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

Jessie Wallace Burchfield**

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

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

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

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Introduction

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

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

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

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

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

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

6. *Id.* at 18.

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

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

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

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

Historical Development of Academic Law Libraries

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

63, and accompanying text.

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

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

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

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

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

14. *Id.* at 342.

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

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

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

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

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

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

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

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

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

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

22. *Id.* at 172, ¶ 71.

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

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

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

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

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

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

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

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

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

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

Effects of the Economic Downturn and the Crisis in Legal Education

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

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

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

32. *Id.*

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

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

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

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

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

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

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

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

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

38. *Id.*

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

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

41. *Id.* at 2.

42. *Id.* at 17.

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

Observations and Predictions of Academic Law Library Leaders

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

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

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

43. *Id.* at 29.

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

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

46. *Id.* at 91, ¶ 1.

47. *Id.* (emphasis added).

48. *Id.* at 94–95, ¶ 10.

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

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

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

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

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

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

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

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

53. *Id.* at 380, ¶ 79.

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

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

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

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

58. *Id.*

59. *Id.*

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

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

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

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

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

60. *Id.*

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

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

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

64. *Id.*

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

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

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

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

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

Susskind’s Drivers of Change

The More-for-Less Challenge

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

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

70. *Id.* at 528–29, ¶ 23.

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

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

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

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

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

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

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

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

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

Information Technology

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

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

79. *Id.*

80. *Id.*

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

82. *Id.*

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

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

85. *Id.* at 11.

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

87. *Id.* at 28.

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

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

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

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

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

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

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

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

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

94. *Id.*

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

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

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

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

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

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

III. A successful legal researcher critically evaluates information.

...

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

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

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

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

100. *Id.*

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

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

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

104. *Id.* at 390, ¶ 5.

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

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

107. *Id.*

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

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

One Law Library’s Ongoing Evolution

Meeting the More-for-Less Challenge

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

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

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

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

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

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

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

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

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

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

112. *Id.*

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

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

Information Technology

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

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

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

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

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

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

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

Examples of Law Librarians as Technology Leaders

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

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

Librarians Lead Institution-wide Digital Initiatives

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

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

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

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

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

120. *Id.*

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

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

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

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

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

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

Librarians Lead Technology-Focused Groups Within Professional Associations

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

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

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

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

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

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

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

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

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

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

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

Librarians Lead Curricular Innovation in Technology

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

Librarians Teach Law Practice Technologies

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

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

134. See, e.g., Richard Weiner, *Akron Law Professor Making Her Mark on Legal Technology*, AKRON LEGAL NEWS (Mar. 3, 2020), <http://www.akronlegalnews.com/editorial/28145> [<https://perma.cc/QZ79-7XVN>].

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

136. *Id.* at 75.

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

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

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

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

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

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

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

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

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

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

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

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

142. Persky, *supra* note 132.

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

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

145. *Id.*

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

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

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

Coronavirus Impacts

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

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

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

149. *Id.*

150. *Id.*

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

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

153. *Id.*

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

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

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

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

158. *Id.*

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

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

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

168. *Id.*

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

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

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

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

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

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

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

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

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

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

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

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

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

179. *Id.* at 26.

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

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

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

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

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

Female Law Librarians as Pioneer Women Law Professors: A (Belated) Response to Dean Kay, with Some Suggested Additions to Her Canonical List*

D. Michael Risinger**

Herma Hill Kay's 1991 canonical list of pioneer women law professors excluded law librarians who held ordinary faculty professorial titles. Arguing that such women deserve inclusion on Kay's list, this article identifies librarians who carried professorial rank at ABA/AALS law schools from 1923 through 1959 for inclusion on the list of pioneer woman law professors.

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Introduction

¶1 The late Herma Hill Kay was the preeminent cataloger of the pioneer women law professors¹ who taught after the advent of formalized quality recognition of law

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** John J. Gibbons Professor of Law Emeritus, Seton Hall University School of Law, Newark, New Jersey. I became interested in this topic some years ago while doing extensive research on the life and career of Miriam T. Rooney, the founding dean of Seton Hall University School of Law. I regret that I did not generate this text before Dean Kay's untimely death on June 10, 2017. I would like to thank Charles A. Sullivan, Maja Basioli, Rachel Godsil, Brittany Persson, Tamara Piety, and Lesley C. Risinger for helpful suggestions, edits, and support. All errors remain mine.

1. Her classic account is Herma Hill Kay, *The Future of Women Law Professors*, 77 IOWA L. REV. 5 (1991) (hereinafter Kay, *Future*). She returned to the topic in 2004 in Herma Hill Kay, *Ruth Bader Ginsburg, Professor of Law*, 104 COLUM. L. REV. 1 (2004), and in 2011 in Herma Hill Kay, *What I Learned About Feminism from Early Women Law Professors*, 9 ISSUES IN LEGAL SCHOLARSHIP No. 2, Art. 2 (2011), without making any relevant amendment to her 1991 article.

As this article was being finalized for publication, a new posthumous book by Herma Hill Kay was published. See HERMA HILL KAY, *PAVING THE WAY: THE FIRST AMERICAN WOMEN LAW PROFESSORS*

schools, through either membership in the Association of American Law Schools² or American Bar Association accreditation.³ Dean Kay, however, excluded from her list female law librarians who held titles of ordinary faculty professorial rank, apparently because, from her point of view, they were not recognized as “full-fledged” faculty members.⁴ In my view, the very fact that they were granted professorial rank, at a time when such status was rare for law librarians and even rarer for female law librarians, cuts strongly in favor of adding them to any list of pioneer women law faculty. To that end, I offer the amendments suggested below.

¶2 But first, I want to address a broader methodological point concerning Dean Kay’s list. Dean Kay sought to include only female pioneer law professors who were fully recognized as members of the legal academy, even by its predominantly male members. Under this stringent standard, she counted only female faculty members at schools that were both ABA-accredited and admitted to membership in the AALS. I have no quibble with a restrictive approach, directed as it is to an important question of the status of women in the legal academy. However, accepting Dean Kay’s timeframe, which is anchored to the beginning of ABA accreditation in 1923,⁵ I believe it was a

(Patricia Cain ed., 2021). While this book does not change anything said in this article about Professor Kay’s methodology or assumptions, it contains a wealth of biographical information about the women on her original list, a further compilation of women meeting her criteria hired between 1959 and 1969, and information on the progress of women in the academy from the 1960s to the 1980s, among other instructive things.

2. Kay, *Future*, *supra* note 1, at 6.

3. *Id.* at 5 n.5.

4. Kay’s dismissal of law librarians with professorial rank is made explicit only in a footnote, where she says that Miriam Theresa Rooney, who was hired in 1948 as an associate professor of law at Catholic University of America School of Law (C.U.A.), was also the law librarian there. Rooney therefore did not become a “full-time or full-fledged law professor” until she became the founding dean of Seton Hall Law in 1951. *Future*, *supra* note 1, at 77 n.19. This failed to take into account both Rooney’s previous doctrinal law teaching and her extensive publication record. When she was named to the C.U.A. law faculty, Rooney had taught jurisprudence for years as an adjunct at Columbus Law School in D.C. (which later merged with C.U.A.). She had published a book, *LAWLESSNESS, LAW, AND SANCTION* (1937) (which is still significant enough to be included in HeinOnline’s digitized Legal Classics Library), and three subsequent journal articles on legal philosophy. Since 1942, she had been associate editor of the journal *The New Scholasticism*. She was hired onto the faculty at C.U.A. from the State Department, where she was no longer connected to the library but had a professional post in the Legal Advisor’s Office. See DEPARTMENT OF STATE BIOGRAPHIC REGISTRY 249 (1949) (entry for Miriam T. Rooney). Furthermore, C.U.A.’s press release and internal announcements of her appointment emphasized her nonlibrary academic credentials, calling her “the first woman to be named to the university faculty at the school of law.” (Washington) *EVENING STAR*, June 13, 1948, at A-21; C.U.A. *BULL.*, Sept. 1948, at 13. And, during her two-and-a-half years at C.U.A., she published three journal articles on jurisprudence and two on women and the law.

5. The timeframe selected left out pioneering women who taught in law schools before 1923, as Dean Kay was well aware. Understandably, however, she viewed these women as beyond the scope of her project. She did recognize in her first paragraph the significance of Ellen Spencer Mussey and Emma Gillette, members of the D.C. bar who began conducting classes in 1896 for women aspiring to be lawyers in Mussey’s office and who, on April 2, 1898, incorporated the Washington College of Law as a degree-granting institution, which was, at least initially, primarily for women (with Mussey as the first dean). Kay, *Future*, *supra* note 1, at 1. It seems appropriate for the sake of completeness to note that the first woman to teach a course for credit in a recognized law school was Emilie Kempin-Spyri, a Swiss expert on Roman

mistake to exclude female full-time faculty with professorial rank at ABA-accredited law schools that were not AALS members.

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¶3 Dean Kay's stated reason—the real reason was somewhat different, in my view—for excluding such women, given in a footnote, was that only faculty at ABA/AALS law schools had full recognition as part of the professoriate.⁶ Practical considerations almost certainly played a significant role also, however, since until 1957 no efficient way existed to determine the exact faculty list at any law school that was ABA-approved but not a member of AALS.⁷ But, in my opinion, any woman with professorial rank at such a school should be included in a list of pioneering female law professors. After all, being a woman with a professorial title on the full-time faculty of an ABA-approved law school in, say, 1930 would have been pretty good recognition of one's academic status.

¶4 Current electronic databases make it easier (but not actually easy) to address the gap now. Thus far, I have identified only three female professors who taught at ABA-accredited schools that were not AALS members during the relevant time period:⁸

law, who taught a course in Roman law for credit to the (male) students at NYU's law school in 1890. See KAREN BERGER MORELLO, *THE INVISIBLE BAR* 79–80 (1986). Lutie A. Lytle was the first black woman to teach a course for credit at a recognized law school (Central Tennessee, 1898). About Lytle, see footnote 44 *infra*. These four appear to be the only women who taught in recognized law schools in the 19th century.

6. She explained: "I am limiting my study to women appointed to tenure or tenure-track positions in ABA/AALS schools because the legal profession and legal educators recognize that these schools meet basic standards of professional competence and educational excellence. The women who gained admission to the faculties of these schools, therefore, were accepted by their peers as members of the common enterprise of American legal education." Kay, *Future*, *supra* note 1, at 5 n.20.

7. Until 1957, the only full census of faculty for any set of law schools assembled in one easily accessible place was in the AALS directory, which began publication in 1922, and listed only faculty at AALS member schools through 1956. In 1957, the AALS directory started listing faculty at all ABA-approved schools. See title page, *AALS DIRECTORY* (1957). Therefore, to include all female faculty at schools that were ABA-approved but not AALS members, researching in 1991 when Dean Kay initially wrote, one would have had to create a list of ABA-approved schools that were not AALS members in every year from 1923 through 1956 and then contact each such school to obtain a faculty list for each such year. Hence, I believe, her almost necessary reliance on the AALS directories, which she actually describes in an address to a meeting at Albany Law School, published as chapter 9 in *PIONEERING WOMEN LAWYERS: FROM KATE STONEHAM TO THE PRESENT* 111 (Patricia E. Salkin ed., 2008). Also, Kay may have been influenced to celebrate the primacy of AALS membership by the fact that she had recently served as president of the AALS (1989) when she wrote the article.

8. Between 1900 and 1923, a fairly extensive search reveals no women with professorial rank on any AALS faculty (this includes Barbara Nachtrieb Armstrong, as to whom, see below). If I have overlooked anyone, I would be happy to be corrected. From the inception of ABA accreditation in 1923 to the early 1930s, all newly accredited ABA schools were AALS members, or became both either simultaneously or within a year or two, so AALS directories were unlikely to have missed a female with professorial rank. (The one exception was Albany Law School, ABA 1930, which did not apply for AALS membership for reasons personal to its administration.) Starting in the early 1930s, as a result, at least in part, of a divergence in tactics over how best to eliminate schools with no accreditation, the ABA began approving a small number of schools that did not obtain AALS membership for some time, and occasionally for decades. I have included a list of such schools in appendix 1. I did my best to examine them (including an examination of

Helen B. Arthur, Willamette University College of Law (1938);⁹ Grace Hays Riley, Washington College of Law (1940); and Sybil M. Jones, later Sybil Jones Dedmond,¹⁰ of North Carolina College Law School (1951). Dean Kay notes Dedmond in the text¹¹ and Arthur and Riley in a footnote, but she does not directly address their faculty status.¹² But I believe they should be included on any list of pioneer female law professors. I have added them to my final list below, and I welcome the discovery of any others.

school websites for claims of early female faculty members) and came up with only the three women noted in the text (this includes finding no evidence of librarians with professorial rank in such schools through 1959). However, as I cannot be sure no one was overlooked, readers are invited to try their hands.

