e.g., specialized legal research guides)	80.3% (61)	28.1% (16)[g]
Particular series (e.g., *Am. Jur. Trials*)	75.0% (57)	69.2% (36)[h]
Nonlegal, practice-specific materials (e.g., business news services)	75.0% (57)	31.5% (17)[i]
Other	22.4% (17)	50.0% (8)[j]

[a]*n* = 76 [b]*n* = 70 [c]*n* = 69 [d]*n* = 66 [e]*n* = 64 [f]*n* = 59 [g]*n* = 57 [h]*n* = 52 [i]*n* = 54 [i]*n* = 16

Some respondents indicated that they were making cancellations of every type of material.[67]

¶32 To further investigate the contents and maintenance of law firm libraries' collection of practitioner-oriented materials, we divided the libraries into three categories, based on the number of attorneys employed by the law firm: small (0–49 attorneys), medium (50–149 attorneys), and large (150 or more attorneys). Eight of the law firm libraries were classified as small (7.5%), twenty-five were classified as medium (23.4%), and thirty-five were classified as large (32.7%). Thirty-nine of the survey respondents (36.4%) chose not to disclose the number of attorneys within their law firms. Table 3 shows holdings and cancellations of these materials by firm size.

¶33 For smaller law firms, which presumably have smaller library acquisitions budgets, it appears that several types of practitioner-oriented materials are essential to the practice of law—they were held by all responding small law libraries: subject-specific treatises, looseleafs, procedure manuals, subject-specific desk books, form books, and practice guides. In contrast, particular series, nonlegal practice-specific materials,[68] and other practitioner-oriented materials appear to

67. One librarian from a law firm with three hundred or more attorneys noted: "While we are cancelling across all of these categories, we are not eliminating any of them entirely." Although it was outside the scope of our specific survey, many survey respondents mentioned in comments to the questions that they were also cancelling primary materials. One librarian indicated that the types of primary law materials being cancelled by the firm library included "unannotated primary source material" and "case law reporters."

68. A statistically significant difference was found between the small, medium, and large law

Table 3

Law Firm Libraries' Practitioner-Oriented Holdings by Law Firm Size

	Small	Medium	Large
	% (No.) of Libraries	% (No.) of Libraries	% (No.) of Libraries
Holdings[a]			
Subject-specific treatises	100.0% (8)	100.0% (24)	100.0% (35)
Looseleafs	100.0% (8)	91.7% (22)	100.0% (35)
Procedure manuals	100.0% (8)	79.2% (19)	100.0% (35)
Subject-specific desk books	100.0% (8)	87.5% (21)	97.1% (34)
Form books	100.0% (8)	75.0% (18)	88.6% (31)
Practice guides	100.0% (8)	70.8% (17)	82.9% (29)
Particular series	75.0% (6)	66.7% (16)	82.9% (29)
Nonlegal, practice-specific materials	50.0% (4)	62.5% (15)	85.7% (30)
Other	0.0% (0)	16.7% (4)	25.7% (9)
Cancellations/Withdrawals			
Subject-specific treatises[b]	28.6% (2)	66.7% (14)	50.0% (17)
Looseleafs[c]	28.6% (2)	55.0% (11)	73.5% (25)
Procedure manuals[d]	0.0% (0)	35.3% (6)	17.6% (6)
Subject-specific desk books[e]	14.3% (1)	44.4% (8)	27.3% (9)
Form books[f]	0.0% (0)	81.2% (13)	53.3% (16)
Practice guides[g]	0.0% (0)	37.5% (6)	25.0% (7)
Particular series[h]	40.0% (2)	71.4% (10)	75.0% (21)
Nonlegal, practice-specific materials[i]	66.7% (2)	28.6% (4)	23.3% (7)
Other[j]	33.3% (1)	77.8% (7)	66.7% (8)

[a]Small $n = 8$, medium $n = 24$, large $n = 35$. [b]Small $n = 7$, medium $n = 21$, large $n = 34$. [c]Small $n = 7$, medium $n = 20$, large $n = 34$. [d]Small $n = 7$, medium $n = 17$, large $n = 34$. [e]Small $n = 7$, medium $n = 18$, large $n = 33$. [f]Small $n = 7$, medium $n = 16$, large $n = 30$. [g]Small $n = 7$, medium $n = 16$, large $n = 28$. [h]Small $n = 5$, medium $n = 14$, large $n = 28$. [i]Small $n = 3$, medium $n = 14$, large $n = 30$. [j]Small $n = 3$, medium $n = 9$, and large $n = 12$.

be resources more readily included in the libraries of larger law firms. The challenges of trying to address the needs of numerous attorneys on more limited bud-

firms' libraries and their inclusion of nonlegal practice-specific materials in their collections (χ^2 ($df = 2$) = 6.38, $n = 67$, $p < 0.05$). Chi-square (χ^2) is a statistical test used to identify differences in frequency data. This test indicates whether groups created within the data by merging two variables together are larger or smaller than they would be if the variables were not related. *df* refers to degrees of freedom—the number of independent pieces of information available to calculate the value of a statistical test. Degrees of freedom are used in conjunction with the value of a chi-square to determine whether results are larger than a set "critical value." Together, chi-square and degrees of freedom verify whether a finding is statistically significant. *p* refers to statistical significance of data—the likelihood that the result occurred because of chance or a sampling error. $p = .05$ indicates a 1 in 20 chance that the result is due to chance or error. If *p* is less than .05, the result is considered to be statistically significant because the odds of the finding occurring by pure chance are very low. For an overview of statistical tests and analyses, see Earl R. Babbie, Basics of Social Research (2005).

gets or the specialization in practices of law firms may be the reason for the anomaly of medium-sized libraries' not including procedure manuals in their collections at the same rate as smaller and larger law firm libraries.[69]

¶34 During this time of economic upheaval, many law firms are facing tighter budgets and smaller profits, leading to cuts in staff and law firm library budgets.[70] A tighter budget may be an unfamiliar situation for large and medium law firm libraries, but a familiar one for small law firm libraries, as shown by larger firms' overall higher cancellation rates. For example, small firm libraries had not made any cancellations to procedure manuals, form books, or practice guides. Form books, perhaps because of their high price tag,[71] were a particular target for cancellation by medium-sized libraries and also for the majority of large libraries.[72]

¶35 One law firm librarian noted: "We decided to cancel the sets we cancelled (A.L.R., C.J.S., Am. Jur. 2d) in print due to their availability on Westlaw. We added them to our contract with Westlaw." This comment furthered our belief that another important issue to consider in the law firm libraries' collection development and management practices is the preferred method of accessing the different types of practitioner-oriented materials. Results, shown in table 4, indicated that law firm libraries are open to their attorneys' accessing many material types either in print or online. Approximately half of all respondents indicated that they preferred attorneys to be able to access materials both in print and online, or that they had no preference for how attorneys accessed these materials. However, for the half of respondents who indicated a preference for one format over the other, print access was heavily preferred in all categories, with the exception of particular series.

¶36 To better understand this lack of preference for how attorneys access different types of practitioner-oriented materials, we took into consideration whether or not the law firms' subscriptions to commercial databases included electronic access to practitioner-based materials at a flat rate. Table 5 shows the preferred method of access based on availability of a flat-rate contract for the materials. Only 11.6% of the libraries did not have electronic access to any secondary or practitioner-oriented materials at a flat rate. However, some of the respondents with flat-rate electronic access to practitioner-oriented materials noted that few secondary source titles were available through their flat-rate contracts.[73] Additionally, the fact

69. A statistically significant difference was found between the small, medium, and large law firms' libraries and their inclusion of procedure manuals in their collections (χ^2 ($df = 2$) = 9.68, n = 67, $p < 0.01$).

