

The Law School Library or the Library at the Law School? How Lessons from Other Types of Libraries Can Inform the Evolution of the Academic Law Library in the Digital Age*

Ursula Gorham** and Paul T. Jaeger***

Academic law libraries must adapt to the new digital environment of reduced funds, smaller physical collections, and greater use of electronic resources. This article examines the historical development of academic law libraries and the current challenges they face, different approaches libraries take to change, and lessons about how to thrive from nonlaw libraries.

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Introduction

¶1 Law school libraries are beginning to realize the significant challenges they face in terms of perceived relevance and in terms of justifying support or perhaps even their existence. Since the turn of the century, some law school faculty and administrators have been asserting that the academic law library is becoming unnecessary due to the growing power and scope of Westlaw and LexisNexis electronic legal databases.¹ Further, administrators are looking to cut expenses, as law school enrollments and donations decrease. As observed by James Milles, currently

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** Lecturer, College of Information Studies, University of Maryland, College Park, Maryland.

*** Professor, College of Information Studies, University of Maryland, College Park, Maryland.

1. See Richard A. Danner, *Law School Libraries*, in *ENCYCLOPEDIA OF LIBRARY AND INFORMATION SCIENCE* 1503 (2d ed. 2003); Robert M. Jarvis, *What Law Professors Will Want from Law Librarians in the Twenty-First Century*, 96 *LAW LIBR. J.* 503, 504, 2004 *LAW LIBR. J.* 29, ¶ 13.

a professor at the University of Buffalo School of Law, “What matters most to law schools? Going forward, it will not be law libraries.”²

¶2 As one of the largest costs in the law school, many law school libraries have already begun to feel noticeable budget cuts. These cuts adversely impact library staffing (e.g., the University of Maine School of Law eliminated three law library positions in response to a \$36 million university-wide funding shortfall³) as well as library resources (e.g., Pace Law Library specifically reduced the number of Thomson Reuter print titles in its collection due to budget cuts in recent years⁴). Such challenges are very similar to those faced by public and academic libraries as the overall relevance of libraries has been questioned in the age of Google and searchable databases. Public libraries, for example, have been seen as a very tempting target in terms of cutting local government costs. Notable examples in the news include:

- a Fox News Chicago editorial that asked: “With the Internet and e-books, do we really need millions for libraries?”⁵
- a Florida newspaper editorial asserting that the Internet, and Google in particular, has made public libraries redundant and that “no serious research is carried on in the library stacks”;⁶ and
- a 2012 article in *Forbes* magazine declaring that a master’s degree in LIS is the worst type of master’s degree based on career earning potential and the perceived disappearance of libraries.⁷

¶3 Public libraries, however, have been fairly successful in deflecting such assertions by demonstrating the range of benefits that they provide that have nothing to do with physical materials or databases. This success is due in large part to their strategy of placing greater emphasis on their actions and their messages about what they do, highlighting the way in which they benefit their communities and the people in their communities.⁸

2. James G. Milles, *Legal Education in Crisis, and Why Law Libraries Are Doomed*, 106 LAW LIBR. J. 507, 519, 2014 LAW LIBR. J. 28, ¶ 40.

3. Noel K. Gallagher, *UMaine Law School Cuts Three Library Positions*, PORTLAND PRESS HERALD (Apr. 8, 2014), http://www.pressherald.com/2014/04/08/umaine_law_school_cuts_three_library_positions/ [<https://perma.cc/239W-8KCP>].

4. ELISABETH HAUB SCH. OF LAW AT PACE UNIV., PACE LAW LIBRARY COLLECTION DEVELOPMENT POLICY 3 (Sept. 2016), <http://lawweb.pace.edu/library/collectiondevelopmentpolicy.pdf> [<https://perma.cc/75B9-AMGM>].

5. Anna Davlantes, *Are Libraries Necessary, or a Waste of Tax Money?*, FOX NEWS CHI. (June 28, 2010), http://web.archive.org/web/20100703110315/http://www.myfoxchicago.com/dpp/news/special_report/library-taxes-closed-20100628.

6. George Elmore, *Pull the Plug on the Library*, GAINESVILLE SUN (Mar. 3, 2008), <http://www.gainesville.com/article/20080303/OPINION03/803030303> [<https://perma.cc/4M9P-LMY2>].

7. Jacquelyn Smith, *The Best and Worst Master’s Degrees for Jobs*, FORBES (June 8, 2012), <http://www.forbes.com/sites/jacquelynsmith/2012/06/08/the-best-and-worst-masters-degrees-for-jobs-2/2/>.

8. See PAUL T. JAEGER ET AL., LIBRARIES, HUMAN RIGHTS, AND SOCIAL JUSTICE: ENABLING ACCESS AND PROMOTING INCLUSION (2015); PERSPECTIVES ON LIBRARIES AS INSTITUTIONS OF HUMAN RIGHTS AND SOCIAL JUSTICE (Ursula Gorham et al. eds., 2016); Paul T. Jaeger et al., *Library Research and What Libraries Actually Do Now: Education, Inclusion, Social Services, Public Spaces, Digital Literacy, Social Justice, Human Rights, and Other Community Needs*, 84 LIBR. Q. 491 (2014).

¶4 As other types of libraries have striven to find new ways to serve their communities to ensure that they continue to exist, however, law school libraries have generally continued to focus on the materials they provide rather than the unique educational services they offer. They have also remained largely focused on a very small user population—namely, law school students and faculty rather than the larger campus and surrounding community. Statements made by law school libraries to the effect that they left the Federal Depository Library Program (FDLP) specifically to avoid the requirement that FDLP libraries serve the broader community reflect this narrow mindset.⁹ To remain relevant—and to demonstrate their value to the law schools that they serve—law school libraries must change the odd and self-destructive approach of generally trying to be more exclusive than inclusive.