9. See discussion *infra* notes 40, 41.

10. Her name was given as Sybil M. Jones or Sybil Marie Jones in every AALS directory from 1957 until 1963, when it was changed to Sybil M. Dedmond as a result of her marriage to Nathaniel Dedmond. Although she was listed that way in the 1964–1965 directory, she left law teaching in 1964 to go into practice with her husband in Pensacola, Florida. See *Obituary for Sybil J. Dedmond*, OBITREE, <https://obitree.com/obituary/us/florida/pensacola/trahan-family-funeral-home/sybil-dedmond/1533060/> [<https://perma.cc/4KZR-TC7X>].

11. Kay, *Future*, *supra* note 1, at 9. She said this about Professor Dedmond: “The earliest tenured or tenure-track African-American woman law professor I have identified is Sybil Marie Jones Dedmond who began teaching in 1951, but who never taught at an ABA-approved, AALS-member school.” *Id.* But since North Carolina College Law School was ABA-accredited, under my approach she should have been included. (Five years after Dedmond’s departure in 1964, North Carolina College Law School became North Carolina Central University School of Law; see *A History of North Carolina Central University*, N.C. CENT. UNIV., <http://web.nccu.edu/shepardlibrary/pdfs/centennial/HistoryOfNCCU.pdf> [<https://perma.cc/85JY-T3TD>].)

12. Dean Kay acknowledged the existence of these two women as a dean and an acting dean of Washington College of Law. Kay, *Future*, *supra* note 1, at 5 n.3. She mistakes the date of initial ABA approval for Washington College of Law, putting it at 1944 based on an erroneous 1988 article in the American University Washington College of Law school magazine. See *id.* Washington College of Law was approved in 1940 for addition to the ABA-approved list. 65 ANN. REP. ABA 343–44 (1940). (The unbroken convention and practice of the ABA is to use the year of first approval by the House of Delegates for addition to the approved list, whether or not provisional, and so I have done here.) American’s website now gives the proper date of approval, May 14, 1940. *Former Deans: Dean Grace Hays Riley*, AM. UNIV. WASH. COLL. OF LAW, <https://www.wcl.american.edu/impact/history/former-deans/dean-grace-hays-riley/> [<https://perma.cc/JA9V-LRC2>]. However, since Washington College of Law got AALS membership in 1948, only one year prior to its merger with American University School of Law in 1949, and because neither Riley nor Arthur was still on the faculty at that time, they would not have made Kay’s list in any event. (Ironically, given its history, there were no women on the full-time faculty of Washington College of Law either when it got AALS membership or when it merged with American. See 1948–1949 AALS DIRECTORY 17–18.)

However, the 1940 date of the ABA accreditation of the Washington College of Law does make a difference in determining who the first female dean of an ABA-accredited law school was. It has often been reported, sometimes by me, that it was Miriam T. Rooney of Seton Hall (1951). However, it was not—it was Grace Hays Riley. Rooney was second, although she was the first female dean of a final (non-provisional) ABA-accredited law school (1955), of an ABA-accredited AALS-member law school (1959), and of a Catholic law school (1951), as well as the first woman to hold professorial rank at a Catholic law school (1948). (If you count “acting deans,” Arthur would come between them, making Rooney third, but I do not count “actings.”)

¶5 Lists can be generated and subdivided in many ways.¹³ My list strives for the greatest inclusion consistent with the goal of determining when female faculty were gaining recognition and status within the American legal academy.

Female Law Librarians as Pioneer Women Law Professors

¶6 To return to the main focus of this paper, professorial rank was not handed out casually to law librarians in general, much less to female law librarians, in Dean Kay's reference period, between the establishment of ABA accreditation in 1923 and the end of 1959. Because professorial titles were (and still are) important markers of status in the legal academy, I believe such women deserve inclusion in a list of pioneer female law professors. To that end, I have endeavored to discover who they were, applying Dean Kay's criterion of professorial rank at ABA/AALS law schools, with the following results.

¶7 The 1939–1940 AALS directory lists 83 individuals as librarians, including 22 with more than 10 years in the position. Of the 22 long termers, 12 were men and 10 were women, and of the 61 with less than 10 years as librarians, 35 were women, making the totals 45 women out of 83 law librarians (54 percent). Most of these (58), both men and women, had no claim to faculty status, being listed merely as “librarian” or “law librarian,” or perhaps “librarian and secretary to the faculty” or “librarian and registrar.” A significant minority (25) had another title. Nine of these, as is shown below, were “lecturer,” “lecturer in law,” “instructor,” or “instructor in law.” The titles “instructor” and “lecturer” simply do not signify the status that both Dean Kay and I were interested in, for reasons fully explained in appendix 2.¹⁴ But a substantial number of others (16) had professorial titles in addition to their “librarian” designations, ranging from “assistant professor” to “professor of law.” This tended to occur most, as will be seen, at the wealthier and more prestigious schools. These individuals would seem to be properly

13. One could argue, for example, that if you are concerned about when women full-time faculty members unambiguously attained high-status recognition in the legal academy from the dominant powers that were, you should limit your list to appointments at the highest-ranked law schools. Under this approach, the list would still start with Barbara Nachtrieb Armstrong but then skip to Soia Mentschikoff in 1951 (or perhaps 1947 if you prefer) and then to Ellen Ash Peters, who was hired as an assistant professor at Yale in 1956, and arguably (depending on how you rank various law schools as elite at any given time) go next to Dean Kay's own hiring at UC-Berkeley in 1960. (It seems likely that Dean Kay selected her 1959 cut-off date so as not to appear too self-aggrandizing by including herself on her list.) This is not an unknown approach to the status of women in the legal academy. Hiring of women by the “top 16” law faculties has been used as one metric to estimate the progress of women in this regard. See Deborah Jones Merritt & Barbara F. Reskin, *Sex, Race and Credentials: The Truth About Affirmative Action in Law Faculty Hiring*, 97 COLUM. L. REV. 199 (1997); Deborah Jones Merritt & Barbara F. Reskin, *New Directions for Women in the Legal Academy*, 53 J. LEGAL ED. 489 (2003).

14. These two titles were the lowest on the academic totem pole at the time. “Lecturer” was generally given to part-time teachers but was sometimes bestowed on those employed full time whose teaching duties were only part time. “Instructor” was notionally the lowest “faculty” rank, but it was also used for part-time teachers. And exactly how much faculty rank an instructor had in any given place (a vote at faculty meetings, etc.) is difficult to say.

counted as having professorial rank and as being members of the full-time faculty (or what might today be called the “tenured” or “tenure-track faculty”).¹⁵

¶8 The breakdown of these librarians with titles by gender in 1939 to 1940 is as follows:

Librarians who had the title “lecturer” or “instructor” in some form (nine, of whom three were women):¹⁶

- Marian Gould (later Marian Gould Gallagher), University of Utah (Lecturer)
- Percy Hogan, University of Missouri
- John L. Lewis, William and Mary
- George W. Lillard, Hartford Law School
- Philip Marshall, University of Wisconsin
- Lucy Moore, University of Texas (Instructor)
- Alfred Morrison, University of Cincinnati
- Helen Moylan, University of Iowa (Lecturer)
- William Roalf, Duke

Librarians with regular faculty professorial titles (Assistant Professor, Associate Professor, or Professor of Law) (15, of whom none were women):¹⁷

- Arthur S. Beardsley, University of Washington (Professor of Law)
- Hobart R. Coffey, University of Michigan (Professor of Law)
- Joseph F. Gaghan, Georgetown (Professor of Law)
- Frederick C. Hicks, Yale (Professor of Law)
- Eldon James, Harvard (Professor of Law)
- Arthur Lenhoff, University of Buffalo (Assistant Professor of Law)
- Lewis W. Morse, Cornell (Assistant Professor of Law)
- Gerald O’Leary, Boston College (Assistant Professor of Law)
- Oscar Orman, Washington University of St. Louis (Assistant Professor of Law)
- Layton B. Register, Dickinson (Professor of Law)
- William A. Rhea, Southern Methodist University (Professor of Law)
- Theodore A. Smedley, Washington & Lee (Associate Professor)
- Henry E. Springmeyer, USC (Assistant Professor of Law)
- Samuel E. Thorne, Northwestern (Associate Professor of Law)
- John H.A. Whitman, Notre Dame (Professor of Law)

15. Dean Kay put more emphasis on the notion of “tenured” and “tenure-track” appointments than I think is either necessary or helpful in the historical period under consideration, for reasons also fully explained in appendix 2. So my approach for the reference time period sticks simply to the question of whether a law librarian had a professorial appointment on a law faculty.

16. I omitted Maurine Sharp, who was listed as “acting instructor and librarian” at the University of Kentucky. I generally do not count “actings” or “visitors” as having fully achieved the position for which they are acting or in which they are visiting. See discussion of Soia Mentschikoff, *infra*, ¶ 12.

17. I omitted Francis J. Putman of Pittsburgh, who was undoubtedly a professor of law, but he was only the “acting” law librarian.

I doubt if anyone ever tried to tell Frederick Hicks, Eldon James, or Samuel Thorne that they were not actually full members of their faculties.

¶9 By 1948, the picture had changed.¹⁸ Now 18 librarians had the title “instructor,” 6 men and 12 women. There were also more librarians with professorial titles and, more important for our purposes, were now 5 female librarians with professorial titles:

- Marian Gould Gallagher, University of Washington (Assistant Professor of Law, 1942, promoted to Associate, 1948)
- Miriam T. Rooney, Catholic University (Associate Professor of Law, 1948)
- Harriet French, Miami (Assistant Professor of Law, 1948)
- Lula Morgan Howard, Lincoln University (Assistant Professor of Law, 1948)
- Frances H. Schalow, Denver (Assistant Professor of Law, 1948)

¶10 It is true that only two of these women had published by 1948, and only Rooney was a significant scholar (both before and after her appointment at Catholic University).¹⁹ But, giving credit where credit is due, accepting the first two women on Kay’s list as substantially correct (but not the third, Margaret Amsler, at the date assigned her by Dean Kay),²⁰ then Gallagher was the third woman to have professorial rank at a “fully

18. For an interesting treatment of the forces leading to this change, see Miles O. Price, *The Law School Librarian*, 1 J. LEGAL ED. 268 (1948).

19. For Miriam Rooney, see note 4, *supra*. She continued to publish over the next 25 years. Marian Gallagher had published one short article, *Armchair Tour of the University of Washington Law Library*, 20 WASH. L. REV. & ST. B.J. 211 (1945). However, over the next decades she published fairly extensively on issues of law librarianship, she became a tenured full professor of law in 1953, and she created the leading training program for law librarians in the country. See Beverly J. Rosenow, *Marian Gallagher, Professional: Librarian, Scholar, Teacher*, 56 WASH. L. REV. 361 (1981). Within a year of their appointments in 1948, both Lula M. Howard and Frances H. Schalow had published short pieces. See Lula M. Howard, Note, *Recent Tax Court Decision in Section 22(k) Cases*, 7 NAT’L B.J. 398 (1949); Frances Hickey Schalow, *The Reasonable Support Exception of the Connecticut Family Expense Statute*, 23 CONN. B.J. 324 (1949). Although Harriet French did not publish until 1956, see Note, *Constitution of the American Association of Law Libraries*, 49 LAW LIBR. J. 232 (1956), she was thereafter the author of numerous articles in the reference work RESEARCH IN FLORIDA LAW. While none of the latter three women could be called truly significant scholars, it must be remembered that two members of Kay’s list (Jeanette Ozanne Smith and Helen Steinbinder) seem to have published little or nothing, either at the time of their appointment or in their careers, so significant publication was not a *sine qua non* of inclusion on the Kay list, nor a side effect of her criteria.