70. Alan Cohen, *No More Sacred Cows*, AM. LAW., Sept. 2009 at 53, 53.

71. The prices of some form book sets are tracked in the *AALL Price Index for Legal Publications* under the category of Supplemented Treatises. The sixth edition of the *AALL Price Index for Legal Publications* lists the average 2008 price of a supplemented treatise as $1536.36. The average cost of supplemented treatises jumped 33.03% from 2006 to 2007 (from $1079.75 to $1436.39) and 6.96% from 2007 to 2008 ($1436.39 to $1536.36). AM. ASS'N OF LAW LIBRARIES, PRICE INDEX FOR LEGAL PUBLICATIONS (6th ed. 2008), http://www.aallnet.org/members/price_index-2008.asp (available to AALL members only).

72. A statistically significant difference was found between the small, medium, and large law firms' libraries and their cancellation or removal of form books from their collections (χ^2 ($df = 2$) = 13.03, $n = 53$, $p < 0.001$).

73. One librarian at a firm with three hundred or more attorneys noted: "Although treatises may be included in a contract, they are often at a premium rate. New lawyers have no idea about being

Table 4

Preferred Method of Access for Practitioner-Oriented Materials

	Print	Online	Both Print and Online	No Preference
	% (No.) of Libraries	% (No.) of Libraries	% (No.) of Libraries	% (No.) of Libraries
Subject-specific desk books[a]	47.9% (35)	5.5% (4)	27.4% (20)	19.2% (14)
Procedure manuals[a]	37.0% (27)	5.5% (4)	39.7% (29)	17.8% (13)
Practice guides[b]	31.9% (22)	10.1% (7)	33.3% (23)	24.6% (17)
Looseleafs[a]	31.5% (23)	23.3% (17)	34.2% (25)	11.0% (8)
Nonlegal, practice-specific materials[c]	28.6% (20)	11.4% (8)	32.9% (23)	27.1% (19)
Subject-specific treatises[d]	27.0% (20)	16.2% (12)	40.5% (30)	16.2% (12)
Particular series[e]	20.9% (14)	29.9% (20)	31.3% (21)	17.9% (12)
Form books[a]	12.3% (9)	21.9% (16)	42.5% (31)	23.3% (17)

[a]$n = 73$ [b]$n = 69$ [c]$n = 70$ [d]$n = 74$ [e]$n = 67$

that some respondents favored online access for particular series, for example, could indicate that these materials are more likely to be made available in a flat-rate contract with LexisNexis, Westlaw, or other commercial databases.[74] One factor that shaped respondents' preferences regarding whether a source should be accessed electronically or in print was which electronic database contained that source.[75]

¶37 Only one statistically significant difference emerged when flat-rate access was taken into consideration for the preferred methods of using practitioner and secondary materials, and that was for the use of the subject-specific treatises.[76] However, trends are still visible when examining the different types of practitioner-

efficient and cost effective by using the smallest library/file. If we have the title in a web-based format, such as exclusive BNA or CCH contracts, attorneys are urged not to use fee-based services."

74. Some librarians who responded to this survey went even further with regard to materials duplicated in electronic format. At a law firm with three hundred or more attorneys, one participant said: "We are trying to replace print materials that are covered extensively by an online version when possible in all subject areas." This went much further than most respondents surveyed, who indicated that cost and usability were also considered in determining when to prefer a print or electronic version.

75. Made a difference, 63.6%, 42; did not make a difference 36.4%, 24, $n = 66$. One survey participant from a large law firm indicated that she preferred to use LexisNexis because LexisNexis included treatises in the firm's contract. Another librarian at a large law firm noted a similar preference for LexisNexis in providing online materials: "If our preferred provider is Lexis and we have Moore's in our flat rate contract then we will not have Moore's in print. We will probably continue to have Wright & Miller in print." However, another firm librarian (from a small firm) noted the exact opposite regarding LexisNexis: "We do not have a flat rate with Lexis, so prefer that it is not accessed online."

76. Statistically significant differences for how libraries preferred attorneys to access subject-specific treatises were found between those whose libraries had flat rate access and those that did not (χ^2 ($df = 3$) $= 12.19$, $n = 67$, $p < 0.05$).

Table 5

Preferred Method of Access by Those with Flat-Rate Contracts

	Have Flat Rate Access % (No.) of Libraries	Do Not Have Flat Rate Access % (No.) of Libraries
Subject-specific desk books[a]		
Print	42.4% (25)	62.5% (5)
Online	6.8% (4)	0.0% (0)
Both print and online	28.8% (17)	25.0% (2)
No preference	22.0% (13)	12.5% (1)
Procedure manuals[a]		
Print	30.5% (18)	62.5% (5)
Online	5.1% (3)	0.0% (0)
Both print and online	44.1% (26)	25.0% (2)
No preference	20.3% (12)	12.5% (1)
Practice guides[b]		
Print	29.1% (16)	50.0% (4)
Online	10.9% (6)	0.0% (0)
Both print and online	36.4% (20)	25.0% (2)
No preference	23.6% (13)	25.0% (2)
Looseleafs[c]		
Print	29.3% (17)	37.5% (3)
Online	24.1% (14)	12.5% (1)
Both print and online	34.5% (20)	37.5% (3)
No preference	12.1% (7)	12.5% (1)
Nonlegal, practice-specific materials[b]		
Print	25.5% (14)	62.5% (5)
Online	10.9% (6)	0.0% (0)
Both print and online	32.7% (18)	25.0% (2)
No preference	30.9% (17)	12.5% (1)
Subject-specific treatises[a]		
Print	18.6% (11)	75.0% (6)
Online	16.9% (10)	0.0% (0)
Both print and online	45.8% (27)	12.5% (1)
No preference	18.6% (11)	12.5% (1)
Particular series[d]		
Print	18.2% (10)	28.6% (2)
Online	30.9% (17)	14.3% (1)
Both print and online	29.1% (16)	57.1% (4)
No preference	21.8% (12)	0.0% (0)
Form books[e]		
Print	10.2% (6)	28.6% (2)
Online	22.0% (13)	14.3% (1)
Both print and online	42.4% (25)	28.6% (2)
No preference	25.4% (15)	28.6% (2)

[a]Have flat rate access $n = 59$, Do not have flat rate access $n = 8$. [b]Have flat rate access $n = 55$, Do not have flat rate access $n = 8$. [c]Have flat rate access $n = 58$, Do not have flat rate access $n = 8$. [d]Have flat rate access $n = 55$, Do not have flat rate access $n = 7$. [e]Have flat rate access $n = 59$, Do not have flat rate access $n = 7$.

oriented materials as a whole. None of the respondents whose firms did not have flat-rate access indicated that they preferred attorneys to access subject-specific desk books, procedure manuals, practice guides, subject-specific treatises, or non-legal, practice-specific materials electronically. The remaining types of practitioner-oriented materials—looseleafs, particular series, and form books—had only one participant each indicate that electronic access was preferable. In contrast, no discernable patterns for preferred methods of access to practitioner-oriented materials were found among respondents whose libraries had flat-rate, electronic access to these types of materials.

¶38 Anecdotal commentary provided by the survey respondents also highlighted that cost was a significant factor in determining whether or not to access a source electronically.[77] Some librarians pointed out in open-ended responses that they historically have tried to recoup the costs of LexisNexis and Westlaw use, but, increasingly, clients are refusing to pay for them,[78] which seems to increase the impact of cost as a factor in determining how to access materials. Others pointed out that if something was not included in their flat-rate contract with a vendor, they will discourage its use in an electronic format.[79] However, some law firm librarians also pointed out that another consideration was not simply whether or not something was available electronically, but whether or not it was easy and useful for lawyers to use in that format.[80] One librarian at a large law firm offered this specific example of the kind of consideration beyond cost given to material selection at the firm: "For example, the separate online versions of the Matthew Bender materials, like Moore's and Chisum, are terrible. Searching and navigation are clunky and not user-friendly. It is hard to get buy-in from the attorneys to use it rather than the print when it is so hard to use."

¶39 Another distinction that was made was the need for materials based on practice areas and groups. One librarian at a medium-sized firm noted, "We don't do litigation, so don't need some of the items above," in response to the question about cancellation of specific secondary sources. Future researchers may want to specify practice areas when examining the need for print versus electronic secondary sources.

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77. A survey participant from a medium-sized law firm indicated that the decision about whether or not to access something in electronic format is "cost-driven."