¶5 Law school libraries—though unique institutions among libraries—can learn a great deal from the ways in which public and academic libraries have evolved in the past few years to remain relevant as education institutions in their communities. More than seventy-five years ago, library education pioneer Jesse Shera asserted that “the objectives of the public library are directly dependent on the objectives of society itself.”¹⁰ In a law school context, this means that the library needs to find new ways to educate students as well as to contribute to the law school community. The academic law library can be a key part of educating law students about the world beyond the law and integrating their legal learning into practical contexts, something traditional legal education in the classroom is ill equipped to do. Being the provider of legal texts and legal databases is not enough of a contribution when the materials are available online and relatively easy for students and faculty to locate and use.

¶6 As discussed later in this article, there are, in fact, law school libraries that recognize the need to evolve, and the changes underway in these libraries can serve as examples for others that are struggling to adapt to an increasingly challenging environment. This article, however, argues for something beyond the need for changes to be implemented on a library-by-library basis. We are, in effect, calling for a fundamental shift in how academic law libraries view themselves. For too long, law school libraries have emphasized the “law school” part of their identities; it is time that the “libraries” part of their identities receives greater focus.

¶7 This article considers the events that led to the current state of law school libraries, lessons for law school libraries from the evolution of other types of libraries, and suggestions for law school libraries to expand their roles both within law schools and beyond so as to better demonstrate their value to their law schools. The ideas and considerations in this article are offered by two library school professors who are graduates both of library science programs and law schools. We understand the issues faced by law school libraries both as former law school students and as educators who have devoted our careers to the study of libraries; by virtue of these combined perspectives, we look to offer a unique lens for viewing the potential future of law school libraries.

9. Paul T. Jaeger et al., *The Federal Depository Library Program (FDLP), Academic Libraries, and Access to Government Information*, 36 J. ACAD. LIBRARIANSHIP 469, 471 (2010); John A. Shuler et al., *Implications of Harmonizing the Future of the Federal Depository Library Program Within E-Government Principles and Policies*, 27 GOV'T INFO. Q. 9 (2010).

10. JESSE H. SHERA, FOUNDATIONS OF THE PUBLIC LIBRARY: THE ORIGINS OF THE PUBLIC LIBRARY MOVEMENT IN NEW ENGLAND 1629–1855, at 248 (1949).

The Evolution of Academic Law Libraries and the Current Challenges They Face

¶8 For much of their history, law school libraries were routinely characterized as the heart of their law schools.¹¹ “The law library has always been a core part of the law school with the primary mission to serve the legal research needs of law school faculty and students.”¹² The importance of the academic law library has long been reflected by its prominent mention within the ABA’s *Standards and Rules of Procedure for Approval of Law Schools*.¹³ The 1960s marked the beginning of the golden age for academic law libraries,¹⁴ with the ABA standards at that time dictating collections’ minimum number of volumes and titles of required publications. Over the next three decades, extensive collection development was the norm for law libraries, with “the number of titles and number of volumes . . . almost the sole criteria for judging the quality of a library.”¹⁵

¶9 Historically, as the heart of the law school, law school libraries have functioned apart from the greater university library community. In a 1957 study, forty of the forty-one responding law libraries did not want to be considered part of the university library system or be a part of its administrative structure, even if they currently were.¹⁶ This position was codified through section 602(a) of the ABA standards, which requires law schools to “have sufficient administrative autonomy to direct the growth and development of the law library and to control the use of its resources.”¹⁷ Law librarians generally have interpreted this statement as supporting a separation between the university library system and the law school library. Armed with this interpretation, they have resisted efforts to change the status quo, and recent revisions to the ABA standards have not removed the requirement that law schools maintain administrative autonomy.

¶10 Section 601(a) of the ABA standards states that “[a] law school shall maintain a law library that . . . provides support through expertise, resources, and services adequate to enable the law school to carry out its program of legal education, accomplish its mission, and support scholarship and research.”¹⁸ Increasingly, however, law school libraries’ long-standing claim to being the heart of the law school has been challenged. By way of example, Milles asserts that “the law library as (1) *an iconic place within the law school*, (2) *managed financially and administra-*

11. See Richard A. Danner, *Law Libraries and Laboratories: The Legacies of Langdell and His Metaphor*, 107 LAW LIBR. J. 7, 30, 2015 LAW LIBR. J. 1, ¶ 55; Jennifer A. González, *Stuck Behind the Curve: How the Academic Law Library Can Help Students Who Struggle in Law School*, 33 LEGAL REFERENCE SERVS. Q. 239, 247 (2014). See generally Beatrice A. Tice, *The Academic Law Library in the 21st Century: Still the Heart of the Law School*, 1 UC IRVINE L. REV. 157 (2011).

12. Linda K. Fariss, *Issues Facing Academic Law Libraries—New Challenges, New Opportunities*, 31 IND. LIBR. 37, 37 (2012).

13. See Michael Whiteman, *Book Burning in the Twenty-First Century: ABA Standard 606 and the Future of Academic Law Libraries as the Smoke Clears*, 106 LAW LIBR. J. 11, 2014 LAW LIBR. J. 2.

14. Taylor Fitchett et al., *Law Library Budgets in Hard Times*, 103 LAW LIBR. J. 91, 93, 2011 LAW LIBR. J. 5, ¶ 9.

15. *Id.* at 94, ¶ 9.