20. Dean Kay lists Margaret Amsler of Baylor at number three, with an appointment date of 1941, but that is incorrect—Amsler lists the date of her first appointment as an instructor at Baylor Law School as 1941–1942 in her AALS bios, but she does not appear in the AALS directory until 1942–1943. According to her bio entry that year, she was still in practice at a law firm. In addition, she taught at the law school for only two years, becoming an instructor in English at Baylor from 1943–1946, according to her 1946 AALS directory bio entry, and resumed as an instructor in law in 1946–1947, at which time she was also in practice in a firm (Amsler & Amsler). It is apparently true that she served for a time as “acting dean” of the Baylor Law School when it reopened in 1946 after being virtually out of operation toward the end of World War II, and she had a role in its reopening. However, she does not become, unambiguously, a full-time law teacher until 1947 (with a professorial title—Associate Professor; see 1947 AALS DIRECTORY 30), thus dropping her to a still impressive fourth on the ABA/AALS list. Incidentally, she apparently considered the acting deanship stint, however long it was, to have been inconsequential because she never listed it in her AALS bio.

approved” law school, Amsler was fourth,²¹ and Rooney, French, Howard, and Schalow were tied for fifth.²² Nineteen forty-eight was a good year for librarians attaining professorial rank.²³

¶11 And perhaps Howard should have been included on Dean Kay’s list even under her own criteria. Although Lincoln was a tiny law school established for black students in Missouri after the 1938 Supreme Court decision in *Missouri ex rel. Gaines v. Canada*, it was ABA-accredited in 1939 and gained AALS membership in 1943. While it lasted only until the end of the 1954–1955 school year (it became unnecessary as desegregation moved forward in Missouri after *Brown v. Board of Education*),²⁴ Howard was fully promoted to full professor by 1955. While she was still the “director of the library,” she taught a full book of substantive courses (bills and notes, wills, and taxation, besides

21. See note 20 *supra*.

22. These rank numbers change when the “ABA-only” women are added to the list. See my final list, *infra*, at 42–45.

23. I went to great lengths to determine whether the professorial ranks listed for librarians were law faculty ranks. All had law degrees, and all but two included the explicit “of Law” after the word “Professor” in their AALS bios. The two that didn’t use “Professor of Law” used the common alternative adopted by many exclusively doctrinal faculty, “Professor, ___ Law School,” which I took to be sufficient if there was no information to the contrary.

I encountered only two cases that I regarded as problematic. The first was Lois Inman Baker, who was law librarian at the University of Oregon with faculty rank from 1935 on, but her early AALS bios make it clear that her rank (instructor, then, in 1949, assistant professor) was in the library science department. See 1939 AALS REGISTER 30 (instructor); 1951 AALS REGISTER 49 (“instructor in library science since 1935”). In 1953, she was promoted to assistant professor, which led to the problematic entry: “Assistant Professor of Law, Univ. of Oregon, since 1935.” 1953 AALS REGISTER 51. This is clearly wrong as to the history of her title and its duration, but did it nonetheless signify a professorial appointment in the law school? The answer would appear to be no. Although the “of Law” characterization continued through 1955, the 1956 entry, 1956 AALS REGISTER 54, retreats to the more ambiguous “Assistant Professor, Univ. of Oregon, since 1935.” Although it is still inaccurate as to her rank history, the “of Law” has disappeared, and every subsequent year to her last entry in 1962 is in this form, except that in 1962 it says “Associate Professor, Univ. of Oregon, since 1935.” I think I am justified in assuming that the 1953 title “Assistant Professor of Law” was an editing error in regard to the “of Law,” and that Professor Baker never had an appointment on the law faculty, which seems especially likely since she had no law degree. For these reasons, I have not included her on my list.

The second and similarly problematic case was Mabel M. Smith, who first appeared in the 1957 AALS directory with the sparse entry: “Asst. Prof and Librarian, Univ. of Houston College of Law, Houston, 4, Texas, b. 1903, B.A. and M.B.A., Univ. of Houston.” 1957 AALS DIRECTORY 280. This entry continued practically unchanged through the years until its last appearance in 1966. Given her lack of a law degree and the absence of any publication that I have been able to find on HeinOnline or elsewhere, I have decided that her rank was likely a university library rank, not a law school faculty rank. In the absence of other proof, I have omitted her from my list.

24. The story is a bit complicated. There was already pressure even before the decision in *Brown* to follow the lead of Oklahoma, Arkansas, and Texas to desegregate admissions to graduate programs, including law schools, so that “separate but equal” entities, which were very expensive per student, could be closed or at least defunded. See *Utterly Nonsensical*, ST. LOUIS POST-DISPATCH, Feb. 7, 1954, at 26. In July 1954, the University of Missouri “curators” voted to end segregation in all divisions of the university, and the decision was then made by Lincoln University to close the law school at the end of the 1954–1955 school year. See *Lincoln U. Law School in City to be Closed*, ST. LOUIS POST-DISPATCH, Aug. 2, 1954, at 1.

legal bibliography).²⁵ This should make her the first black female full-time teacher to hold professorial rank at a fully approved (ABA and AALS) law school under any reasonable set of criteria, unless involvement with the library is treated as an absolute disqualifier.²⁶

¶12 So, adding the female librarians with professorial rank at ABA/non-AALS schools, and the librarians with faculty rank as listed above, yields an appropriate list of 10 pioneer female full-time faculty up to 1949. Unless you also want to include Soia Mentschikoff in that early set, which Dean Kay did but which I would not. Without question, Mentschikoff was the most significant female legal scholar of the 1940s, 1950s, 1960s, and perhaps beyond, and she was also a revered teacher.²⁷ But, while she taught at Harvard Law School for two years from 1947 to 1949, she was a visitor, not a member of the regular faculty.²⁸ Of course, her visitorship at Harvard is a notable first in itself, making her the first woman to teach a full schedule at Harvard Law School, and perhaps the first woman to teach any course for credit there. But, clearly, she cannot be counted as having a regular professorial appointment at Harvard in 1947 or at any time. I believe she should not be listed until 1951, when she joined the University of Chicago faculty.²⁹

¶13 Librarians did not stop attaining professorial rank in law schools in 1948. In 1949, Breta Peterson of Nebraska³⁰ and Doris Fenneberg of Toledo were made assistant

25. 1955 AALS REGISTER 146.

26. Which Dean Kay did not invariably do. She gave a 1956 start date for faculty status to Janet Mary Riley, even though Riley, while not formally “librarian” as of 1956, remained “faculty supervisor of the library” until 1958. I think it would have been appropriate to accord Lula Howard the same treatment, at least by 1955. However, Dean Kay’s article gives no indication that she was aware of Lula Morgan Howard.

27. See generally Zapporah Batshaw Wiseman, *Soia Mentschikoff*, in *WOMEN IN LAW: A BIO-BIBLIOGRAPHIC SOURCEBOOK* 171 (Rebecca Mae Salokar & Mary L. Volcansek eds., 1996). Mentschikoff was revered by, among others, Dean Kay, who attended the University of Chicago Law School from 1956 to 1959.

28. Mentschikoff visited at Harvard from 1947 to 1948, and the following year she and her husband Karl Llewellyn (then on the faculty of Columbia Law School) visited at Harvard together, apparently as what would now be called “look-see” visitors. Mentschikoff was offered a tenure-track position, but Llewellyn was not, reportedly because his drinking offended Erwin Griswold. Mentschikoff declined the offer and went back to New York with Llewellyn, who returned to Columbia until something was arranged for both of them at the University of Chicago in 1951. These details are drawn from Wiseman, *supra* note 27, at 175–76. Robert Whitman, *Soia Mentschikoff and Karl Llewellyn: Moving Together to the University of Chicago Law School*, 24 *CONN. L. REV.* 1119, 1126–28 (1992), gives a slightly different version of events, which is consistent in its main contours and easily reconcilable with the version given by Wiseman.

29. Of course, readers can construct their own lists using Mentschikoff’s Harvard visitorship start date of 1947 if they find my reasoning unpersuasive.

30. I have excluded Breta Peterson for 1948 and before. She listed herself in her AALS bio as “Assistant Professor and Librarian” at the University of Chicago Law School from 1946–1949, but the 1948–1949 bulletin of the University of Chicago Law School lists her as “Research Associate.” The mystery is further heightened by the fact that there were five others in that bulletin listed merely as “Research Associates,” all male, who also gave their rank as “assistant professor and research associate” in their AALS bios. It was not that there were not actual assistant professors, full stop, at Chicago, as two of those are listed in the bulletin besides those listed there as merely “Research Associate.” It is a mystery. There was clearly something strange about these titles at Chicago at that time. In fact, in 1953, the University of Chicago made a sort

professors (both had served as librarians with the rank of instructor before that); and in 1950, Helen Hargrave of Texas was similarly made an assistant professor. In 1952, Eileen Haughey Searls was hired as law librarian and assistant professor of law at St. Louis University School of Law, where she remained for 48 years.³¹

¶14 In 1953, Dorothy Salmon was hired as assistant professor of law and librarian at the University of Kentucky. Also in 1953, Helen McLaury was hired as assistant professor of law and law librarian at Montana State University (later the University of Montana) School of Law. And in 1954, Jeanne Ashman was hired as assistant professor of law and law librarian at Washington University in St. Louis.

¶15 In 1955, Dorothy Clarke was hired as assistant professor of law and law librarian at the University of Kansas, and Eileen Murphy was hired as assistant professor of law and law librarian at the University of Connecticut, where she stayed until 1957. When she left, she was replaced by Shirley Raissi (later Bysiewicz) as assistant professor of law and law librarian, making Connecticut only one of two law schools with two names on my list³² (the other pair were Jeanette Ozanne Smith and M. Minette Massey of the University of Miami, both of whom were on Dean Kay's original list).

¶16 To round out the list of pioneer female librarian law professors, in 1955 Mary W. Oliver became assistant professor of law and law librarian at the University of North Carolina; in 1956, Patricia Joyce Coffman became law librarian and assistant professor of law at Mercer University, and Margaret Coonan became assistant professor of law and law librarian at the University of Maryland. Finally, in 1959, Margaret E. Hall became associate professor of law and law librarian at the University of Puerto Rico.³³ I have added each to my expanded list of women law professors.

of clarification that indicated that "Research Associate" was not a professorial title (see 1953–1954 AALS DIRECTORY 30, listing "Research Associates" as a group separately from the rest of the faculty). However, Peterson, who had been the librarian at the University of Nebraska Law School for a year (with the title of "Instructor") before going to Chicago in 1946, returned to Nebraska in 1949, at which point she was listed as an Assistant Professor of Law and Librarian at Nebraska in 1949–1950, which was undoubtedly accurate. Because of my inability to resolve her actual Chicago status completely, and Chicago's own separate listing in 1953–1954, I have listed her professorial faculty hire date as 1949.

31. See the tributes to her as a creative librarian, a wise faculty member, a scholar, and a colleague, *Tributes*, 44 ST. LOUIS U. L.J. 789 (2000). Should anyone think that a law librarian could not be a full member of a law faculty in the early 1950s, these tributes should disabuse them. Consider, for instance, the following from Vincent C. Immel, who was on the faculty when she arrived: "From the beginning she was an active member of the faculty and participated in all stages of faculty governance." *Id.* at 793. She died in 2019. See *Eileen Haughey Searls, J.D.: 1925–2019*, ST. LOUIS U. (Jan. 8, 2019), <https://www.slu.edu/news/2019/january/eileen-searls-obit.php> [<https://perma.cc/EGR4-T6DK>].

32. After Eileen Murphy left the University of Connecticut, she became the law librarian for the U.S. Department of Justice Civil Division and then, in 1959, the law librarian for the general counsel's office of General Motors. But she remained very active in academic circles. See Sheila F. Murphy, *Memorial: Eileen M. Murphy*, 92 LAW LIBR. J. 113 (2000). Shirley Bysiewicz remained at Connecticut until 1989 and is celebrated there as the first female tenured full professor of law. See *Faculty Profile & Scholarship, 1942–1962*, UCONN SCH. OF L. THOMAS J. MESKILL L. LIBR., <https://library.law.uconn.edu/about-archives-special-collections-law-school-archives/faculty-profile-scholarship-1942-1962> [<https://perma.cc/X65V-PRE8>].