78. One librarian from a large law firm noted: "BNA and CCH electronic contracts are firm overhead so lawyers can use as much as needed. We try to recover Lexis and Westlaw expenses but this seems to be a thing of the past. Clients refuse to pay for them."

79. A librarian from a medium-sized firm said, "If it is not in our flat-rate contract, we discourage use."

80. One librarian from a large firm responded, in regard to the considerations in determining whether to encourage print or online format: "Ease of use and training support are our primary benchmarks." A respondent from a large firm stated that "functionality and usability are extremely important. Sometimes we opt not to purchase electronic databases because it is impractical for the attorneys to access what they need." A librarian at a medium-sized firm summed it up this way: "What matters is price, ease of use, level of indexing, etc. Some material will never work in electronic format (e.g., CCH reporters)."

New Associate Training on and Knowledge of Secondary Sources

¶40 To make students more marketable, it is important that their law school education focus on issues and tasks that they will face regularly as practitioners of law. While it is reasonable to expect that law firm librarians will have to teach associates about the collections and materials available at the firm library, this training should not be completely new information. Rather, it is the job of academic law librarians to expose law students to the materials they will likely use in their future practice and to help them develop timely and fiscally efficient research techniques. To that end, our study explored three issues: (1) the training provided by law firm librarians to new associates, (2) law firm librarians' satisfaction with new associates' training prior to joining the law firm, and (3) the importance of teaching students about different material types during law school.

¶41 The majority of law firm respondents indicated that their law firm library trained new associates about three different types of legal sources: almost all of the firm libraries trained new associates on the use of electronic sources (97.1%, 68, $n = 70$), while 78.3% (54, $n = 69$) held training sessions on the use of print sources, and 70.1% (47, $n = 67$) held training sessions on the use of subject-specific sources.

¶42 Overall, respondents were dissatisfied with new associates' training and exposure to practitioner-oriented materials and secondary sources prior to joining their firms. On average, respondents were neutral about new associates' exposure to and training on the use of practitioner materials[81] and secondary sources, such as subject-specific practitioner materials, as an effective part of a complete research strategy.[82] However, as shown in table 6, more respondents were dissatisfied than satisfied with new associates' training on and exposure to practitioner materials and secondary sources. For practitioner materials, 21.4% of respondents were satisfied or somewhat satisfied, as compared to 50.0% who were extremely unsatisfied, unsatisfied, or somewhat unsatisfied. For secondary sources, 17.6% of respondents were satisfied or somewhat satisfied, as compared to 64.9% who were extremely unsatisfied, unsatisfied, or somewhat unsatisfied.

¶43 Levels of satisfaction with new associates' training and exposure to secondary sources prior to joining the firm differed at a statistically significant level depending on the size of the law firm where librarians were employed.[83] Librarians

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81. $M = 3.40$, $SD = 1.42$, $n = 42$; measured on a seven-point scale where 1 = Extremely Unsatisfactory, 7 = Extremely Satisfactory. *M* refers to the mean, or average; *SD* stands for standard deviation. Standard deviation is a measure of dispersion, or how values are spread out around the mean. A small standard deviation signifies that all of the numbers that respondents reported were close to the mean. This measurement provides a better picture of how the data looks, and how tightly clustered the reported values are around the mean.

82. $M = 3.12$, $SD = 1.35$, $n = 57$.

83. $F(2) = 5.02$, $p < .01$. Here, 2 refers to the degrees of freedom, discussed *supra* note 68, and 5.02 is the value of the F statistic produced by an Analysis of Variance (ANOVA). ANOVAs are used to determine if differences exist between groups. In an ANOVA, one variable is used to divide a data set into two or more groups. In this situation, the variable library size divided the sample into three groups—small, medium, and large libraries. The mean for another variable, here levels of satisfaction, is then calculated for each group to see if a difference exists between the groups' means that is larger than could be expected by chance.

Table 6

Law Firm Librarians' Satisfaction with New Associates' Training on and Exposure to Practitioner Materials and Secondary Sources

	Practitioner Materials[a] % (No.) of Libraries	Secondary Sources[b] % (No.) of Libraries
Extremely Satisfied	0.0% (0)	0.0% (0)
Satisfied	2.4% (1)	5.3% (3)
Somewhat satisfied	19.0% (8)	12.3% (7)
Neutral	28.6% (12)	17.5% (10)
Somewhat unsatisfied	21.4% (9)	29.8% (17)
Unsatisfied	23.8% (10)	24.6% (14)
Extremely unsatisfied	4.8% (2)	10.5% (6)

[a]n = 42 [b]n = 57

from medium-sized law firms[84] and large law firms[85] were both "somewhat unsatisfied."[86] In contrast, librarians from small firms were "somewhat satisfied"[87] with new associates' training and exposure to secondary sources.[88] Respondents' levels of satisfaction with new associates' training and exposure to practitioner materials did not differ at a statistically significant level depending on the size of the law firm.[89]

¶44 The final portion of the law firm library survey asked respondents to indicate how important it was for new associates to be trained on ten different material types during law school, using a five-point scale ranging from "important" (5) to "not important at all" (1) (see table 7). Of the ten different materials, online data-

84. $M = 2.57$, $SD = 1.31$, $n = 23$.

85. $M = 3.31$, $SD = 1.24$, $n = 29$.

86. Following the ANOVA, discussed *supra* note 83, a means comparison was conducted. Given that the ANOVA was statistically significant, it was important to determine exactly which groups' means were different from one another. In this situation the mean levels of satisfaction for large, medium, and small law firm libraries were examined. The mean difference between large and medium law firm libraries did not differ in levels of satisfaction at a statistically significant level as shown by this comparison of means (Mean Difference = 0.74, $p = 0.11$). In other words, the mean level of satisfaction for medium law firm libraries was subtracted from the mean level of satisfaction for large libraries (i.e., 3.31 – 2.57 = 0.74), and the resulting difference was not larger than could be expected by chance.

87. $M = 4.50$, $SD = 0.58$, $n = 4$.

88. The difference in satisfaction between small and medium law firm libraries was statistically different in levels of satisfaction as shown in a means comparison (Mean Difference = 1.93, $p < 0.01$). The difference in satisfaction between small and large law firm libraries was statistically different in levels of satisfaction as shown in a means comparison (Mean Difference = 1.19, $p < 0.05$).

89. $F(2) = 0.99$, $p = 0.38$. The average level of satisfaction with new associates' training and exposure to practitioner materials for respondents at small firms was 4.25 ($SD = 0.96$, $n = 4$). For respondents at medium law firms the average level of satisfaction was 3.46 ($SD = 0.97$, $n = 13$), where at large law firms the average was 3.33 ($SD = 1.34$, $n = 24$).

Table 7

Importance of New Associates' Training on Key Materials during Law School

	Not Important at All	Somewhat Unimportant	Neutral	Somewhat Important	Important
	% (No.) of Libraries	% (No.) of Libraries	% (No.) of Libraries	% (No.) of Libraries	% (No.) of Libraries
Online databases[a]	0.0% (0)	1.4% (1)	1.4% (1)	13.0% (9)	84.1% (58)
Procedure manuals[b]	0.0% (0)	0.0% (0)	2.9% (2)	26.5% (18)	70.6% (48)
Looseleafs[c]	0.0% (0)	0.0% (0)	4.5% (3)	34.3% (23)	61.2% (41)
Treatises[a]	0.0% (0)	0.0% (0)	2.9% (2)	36.2% (25)	60.9% (42)
Digests[b]	1.5% (1)	5.9% (4)	17.6% (12)	19.1% (13)	55.9% (38)
Practice guides[d]	0.0% (0)	1.5% (1)	9.1% (6)	42.4% (28)	47.0% (31)
Particular series[d]	1.5% (1)	6.1% (4)	12.1% (8)	39.4% (26)	40.9% (27)
Desk books[b]	0.0% (0)	7.4% (5)	22.1% (15)	35.3% (24)	35.3% (24)
Form books[d]	1.5% (1)	10.6% (7)	22.7% (15)	33.3% (22)	31.8% (21)
Nonlegal materials[e]	4.6% (3)	9.2% (6)	43.1% (28)	23.1% (15)	20.0% (13)

[a]$n = 69$ [b]$n = 68$ [c]$n = 67$ [d]$n = 66$ [e]$n = 65$

bases had the highest average level of importance[90] and received the highest ranking of "important" from the most respondents. Procedure manuals,[91] looseleafs,[92] and treatises[93] were the three other material types that law firm librarians rated as being "important" for law students to be trained on. The importance of training on different types of legal materials did not differ depending on the size of the law firm that employed respondents.[94]

Academic Survey Results

Methods

¶45 The second survey used in this study was designed to collect information about the materials within academic law libraries' collections. This section will discuss the results of this study to highlight trends in cancellations within academic law libraries.