16. M. Minnette Massey, *Law School Administration and the Law Librarian*, 10 J. LEGAL EDUC. 215, 216 (1957).

17. AM. BAR ASS’N, 2016–2017 STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 40 (2016).

18. *Id.* at 39.

tively as part of the law school, and (3) with staff devoted to the law school, will become increasingly rare.”¹⁹

¶11 Economic and technological developments, when considered together, have provided fodder for those who question the continued value and relevance of law school libraries.²⁰ Prior to the mid-2000s, the availability of well-paid positions for many law school graduates made it an attractive investment of time and money. This “value proposition,” however, greatly diminished as these positions began disappearing and a “nearly nonstop escalation in tuition” became the industry norm.²¹ The bleak landscape facing law schools has been well documented through a steady stream of reports in recent years:

- Between 2003 and 2012, the number of applicants to law schools decreased from 98,300 to 67,957.²²
- Between 2013 and 2014, law school enrollment decreased 6.9%, marking the lowest total enrollment since 1987.²³
- As of June 2014, employment rates for recent law school graduates had declined for the sixth consecutive year.²⁴

Impacts on law school faculty have been observed as well. In July 2013, the *ABA Journal* reported that buyouts, early retirement offers, and canceled contracts with lower-level instructors were occurring within many law schools.²⁵

¶12 Law school libraries have not been immune from this turbulence. In fact, they have proven to be easy targets, with library budgets coming under increasing scrutiny.²⁶ The budgetary and space requirements of law school libraries are substantial,²⁷ leading to increasing questions as to the wisdom of devoting scarce resources to them. As Fitchett et al. note, “When a dean looks at a law school budget, the biggest expenditure after faculty salaries is the library, and many must now wonder ‘what are all those people doing with all that money?’”²⁸ The perceived benefits of the library are further obscured by libraries not counting as factors in

19. Milles, *supra* note 2, at 509, ¶ 5.

20. Genevieve Blake Tung, *Academic Libraries and the Crisis in Legal Education*, 105 *LAW LIBR. J.* 275, 2013 *LAW LIBR. J.* 14.

21. Kenneth J. Hirsh, *Like Mark Twain: The Death of Academic Law Libraries Is an Exaggeration*, 106 *LAW LIBR. J.* 521, 522, 2014 *LAW LIBR. J.* 29, ¶ 2.

22. Dan Miner, *Like UB, All Law Schools Have Their Struggles*, *BUFFALO BUS. FIRST* (Jan. 8, 2013), <http://www.bizjournals.com/buffalo/blog/miner-business/2013/01/like-ub-all-law-schools-have-their.html>.

23. Press Release, Am. Bar Ass’n, ABA Section of Legal Education Reports 2014 Law School Enrollment Data (Dec. 16, 2014), http://www.americanbar.org/news/abanews/aba-news-archives/2014/12/aba_section_of_legal.html [https://perma.cc/PGX3-VREE].

24. Press Release, NALP, For Second Year in a Row New Grads Find More Jobs, Starting Salaries Rise—But Overall Unemployment Rate Rises with Historically Large Graduating Class (June 19, 2014), http://www.nalp.org/2013_selected_pr [https://perma.cc/3V7C-ZXMU].

25. Debra Cassens Weiss, *Law Schools Cope with Declining Enrollment by Quietly Cutting Faculty*, *ABA JOURNAL* (July 16, 2013, 12:02 PM), http://www.abajournal.com/news/article/law_schools_cope_with_declining_enrollment_by_quietly_cutting_faculty/ [https://perma.cc/CL6S-JBH7].

26. Laura J. Ax-Fultz, *Igniting the Conversation: Embracing Legal Literacy as the Heart of the Profession*, 107 *LAW LIBR. J.* 421, 422, 2015 *LAW LIBR. J.* 20, ¶ 2; see also Fariss, *supra* note 12, at 38.

27. I. Richard Gershon, *In Ten Years, All New Law Schools!*, 44 *U. TOL. L. REV.* 335, 337 (2013).

28. Fitchett et al., *supra* note 14, at 95, ¶ 14.

law school rankings.²⁹ And, in an environment characterized by declining enrollment, law schools are increasingly looking to prioritize those areas that are key to rankings, such as admissions and career services: “The space for these offices and classrooms has to come from somewhere within the current building. As the availability of electronic resources grows, law school administrators assume that the law library needs less physical space and frequently will turn there first.”³⁰ This has led to the repurposing of library space in some cases,³¹ prompting those in the field to speculate that a return to the earlier glory days of law school libraries is not likely. As Fitchett et al. describe, at a 2010 meeting of the Association of American Law Schools, a number of law library directors expressed the belief that the current troubling economic conditions for academic law libraries were not likely to improve, with one director noting that “[a]ll academic law libraries are being dismantled and losing their space.”³²

¶13 As law schools have struggled in the wake of the recession and continually searched for ways to decrease expenditures, they have increasingly focused on the role of technology in expanding access to information. The dialogue surrounding the impact of technology on law school libraries, however, actually predates the current challenging law school environment. In an entry for the 2002 second edition of the *Encyclopedia of Library and Information Science*, Richard Danner, then senior associate dean for information technology at Duke University School of Law, made the following observation:

[B]ecause technology-based solutions to information storage and technological advances in information access and retrieval serve to provide ubiquitous access to information, they can be characterized as challenging the future value of the library as a physical place. If books are less important to legal research, and if students (and faculty) prefer to work with on-line information sources, why should law schools devote significant areas of their physical plants to collections of books? If the Internet makes legal information available anywhere a network connection is available, why is a designated library space needed at all? How important will an institution centered on the acquisition and preservation of information be in an increasingly digital information environment in which less information is acquired in physical formats? Is the role of the law librarian so tied to the law book and to physical library collections that the profession itself is no longer relevant to the information needs of law faculty and students? What kinds of new skills will be needed?³³

¶14 Two years later, Robert Jarvis raised similar arguments in a piece published in *Law Library Journal*, suggesting that law libraries were in for dramatic changes in the near future as faculty members began to require fewer and fewer of their resources and services.³⁴ Among the points he made were that faculty members who regularly engage in research would want library directors to assist them in their pursuits to become more self-sufficient in their research endeavors, leading to calls for more online resources and more digitization projects. As a result of faculty using fewer library resources and services, Jarvis argued, librarians will find it increasingly difficult to justify their physical space as well as their budgets. Law

29. Fariss, *supra* note 12, at 38.

30. *Id.*

31. Fitchett et al., *supra* note 14, at 95, ¶ 13.

32. *Id.* at 93, ¶ 8.