33. I have included the University of Puerto Rico as an appropriate venue for a pioneer female American law professor and excluded the University of the Philippines, which also at one point had a

Some Tweaks to Dean Kay's List (Without Any Exclusions)

¶17 To return to an examination of the rest of Dean Kay's list, as noted above, even for those she included on her list who had begun as librarians, Dean Kay seems to have posited that until a woman both held faculty rank and escaped the library to a position totally devoted to doctrinal instruction (whatever her scholarly production), she had not "arrived" enough to count. That makes some sense perhaps in regard to librarians who never held professorial faculty rank *while* they were librarians and subsequently moved to a regular doctrinal teaching slot with professorial rank. This applies to at least two women on her list, Janet Mary Riley of Loyola of New Orleans, and Helen Steinbinder of Georgetown. Riley was the law librarian from 1945 to 1956. She finished her LL.B. in 1952 and was given the title "instructor" with her librarianship. In 1956, she became an assistant professor of law and stepped down from being librarian, although she remained "faculty supervisor of the law library," a role she had shed by 1958. Likewise, Steinbinder worked as a cataloger at the Library of Congress while attending Georgetown Law School. She received her LL.B. in 1955 and was then a research librarian at Georgetown from 1955 to 1957, when she left the library and became a professor of law.³⁴ So, for these individuals, their tenure as law librarians does not properly put them on a list of women with faculty rank because they did not have such rank while they were librarians. But this was not true of the others.

¶18 Nor do I count doctrinal teaching until a nonvisiting professorial title was obtained (vide Mentschikoff above), but I do count librarians who were granted professorial titles whatever they did or did not teach. For instance, Dorothy Wright Nelson of USC was an "instructor" in 1957 to 1958, becoming an assistant professor in 1959, so I count her only as of 1959. Similarly, M. Minette Massey was hired as an assistant librarian and instructor upon completing her LL.B. at Miami in 1951. She then was made an assistant professor and assistant librarian in 1953, began teaching an expanded set of doctrinal courses, and received promotion to associate professor in the normal course in 1958, at which point she shed her library responsibilities but continued to teach more or less the same courses as previously. I believe she should be counted as a member of the Miami faculty with professorial rank from 1953 onward.

female law librarian with professorial rank. The University of Puerto Rico School of Law was both ABA-accredited and a member of the AALS, in contrast to the University of the Philippines, which was an AALS member since the colonial period before World War II but was never ABA-accredited, and it appears never to have applied for such accreditation, for the obvious reason that it was a law school in a completely foreign jurisdiction and, after 1946, in an independent country.

34. It was not 1956, as Kay has it. It also seems striking that a 35-year-old woman two years out of law school with no scholarly record beyond a short case note, Note, 42 GEO. L.J. 161 (1953), would be appointed "Professor of Law," but that is how she lists herself in her bio in the 1958 AALS directory and in every year thereafter. See, e.g., 1976 AALS DIRECTORY 40 (Georgetown faculty roster); *id.* at 905 (Steinbinder bio entry).

¶19 On the other hand, Clemence Myers Smith of Loyola Los Angeles began as an instructor in 1953 but did not obtain professorial rank until 1957,³⁵ so I count her date of hire onto the full-time professorial faculty as 1957.

¶20 Joan Miday Krauskopf graduated from Ohio State in 1957. She listed herself as assistant professor at Ohio State in 1958, as instructor in 1959, and as assistant professor again in 1960. Actually, she was hired as an assistant professor only in 1959–1960. At the end of 1960, she moved to Missouri in some nonacademic capacity, lectured part time at University of Missouri Columbia until 1974, and then joined that faculty full time before returning to Ohio State in 1987.³⁶ At any rate, her date of hire onto a professorial faculty line should still be 1959.³⁷

Final List

¶21 My list of early professorial appointments of women at approved law schools (either ABA-accredited only or ABA-accredited and members of AALS) prior to 1960 contains these 35 women:

1. Barbara Nachtrieb Armstrong, Assistant Professor of Social Economics and Law, U.C. Berkeley, 1923.³⁸
2. Harriet Spiller Daggett, Assistant Professor of Law, LSU, 1927.³⁹
3. Helen B. Arthur (later Helen Arthur Adair),⁴⁰ Professor of Law, Willamette University College of Law, 1938.⁴¹

35. Her AALS bios were ambiguous concerning this until 1963, when she clarified that she ceased being an instructor and became an assistant professor of law in 1957.

36. All this is detailed in her 1990 AALS directory bio entry.

37. She was just 27, which is pretty impressive in itself. She was the second youngest hire of a woman into a professorial rank before 1960. Ellen Ash Peters beat her by a year—she was only 26 when hired as assistant professor at Yale in 1956. Peters went on to teach at Yale her entire academic career. She was the first woman to gain tenure at Yale, later leaving a named chair (she was the Southmayd Professor of Law) in 1977 when she was appointed to the Connecticut Supreme Court, where she later became chief justice. She is still alive as of this writing. See *Ellen Ash Peters*, WIKIPEDIA, https://en.wikipedia.org/wiki/Ellen_Ash_Peters [<https://perma.cc/Z2HX-AU79>].

38. The 1919 designation given by Kay is too early by Armstrong's own account, according to her first biographical entry in the 1924 AALS directory. She obtained her LL.B. and her Ph.D. in economics both in 1915. From 1919 to 1923, she was an instructor who taught both in the law school and in the economics department. In 1923, her rank became "Assistant Professor of Social Economics and Law." I won't quibble over the impressive joint appointment, but her date of professorial rank is 1923. Incidentally, for anyone inclined to check this research, it might be helpful to know that in 1924 she appears *sub nomine* Barbara Nachtrieb Grimes, and she is Grimes until 1926, when she becomes Armstrong. She was fully promoted by 1935. See 1939 AALS DIRECTORY 35.

39. Dean Kay says 1926, but the date was actually 1927, according to Daggett's 1928 AALS bio and her 1939 and 1960 AALS bios, and others. She was fully promoted by 1931. See 1939 AALS DIRECTORY 56.

40. The "Adair" resulted from her marriage to Joe V. Adair in 1945 and lasted until his death in 1977. See *Joe V. Adair*, FIND A GRAVE, <https://www.findagrave.com/memorial/255475/joe-v-adair> [<https://perma.cc/JB95-E83G>]. Helen died in 1983. *Helen Blanchard Arthur Adair*, FIND A GRAVE, <https://www.findagrave.com/memorial/255447/helen-blanchard-adair> [<https://perma.cc/S4S7-JK7K>].

41. When I began this piece, I assumed that Professor Arthur would rank after Grace Hays Riley, with

4. Grace Hayes Riley, Dean and Professor of Law, Washington College of Law, 1940.⁴²
5. Marian Gould Gallagher, Assistant Professor of Law and Librarian, University of Washington, 1942.
6. Margaret Amsler, Associate Professor of Law, Baylor, 1947.
7. Miriam T. Rooney, Associate Professor of Law and Law Librarian, Catholic, 1948.
7. Harriet French, Assistant Professor of Law and Law Librarian, Miami, 1948.
7. Lula Morgan Howard, Assistant Professor of Law and Law Librarian, Lincoln University, 1948.
7. Frances H. Schalow, Assistant Professor of Law and Law Librarian, Denver, 1948.
11. Breta Peterson, Assistant Professor of Law and Law Librarian, Nebraska, 1949.
11. Doris Fenneberg, Assistant Professor and Law Librarian, Toledo, 1949.
11. Jeanette Ozanne Smith, Assistant Professor of Law, Miami, 1949.
14. Helen Hargrave, Assistant Professor of Law and Law Librarian, Texas, 1950.
15. Sybil Jones, later Sybil Jones Dedmond, Assistant Professor of Law, North Carolina College (later North Carolina Central University), 1951. She is often referred to as the first black female law professor.⁴³ However, as explained above, under my criteria I believe she should be ranked second, after Lula Morgan Howard.⁴⁴

the same date, that is, 1940, the year of ABA approval of Washington College of Law. Arthur was hired away from Willamette in late 1939 by Dean Riley as one of four people brought on full time to satisfy the requirement for full-time faculty demanded by the ABA for accreditation. See *Notes and Personals*, 9 AM. L. SCH. REV. 499, 507–08 (1939). However, I discovered that Arthur had previously been a full professor of law at Willamette at least by 1938 until she was hired by Washington College of Law. See 27 THE WAHLULAH, ANN. PUBL'N ASSOC. STUDENTS OF WILLAMETTE UNIV. 29 (1938), <https://libmedia.willamette.edu/cview/wallulah.html#!doc:page:wallulah/1938/jp2/0/15/0/> [<https://perma.cc/89UE-YFBM>], where Arthur is pictured along with the following text: “Helen Arthur, A.B., LL.B., LL.M., Professor of Law, 1938.” And since Willamette became ABA-approved in 1938 when Arthur was still on the faculty, see *Proceedings of the House of Delegates*, 63 ANN. REP. AM. BAR ASS'N 143, 162 (1938), she ranks above Dean Riley in order of priority under the criteria I am using.

42. Dean Riley was the dean who obtained ABA approval for the Washington College of Law in 1940. See *supra* note 12.

43. See *Obituary for Sybil J. Dedmond*, *supra* note 10.

44. Although Lutie A. Lytle is often mentioned in this regard, I do not think she qualifies for that title, notwithstanding the fact that she was a fascinating and significant figure in the history of black women lawyers. Lytle grew up in Kansas, graduated first (in a class of two) from Central Tennessee University with an LL.B. in 1897, was admitted to the Tennessee and Kansas bars, and was apparently hired in the fall of 1898 as the librarian at Central Tennessee. This does not appear on any faculty or administration list in the 1898 catalog, but only in a set of alumni notes included at the back of the law faculty section of the catalog, which are not sourced. Her alumni entry reads: “Lutie A. Lytle, LL.B., librarian, teacher in Law Department Central Tennessee College, Nashville, Tenn.” See 1898 CATALOGUE OF CENTRAL TENNESSEE COLLEGE 59, <https://hdl.handle.net/2027/uiug.30112098083253> [<https://perma.cc/69MA-FFDD>].

So Lytle's duties appear to have included teaching a course or courses, despite the ambiguity in the extant Central Tennessee records. Press accounts described a number of courses she was expecting to teach or that she might teach. (The stories appeared initially in Kansas newspapers and were later picked up as

15. Soia Mentschikoff, Chicago, 1951.* Here I must explain the asterisk. Mentschikoff went to Chicago with her husband Karl Llewellyn as part of a package deal.⁴⁵ Because of an anti-nepotism rule forbidding husband-wife faculty appointments on the same department or school faculty, Chicago could only give her the title of “professorial lecturer.” It did not carry the possibility of formal tenure (which she always said, rightly, that she personally didn’t need), but otherwise she seems to have participated fully in committee work and other elements of faculty life. When Llewellyn died in 1962, she was made a full professor virtually immediately. She stayed at Chicago for 23 years, until 1974. It seems appropriate to grant her the date of initial appointment under these very special circumstances, although I still think it inappropriate for these purposes to count the Harvard visitorship.
17. Eileen Haughey Searls, Assistant Professor of Law and Law Librarian, St. Louis University, 1952.
18. M. Minette Massey, Assistant Professor of Law and Assistant Law Librarian, Miami, 1953.
18. Helen McLaury, Assistant Professor of Law and Law Librarian, Montana State University School of Law, 1953.
18. Dorothy Salmon, Assistant Professor of Law and Law Librarian, Kentucky, 1953.
21. Jeanne Ashman, Assistant Professor of Law and Librarian, Washington University of St. Louis, 1954.

items by newspapers in Chicago and New York.) While she appears to have stayed in this position for only a year and never had a formal faculty title so far as the catalogs of Central Tennessee reveal—certainly none including the word “professor”—it seems most likely that she taught a course or courses during the years 1898 to 1899, which would make her the first black woman to teach courses for credit at a recognized law school, that is, recognized in the sense that its diploma officially counted for something. Although there was no centrally administered bar exam in Tennessee at that time (I thank Taja-Nia Henderson for pointing this out to me), Central Tennessee was sufficiently recognized by Tennessee authorities for its graduates, along with those of white Tennessee law schools, to be granted a kind of “diploma privilege” to enter the bar without having read law in a law office).