Respondents

¶46 Law school librarians responsible for collection development, as indicated on the ALL-SIS web page, were e-mailed a request in April 2009 to complete an electronic survey. A follow-up e-mail was sent approximately five days later. Respondents from libraries at seventy-six of the two hundred ABA-approved or provisionally approved law schools[95] completed the survey, for a response rate of 38.0%. However, some respondents did not complete the survey in its entirety, so the final sample size varies by question, as indicated.

¶47 The academic law libraries that participated in this study were from all areas of the United States.[96] As shown in table 8, the typical library held an estimated 250,001–500,000 volumes in its print collection (43.9%) and served between 400 and 750 students (47.8%).

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90. $M = 4.80$, $SD = 0.53$, $n = 69$; measured on a five-point scale where 1 = Not Important at All, 5 = Important.

91. $M = 4.68$, $SD = 0.53$, $n = 68$.

92. $M = 4.57$, $SD = 0.58$, $n = 68$.

93. $M = 4.58$, $SD = 0.55$, $n = 67$.

94. Online databases: $F(2) = 0.90$, $p = 0.41$; form books: $F(2) = 1.83$, $p = 0.17$; desk books: $F(2) = 0.40$, $p = 0.67$; treatises: $F(2) = 0.35$, $p = 0.71$; practice guides: $F(2) = 0.04$, $p = 0.96$; procedure manuals: $F(2) = 2.38$, $p = 0.10$; particular series: $F(2) = 0.45$, $p = 0.64$; looseleafs: $F(2) = 1.55$, $p = 0.22$; digests: $F(2) = 1.26$, $p = 0.29$; nonlegal materials: $F(2) = 2.16$, $p = 0.12$.

95. The ABA's information on approved and provisionally approved law schools is available at http://www.abanet.org/legaled/approvedlawschools/approved.html (last visited Apr. 27, 2010). As of April 2010, a total of two hundred law schools were ABA approved; seven of those were provisionally approved.

96. The geographic regions used in this survey were taken from the 2007 edition of the AALL Biennial Salary Survey. The geographic regions are broken down as follows: New England (CT, MA, ME, NH, RI, VT); Middle Atlantic (NJ, NY, PA); South Atlantic (DC, DE, FL, GA, MD, NC, SC, VA, WV); East North Central (IL, IN, MI, OH, WI); West North Central (IA, KS, MN, MO, ND, NE, SD); East South Central (AL, KY, MS, TN); West South Central (AR, LA, OK, TX); Mountain (AZ, CO, ID, MT, NM, NV, UT, WY); and Pacific (AK, CA, HI, OR, WA). Am. Ass'n of Law Libraries, The AALL Biennial Salary Survey & Organizational Characteristics 8 (2007), *available at* http://www.aallnet.org/products/pub_salary_survey.asp (online edition available only to AALL members).

Table 8

Geographic Region and Size of Academic Law Libraries

Geographic Region[a]		Estimated Number of Volumes in Print Collection[b]		Estimated Number of Law Students Enrolled in All Programs[a]	
	% (No.) of Libraries		% (No.) of Libraries		% (No.) of Libraries
South Atlantic	26.9 (18)	More than 750,000 volumes	4.5 (3)	More than 1250 students	3.0 (2)
Pacific	13.4 (9)	500,001 to 750,000 volumes	24.2 (16)	1001 to 1250 students	9.0 (6)
East North Central	11.9 (8)	250,001 to 500,000 volumes	43.9 (29)	751 to 1000 students	32.8 (22)
Middle Atlantic	10.4 (7)	100,001 to 250,000 volumes	24.2 (16)	401 to 750 students	47.8 (32)
West South Central	9.0 (6)	50,001 to 100,000 volumes	3.0 (2)	0 to 400 students	7.5 (5)
West North Central	9.0 (6)	0 to 50,000 volumes	0.0 (0)		
Mountain	7.5 (5)				
New England	6.0 (4)				
East South Central	6.0 (4)				

[a] $n = 67$ [b] $n = 66$

Questionnaire Design

¶48 The online survey completed by respondents from academic law libraries consisted of twenty-six closed- and open-ended questions. Respondents were not required to answer all questions. Through the use of filtering and branching questions, respondents were directed to questions that were applicable to their libraries.

¶49 The full survey consisted of seven broad sections. However, only three sections are relevant for this article.[97] The first examined trends in how practitioner-oriented materials were being treated by academic law libraries. In this section, respondents were asked about practitioners' use of the academic law library and about the cancellation of practitioner materials. Also pertinent to this study was the survey's examination of legal clinics. This section asked respondents about the presence of legal clinics at the law school and the role of the law library in supporting those legal clinics. Finally, respondents were asked for general information about their law schools—geographic location, size of the library's print collection, and the number of students.

97. The relevant portion of the survey is reprinted *infra* as appendix B. The remaining sections of this questionnaire examined (1) development and maintenance of the overall print collections in light of electronic availability of materials, (2) availability of print Shepard's citators and access to either Shepard's or KeyCite online, (3) influences of free access to official sources of primary materials, and (4) the influence of budget on collection development. Please contact the authors for results about these issues.

Results

Treatment of Practitioner-Oriented Print Materials

¶50 The first issue investigated was how academic law libraries were treating practitioner-oriented materials and other materials that tend to be part of law firm libraries' holdings. When asked whether their libraries had cancelled any practitioner-oriented materials since 2007, over three-fourths of respondents (77.3%, 51, $n = 66$) answered in the affirmative. Of the libraries that had cancelled practitioner-oriented materials, the overwhelming majority had cancelled print-based materials (90.0%, 45, $n = 50$).[98] Five libraries (10.0%, $n = 50$) reported that they had cancelled practitioner-oriented materials in both print and electronic formats. No libraries reported cancelling practitioner-oriented materials only in electronic format.

¶51 The overall high number of cancellations of practitioner-oriented materials was surprising when juxtaposed with our finding that 95.5% of respondents (63, $n = 66$) reported that practitioners used their academic law libraries. Looking more closely at this relationship, we found that only 19.0% (12) of the sixty-three academic law libraries that had practitioners among their patrons *had not* cancelled any practitioner-oriented materials. In contrast, none of the libraries that did not have practitioners among their patrons had cancelled any practitioner-oriented materials.[99] Given that looseleafs and treatises were included as practitioner-oriented materials, it is unlikely that this difference exists because these libraries did not have practitioner-oriented materials in their collections.

¶52 Respondents were also specifically asked whether their libraries had stopped updating, cancelled, withdrawn, considered cancelling, or considered withdrawing practitioner materials, treatises, and looseleaf services. The results are shown in table 9. Of the three types of materials, practitioner materials were most likely to no longer be updated (32.4%, 22, $n = 68$). In contrast, looseleaf services were the most likely to be cancelled (61.8%, 42, $n = 68$). Over half of the participating libraries reported that they were considering cancelling practitioner materials, treatises, and looseleaf services. However, looseleaf services were the only type of practitioner-oriented material that the majority of libraries had considered withdrawing. These trends were consistent with Runyon's earlier findings that a substantial number of libraries have cancelled, stopped updating, or are considering cancelling various types of print materials that are duplicated electronically.[100]

¶53 To further explore these trends in the treatment of practitioner-oriented print materials, the libraries were classified into three groups based on the estimated number of volumes in their collections: small (0–250,000 volumes), medium (250,001–500,000 volumes), and large (more than 500,001 volumes). Eighteen (23.7%) of the academic law libraries were classified as small, twenty-nine (38.2%) were classified as medium, and nineteen (25%) were classified as large. Ten (13.2%) respondents did not estimate the number of volumes in their libraries' collections;

98. One librarian from a 401–750 student law school indicated that so many print titles had been cut that they had reduced two technical services positions to part-time.