33. Danner, *supra* note 1, at 1503.

34. Jarvis, *supra* note 1, at 504, ¶ 13.

school deans will scrutinize libraries with particular care due to the fact that they demand significant resources yet do not produce revenue through fund-raising or other means. In light of these developments, Jarvis predicted that, by 2014,

law schools will no longer have libraries in the sense they do now. There still will be designated spaces for faculty and students to meet, socialize, and study, but only the richest—or most stubborn—law schools will continue to devote enormous portions of their physical plants to housing row after row of books and periodicals.³⁵

¶15 The recent economic challenges facing law schools, as discussed above, have brought renewed attention to Jarvis's arguments.³⁶ The arguments put forth by Jarvis and others have allowed two key assumptions to take hold:

1. Law libraries need less space as their print collections shrink.
2. Law librarians become less essential as students and faculty members become more self-sufficient in their use of information resources.

As to the first assumption, most of the major law libraries that were renovated within the past twenty years, including those at Harvard, Yale, and Chicago, reduced shelf space for print and expanded user service space.³⁷ “More and more, library directors view modern law libraries as hybrids of electronic and print resources, with their key deliverable now being a high level of customized service by staff rather than a collection of legal publishing materials.”³⁸ Changes in the ABA standards with respect to volume count and title count, among other factors, have facilitated efforts to reduce the physical presence of the library.³⁹ Noticeable manifestations of these changes include cancellation of subscriptions to bound journals, as well as print subscriptions to the West National Reporter Service.⁴⁰

¶16 As to the second assumption, Margolis and Murray described how technology has led to significant changes in the way in which law students and faculty conduct research, observing that they are increasingly likely to go straight to the Internet rather than turn to books and other print materials housed within the law library.⁴¹

The generation of students entering law school in recent years has grown up using computers and conducting online research for everything from school projects to finding out the birthday of a favorite celebrity. Today's students expect that anything they need can be found online and are resistant to the notion that print-based research might be more effective in some situations.⁴²

¶17 The emergence of free electronic legal databases (such as Google Scholar) and improvements to subscription databases (such as Westlaw, Lexis Advance, and Bloomberg Law) have served to only solidify this preference. The inevitable outcome, according to Whiteman, is that academic law libraries in the twenty-first

35. *Id.* at 505, ¶ 16.

36. *See, e.g.,* Ax-Fultz, *supra* note 26.

37. S. Blair Kauffman, *New Opportunities for 21st Century Law Libraries*, <http://faculty.laverne.edu/~ajiang/cafl/NewOpportunities.pdf> [<https://perma.cc/7G9B-G5R8>].

38. Hirsh, *supra* note 21, at 528, ¶ 22.

39. Tice, *supra* note 11, at 171.

40. Hirsh, *supra* note 21, at 528, ¶ 22.

41. Ellie Margolis & Kristen E. Murray, *Say Goodbye to the Books: Information Literacy as the New Legal Research Paradigm*, 38 U. DAYTON L. REV. 117, 118 (2012).

42. *Id.* at 126.

century will consist primarily of digital information, with only limited exceptions (e.g., the annotated code, session laws, and regulatory code of the state in which the law school is situated).⁴³

¶18 Moreover, as students and faculty members are able to access online legal information anytime and anywhere, there is evidence of the increase in self-sufficiency predicted by Jarvis. As Tice explains:

The digital environment has empowered information-seekers to make such connections on their own, essentially whenever and from wherever they choose. Surely—it is argued—this represents a positive development in legal information management that should be supported, encouraging legal researchers to work independently of intermediation, regardless of what that might mean to the status of the library.⁴⁴

¶19 For example, in September 2015, LexisNexis announced that Suffolk University Law School had adopted its Digital Library solution, which provides students and faculty with access to legal e-book content via desktop and mobile applications. A variety of factors led to this decision, including a fifty percent reduction in the library's budget over a two-year period, reduced library space, and the desire to create a "modern library experience" characterized by improved access to information.⁴⁵

¶20 The question then becomes whether law school libraries have been able to carve out a place for themselves in this rapidly evolving information landscape. After all, they must fight against the erroneous belief that "[they] exist only in relation to print resources and are increasingly superfluous as materials become available in a digitized format."⁴⁶ In this regard, however, they may do themselves a disservice as many librarians teaching legal research classes continue to devote a fair amount of time to print resources.⁴⁷ Further, it is argued that while librarians are experts in legal research, they have not done enough to claim it as their territory—it is often incorporated into legal writing classes and/or taught by database vendors.⁴⁸ By failing to do so, they have made it easier for others to argue for their increasing irrelevance.

¶21 Jarvis cautions libraries against fighting downsizing or elimination, urging them instead to embrace the demise of law libraries and interpret it to "mean that the original goal of libraries—to ensure that scholars could find what they needed when they needed it—will at long last have been accomplished."⁴⁹ What Jarvis fails to entertain, however, is the possibility that law school libraries could redefine their purpose in a way that meets the pressing needs of their users. Fitchett et al. observe that

43. Whiteman, *supra* note 13, at 33, ¶ 70.

44. Tice, *supra* note 11, at 171.

45. Paul Caron, *Suffolk Law School Cuts Library Budget by 50%, Provides Students Free Course Materials Through LexisNexis Digital Library*, TAXPROF BLOG (Sept. 10, 2015), http://taxprof.typepad.com/taxprof_blog/2015/09/suffolk-law-school-cuts-library-budget-by-50-provides-students-free-course-materials-through-lexisne.html [<https://perma.cc/DQ6P-3L6C>].

46. Ax-Fultz, *supra* note 26, at 431, ¶ 29.

47. Margolis & Murray, *supra* note 41, at 125.

48. Barbara Bintliff, *Keeping Future Law Libraries Relevant* (2010), <http://www.alastore.ala.org/nealschuman/companionwebsite/academic/Bintliff2010.pdf> [<https://perma.cc/DP54-TV6Z>].