In the next year’s catalog (1899–1900), there is no mention of her in the Law Department section, but an alumni list for all departments of the college at the back of the catalog carries forward the entry from the previous year in exact terms on the last page (p. 115). This is weak evidence of her continued connection. All in all, as noted above, it seems most likely that whatever her role, it lasted only a year. On Lutie Lytle, see generally Taja-Nia Y. Henderson, “*I Shall Talk to My Own People*”: *The Intersectional Life and Times of Lutie A. Lytle*, 102 IOWA L. REV. 1983 (2017). This article is a work of extensive historical research and well worth reading. It is very instructive as to Lytle’s history and place in the culture of late 19th century Kansas as a member of a relatively prosperous black Exoduster family, although I think Professor Henderson (and others) bestow the title “professor” on Lytle a bit too loosely. See *id.* at 2005, 2007. I grant that modern usage often bestows the honorific “professor” on any law teacher when within the classroom or dealing with students, but those without faculty rank (even those termed “adjunct professor” officially) are not expected to use the title outside the instructional setting. Hence I believe the palm belongs to Lula Morgan Howard, but of course anyone is free to differ on characterization once the historical facts are acknowledged.

45. Whitman, *supra* note 28, at 1126–28.

22. Dorothy Clarke, Assistant Professor of Law and Law Librarian, Kansas, 1955.
22. Eileen Murphy, Assistant Professor of Law and Law Librarian, Connecticut, 1955.
22. Mary W. Oliver, Assistant Professor of Law and Law Librarian, University of North Carolina, 1955.
25. Patricia Joyce Coffman, Assistant Professor of Law and Law Librarian, Mercer, 1956.
25. Margaret Coonan, Assistant Professor of Law and Law Librarian, Maryland, 1956 (Associate, 1956).
25. Ellen Ash Peters, Assistant Professor of Law, Yale, 1956.
25. Janet Mary Riley, Assistant Professor of Law (and Faculty Supervisor of the Law Library), Loyola, New Orleans, 1956.
29. Shirley Raissi, later Bysiewicz, Assistant Professor of Law and Law Librarian, University of Connecticut, 1957.
29. Clemence Myers Smith, Professor of Law, Loyola of Los Angeles, 1957.
31. Helen Steinbinder, Professor of Law, Georgetown, 1958.
32. Margaret E. Hall, Associate Professor of Law and Law Librarian, Puerto Rico, 1959.
32. Joan Miday Krauskopf, Assistant Professor of Law, Ohio State, 1959.
32. Marygold Shire Melli, Assistant Professor of Law, Wisconsin, 1959.
32. Dorothy Wright Nelson, Assistant Professor of Law, USC, 1959.

Appendix 1

¶22 Chronological Master List—ABA but Non-AALS Law Schools, plus gap in years before AALS membership:

1. University of Alabama	1926–1928
2. University of Arkansas	1926–1927
3. Southern Methodist	1927–1929
4. University of Utah	1927–1929
5. Valparaiso	1929–1930
6. University of Arizona	1930–1931
7. University of Georgia	1930–1931
8. Stetson University	1930–1931
9. Albany	1930–1947
10. Baylor	1931–1938
11. Louisville	1931–1933
12. Loyola New Orleans	1931–1934
13. Dickinson	1931–1934
14. Boston College	1932–1937
15. William and Mary	1932–1937
16. University of Connecticut	1933–1946

17. Detroit Mercy	1933–1934
18. Temple	1933–1935
19. Loyola Los Angeles	1935–1937
20. University of San Francisco	1935–1937
21. Chicago-Kent	1936–1951
22. Missouri-Kansas City	1936–1938
23. Indiana at Indianapolis	1936–1944
24. University of Buffalo	1936–1937
25. Brooklyn	1937–1973
26. St. John's	1937–1946
27. Santa Clara	1937–1940
28. Wayne State	1937–1946
29. Willamette	1937–1946
30. William Mitchell	1938–1942
31. Hastings	1939–1949
32. University of Toledo	1939–1941
33. Lincoln Law School of St. Louis	1939–1943 (ceased operation 1956)
34. Washington College of Law	1940–1947 (merged with American University, 1949)
35. University of Newark	1941–1946 (AALS upon acquisition by Rutgers University, and renamed Rutgers University School of Law, 1946)
36. Detroit College of Law	1941–1946
37. Miami	1941–1946
38. Puerto Rico	1945–1948
39. Ohio Northern	1948–1965
40. St. Mary's	1948–1949
41. Samford (Cumberland)	1949–1952
42. Texas Southern	1949–2014
43. Rutgers, Camden	1950–1951 (separate ABA approval, 1950, AALS, 1951)
44. UCLA	1950–1952
45. Capital	1950–1983
46. Houston	1950–1955
47. North Carolina Central	1950–2012
48. Tulsa	1950–1966
49. Gonzaga	1951–1977
50. John Marshall (Chicago)	1951–1959 (now part of UIC)
51. Southern University	1953–2011
52. Suffolk	1953–1977
53. New York Law School	1954–1974
54. Northern Kentucky	1954–1984
55. Golden Gate	1956–1980

- | | |
|--------------------------------|-----------|
| 56. Cleveland State | 1957–1980 |
| 57. South Texas College of Law | 1959–1998 |

Appendix 2—A Note on Rank, Tenure, and “Tenure Tracks”

¶23 Dean Kay emphasized women faculty who were hired in a “tenure track” or achieved “tenure,”⁴⁶ without dealing with the difficulties of those terms during her reference period (1923–1959 inclusive). It seems that until 1940, at least, there was no such thing as a hire onto a tenure track in the way we understand it today—that is, a probationary period of determinate length, followed by either a grant of tenure (a contract of indefinite duration with no fixed termination point) or separation from the institution. It appears that a different set of conventions held in the reference period, having to do with the distinction between “junior faculty” (which included, in the context of a full-time appointment, the ranks of “instructor” and “assistant professor”) and “senior faculty,” which comprised the ranks of “associate professor” and “full professor” (or simply “professor” full stop). Prior to 1940, full-time appointments to the junior faculty ranks were generally year-to-year, with no guarantee of promotion, no formal expectancy of an opportunity for promotion, and no job security should the administration decide not to renew. It was expected, however, that anyone who reached a senior rank of associate professor or full professor would receive an open-ended contract and thus be dischargeable only for “cause,” whatever that might mean at the time, with some procedural rights attached to the determination of “cause.”⁴⁷ And while this was the system that obtained generally in colleges and universities that were members of the Association of American Colleges (AAC) (with whom the American Association of University Professors (AAUP) had negotiated the initial standards in 1925), there is no reason to suspect that the general practices were any different in law schools attached to such institutions or any accredited law school not so attached.

¶24 All this changed in 1940, when the system was revised after five years of difficult negotiations between the AAUP and the AAC.⁴⁸ One of the main problems addressed in the famous 1940 Statement of Principles on Academic Freedom and Tenure was the status of junior faculty in the system (although the language used applied to all full-time initial appointments of the rank of instructor or above). Here is the operative language:

After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause

In the interpretation of this principle . . . the following represents acceptable academic practice:

1. The precise terms and conditions of every appointment should be stated in writing and

46. Kay, *Future*, *supra* note 1, at 5–8.

47. See generally Walter P. Metzger, *The 1940 Statement of Principles on Academic Freedom and Tenure*, *Law & CONTEMP. PROBS.*, Summer 1990, at 3.

48. There was a 1938 statement on the subject, but it never went into full effect. See *id.* at 55–63.

be in the possession of both institution and teacher before the appointment is consummated.

2. Beginning with the appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years . . . Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.⁴⁹

¶25 This text left a lot of questions unanswered. It arguably dealt with the problem of junior faculty by making junior faculty in one sense worse off—it promulgated a rule that required an institution to make a decision either to give a junior faculty member an open-ended contract (tenure) or to give notice of an intent to discharge him or her, within six years of first appointment; if this was not done, the junior faculty member achieved “de facto” tenure by being dischargeable thereafter only for cause.⁵⁰ It also arguably meant that anyone appointed as a full-time “instructor” was on a tenure track and might obtain tenure in that rank. Since the AALS adopted the 1940 statement in 1946,⁵¹ the 1940 statement notionally applied to law schools as well, although, in law schools at least, I have discovered no evidence that anyone actually became a tenured instructor. This is just one way in which practice at individual institutions might diverge from theory, but without being able to examine appointment letters for full-time instructors or others, mapping practice in this era is difficult to impossible. That is why I have stuck to professorial rank in a law school as my criterion of inclusion, independent of the issue of the meaning of tenure or tenure track status at any given time in any given place.⁵²

49. 1940 *Statement of Principles on Academic Freedom and Tenure*, AM. ASS'N UNIV. PROFS. 3, <https://www.aaup.org/file/1940%20Statement.pdf> [<https://perma.cc/2SMB-E37L>].

50. The document also provided that if the initial appointment were to a senior rank, it could also be subject to the probationary period. *Id.*

51. 1946 AALS PROC. 68.

52. Sadly, there is one person of some note that the professorial rank criterion leaves out but that an expansive view of a “tenure track” appointment might include: Jane Marshall Lucas of Howard Law School. In 1946, it appears that the powers at Howard Law School decided to hire a female faculty member. They set their sights on H. Elsie Austin, an accomplished black woman lawyer in her late 30s. For more on Austin, see *Helen Elsie Austin*, WIKIPEDIA, https://en.wikipedia.org/wiki/Helen_Elsie_Austin [<https://perma.cc/R3XH-C3NU>].

Austin apparently decided not to join the faculty at the last minute, and they set about looking for a replacement on short notice. Twenty-six-year-old Jane Marshall Lucas was available. Lucas had taken her B.A. at Howard in 1941, then gone to law school at the University of Michigan, where she was the first black woman to graduate. For all these details, see Jane Cleo Marshall Lucas, *Breaking New Ground with Grace: The University of Michigan's First Black Woman Law Graduate*, in *REBELS IN LAW: VOICES IN HISTORY OF BLACK WOMAN LAWYERS* 86–89 (J. Clay Smith ed., 1998). By 1946, Lucas had passed the Maryland bar and was in D.C. where her husband was in medical school, but because she was not in active practice, she was available on short notice. *Id.* They hired her as an instructor at the last minute to teach in 1946 to 1947. Her position as instructor was renewed for the next four years, but she left in 1950 because her husband had obtained an internship in New York. Although she taught for four years as an instructor, it does not appear that either she or the school viewed this as a long-term career opportunity. The

University of Michigan Law School celebrates her on its website as the first female member of the Howard full-time faculty, which is accurate in this form.

Similarly, Albany Law School celebrates Mary Cox Farrington, Instructor and Law Librarian, beginning in 1947, as the first female member of its faculty. *Pioneering Women*, ALB. L. SCH., <https://www.albanylaw.edu/about/history/Pages/Women.aspx> [<https://perma.cc/SXZ2-JF72>]. She served until 1956 but was never promoted to professorial rank (although arguably she had become that *rara avis*, an instructor with tenure, if anyone was paying any attention to the 1940 AAUP Statement that had been adopted by the AALS in 1946). It is not known why she departed, but she was later the librarian for the program in criminal justice at SUNY Albany. *Membership News*, 60 LAW LIBR. J. 288, 291 (1967). Because she never had professorial rank, she is not on my list.

Keeping Up with New Legal Titles*

Compiled by Susan Azyndar** and Susan David deMaine***

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Cruz, Ted. *One Vote Away: How a Single Supreme Court Seat Can Change History*. Washington, DC: Regnery Publishing, 2020. 240p. \$28.99.

*Reviewed by Tracy Eaton**

¶1 *One Vote Away*, written by Senator Ted Cruz (R-TX), is part autobiography and part legal scholarship, but wholly partisan. Senator Cruz writes in a readable style, and he presents an engaging examination of his history with the U.S. Supreme Court, several notable opinions decided by a one-vote majority (primarily selected because of his involvement in the cases as well as their subject matter), and his vision of ideal nominees for the Court.