99. This is a statistically significant difference between libraries that did and did not have practitioners among their patrons (χ^2 ($df = 1$) = 10. 69, $n = 66$, $p < .001$).

100. *See generally* Runyon, *supra* note 3.

Table 9

Academic Law Libraries' Treatment of Practitioner-Oriented Print Resources

	Practitioner Materials % (No.) of Libraries	Treatises % (No.) of Libraries	Looseleaf Services % (No.) of Libraries
Stopped updating[a]	32.4% (22)	13.2% (9)	17.6% (12)
Cancelled[a]	41.2% (28)	42.6% (29)	61.8% (42)
Withdrew[b]	31.8% (21)	27.3% (18)	40.9% (27)
Considering cancelling[c]	54.0% (34)	55.6% (35)	66.7% (42)
Considering withdrawing[d]	37.9% (22)	37.9% (22)	58.6% (34)

[a]$n = 68$ [b]$n = 66$ [c]$n = 63$ [d]$n = 58$

therefore, those libraries were removed from these analyses. All three types of libraries were equally likely to include practitioners among their patrons.[101]

¶54 As shown in table 10, with two exceptions, small, medium, and large academic law libraries treated practitioner-oriented print resources similarly. The first exception to this general statement is that practitioner materials were being cancelled by large libraries at a statistically significantly greater frequency than by small and medium libraries.[102] The second exception is that medium and large libraries were more likely to be considering withdrawing their treatises than small libraries.[103]

¶55 Respondents were also asked to specify the types of practitioner-oriented print materials that their libraries were cancelling, for both materials about their jurisdiction and those focusing on other jurisdictions (see table 11). For materials concerning the same jurisdiction, fifteen respondents reported that they had not cancelled any practitioner-oriented print materials, while three respondents did not collect these materials at all. Three respondents failed to respond to the question. When looking at materials from other jurisdictions, fifteen respondents again reported that they had not cancelled any practitioner-oriented print materials, while eight respondents did not collect these materials at all. Twelve respondents failed to respond to the question.

¶56 Overall, the most frequent cancellations of practitioner-oriented print materials were for jurisdictions other than that in which the law school was located. Cancellations were less common if the secondary source material related to the jurisdiction in which the law school was located. However, of the respondents who answered this question, looseleaf services ranked as the most common materials cancelled for any jurisdiction.[104]

101. χ^2 ($df = 2$) = 3.40, $n = 65$, $p = .18$.

102. 63.2% ($n = 19$) vs. 22.2% ($n = 18$) and 41.4% ($n = 29$), respectively; χ^2 ($df = 2$) = 6.36, $n = 66$, $p < .05$.

103. 50.0% ($n = 26$) and 47.1% ($n = 17$) vs. 7.1% ($n = 14$), respectively; χ^2 ($df = 2$) = 7.79, $n = 57$, $p < .05$.

104. Further supporting this finding were the open-ended responses that indicated looseleaf services were a particular target. One librarian from a 751–1000 student academic law library stated specifically: "There may be more looseleaf services that will be replaced with electronic subscriptions." Two librarians stated that looseleaf services would be cancelled because of subscriptions to the BNA-All database.

Table 10

Treatment of Practitioner-Oriented Print Resources by Size of Academic Law Library

	Small	Medium	Large
	% (No.) of Libraries	% (No.) of Libraries	% (No.) of Libraries
Stopped Updating[a]			
Practitioner materials	44.4% (8)	31.0% (9)	26.3% (5)
Treatises	16.7% (3)	13.8% (4)	10.5% (2)
Looseleaf services	33.3% (6)	13.8% (4)	10.5% (2)
Cancelled[a]			
Practitioner materials	22.2% (4)	41.4% (12)	63.2% (12)
Treatises	33.3% (6)	44.8% (13)	52.6% (10)
Looseleaf services	50.0% (9)	62.1% (18)	78.9% (15)
Withdrew[b]			
Practitioner materials	41.2% (7)	24.1% (7)	38.9% (7)
Treatises	23.5% (4)	27.6% (8)	33.3% (6)
Looseleaf services	47.1% (8)	37.9% (11)	44.4% (8)
Considering Cancellation[c]			
Practitioner materials	41.2% (7)	60.7% (17)	58.8% (10)
Treatises	35.3% (6)	60.7% (17)	70.6% (12)
Looseleaf services	58.8% (10)	71.4% (20)	64.7% (11)
Considering Withdrawing[d]			
Practitioner materials	28.6% (4)	42.3% (11)	41.2% (7)
Treatises	7.1% (1)	50.0% (13)	47.1% (8)
Looseleaf services	42.9% (6)	65.4% (17)	64.7% (11)

[a]Small libraries $n = 18$, medium libraries $n = 29$, large libraries $n = 19$. [b]Small libraries $n = 17$, medium libraries $n = 29$, large libraries $n = 18$. [c]Small libraries $n = 17$, medium libraries $n = 28$, large libraries $n = 17$. [d]Small libraries $n = 14$, medium libraries $n = 26$, large libraries $n = 17$.

Presence of Legal Clinics

¶57 Some of the primary users of practitioner-oriented materials within a law school are legal clinics run by the law faculty, staff, and students. Given the potential for increased collaboration between academic law libraries and legal clinics housed in their institutions, it was important to account for the presence of legal clinics within this study.

¶58 The overwhelming majority (97.0%, 64, $n = 66$) of the libraries that participated in this study had legal clinics at their law school. Of the schools with legal clinics, it was most common for the schools to house between three and five clinics (40.6%, 26, $n = 64$). The remaining schools had one or two legal clinics (35.9%, 23) or six or more clinics (23.4%, 15). Of academic libraries at institutions with active legal clinics, 95.3% (61, $n = 64$) maintained print materials in the subject areas of those particular clinics. Neither the presence of legal clinics at an institution[105] nor

105. As indicated by a nonsignificant chi-square test (χ^2 ($df = 1$) = 0.57, $n = 65$, $p = 0.45$).

Table 11

Cancellation of Practitioner-Oriented Print Materials by Jurisdiction

	Cancelled % (No.) of Libraries
Same Jurisdiction[a]	
Looseleafs	56.4% (22)
Nonlegal practice-specific materials	43.6% (17)
Subject-specific treatises	41.0% (16)
Form books	33.3% (13)
Practice guides	33.3% (13)
Particular series	28.2% (11)
Subject-specific desk books	23.1% (9)
Procedure manuals	20.5% (8)
Other Jurisdictions[b]	
Looseleafs	75.6% (31)
Nonlegal practice-specific materials	63.4% (26)
Subject-specific treatises	65.9% (27)
Form books	73.2% (30)
Practice guides	65.9% (27)
Particular series	48.8% (20)
Subject-specific desk books	73.2% (30)
Procedure manuals	48.8% (20)

[a]$n = 39$ [b]$n = 41$

the maintenance of print materials for legal clinics[106] was statistically related to the library's decision to cancel practitioner-oriented materials.