49. Jarvis, *supra* note 1, at 506, ¶ 18.

the most important lesson of this time is to tie the law library's purpose closely to the goals and objectives of the law school. All decisions in the law library need to be based on whether the results will move the institution forward within the scope of the school's vision and mission. Positioning the law library to serve the core mission of the law school is not optional.⁵⁰

Failure to do so will leave law libraries in a continually vulnerable position, subject to harsh scrutiny any time budgetary concerns arise. Within the law library community, suggestions for securing the position of law libraries range from carving out a distinct territory by making legal research an academic subject to relinquishing their long-standing autonomy and collaborating with other libraries within the broader university community. While these suggestions have merit, we argue that law librarians can benefit from taking a closer look at what other libraries are doing.

Libraries as Hedgehogs and Libraries as Foxes

¶22 In the seventh century, the Greek poet Archilocus wrote: "The fox knows many things, but the hedgehog knows one big thing."⁵¹ In 1953, social philosopher Isaiah Berlin expanded this notion to describe how thinkers can generally be separated into two categories: foxes "who pursue many ends, often unrelated, and even contradictory" and hedgehogs "who relate everything to a single central vision."⁵² Simply put, intellectual hedgehogs seek synthesis and intellectual foxes seek evaluation.⁵³ While the terms can be seen as having inherently negative connotations, Berlin meant them as equally valid approaches if applied thoughtfully, listing Aristotle, Shakespeare, Pushkin, and Balzac as foxes and Plato, Dostoevsky, and Nietzsche as hedgehogs.

¶23 Foxes are intellectual gatherers—adapting to changes, taking many approaches to a problem, seeing many possible outcomes, dealing well with uncertainty and complexity, practicing self-reflection, and examining problems in a multidisciplinary manner. In contrast, hedgehogs frame the operation of the world in one or two very big ideas that they espouse, sculpting new information to fit their ideologies. Foxes think loudly and act flexibly, while hedgehogs speak loudly and act stubbornly. The terms stem from the differences between the two animals in nature. The fox is amazingly adaptable in habit, diet, and living quarters, while hedgehogs keep to established behavior patterns. In the natural world, foxes have flourished and hedgehog populations are declining quickly. These metaphors apply not only to individual thinkers, but to organizational and governmental philosophies, with policies often reflecting a fox-like or hedgehog-like attitude toward the policy objectives.⁵⁴

50. Fitchett et al., *supra* note 14, at 110, ¶ 67.

51. ISAIAH BERLIN, *THE HEDGEHOG AND THE FOX: AN ESSAY ON TOLSTOY'S VIEW OF HISTORY 1* (1953) (quoting Archilochus, *Fragment 201*, in *IAMBI ET ELEGI GRAECI ANTE ALEXANDRUM CANATI* 78, 78).

52. *Id.* at 3.

53. Peter Hlebowitsh, *Centripetal Thinking in Curriculum Studies*, 40 *CURRICULUM INQUIRY* 503, 503 (2010).

54. See David Michel, *Foxes, Hedgehogs, and Greenhouse Governance: Knowledge, Uncertainty, and International Policy-Making in a Warming World*, 86 *APPLIED ENERGY* 258 (2009); Norman W. Provizer, *On Hedgehogs, Foxes and Leadership: Uncovering the Other Tolstoy*, 19 *LEADERSHIP Q.* 453 (2008).

¶24 Public libraries are the most fox-like institution imaginable.⁵⁵ Throughout their modern history, public libraries have done nothing but change to meet community needs as they arise, continually redefining what they do for their patrons. They collect a wide assortment of multidisciplinary information sources and materials to meet a broad range of information needs, add new services and resources to meet localized community needs, and embrace an ever-changing array of technologies and educational roles to promote inclusion and equity in their communities. Services in a typical public library include digital literacy and inclusion, technology access, story time, youth services, health literacy education, services for immigrants, e-government access and assistance, social service access and provision, job-seeking resources, homework help, and entertainment options.⁵⁶ Public libraries also provide services designed to fit the educational and advocacy needs of a specific community; in different locations, these highly specific services have ranged from providing a place to buy food, as well as to access free public health care and drug counseling, all the way to lending collections of cake pans.⁵⁷

¶25 Law school libraries, as described in the preceding section, seem to be the most decidedly hedgehog-esque among the different types of libraries. In a profession “in which change is most drastic,”⁵⁸ law school libraries have stuck with what they have always done, and increasingly this steadfastness has been to their detriment. Studies of politicians, newscasters, media commentators, and even public intellectuals have demonstrated that professionals in each of these areas are overwhelmingly hedgehogs who are rewarded for being so with greater amounts of attention and airtime.⁵⁹ Clearly, hedgehogs enjoy some advantages, but such advantages do not necessarily arise for libraries, as evidenced by the pressures now confronting law school libraries.

So Put Your Books Aside . . .

¶26 Two challenges in the digital age that all libraries face—some successfully and others not—are remaining relevant and being perceived as remaining relevant. The former is a challenge of evolving and adapting contributions to meet changing technologies and user needs, while the latter challenge necessitates the demonstration of these contributions to users, funders, and the broader community. For an academic law library, this means simultaneously evolving to provide new value to law school students and faculty in an environment where much basic research can be done with no involvement from the library at all and broadening the uses of the academic law library—perhaps by expanding the range of populations served by the library—while also finding ways to demonstrate to law school and university administrators the contributions that the library makes. The ongoing crisis in legal

55. PAUL T. JAEGER ET AL., PUBLIC LIBRARIES, PUBLIC POLICIES, AND POLITICAL PROCESSES: SERVING AND TRANSFORMING COMMUNITIES IN TIMES OF ECONOMIC AND POLITICAL CONSTRAINT 101 (2014).

56. *Id.* at 115.