¶2 The autobiographical parts of the book bring context and interest to the discussion of constitutional issues and case summaries. The introduction begins during Cruz's presidential campaign in 2016, when he learned of the unexpected death of Justice Scalia. It describes Cruz's strong conviction that the vacant seat on the Court should not be filled in an election year. When he wrote this introduction, Cruz may not have anticipated its irony, as he pushed for the confirmation of Amy Coney Barrett to fill Justice Ruth Bader Ginsburg's vacant seat mere weeks before the 2020 presidential election. After this now-hypocritical beginning, Cruz provides a brief personal history, including his clerkship for Chief Justice Rehnquist; subsequent legal practice; candidacy for President; and solicitations from President Trump not once, but twice, to consider being nominated as a Supreme Court Justice himself.

¶3 A discussion of eight cases decided by a 5-4 majority comprises the largest part of the book, as Cruz strives to demonstrate the importance of filling each seat on the

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Court with conservative justices who believe, like Scalia did, in a strict construction of the U.S. Constitution. The cases address religious liberty, school choice, gun control, U.S. sovereignty, free speech, the death penalty, and election law. Each is presented primarily from a personal and partisan perspective, but Cruz gives interesting background and context from related cases and legislation. Unfortunately, the book lacks scholarly gravitas in that it omits citations for any of the statements that Cruz presents as fact to support policy arguments. Most of the cases are ones Cruz took part in, whether by having a hand in the litigation of the case or legislation related to the case. Sprinkled throughout the case discussions are anecdotes about Supreme Court Justices, Cruz, and the various other legal representatives involved. These anecdotes definitely make the book more interesting and readable, and also contribute to its autobiographical nature.

¶4 Cruz spends the greatest number of pages on his discussion of *Bush v. Gore*,¹ a case with which he was extensively involved after working on the Bush campaign in 2000. The description of the legal battle regarding the Florida recounts in that election is primarily autobiographical, particularly as he weaves in stories about his courtship of and marriage proposal to his wife, Heidi. However, a look at the case from the perspective of the Bush legal team is a fascinating read and, again, particularly so in light of the timing of the book's publication amid legal battles with respect to vote counting in another presidential election.

¶5 The book wraps up by reviewing past U.S. Supreme Court appointments by both Democratic and Republican presidents. It concludes that Republicans have not been nearly as successful at appointing Justices who stay true to the policy initiatives of their respective party, leading to a roadmap for proper selection of nominees going forward. Cruz details all of the nominations by Republican presidents as far back as Eisenhower, noting where mistakes were made, including the two Justices nominated by President Trump before publication of the book. Somewhat disrespectfully, Cruz asserts that too many of these past Republican-nominated Justices have abandoned their conservative ideologies in favor of good press and invitations to Washington, DC, cocktail parties. He posits a litmus test for a "good" Supreme Court Justice as someone who, prior to nomination, has faced multiple controversial constitutional issues and has taken, and maintained, a conservative position despite vilification by the public or press for doing so. Only with this type of track record can there be confidence that a potential Supreme Court Justice will maintain a conservative position when presented with these issues on the high court, Cruz argues.

¶6 *One Vote Away* feels a bit unfinished as it addresses topics that Cruz could not have been sure would be raised again so shortly after publication. It is not an objective, complete, or scholarly look at U.S. Supreme Court cases decided by a slim majority. However, as a partial autobiography and an opinion piece on what Cruz thinks qualifies one as a Supreme Court Justice, it is an interesting book that would be a good addition to any library.

1. 531 U.S. 98 (2000).

Ebers, Martin, and Susana Navas, eds. *Algorithms and Law*. Cambridge: Cambridge University Press, 2021. 297p. \$110.

*Reviewed by Aamir S. Abdullah**

¶7 *Algorithms and Law* is a collected volume of topics dealing with the intersection of law and algorithms, artificial intelligence (AI), machine learning, and robotics. Although it reads as a cohesive work, each chapter is written to stand alone. Overall, the book gives the impression of a Wikipedia spiral down a rabbit hole—and this reviewer means that in the best way. Interwoven through each chapter is the notion that the law must adapt to our world’s rapidly advancing technology. These chapters provide insight, depth, direction, and thought-provoking analyses.

¶8 Algorithms comprise all software, and these algorithms base decisions on inferences that ultimately and merely determine correlations. These algorithms are then used to presumably make life easier, but to achieve this comfort, people must give up their personal data. As algorithms continue to advance in the realm of AI and machine learning, multiple issues arise in a wide range of legal areas: ethics, security, liability, privacy, regulation, and even ownership. Thankfully, *Algorithms and Law* addresses all these concerns.

¶9 This dense book is divided into 10 chapters, with each chapter written by one to three authors and covering a separate topic. Topics range from liability for harms done by AI systems to the commercialization of digital data. Because of the dense material and sheer volume of information, readers may find it burdensome to read the book as a single narrative, which is not a shortcoming; the book should be enjoyed piecemeal. That is to say, each chapter should be savored and parsed with a fine-toothed comb. Readers should not simply expect to read a chapter the whole way through without being ready to highlight and take notes along the way. Fortunately, the book was released in both analog and digital formats, making this an easier task regardless of one’s preferences.

¶10 Every chapter of *Algorithms and Law* provides a plethora of footnotes, adding to the value of the content. These footnotes are, in this reviewer’s opinion, the best feature of *Algorithms and Law*. The chapters themselves are comprehensive and written for a wide audience, but the footnoted citations continue the reader’s journey.

¶11 Robots (both physical instances and digital AI) are now found almost everywhere: “The spectrum of applications using AI is already enormous, ranging from virtual assistants, automatic news aggregation, image and speech recognition, translation software, automated financial trading, and legal eDiscovery to self-driving cars and automated weapon systems” (p.41). The prevalence of algorithms points up the importance of this book.

¶12 *Algorithms and Law* focuses on Western society, particularly the United States and Europe. One author argues that “[t]he European Union is a pioneer in the regula-

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tion of automated (algorithmic) decision-making” (pp.xviii–xix). Readers should be aware that the U.S.-Europe focus overlooks work being done in other parts of the world.

¶13 A more minor shortcoming: readers will find some typos and a formatting issue in certain chapters. However, these minor flaws should not detract from the overall gravitas of the material presented. If these minor issues bother a reader, it will be the only issues a reader complains about.

¶14 This book invites readers to address a plethora of technology issues and discusses applicable regulations and laws. Overall, this book is recommended for any institution that values engaging in the conversation about technology’s impact on the law.

Goldfarb, Ronald. *The Price of Justice: Money, Morals, and Ethical Reform in the Law*. Nashville: Turner Publishing, 2020. 210p. \$27.99.

*Reviewed by Phebe E. Huderson-Poydras**

¶15 Ronald Goldfarb’s *The Price of Justice: Money, Morals, and Ethical Reform in the Law* lays out a compelling argument for justice reform. Goldfarb methodically examines the legal system, comparing what the legal profession aspires to be with what it has become. He similarly assesses legal education, demonstrating inherent shortcomings that may contribute to our legal system’s problems. Part and parcel of this analysis, Goldfarb further casts light on how those with money often have an unfair advantage over those without, which significantly impacts lawyer ethics, morality, and the fair administration of justice in our legal system. He poignantly proves that our justice system is problematic and requires change, presenting a very timely read.

¶16 Throughout *The Price of Justice*, Goldfarb juxtaposes the representation given to indigent defendants to that given the wealthy, examining this comparison through the lenses of money, morality, and ethics. Goldfarb thoroughly assesses the justice system, both criminal and civil. Using case law and the writings of legal professionals, he further establishes the need for reform.

¶17 A well-organized work, *The Price of Justice* includes a foreword written by Senator Bernie Sanders, an introduction, five chapters, and an index. In the introduction, Goldfarb applauds diversity (racial and gender) and technological advances in the law. However, he laments changes that have caused law practice to become a business. This business model makes it more likely that wealthy clients will receive better access to justice than those who are not.

¶18 Goldfarb’s argument for justice reform begins by exploring two myths that underlie the legal profession. The first is that lawyers do what they do because they are bound to their clients—in essence, zealously representing their clients because they have no other choice. The second is that lawyers do what they do because of the wisdom embedded in the adversarial system’s operation. Goldfarb provides thorough examples

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that unmask these illusions about lawyers and illustrate that the overall ideology of neutrality and impartiality is often not present in the legal system.

¶19 Goldfarb thoroughly analyzes all aspects of the criminal justice system, with notable discussions concerning prosecutorial misconduct, policing, scientific evidence, the bail system, and economics. This analysis supports his assertion that those without money are not provided the same standards of justice as those with. To cure the criminal justice system's inequities, Goldfarb argues, we must eliminate the financial disparities in access to legal representation.

¶20 He also provides an in-depth assessment of the civil justice system. Here, too, money significantly impacts access. Many poor and middle-class people lack representation altogether or are underrepresented because they are unable to pay attorneys' fees. Attorneys' personal choices contribute to this problem because where attorneys work plays a pivotal role in the availability of equitable services. Goldfarb also advocates for the role public interest attorneys play in support of justice.

¶21 In conclusion, Goldfarb believes all components of the legal profession should participate in reform. Law schools should embrace ethics more widely across the curriculum and add instruction on law practice to make sure students graduate with the tools necessary to adequately represent clients. Goldfarb advocates formulating a new career model to help students find, and encourage them to pursue, employment in public interest law and social justice. To change the process, all must participate in reform.

¶22 Academic law libraries should add this title to their collections, especially as law schools begin attending more deeply to access to justice. It could also serve as recommended reading for a professional responsibility class.

Gow, Erin. *Hate Crimes: A Legal Research Guide*. Legal Research Guides, Vol. 81. Getzville, N.Y.: William S. Hein & Co. 2020. 57p. \$89.

*Reviewed by Alyssa Thurston**

¶23 The lamentable truth is that hate crimes, which “target an individual due to an immutable characteristic that marks them as part of a particular group,” have steadily increased both in the United States and around the world (p.3). In November 2020, in fact, the Associated Press reported that hate crimes in the United States have risen to their highest level in more than a decade.² *Hate Crimes: A Legal Research Guide*, therefore, practically embodies the definition of timely.

¶24 As author Erin Gow concisely notes, researching hate crimes is hardly a straightforward task. Materials on the topic are often marked by “imprecise and varied language,” and hate crime laws, definitions, and penalties are inconsistent across juris-

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2. Michael Balsamo, *Hate Crimes in US Reach Highest Level in More than a Decade*, AP NEWS (Nov. 16, 2020), <https://apnews.com/article/hate-crimes-rise-fbi-data-ebbcadca8458aba96575da905650120d> [https://perma.cc/V85N-ZW3C].

dictions (p.4). The subject also implicates multiple areas of law, including criminal law, gender issues, and human rights, and it often becomes entangled with related but separate concepts such as hate speech. Gow has clearly kept these considerations in mind in all aspects of her guide, from the selection and annotation of resources to the background information and commentary presented. In particular, she has judiciously curated her selections to be representative rather than exhaustive, an approach that makes researching this complex area of law more focused and accessible for all levels of researcher.

¶25 Annotated materials are divided among three chapters. Gow first introduces U.S. primary law, noting that legislation “[is] the backbone of hate crime law,” which is then “fleshed out” by court challenges (p.8). In an early indication of her sensitivity to researchers’ variable areas of interest under the hate crimes umbrella, discussion of relevant federal legislation not only provides detailed descriptions of the few existing federal hate crime laws, but also directs readers to related federal laws on topics such as domestic violence and disability. The subsection on state-specific legislation selects several representative state hate crime laws for detailed annotation while helpfully directing the reader to topical multistate surveys for further research. Selections of federal and state case law and numerous resources for hate crime statistics round out this chapter.

¶26 Gow observes that secondary source research, the focus of the next chapter, is essential for placing hate crime laws in historical, political, and sociocultural context and for tracking developments in the field. Selected materials start with relevant sections of various legal encyclopedias and progress to books, law review articles (encompassing annotated choices and a more extensive unannotated list), news sources and blogs, organization and advocacy websites, Congressional Research Service reports, and guidance documents. The resources included here aim at a variety of intended audiences and cover a range of subjects within the broader hate crimes category, and Gow takes care in many annotations to explain just for whom and why a particular resource would be useful. She also devotes some space to suggested nonlegal research sources and strategies for the interdisciplinary researcher.