Comparison of Results

¶59 In her article *Context and Legal Research*, Barbara Bintliff says that user preference for electronic resources has won out over print resources in most areas of legal research.[107] Many academic librarians have concluded that electronic access to information is less expensive than owning the same information in print, even though this means that the library may be paying only to access the item rather than owning it.[108] Although many academic librarians may have come to the con-

106. As indicated by a nonsignificant chi-square test (χ^2 ($df = 1$) $= 3.6$, $n = 63$, $p = 0.06$).

107. Barbara Bintliff, *Context and Legal Research*, 99 LAW LIBR. J. 249, 250, 2007 LAW LIBR. J. 15, ¶ 4.

108. *Id.* at 250, ¶ 5. *See also* Carol Hansen Montgomery & Donald W. King, *Comparing Library and User Related Costs of Print and Electronic Journal Collections: A First Step Towards a Comprehensive Analysis*, D-LIB MAG. (Oct. 2002), http://www.dlib.org/dlib/october02/montgomery/10montgomery.html.

clusion that, based on cost and the preference of students, electronic sources should generally be favored over print, our survey of firm librarians revealed that the reality of the legal practice environment is entirely more complex. The opinions of law firm librarians differ greatly with regard to cancelling print copies of material that may be available electronically; at one extreme, a firm librarian indicated that the duplicated item is always cancelled when it is available in an online format, while at the other extreme, online formats are not workable for some law firms because of cost and usability concerns.[109] A librarian from a large firm stated that: "If an electronic version is only searchable, without a table of contents browse feature, or if it doesn't have a navigation feature to view section-by-section or page-by-page, then it isn't a full alternative to the print version. Just being able to search an online treatise isn't enough." Generally, however, it appears that the default position for most firms favors the use of the electronic version as long as it is covered in a flat-rate contract with a vendor.[110]

¶60 Our findings that firms are not cancelling widely used secondary sources in favor of electronic access because of the relative costs of accessing this content online are supported by Patrick Meyer's findings from his 2007 survey.[111] According to Meyer's survey, ninety percent of respondents kept federal and state secondary sources in print.[112] Our survey confirmed that most firms keep a variety of materials in print.

¶61 It is arguably easier for law firm libraries to be much more deliberate and thoughtful about which print secondary sources they cancel in favor of electronic materials because their total volume counts are much smaller than those of academic law libraries. When academic law libraries must make cost-saving cancellations, they generally have to consider titles and costs more broadly, rather than considering each title individually based on specific practice needs and uses. Cost and availability in electronic format are quickly quantifiable commodities. In contrast, determinations of usability are entirely more time-consuming. Accordingly, the idea of cost means different things to law librarians in a firm versus an academic setting. Academic law librarians are more likely to see the cost of maintaining a print subscription to a title, since academic LexisNexis/Westlaw contracts generally

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109. One librarian from a medium-sized firm summed it up this way, "If it is in contract we use the electronic source. If the content of the electronic resource is not user-friendly we use it in print." Another, from a large law firm noted, "It depends on the publisher, the format, and the dependability of the database. If the database is poorly organized, or difficult to maneuver or access, we would rather have the print version and forgo the electronic." Thus, these librarians indicate that there are at least two levels in the analysis of whether to use something in print or online—first, if it is covered by their contract in electronic form, and second, even if it is covered, whether it is user-friendly in electronic format.

110. *See supra* table 5. A respondent from a medium-sized law firm noted, "If it is part of our flat rate then the attorneys use it electronically. We normally try to hunt down any material not covered by our contract if we do not have it in print"; another respondent from a medium-sized law firm stated, "The price may be prohibitive if it's not in our contract."

111. *See* Meyer, *supra* note 31, at 313 tbl.2 (showing that even though the majority of law firms have access to LexisNexis and Westlaw through flat-rate contracts, very few have unlimited access to all materials).

112. *Id.* at 319, ¶ 68.

allow access to many of the secondary sources contained in the databases with no additional costs. In contrast, law firms are more likely to see the cost of accessing a title electronically if it is not included in a flat-fee contract with a vendor.

¶62 What is clear from the law firm survey results is that law firm librarians prefer that new associates come to their firms already trained to use secondary sources and knowing when to use them in print versus electronically. It is also clear from both the law firm and academic library survey results that the differing needs and realities of both environments mean that academic libraries may be eliminating some of the print materials that law firms prefer their associates to use. This pattern has the potential to create a gap in the education of law school graduates and affect their preparedness for the practice of law.

¶63 To their credit, some academic law librarians are keeping teaching considerations in mind when making cancellation decisions. One academic librarian stated that the library had been selective when determining what to update in print when materials are duplicated by electronic resources, noting: "For example, we only have a few digests and keep them for those who teach 1Ls."[113] Another librarian commented: "We have certification programs in business law and criminal law, so we retain more materials, even if practitioner-oriented, in those fields."[114]

¶64 It was somewhat surprising that academic law librarians routinely did not address a theme picked up on by some firm law librarians, namely the usability of materials in an online format. As one firm librarian pointed out, an online treatise that is only searchable, and not browsable by table of contents, page, or section, is not the same product as a print version of that treatise. Instead, more common among academic librarians was simply a determination that the same material was available in an online format.

¶65 The conflict between "practitioner" and "scholarly" materials was explicitly mentioned by at least one academic librarian: "Practitioners rarely use our collection, and our collection development policy is worded to promote buying scholarly rather than practitioner materials." This is significant because it contradicts the desire of firm librarians to see more familiarity with practitioner and secondary sources among new associates, and reinforces the presumed conflict between a "scholarly" and a "practical" collection.

Limitations of Study

¶66 This study has a number of limitations that should be taken into consideration when planning future studies. Because of the nature of our survey, resources had to be categorized together. However, in the law library community, there is no consensus about which category many resources fit into. We attempted to clarify for purposes of our survey what types of materials we believed fell into each of the broader categories. However, some librarians in our study noted that they did not

113. Other librarians mentioned in comments the need to "maintain a balance tailored to the needs of the faculty and the students."

114. The same librarian went on to say: "If a title only serves the practitioner and does not support the curriculum and is outside of [our state], we cancel it."

agree with our classifications. Ideally, a comprehensive study of this type would look at cancellations on a title-by-title basis without the need for broader categorization, in order to understand how libraries are treating each specific title.

¶67 The most notable limitation of our survey of law firm librarians was that our survey responses generally came from larger law firms, which housed separate law libraries staffed by at least one librarian. This does not reflect the practice environment that most law students will enter after graduation. However, it is arguable that law school graduates who go on to work at smaller law firms, government agencies, and as solo practitioners may have access to even fewer electronic resources as they do not have the economic means to afford flat-rate Westlaw, LexisNexis, or other electronic database contracts. To support this position, our study did find a statistically significant correlation between the size of the law firm and the need for the use of print materials. The larger the firm, the less likely the firm was to rely on print materials, probably based on cost and the ability to maintain flat-rate electronic contracts that include access to secondary sources. Thus, those employed by smaller law firms, public interest organizations, and even government agencies could arguably be even more reliant on print materials. Additionally, these practice environments also may not have the readily available expertise of in-house research experts—i.e., librarians—for research assistance.

¶68 Our survey did not reach public, state, or court law libraries, which may be the primary means of access to materials for those lawyers not employed at law firms with in-house law libraries. Our survey also did not reach those law libraries serving government agencies. A future study might seek to understand the collection development decisions at other types of law libraries that future practitioners may encounter.

Recommendations

¶69 Just as legal education scholars have pointed out that critics should refine their views so that they no longer see the teaching of legal theory and practice as in conflict, collection development does not need to be seen as favoring either a scholarly or a practical collection. Academic law libraries can seek to find their own "middle ground" when it comes to collection development. Just as legal theory can be woven into more practical skill courses and vice versa, academic law library collections can find ways to weave in and preserve a print collection of heavily used practitioner and secondary sources.

¶70 In order to ensure that academic law library collections are poised to provide scholarly and curricular support as law schools pay more attention to what is occurring in legal practice, we must consider as part of collection development what kind of research is being done in practice. Thus, if law firm librarians are relying on print secondary sources as their primary means of accessing that information, then we should make certain that our collections provide the resources needed to transfer that skill, even while responding to budget realities.

¶71 In considering future cancellations of print secondary and practitioner resources, we believe academic law libraries should do the following, all of which

are discussed in more detail below: align collections of secondary and practitioner content to clinical and experiential learning programs at the institution, retain a core collection of print practitioner materials for the jurisdiction in which the institution is located or in which a majority of students will likely practice, and discuss potential cancellations of specific titles and subject areas with practitioner librarians to determine the importance of the resource in question in the practice world.