57. JAEGER ET AL., *supra* note 8, at 5.

58. Jesse H. Shera, *Toward a New Dimension for Library Education*, 57 A.L.A. BULL. 313, 313 (1963).

59. See, e.g., NATE SILVER, THE SIGNAL AND THE NOISE: WHY MOST PREDICTIONS FAIL—BUT SOME DON'T (2012); PHILIP E. TETLOCK, EXPERT POLITICAL JUDGMENT: HOW GOOD IS IT? HOW CAN WE KNOW? (2005).

education thus provides an opportunity for academic law librarians to shift their focus outward to the public interest.⁶⁰

¶27 Different individual libraries and entire kinds of libraries have faced these challenges and tried to grow in a variety of ways, but the main issue is the need to move away from viewing the library in terms of the materials it provides. In a piece declaring the demise of libraries, one blogger recently asserted:

The Internet has replaced the importance of libraries as a repository for knowledge. And digital distribution has replaced the role of a library as a central hub for obtaining the containers of such knowledge: books. And digital bits have replaced the need to cut down trees to make paper and waste ink to create those books.⁶¹

This assertion ignores, however, the role of the library as (1) a provider of access to technologies and materials, (2) a source of education and services, (3) an equalizing force in society, and (4) a symbol of equity and inclusion. It ignores the reality that, at this point in time, libraries are much more about the services they offer than the “stuff” they have in their collections.

¶28 From the library community’s adoption of service roles for immigrants in the early twentieth century to digital literacy and inclusion, government services, job training, and access to food offered at the beginning of the next century, libraries have long demonstrated their role as institutions of education, public discourse, and equality.⁶² The unique community actions that define the library are informing, enabling, equalizing, and leading.⁶³ Such actions occur in many different contexts: education, inclusion, employment, social services, public spaces, digital literacy, and community development, as well as other community needs.⁶⁴

¶29 In short, the meaning of a library has matured over time into being inherently a “place of ideas.”⁶⁵ Law school libraries have numerous opportunities to emphasize and expand their roles as law-focused educational institutions. They serve specific communities and provide specific services, but those communities and services can be served in new ways and widened in scope. Certain law school libraries have clearly recognized the need to change how they provide services to their faculty and students. Notable examples include the introduction of therapy dogs during periods of high stress at Yale, George Mason University, and the University of San Francisco and the circulation of non-traditional items (e.g., bicycles, soccer ball, iPads) at Yale and Cornell.⁶⁶ As they think about developing new services and

60. Milles, *supra* note 2, at 520, ¶ 48.

61. M.G. Siegler, *The End of the Library*, TECHCRUNCH (Oct. 13, 2013), <http://techcrunch.com/2013/10/13/the-end-of-the-library/> [<https://perma.cc/2PQZ-J32S>].

62. Kathleen de la Peña McCook, *Rocks in the Whirlpool* 17–18 (Univ. of S. Fla., Sch. of Info. No. 117, 2002), https://works.bepress.com/kathleendelapena_mccook/7/; see also KIM M. THOMPSON ET AL., *DIGITAL LITERACY AND DIGITAL INCLUSION: INFORMATION POLICY AND THE PUBLIC LIBRARY* (2014).

63. John Carlo Bertot, *Closing One Chapter, Opening Another: Moving Library Quarterly Forward*, 84 *LIBR. Q.* 489, 489–90 (2014).

64. JAEGER ET AL., *supra* note 8, at 31.

65. Gloria J. Leckie & John E. Buschman, *Space, Place, and Libraries: An Introduction*, in *THE LIBRARY AS PLACE: HISTORY, COMMUNITY, AND CULTURE* 3, 16 (John E. Buschman & Gloria J. Leckie eds., 2007).

66. Julian Aiken et al., *Not Your Parents’ Law Library: A Tale of Two Academic Law Libraries*, 16 *GREEN BAG 2D* 13, 19 (2012).

reaching out beyond their traditional users, law school libraries may want to more closely consider issues with which other types of libraries are grappling.

Space

¶30 Many of the physical materials—particularly the case reporters that once occupied endless aisles in law school libraries—are now accessible through electronic legal databases. This provides a wonderful opportunity to reconsider the space of the library building. If you no longer need all of the books, what can be done with the space? Computers for individual use and teaching? Collaborative spaces? Places for community work and organizations?

¶31 Many public and academic libraries have emphasized their roles as community institutions by replacing physical collection space with collaborative environments. The ways in which academic libraries have created collaborative flexible study spaces has been explored in the literature.⁶⁷ The idea of using the space in a fundamentally different manner has not been documented to the same extent, but increasingly public libraries are taking the idea of collaborative space to a new level. Rather than merely reconfiguring the space for existing users, libraries are developing collaborative spaces that reflect stronger ties with community partners. In recent years, for example, public libraries have expanded the scope of employment-related assistance. Long recognized for “being oases in the unemployment desert for millions of job seekers using their libraries’ free internet computers to sharpen their interview skills and sift through job boards,” public libraries are increasingly “making important contributions to the nation’s economic recovery by assisting the job *creators* in small-to-medium-size businesses.”⁶⁸ As reported in *American Libraries* in August 2012, the public library in Carson City, Nevada, in partnership with several city departments, set up a Business Resource Information Center, designed to be a “seamless portal” to help small business owners with everything from market research to business planning classes to services provided by licensing and community development departments.⁶⁹

¶32 The rise of solo practice incubators in law schools presents one opportunity for law school libraries to simultaneously repurpose underutilized space and strengthen their connections with the surrounding legal community. Cleveland-Marshall College of Law, for example, houses its solo practice incubator within the law library. As noted on the College of Law’s website, the incubator “will be part of current law students’ own experience. [It] will be prominently, physically integrated into the law school’s own facility, and will be built with some transparent walls so that students studying in the Law Library will have a first-hand view, throughout each day”⁷⁰

67. See, e.g., Lesley S.J. Farmer, *Library Space: Its Role in Research*, 57 REFERENCE LIBR. 87, 90 (2016); Jeffrey T. Gayton, *Academic Libraries: “Social” or “Communal?” The Nature and Future of Academic Libraries*, 34 J. ACAD. LIBRARIANSHIP 60, 62 (2008).

68. Bradley Collins, *How Public Libraries Are a Boon to Small Business*, AM. LIBR., July/Aug. 2012, at 28, 28.

69. *Id.* at 29.