¶27 The final chapter introduces resources on foreign and international hate crime laws, limiting its scope to resources written in English. The United Nations, the Council of Europe, the European Union, Germany, the United Kingdom, and Canada receive the most attention, with Australia, Ireland, New Zealand, Singapore, and South Africa also making showings.

¶28 Gow describes her book as “appropriate for a variety of researchers, from the novice through the expert” (p.1). This title is not only “appropriate” but, indeed, could be considered indispensable for nearly anyone researching hate crimes law, from law students and academics to practicing attorneys and community activists. Highly recommended for all academic libraries and for court and firm libraries whose caseloads include hate crimes.

Jones, Emma, and Fiona Cownie, eds. *Key Directions in Legal Education: National and International Perspectives*. New York: Routledge, 2020. 237p. \$128.

*Reviewed by Sue Silverman**

¶29 On what basis should we evaluate the success of a law school? This question propels *Key Directions in Legal Education*, a collection of essays that explores contemporary debates in legal education from the perspectives of scholars around the world. Each of the six parts contains two short chapters providing a comparative discourse covering a range of issues affecting law schools today, including pressures from external stakeholders, the influence of technology on law and legal practice, and pedagogical approaches to producing practice-ready graduates. This format proved enlightening, as each perspective expands on the other's ideas and helps the reader gain a fuller understanding of the issues. Each chapter draws heavily on previous research as reflected in extensive reference lists that readers are likely to find valuable.

¶30 Should law school success be measured by rates of employment, intellectual or pecuniary gains to the university or profession, or the graduation of practice-ready attorneys? In other words, what should be the core objectives of a legal education? The shift from professional self-regulation to regulation by market forces complicates this question. Chapter 1 discusses how the growing concern with economic value has led to a focus on employability, which in the United Kingdom has spurred changes in how solicitors will qualify beginning in 2021: aspiring solicitors will have to pass the Solicitors' Qualifying Exam (SQE), and they may hold any degree, not necessarily a law degree. These changes present an opportunity for law schools to redesign degree programs outside the previous qualifying law degree requirements. Law schools might consider whether to define their programs primarily as a liberal arts education, preparation for practice, or some combination of the two. This debate underlies much of the book's discussion.

¶31 Several authors note the historic challenges in producing practice-ready graduates. Seán Arthurs summarizes the criticisms waged against U.S. law schools that ultimately resulted in the ABA's adoption of experiential learning requirements. But what makes a law student "practice-ready"? A curriculum focused on passage of an exam does not necessarily contribute to a fuller understanding of the law's place in larger societal contexts. In part 2, the authors argue that today's challenges call for an interdisciplinary approach to studying law, one that emphasizes how the law functions within different contexts, such as economics or climate change studies. This approach encourages students to think creatively, solve problems, work with other disciplines, and view the law as a vehicle for change. As Mandy Burton and Dawn Watkins note, "[a]n academic education is supposed to challenge the status quo, not simply teach students to leech off it" (p.41). To illustrate what an interdisciplinary course might look like, Ubaldus de Vries highlights several intriguing programs in the Netherlands. For example, an environmental law course on energy transition and its technical challenges

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at Utrecht University, open to both geography and law students, examines the interrelationship of geographical, technical, and legal questions.

¶32 Moreover, focusing primarily on “employability” may contribute to negative outcomes in student well-being. Part 5 examines student well-being and how to improve learning success. Caroline Strevens remarks on the importance of intrinsic motivation—a choice to do something for the joy of experiencing the activity as an end in itself. Yet, consistent messaging that students should engage in activities to enhance their CVs diminishes students’ intrinsic motivation and replaces it with extrinsic—e.g., a potential employer’s—values, which can negatively affect well-being.

¶33 Clinical legal education is frequently promoted as an effective approach to preparing students for practice. In part 4, Richard Grimes and Seán Arthurs scrutinize the benefits and challenges of incorporating clinical legal education into law school curricula. They then describe helpful models of how a clinical legal education course might be structured to maximize learning objectives. As described in part 3, clinical legal education can also expose students to developing legal technologies and understanding how technology can facilitate access to justice.

¶34 *Key Directions in Legal Education* touches on several questions currently dominating conversations in legal academia across jurisdictions. While primarily focused on international law schools, the themes and discussions apply to debates on the direction and objectives of U.S. legal education. Furthermore, these essays offer several ideas and perspectives that may inspire and inform American legal educators in developing their courses and curricula. This volume would be a welcome addition to any academic law library collection.

Lageson, Sarah Esther. *Digital Punishment: Privacy, Stigma, and the Harms of Data-Driven Criminal Justice*. Oxford: Oxford University Press, 2020. 242p. \$34.95.

*Reviewed by Rena K. Seidler**

¶35 Sarah Esther Lageson begins *Digital Punishment* with an electrifying, true example of a man in the 21st century who is denied a job and a home rental because a criminal record found on the Internet identifies a crime he allegedly committed in 1901, decades before his birth. In addition to listing his only one actual arrest in 1982, his digital criminal records include several erroneous aggravated assaults and other convictions. In short, he is being punished today for wildly inaccurate digital records of his alleged criminal history. This example propels a cogent, enlightening analysis of the impact of digital criminal records.

¶36 Through seven chapters and a compelling conclusion, Lageson seamlessly paints a picture of the potential lifetime impact of a criminal digital footprint, the criminal record or mugshot, and the best next steps in addressing this unrelenting punishment. Imagine being unable to escape a criminal past, accurate or not, because the information is available at the fingertips of anyone with a computer and Internet access.

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Lageson does a remarkable job of bringing attention to how, in her words, “[the] intersection between the criminal justice system and technology reproduces social inequality at the speed of the internet” (p.11). The social inequality of technology literacy that produces and drives this criminal data becomes quickly apparent, and Lageson addresses in her analysis the perspectives of those being harmed, the police networks where the information is originally created, the private data companies that purchase the information, and the many locations where data can hide in the digital world.

¶37 *Digital Punishment* is an easy read, well written, engaging, and thought provoking. It thoroughly addresses the many potential harms of releasing criminal records and mugshots without regard to their accuracy, as well as their digital dissemination to private data companies, which then use or disseminate them without any consistent regulation or oversight. Through interviews with people who sell public records, Lageson brings to light the myriad problems in putting criminal records into the hands of profit-driven businesses, including incorrectly uploaded information and information piecemealed in such a way as to present an inaccurate picture of an individual’s criminal history.

¶38 Later parts of the book discuss activist resistance to continued public accessibility to some forms of criminal data. Lageson specifically addresses reform against accessibility and unethical or possibly illegal uses of mugshots, as well as the current legal and policy responses to the many forms of ongoing digital punishment. Lageson’s conclusion that privacy rights far outweigh any gains realized from putting criminal history data on the Internet for all to see is unsurprising, and she adds a reminder that even if some criminal, digital footprints cannot be recalled, then perhaps such past crimes can be forgiven.

¶39 *Digital Punishment* is a good choice for anyone interested in data privacy, public access to criminal records, or digital punishment. Containing more than 50 pages of notes and citations, this book is also an excellent tool for finding additional resources on this fascinating subject. Recommended for all library types.

McTighe, Jay, and Judy Willis. *Upgrade Your Teaching: Understanding by Design Meets Neuroscience*. Alexandria, Va.: ACSD, 2019. 187p. \$31.95.

*Reviewed by AJ Blechner**

¶40 Why do students retain some lessons and forget others? How can teachers focus our efforts in the classroom to maximize student learning? What makes the educational strategies that we rely on tick? *Upgrade Your Teaching* seeks to answer these questions and more, offering a straightforward teachers’ manual on the brain. Jay McTighe and Judy Willis reinforce the framework laid out in *Understanding by Design* (UbD), a 2005 work by McTighe and Grant Wiggins, with new developments in neuroscience research while also providing practical guidance for educators on how to implement concrete strategies in the classroom. *Upgrade Your Teaching* focuses on K–12 educa-

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tion, but there is no shortage of takeaways for those interested in teaching adults, and law librarians who teach should give this title a chance.

¶41 The book begins with an introduction to the brain's structure, reticular activating system, bias toward pattern recognition, dopamine incentive, neuroplasticity, and memory construction. The authors then briefly review the UbD framework. In each subsequent chapter, McTighe, a lifelong educator, and Willis, a neuroscientist with more than 10 years of teaching experience, weave long-held educational strategies with the neuroscientific underpinnings supporting their use. Their interdisciplinary exploration covers goal setting for students, assessment techniques, and instructional planning in the form of AMT (Acquisition-Meaning-Transfer) and the WHERETO model (an instructional planning tool used to assess one's pedagogical practices).

¶42 This book is both valuable for veterans of the UbD model and approachable for newcomers. *Upgrade Your Teaching*, like *Understanding by Design*, does not require the reader to come to the text with scientific background knowledge. Rather, the authors present dense material in plain language, clear diagrams, and relatable examples. McTighe and Willis provide the foundation necessary to equip teachers with actionable, short-term, high-yield classroom improvements.

¶43 Many of the strategies outlined in the book are consistent with the needs of adult learners and, in fact, already form core components of legal research and writing instruction. For example, adult learners need to understand the reasons for learning new material and must be able to connect the material to relevant, real-world problems. McTighe and Willis explain this need in the context of the "dopamine reward response" (p.10), and they promote a "performance-based learning" (p.131) model that may include strategies such as the case method or projects that simulate realistic challenges, such as researching a legal brief or memo based on a hypothetical fact set. This book proposes that experiential learning and simulation are powerful tools for maximizing student learning, which may particularly interest those who followed the 2015 addition of the six-credit experiential learning requirement to the ABA Standards.

¶44 Two additional subjects likely to interest law librarians are how stress affects learning and how understanding the appeal of video games can improve teaching and learning. The authors write extensively on the neurological reasons students become less effective learners when experiencing high levels of stress. Stress and mental health impacts on law students are well documented, and while individual instructors do not have total control of their students' experiences, McTighe and Willis's chapter on creating a brain-friendly classroom is a worthwhile reminder. To foster a positive learning experience, the authors urge instructors to consider both the physical and psychosocial elements of the classroom climate.

¶45 Simple techniques teachers might implement in their own classrooms include syn-naps, "planned shifts in a learning activity that serve to return the amygdala from overdrive into the optimal state for successful flow of information" (p.143). An example of a syn-nap might be a "four corners" (p.144) exercise in which students visit each of the four corners of the classroom to perform a learning activity about a different type of secondary source material.

¶46 Second, the book explores what makes video games effective at captivating students. It then discusses how instructors might deploy those same elements in their classrooms. An ever-increasing number of law students grew up with video games as a ubiquitous and integral part of their lives. McTighe and Willis's guidance strikes a practical balance between identifying valuable insights and maintaining the integrity and gravity of the classroom. These strategies include clearly defining relevant, agreed-upon goals; remaining within the "zone of proximal development" (p.18); providing frequent, prompt, and specific feedback; and acknowledging "incremental progress" (p.18). These features, which serve as core components of recreation students already engage in, can be introduced into the classroom to maximize student learning, without necessarily fully gamifying the classroom.

¶47 The insights gleaned from *Upgrade Your Teaching* are likely to improve more than only our teaching strategies. Familiarity with the theory behind our practices and a common vocabulary around the rationale for our teaching techniques can help us to more effectively communicate with stakeholders regarding our instructional design choices. For teachers and instructional designers, this addition to the UbD canon revitalizes a classic teaching philosophy. Highly recommended for academic law libraries.

Monopoli, Paula A. *Constitutional Orphan: Gender Equality and the Nineteenth Amendment*. New York: Oxford University Press, 2020. 237p. \$39.95.

*Reviewed by Nancy B. Talley**

¶48 Imagine gender equality has been realized in the United States, and the Nineteenth Amendment of the U.S. Constitution, which enfranchised women voters, played a pivotal role in this great achievement. In *Constitutional Orphan: Gender Equality and the Nineteenth Amendment*, Paula A. Monopoli argues this scenario is possible when we better understand the political and legal landscape between 1920 and 1930, the years immediately following ratification, and reimagine how we could have capitalized on the Nineteenth Amendment to achieve this important goal.