Base Collections of Print Secondary Sources on Clinical and Experiential Learning Curricula

¶72 Clinical and experiential learning programs are perhaps the area of the law school curriculum where scholarship and practice most intertwine. Proponents of clinical legal education have pointed out that law school clinics are the venue where the goals of the MacCrate and Carnegie reports are most precisely met, as they offer students the opportunity to weave theory with practice under the supervision of able practitioners.

¶73 Basing a collection of print secondary and practitioner sources on the clinical and experiential learning programs that exist at the school allows students the opportunity to interact with secondary source materials that they may use in practice in a different way. Although it is true that most law students will not ultimately practice law in the area in which they obtain their clinical experience, having these resources available can help students recognize when it may be efficient to use a print resource or to look for print materials.

¶74 Schools that do not have clinical or experiential learning programs can look at other areas where their curriculum emphasizes practical instruction. For example, does the law school have a tax LL.M. program? Do joint degree programs indicate that students are more likely to practice in one area in the future? Certainly academic law libraries cannot collect or keep print copies of resources in every subject in which a law school has courses. However, the goal of the library should be to keep at least some of these materials, so that they may be used in a practical, pedagogical setting that could also include legal research instruction.[115] It certainly makes sense to keep in print those materials that the students are most likely to encounter in a practical, experiential setting.

Keep Core Print Secondary and Practitioner Sources for the Local Jurisdiction

¶75 Practitioners routinely noted that local jurisdiction secondary sources are important. This appears to be an area where many academic law libraries, at least those that responded to our survey, are maintaining their collections.[116] For any number of reasons,[117] many academic law libraries are reluctant to cancel many of

115. For example, as with the librarian who mentioned that a few digests were kept in print for first-year legal research instruction, the same philosophy could be applied to keeping a few print secondary and practitioner materials in the library for teaching purposes.

116. *See supra* table 11. At least one academic law librarian indicated in a comment that there were no plans to cancel any materials from their state or region.

117. We could hypothesize a number of reasons as to why these materials are not being cancelled: demands placed upon the library by the local bar or public, demands for the materials from faculty members who may be active within the local jurisdiction, or a belief that these materials should be kept locally for preservation purposes.

the most useful practitioner resources for their local jurisdiction, and we recommend that academic law libraries maintain these collections.

Discuss Potential Cancellations with Local Practitioner Librarians

¶76 One of the goals of this article is for it to serve as a first step in considering together the needs of both academic law libraries and those law libraries that serve practicing attorneys in order to bring the academic world more closely into alignment with the realities of the practical library. It is by no means meant to be the final word on the subject, but rather an opening of a dialogue between both types of law libraries regarding future collection development decisions. It is our hope that this study will enable librarians at both types of institutions to make collection development and management decisions with a full understanding of the needs of the other. To that end, we recommend that, when making large-scale cancellation decisions, academic law librarians consult with firm librarians or other individuals at law firms to understand collection needs for specific legal practices.

¶77 Commonly, librarians recommend consulting with faculty members when making cancellations of titles within the academic law library.[118] While consulting with faculty members in many instances may be useful, it may also not be the most instructive strategy for determining whether to cancel secondary sources that attorneys may use in practice.[119] In fact, many faculty members are far removed from the practice world[120] and may not be familiar with the either the materials used in practice or the format in which the resources are used. Adjunct faculty members may be less commonly consulted in collection development decisions, but actually may provide better guidance on decisions involving the cancellation of secondary and practitioner titles.

¶78 Consulting librarian counterparts at practitioner libraries, as well as practitioners and judges themselves, enables the academic law librarian to respond to the call for legal scholarship to focus more closely on legal practice itself. By consulting practitioners, academic librarians can not only try to model collections around sources that students will actually use in practice but also speak more authoritatively to students about what sources they can expect to be available in practice.

¶79 For example, tax practice is an area of law that relies heavily on the use of secondary sources such as looseleaf services and treatises to answer many routine research questions. Schools that collect heavily in tax, including schools that have LL.M. or other programs that specialize in federal taxation, could consult with law firms with specialized tax practices to determine how those sources are collected and used in the practice setting.[121]

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118. *See* Freehling, *supra* note 5, at 717.

119. *Id.* at 718 (noting that some faculty "may not be completely familiar with the literature in their areas of substantive expertise").

120. *See* David B. Wilkins, *The Professional Responsibility of Professional Schools to Study and Teach About the Profession*, 59 J. Legal Educ. 76, 92 (1999).

121. For example, consider the recent discussion circulating on the American Association of Law Libraries ALL-SIS listserv regarding the platform delivery change of CCH, the publisher of the Standard Federal Tax Reporter in print and online format. Anne Meyers at Yale conducted an informal survey of law firm librarians regarding their satisfaction with the new product. These kinds of informal surveys can be useful in determining how academic law libraries collect, use, and teach online products. (Printout of discussion on file with authors.)

¶80 Even if academic law librarians are not conducting specific title or subject reviews, consulting with firm librarians can be useful for understanding the methods by which they make cancellation determinations. In particular, our survey clearly revealed different considerations coming into play from firm and academic law librarians in regard to the word "cost." Discussions with firm librarians about their cost considerations can help academic law librarians not only understand the different dynamics of cost in a practical law library, but also convey that information to students. Furthermore, in the anecdotal comments submitted as a part of our survey, firm librarians revealed a variety of factors that they considered in determining whether or not to cancel a particular title. Understanding the decision-making process that librarians use in making large-scale cancellation projects certainly merits further study.

Conclusion

¶81 All law libraries must consider many different factors when choosing where to make cancellations and adjustments to existing collections. Although our survey found an increasing reliance on electronic media, the results also indicated that there is a continuing need for print in both the law firm and academic settings in order to mitigate high costs as well as to most efficiently retrieve information. It is our hope that this study will open the door to greater discussion between all types of libraries about their collection development decisions and how decisions made at one library impact other libraries. If academic law libraries want to provide law students with the tools to understand research in a practical setting, then they should promote continuing contact with law firm libraries as well as court and other governmental law libraries that practitioners utilize. Collection development decisions can then be seen in a larger context and without pitting so-called "scholarly" materials against "practical" materials, and will allow academic libraries to find a true middle ground.

Appendix A

Law Firm Survey

1. **What types of practitioner materials do you have in your collection? (please choose all that apply)**

___ Form books (e.g., *West's Legal Forms*)
___ Subject-specific desk books (e.g., *Washington Family Law Deskbook*)
___ Subject-specific treatises (e.g., *Collier on Bankruptcy*)
___ Practice guides (e.g., specialized legal research guides)
___ Procedure manuals (e.g., Wright and Miller's *Federal Practice & Procedure*)
___ Particular series (e.g., *Am. Jur. Trials*)
___ Looseleafs (e.g., *CCH Standard Federal Tax Reporter*)
___ Nonlegal, but practice-specific materials (e.g., accounting or business news services)
___ Other (please specify)

2. **What types of materials are you cancelling or removing from your own collection? (please choose all that apply)**

___ Form books (e.g., *West's Legal Forms*)
___ Subject-specific desk books (e.g., *Washington Family Law Deskbook*)
___ Subject-specific treatises (e.g., *Collier on Bankruptcy*)
___ Practice guides (e.g., specialized legal research guides)
___ Procedure manuals (e.g., Wright and Miller's *Federal Practice & Procedure*)
___ Particular series (e.g., *Am. Jur. Trials*)
___ Looseleafs (e.g., *CCH Standard Federal Tax Reporter*)
___ Nonlegal, but practice-specific materials (e.g., accounting or business news services)
___ Other (please specify)

3. **In which way do you prefer attorneys to access the following types of materials? (please choose all that apply)**

Form books (e.g., *West's Legal Forms*)
___ In print ___ Online ___ Both
___ No preference ___ We do not have this type of material

Subject-specific desk books (e.g., *Washington Family Law Deskbook*)
___ In print ___ Online ___ Both
___ No preference ___ We do not have this type of material

Subject-specific treatises (e.g., *Collier on Bankruptcy*)
___ In print ___ Online ___ Both
___ No preference ___ We do not have this type of material