70. *Solo Practice Incubator*, CLEVELAND-MARSHALL COLL. OF LAW, <https://www.law.csuohio.edu/careerplanning/solopracticeincubator> [<https://perma.cc/UB7N-YC7B>].

Education

¶33 As law school librarians need to spend less time teaching students how to use reporters or helping faculty find materials in bound volumes, they can embrace new educational roles. These new roles may encompass

- teaching students how to assess legal materials rather than just finding them;⁷¹
- finding and assessing nonlegal materials;⁷²
- providing instruction in legal literacy and technological literacy;⁷³ and
- teaching about the uses of the law and legal resources beyond the legal profession.⁷⁴

¶34 As Talley notes, several recent studies have found that law students, as well as recent graduates, lack strong information literacy skills, as demonstrated by their lack of familiarity with library catalogs as well as secondary sources.⁷⁵ Talley recommends that academic law librarians develop an information literacy curriculum tailored to the skills set forth in AALL's *Principles and Standards for Legal Research Competency*, approved in July 2013.⁷⁶ Neisler provides this summary of these skills:

[T]he basic principles state that a successful legal researcher: “possesses fundamental research skills,” “gathers information through effective and efficient research strategies,” “critically evaluates information,” “applies information effectively to resolve a specific issue or need,” and “distinguishes between ethical and unethical uses of information, and understands the legal issues associated with the discovery, use, or application of information.”⁷⁷

¶35 For example, using a legal database and using it well are two different things. Teaching successful search techniques is a key part of legal literacy, as well as learning to evaluate legal resources and to use and evaluate academic literature, grey literature, and other important nonlegal sources. Group and individual instruction in these areas are not necessarily otherwise available for law school students and other community members—such as graduate students in related fields—interested in learning how to research the law. Clearly, then, law school libraries would be contributing mightily by taking it upon themselves to teach these skills.

71. Margolis & Murray, *supra* note 41, at 149.

72. Taryn L. Rucinski, *The Elephant in the Room: Toward a Definition of Grey Legal Literature*, 107 LAW LIBR. J. 543, 556, 2015 LAW LIBR. J. 26, ¶ 24.

73. Ax-Fultz, *supra* note 26, at 436, ¶ 43.

74. Leonard J. Long, *Resisting Anti-Intellectualism and Promoting Legal Literacy*, 34 S. ILL. U. L.J. 1, 5 (2009).

75. Nancy B. Talley, *Are You Doing It Backward? Improving Information Literacy Instruction Using the AALL Principles and Standards for Legal Research Competency, Taxonomies, and Backward Design*, 106 LAW LIBR. J. 47, 54, 2014 LAW LIBR. J. 3, ¶¶ 15–16.

76. *Id.* at 63, ¶¶ 32–33; AM. ASS'N OF LAW LIBRARIES, PRINCIPLES AND STANDARDS FOR LEGAL RESEARCH COMPETENCIES [1] (2013), <http://www.aallnet.org/mm/Publications/products/pslrc-brochure.pdf> [<https://perma.cc/79YL-W6DT>].

77. Virginia Neisler, *How May We Help? Perspectives on Law Librarian Support of Students in Law School Clinics* 21 (Apr. 2014) (unpublished Master's paper, University of North Carolina), <https://cdr.lib.unc.edu/record/uuid:ef6e37e-d3f7-4c36-a59b-3cff5894a080> (quoting AM. ASS'N OF LAW LIBRARIES, *supra* note 76).

¶36 Education promoting digital literacy and digital inclusion are now primary functions of public and academic libraries.⁷⁸ The 2014 Digital Inclusion Survey, funded by the Institute of Museum and Library Services and conducted by the American Library Association and the Information Policy & Access Center at the University of Maryland, documents this phenomenon. Pertinent findings include the following: (1) 86.9% of public libraries offer training in basic computer skills (typically through informal, point-of-use assistance), (2) 55.9% of public libraries offer training in social media, and (3) 61.8% help users familiarize themselves with new technologies (e.g., e-readers, tablets).⁷⁹ These statistics demonstrate the extent to which public libraries are meeting community needs.

¶37 Similarly, law librarians can better meet the needs of their communities by considering more carefully the roles they can play in a range of increasingly popular programs at law schools that provide students with practical lawyering skills, such as experiential learning opportunities (including clinics) and solo practice incubators. Now more than ever, greater involvement in these programs is important as “[t]he readiness and ability to offer training in a key practice skill will be essential to maintaining law librarians’ positions in today’s reform-minded climate.”⁸⁰ Neisler examines the ways in which academic law librarians can support law school clinics, noting that their increased involvement in clinical work is an avenue for libraries to play larger roles in preparing students for real-world legal work.⁸¹ This is but one way for librarians to demonstrate their value to the law school community as well as to the surrounding communities being served by clinical programs.

Community Engagement

¶38 Law school libraries can serve law schools, law school students, law school faculty, students and faculty from other departments, the university as a whole, and the community in which the university resides.⁸² What needs can the academic law library fill for students and faculty that are currently unmet? Who else in the campus community and broader community can be invited in through resources and programs? Are there services, partnerships, or outreach programs that could better integrate the academic law library into the law school, the university, and the surrounding community? Similarly, how could new initiatives help the library more strongly contribute to the mission and goals of the law school, the university, and the surrounding community? Aiken et al. point to the 2CUL Project, a collaboration between Cornell and Columbia University libraries that seeks to integrate

78. See generally THOMPSON ET AL, *supra* note 62.

79. JOHN CARLO BERTOT ET AL., INFO. POL’Y & ACCESS CTR., 2014 DIGITAL INCLUSION SURVEY: SURVEY FINDINGS AND RESULTS (Oct. 1, 2015), <http://digitalinclusion.umd.edu/sites/default/files/uploads/2014DigitalInclusionSurveyFinalRelease.pdf> [https://perma.cc/PAH9-DUCA].

80. Tung, *supra* note 20, at 290, ¶ 33.

81. Neisler, *supra* note 77, at 45.

82. It should be noted that the extent to which law school libraries serve the broader community—the bench, the bar, and the public—depends in part on whether they are public or private institutions. Not all private law school libraries grant access to so-called external constituencies, whereas public law school libraries, to varying degrees, all “seem to recognize some obligation” to serve users from beyond the law school community. Connie Lenz, *The Public Mission of the Public Law School Library*, 105 LAW LIBR. J. 31, 45–46. 2013 LAW LIBR. J. 2, ¶ 34.

resources, collections, services, and expertise as a “blueprint and model” for academic law libraries.⁸³

¶39 In thinking about engagement beyond the law school or even the university community, law school libraries should also look to how public libraries have become more involved in providing self-help services to members of the public. Of course, ethical issues must be considered when providing assistance to the broader community.⁸⁴ As community access points, however, public libraries play an important role in connecting self-help users with the legal information they need by removing barriers created by geography, language, and technology and by providing emotional support.⁸⁵ Law libraries, in some ways, are even better equipped to meet this particular community need as their staff members possess the necessary skills and experience to facilitate self-help users’ access to legal information. A July 2014 white paper published by the AALL laid out the benefits of housing self-help centers in law libraries—these benefits include “expertly trained information staff, computers, print, and online resources, often in multiple languages.”⁸⁶ In recognition of the resource constraints facing many law libraries, the report recommends that libraries provide self-help services in collaboration with partners from the legal services community through which the library hosts legal clinics and seminars and develops information packets comprised of forms, instructions, and other resources. In the law school environment, increased collaboration between the library and clinical programs could enable the law school to play a bigger role in expanding access to justice in the surrounding community.

Education of Law Librarians

¶40 The field has never settled on the appropriate education for law librarians.⁸⁷ The education of law librarians—and the best ways to prepare them to work in the new realities of law school libraries—can be considered as well as a part of rethinking the roles and contributions of the academic law library.

¶41 The strongest libraries—regardless of type—are constantly rethinking and reevaluating what they do to stay central to their communities. These kinds of framing areas and questions may be useful starting points for academic law libraries considering the best ways to adapt to change. As was noted earlier, though, the starting point may be to focus more on the “library” part of their names rather the historical emphasis on the “law” part.

83. Aiken et al., *supra* note 66, at 19.

84. Paul Jerome McLaughlin, Jr., *Wanting to Do More but Bound to Do Less: A Law Librarian’s Dilemma*, 56 REFERENCE LIBR. 119, 126–27 (2015).

85. See Laura N. Mancini, *Increasing Access to Justice for All: The Programs and Community Partnerships of the Adams-Pratt Oakland County Law Library and Their Impact on Self-Represented Litigants in Southeast Michigan*, 14 J.L. SOC’Y 65 (2013); Self-Represented Litigation Network, *Best Practices in Court-Based Programs for the Self-Represented: Concepts, Attributes, Issues for Exploration, Examples, Contacts, and Resources* (2008), <http://www.srln.org/node/29/best-practices-best-practices-court-based-programs-self-represented-concepts-attributes> [<https://perma.cc/6PTD-ZJL6>].

86. AM. ASS’N OF LAW LIBRARIES, *LAW LIBRARIES AND ACCESS TO JUSTICE* 26 (July 2014), <http://www.aallnet.org/mm/Publications/products/atjwhitepaper.pdf> [<https://perma.cc/63LC-E4AC>].

87. Elizabeth Caufield, *Is This a Profession? Establishing Educational Criteria for Law Librarians*, 106 LAW LIBR. J. 287, 2014 LAW LIBR. J. 19.

Conclusion: The Library at the Law School Rather than the Law School Library?

¶42 The claim that online search is more powerful than libraries—recently reasserted in the *Wall Street Journal*⁸⁸—completely misses the value of libraries. However, such perceptions are based partly on the slowness of some libraries to adapt to change and partly on the failures of libraries to articulate and demonstrate their value beyond the library walls.⁸⁹ David S. Mao, the Deputy Librarian of Congress and a law librarian, recommends that law librarians “find a niche . . . and know—and be able to express—how they can bring value to the organization.”⁹⁰ This same message holds true for the law school libraries themselves.

¶43 Law school libraries, in many ways, have existed more in splendid isolation than other types of libraries. By intentionally trying to maximally limit their service population to the law school students and faculty, they have been able to provide rather specific collections and services, but they are also uniquely vulnerable to depending too much on those populations for their continued existence. Explanations of the value of law school libraries have typically focused more on the collected materials than on library services.⁹¹ However, as electronic databases erode this value that law school libraries have traditionally constructed for themselves, such isolation has become a very real problem.

¶44 Ultimately, for law school libraries—like all of types of libraries in the digital age—the search is for “a broader conception of community service.”⁹² The answer to that search will likely challenge many of the traditions and assumptions of law librarianship, but such considerations are essential for law school libraries to adapt and find the best new ways to contribute to law schools and communities beyond. Lessons from other types of libraries may prove very helpful as law school libraries embrace a broader sense of library-ness and grow from hedgehogs to foxes—foxes who think of their institutions not as law school libraries, but as libraries at law schools.

88. Steve Barker, *In Age of Google, Librarians Get Shelved*, WALL ST. J. (Jan. 10, 2016, 4:34 PM), <http://www.wsj.com/articles/in-age-of-google-librarians-get-shelved-1452461659>.

89. See generally JAEGER ET AL., *supra* note 55, at 97.

90. David S. Mao, *The Nation's Librarian (Interview)*, AALL SPECTRUM, Jan./Feb. 2016, at 12, 15.

91. See, e.g., Barbara Bintliff, *What Can the Faculty Expect from the Library of the Twenty-First Century?*, 96 LAW LIBR. J., 507, 2004 LAW LIBR. J. 30.

92. Philip H. Ennis & Floyd N. Fryden, *The Library in the Community Use Studies Revisited*, 30 LIBR. Q. 253, 253 (1960).