Practice guides (e.g., specialized legal research guides)
___ In print ___ Online ___ Both
___ No preference ___ We do not have this type of material

Procedure manuals (e.g., Wright and Miller's *Federal Practice & Procedure*)
___ In print ___ Online ___ Both
___ No preference ___ We do not have this type of material

Particular series (e.g., *Am. Jur. Trials*)
___ In print ___ Online ___ Both
___ No preference ___ We do not have this type of material

Looseleafs (e.g., *CCH Standard Federal Tax Reporter*)
___ In print ___ Online ___ Both
___ No preference ___ We do not have this type of material

Nonlegal, but practice-specific materials (e.g., accounting or business news services)
___ In print ___ Online ___ Both
___ No preference ___ We do not have this type of material

4. **What kind of research training do you provide to new associates?**

Research using electronic sources
___ Yes ___ No

Research using print sources
___ Yes ___ No

Training with subject-specific practitioner materials
___ Yes ___ No

5. **Please indicate your feelings about the training that new associates receive before they come to your law firm:**

Level of exposure to and training with practitioner materials
___ Extremely satisfactory
___ Satisfactory
___ Somewhat satisfactory
___ Neutral
___ Somewhat unsatisfactory
___ Unsatisfactory
___ Extremely unsatisfactory
___ N/A

Level of exposure to and proficiency with secondary sources such as subject-specific practitioner materials as an effective part of a complete research strategy
___ Extremely satisfactory
___ Satisfactory
___ Somewhat satisfactory
___ Neutral
___ Somewhat unsatisfactory
___ Unsatisfactory
___ Extremely unsatisfactory
___ N/A

6. **How important do you think it is for new associates to be trained using the following types of materials while in law school?**

Online databases (Westlaw, Lexis, etc.)
___ Important
___ Somewhat important
___ Neutral
___ Somewhat unimportant
___ Not important at all

Form books (e.g., *West's Legal Forms*)
___ Important
___ Somewhat important
___ Neutral
___ Somewhat unimportant
___ Not important at all

Subject-specific desk books (e.g., *Washington Family Law Deskbook*)
___ Important
___ Somewhat important
___ Neutral
___ Somewhat unimportant
___ Not important at all

Subject-specific treatises (e.g., *Collier on Bankruptcy*)
___ Important
___ Somewhat important
___ Neutral
___ Somewhat unimportant
___ Not important at all

Practice guides (e.g., specialized legal research guides)
___ Important
___ Somewhat important

___ Neutral
___ Somewhat unimportant
___ Not important at all

Procedure manuals (e.g., Wright and Miller's *Federal Practice & Procedure*)
___ Important
___ Somewhat important
___ Neutral
___ Somewhat unimportant
___ Not important at all

Particular series (e.g., *Am. Jur. Trials*)
___ Important
___ Somewhat important
___ Neutral
___ Somewhat unimportant
___ Not important at all

Looseleafs (e.g., *CCH Standard Federal Tax Reporter*)
___ Important
___ Somewhat important
___ Neutral
___ Somewhat unimportant
___ Not important at all

Digests (e.g., *West's Federal Practice Digest*)
___ Important
___ Somewhat important
___ Neutral
___ Somewhat unimportant
___ Not important at all

Nonlegal, but practice-specific materials (e.g., accounting or business news services)
___ Important
___ Somewhat important
___ Neutral
___ Somewhat unimportant
___ Not important at all

7. **Does your subscription service to Westlaw, LexisNexis, or other commercial databases include electronic access to treatises or other practitioner-based materials as a part of a flat subscription charge?**
___ Yes ___ No

8. **Does the electronic database in which a particular practitioner resource is available make a difference in terms of whether or not you access it in electronic format?**
   ___ Yes ___ No

   Please explain:

9. **In which state is your library located?**

10. **How large do you estimate your print collection to be?**
    ___ 0–4999 volumes
    ___ 5000–9999 volumes
    ___ 10,000–14,999 volumes
    ___ 15,000–19,999 volumes
    ___ 20,000 or more volumes

11. **Approximately how many attorneys are in your law firm?**
    ___ 0–9
    ___ 10–29
    ___ 30–49
    ___ 50–74
    ___ 75–99
    ___ 100–149
    ___ 150–199
    ___ 200–299
    ___ 300+

Appendix B

Law School Library Survey

1. **Do practitioners use your library?**
   ___ Yes ___ No ___ Do not know

2. **Since 2007, has your library cancelled any practitioner materials?**
   ___ Yes ___ No

3. **What kinds of practitioner materials are you cancelling for your jurisdiction (the state or region in which your law school is located)? (please choose all that apply)**
   ___ Form books (e.g., *West's Legal Forms*)
   ___ Subject-specific desk books (e.g., *Washington Family Law Deskbook*)
   ___ Subject-specific treatises (e.g., *Collier on Bankruptcy*)
   ___ Practice guides (e.g., specialized legal research guides)
   ___ Procedure manuals (e.g., Wright and Miller's *Federal Practice & Procedure*)
   ___ Particular series (e.g., *Am. Jur. Trials*)
   ___ Looseleafs (e.g., *CCH Standard Federal Tax Reporter*)
   ___ Nonlegal, but practice-specific materials (e.g., accounting or business news services)
   ___ We do not collect these types of materials for our jurisdiction

4. **What types of practitioner-materials are you cancelling from jurisdictions other than that in which your law school is located? (please choose all that apply)**
   ___ Form books (e.g., *West's Legal Forms*)
   ___ Subject-specific desk books (e.g., *Washington Family Law Deskbook*)
   ___ Subject-specific treatises (e.g., *Collier on Bankruptcy*)
   ___ Practice guides (e.g., specialized legal research guides)
   ___ Procedure manuals (e.g., Wright and Miller's *Federal Practice & Procedure*)
   ___ Particular series (e.g., *Am. Jur. Trials*)
   ___ Looseleafs (e.g., *CCH Standard Federal Tax Reporter*)
   ___ Nonlegal, but practice-specific materials (e.g., accounting or business news services)
   ___ We do not collect these types of materials for other jurisdictions

5. **How are you determining which practitioner-oriented print materials to keep or cancel? (please choose all that apply)**
   ___ Cost of updating
   ___ Availability in electronic format
   ___ Library shelving space
   ___ Other (please specify):

6. **What is the format of the practitioner-oriented materials that you are cancelling?**
   ___ Print
   ___ Electronic
   ___ Both

7. **What factor weighs most heavily when making decisions about cancellations of practitioner-oriented print materials?**
   ___ Cost
   ___ Availability of the same material in an online format

8. **Does the law school that hosts your library have any legal clinics for law students?**
   ___ No
   ___ Yes, we have 1–2 legal clinics at the law school
   ___ Yes, we have 3–5 legal clinics at the law school
   ___ Yes, we have more than 5 legal clinics at the law school

9. **Does your library maintain practitioner-oriented print materials for practice areas covered by your law school's legal clinics?**
   ___ Yes ___ No

10. **In which geographic region is your law library located?**
    ___ New England (CT, MA, ME, NH, RI, VT)
    ___ Middle Atlantic (NJ, NY, PA)
    ___ South Atlantic (DC, DE, FL, GA, MD, NC, SC, VA, WV)
    ___ East North Central (IL, IN, MI, OH, WI)
    ___ West North Central (IA, KS, MN, MO, ND, NE, SD)
    ___ East South Central (AL, KY, MS, TN)
    ___ West South Central (AR, LA, OK, TX)
    ___ Mountain (AZ, CO, ID, MT, NM, NV, UT, WY)
    ___ Pacific (AK, CA, HI, OR, WA)

11. **In your estimation, how many volumes are in your print collection?**
    ___ 0–50,000
    ___ 50,001–100,000
    ___ 100,001–250,000
    ___ 250,001–500,000
    ___ 500,001–750,000
    ___ 750,000+

12. **In your estimation, how many students are enrolled in your law school, in all programs (J.D., LL.M., etc.)?**
    ___ 0–400
    ___ 401–750
    ___ 751–1000
    ___ 1001–1250
    ___ 1250+