¶49 Monopoli discusses the circumstances surrounding the ratification of the Nineteenth Amendment and explains why it failed to expand women's rights beyond suffrage. She addresses how suffragist organizations, state court decisions, a lack of federal enforcement legislation, and limited federal court involvement shaped what she calls the "thin" conception of the Nineteenth Amendment. Monopoli argues that this "thin" conception has thus far limited the scope of the Nineteenth Amendment to voting rather than as a mechanism to advance women's rights more broadly.

¶50 *Constitutional Orphan* is divided into an introduction and eight chapters, each covering a distinct yet connected reason the Nineteenth Amendment has historically been considered merely a prohibition on voting discrimination based on sex. In the book's introduction and first chapter, Monopoli provides essential background information on the ratification of the Nineteenth Amendment. She then explains how the

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priorities of the national suffrage organizations shifted away from the litigation that followed ratification toward other interests, including the Equal Rights Amendment and minimum wage and maximum hour laws. Monopoli argues that this shift, along with a lack of enforcement legislation at the federal level, prevented a fuller conception of the Nineteenth Amendment. In addition, she explains that without a federal presence in terms of enforcement legislation and with a lack of lobbying by suffrage organizations, state courts were left to flesh out important issues closely related to voting, such as jury service and holding public office. Without a cohesive approach to this litigation, a complex patchwork of judicial decisions limited the impact of the Nineteenth Amendment.

¶51 Finally, Monopoli argues it is not too late for the Nineteenth Amendment to support a broader approach to women's rights in areas such as pregnancy discrimination, contraception, and gender-based violence. In this final section of the book, she supports her arguments by citing to other scholars, showing that these topics are not entirely new. Nevertheless, Monopoli presents a persuasive argument that the Nineteenth Amendment still has the potential to play a significant role in the future of women's rights.

¶52 In *Constitutional Orphan*, Monopoli weaves how race, gender, and class in America during the early 20th century limited the scope of the Nineteenth Amendment to merely an amendment related to voting. This intersectionality makes this book a must-read for legal scholars interested in how race, gender, and class impact the American legal tradition. Monopoli's arguments are well reasoned and supported by authority. Her highly readable writing style retains an academic tone, with extensive footnotes to important primary sources and a comprehensive index. I highly recommend *Constitutional Orphan: Gender Equality and the Nineteenth Amendment* for all academic law library collections.

Robin, Corey. *The Enigma of Clarence Thomas*. New York: Metropolitan Books, 2020. 301p. \$30.

*Reviewed by Stephen Parks**

¶53 Enigma, something "hard to understand or explain; an inscrutable or mysterious person,"³ is an apt description of the man author Corey Robin analyzes in *The Enigma of Clarence Thomas*. Two things are commonly known about the most senior Associate Justice on the U.S. Supreme Court: first, his confirmation hearing and the Anita Hill allegations and, second, his taciturn presence on the bench. Many people have preconceived opinions of this Justice based in large part on these two facts and on their own political leanings. As a result, many readers might not even consider this

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3. *Enigma*, MERRIAM-WEBSTER DICTIONARY, <https://www.merriam-webster.com/dictionary/enigma> [<https://perma.cc/4KM3-X4FK>].

book, thereby overlooking a complex, engaging exploration of an important figure in American jurisprudence.

¶54 Robin's thesis is provocative but worthy of consideration: Justice Clarence Thomas is a hard-core Black nationalist. Some might even say that Thomas is a Black separatist. Underlying the Justice's opinions and speeches of the last 30 years is a sense that race is a permanent and inescapable feature of our republic. Further, nothing that the political realm or the State can hope to accomplish will ever reach fruition, as both are utterly unable to deal with the social disrepair that flows from the fact of race. Many people, perhaps even Thomas's own critics, can identify with such a pessimistic outlook, especially as they look out over the Black Lives Matter movement over the last few years. Robin opines that perhaps this pessimism is a reason the Justice, while more vocal in the era of COVID-virtual oral arguments, is so quiet on the bench. Why would he choose to speak when his underlying vision—the permanence of race and the inability to overcome it—is so widely voiced by many, even by Thomas's loudest critics?

¶55 How does Robin reach this conclusion? With a fine-toothed comb, he sifts through Thomas's written opinions, speeches, biography, and background. Robin has left no page unturned. Sixty-one pages of copious notes are provided to counter each moment when readers question Robin's argument.

¶56 Robin presents well-researched, well-reasoned analysis divided into three sections, focusing on race, capitalism, and the Constitution. Using speeches given by the Justice and reflections on the Justice's own upbringing, Robin endeavors to explain how Black nationalism has seeped into the Justice's opinions of the last 30 years. Justice Thomas is pro-capitalist because he sees the free market, not any laws or any goodwill that Whites may create, as being the best method of affording Blacks more opportunity. He thinks nothing of restricting the vote because he thinks Blacks should give up on any hope that positive change will come about by lock-step Black participation in the political realm. He favors an expansive Second Amendment because he thinks Blacks should be armed, as the State is never truly going to be interested in protecting them or their property. These are just a few examples Robin marshals.

¶57 Is Robin right? It is difficult to say, as his thesis is such a thought-provoking one; perhaps that is the point. We should be willing to reconsider the most enigmatic Justice on the Supreme Court, seeing beyond a man accused of sexual harassment who doesn't speak. He speaks, all right, if we just are willing to listen closely.

¶58 If your law library is similar to mine, it likely has a sizable collection of titles either by or about current and former Supreme Court Justices. *The Enigma* is a title you should consider adding to that collection. While quite a few books have been written about Justice Thomas, most are heavily focused on his confirmation hearing and the Hill allegations. *The Enigma* is a welcome title that can assist readers to better understand one of the most influential Black men in America.

Shapira, Roy. *Law and Reputation: How the Legal System Shapes Behavior by Producing Information*. Cambridge: Cambridge University Press, 2020. 250p. \$39.99.

*Reviewed by Melissa Strickland**

¶59 In *Law and Reputation*, Roy Shapira begins by refuting the common economic belief that business reputation and related market forces are more economically efficient drivers of “good” behavior than litigation. Shapira explicitly disagrees with the idea that the legal system and the nonlegal system (here, reputation, as demonstrated by market forces) are separable in their effects on stakeholder activity. Instead, Shapira argues, the strength of market forces that lead to changes in stakeholder activity is often a function of the existing legal system. To prove this, Shapira breaks his argument down into three parts. In part 1, he explains how reputation works as a market force, both the idealized theoretical version used by many economists and the way it actually works. Next, he explains how the law and the legal system interact with reputation, showing they are not independent entities. Finally, he discusses how to harness the interactions between reputation and the legal system to improve public policy.

¶60 Shapira’s first section addresses the reality that information distribution is not perfectly efficient, as not all bad news is created equal: for example, bad behavior that might lead to the collapse of one company might cause only a small, temporary dip in share prices at another. Shapira posits that the process of reputational sanctions is systematically distorted due to issues with asymmetric information, judgment biases, and divergent incentives, and that the legal system helps correct for these distortions by making information publicly available. Reputational forces alone, without input from the legal system, may distort stakeholder behavior because of inefficiencies in information. Companies may select projects, for example, based on their reputational value and not on their “real” value. The legal system also produces information to allow stakeholders to better judge corporate reputations, information generally considered credible and relied upon by journalists. Forcibly disclosed information can lead to reputational consequences that otherwise might have been avoided.

¶61 Next, Shapira applies his particular views of law and reputation to real scenarios. He first focuses on the private litigation context, specifically shareholder suits in the Delaware courts. He discusses many different cases and shows why traditional models that wish to consider traditional market forces alone do not take into account the impact of reputational information produced by the legal system. Next, he addresses public enforcement actions, specifically SEC settlements. He argues that although SEC settlements produce information, they often underproduce reputation-relevant information. Then he investigates how corporate philanthropy interacts with reputational information to co-opt independent directors, influence politicians and regulators, and placate activist investors. Finally, he explores reputational concerns for regulators themselves, finding that the courts make regulators more accountable by forcing them to

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publicize the reasoning behind their decisions, an action that may provide valuable reputational information about both the regulators and the regulated.

¶62 In the third section, Shapira uses his analysis to argue for several public policy changes that would allow for more efficient dissemination of reputational information obtained through the legal system. Because strong reputational forces are often a result of litigation and governmental enforcement actions, and because reputational information is so intertwined with the legal system, purely economic arguments against legal intervention are flawed and do not take the reality of the current system into account. Shapira makes a case for openness of court records and against confidential settlements and the sealing of records. He disfavors mandatory arbitration clauses in certain contexts since these clauses serve to pull reputational information out of the legal system and house it behind a wall of confidentiality, reducing the efficiency of the market.

¶63 Overall, Shapira's explanations are as clear as they can be for such a complex subject. He combines interviews, case studies, and meta-analysis of other studies in various fields that are related to law and reputation, such as consumer behavior and stock market analysis. Each chapter begins with an overview of the chapter's content and how it links to other parts of the book. Readers also benefit from extensive footnotes, with sources from a variety of fields. I recommend the book to any law library that collects in law and economics, business law, or products liability.

van der Voo, Lee. *As the World Burns: The New Generation of Activists and the Landmark Legal Fight Against Climate Change*. North Adams, Mass.: Timber Press, 2020. 284p. \$27.95.

*Reviewed by Matt Timko**

¶64 Weaving personal experiences, political history, and legal strategy, Lee van der Voo details the long, enduring struggle of 21 young Americans trying to use the legal system to help make their futures more secure. *As the World Burns: The New Generation of Activists and the Landmark Legal Fight Against Climate Change* follows the story of *Juliana v. United States*,⁴ a lawsuit brought by several young Americans and environmentally conscious organizations against the U.S. government to bar the continued support of the federal government for fossil fuel extraction and processing. The cause of action claimed that the escalation of greenhouse gases as a result of these policies, contributing to harmful and long-term climate change, infringed on the plaintiffs' constitutional rights. In recounting the path to the Ninth Circuit Court of Appeals (where the case still sits with an *en banc* hearing petition pending since January 2020), van der Voo masterfully interweaves the dry litigation and appeals process with the personal stories of the plaintiffs, young men and women who feel the daily pressures and impact of climate change.

* © Matt Timko, 2021. Academic Technologies and Outreach Services Librarian and Assistant Professor, Northern Illinois University College of Law, DeKalb, Illinois.

4. 947 F.3d 1159 (9th Cir. 2020).

¶65 Although the book primarily focuses on the people involved in the litigation, it provides a wonderful example of the litigation process for those unfamiliar with it. In many ways, this book serves as a biography of a case, from the initial impact to the final decision (absent further appeal). However, the narrative does not end there. Rather, it provides a hopeful message about the will to improve the world, the advocacy of regular people, and the slow, steady work toward justice. Van der Voo never loses sight of the human beings at the heart of the case and strives to ensure that this story remains rooted in personal narrative, while also providing lay readers, including new law students, a terrific view behind the scenes of blockbuster litigation in the making.

¶66 Beyond the personal and litigation stories at the center of the book are two other underlying stories central to the book and to society more broadly. Fundamentally, and most obviously, this is a book about the everyday impacts of climate change and the micro- and macro-level forces needed to combat it. The hopeful narrative seen in the plaintiffs' actions exemplifies the challenges faced by "the little person" trying to affect the entrenched, systemic practices that seem unassailably at odds with the needs of those same "little" people.

¶67 Similarly, this book discusses the generational discord on the topic of climate change, further exacerbated by the inability of the petitioners to access any other political outlet. Since all of the 21 protagonists are under the age of 18, they are unable to vote and have no voice in the political discussion. Van der Voo makes this very clear: litigation is their only option.

¶68 *As the World Burns* is a terrific story, made more engrossing by the intertwined legal and political stories. While at times the legal discussions can stall the narrative pace, overall, the book is highly engaging. Beyond that, it is a valuable political reference book as it presents a case study in what happens when the will of the people is seemingly at odds with the political consensus of economics and government. Recommended for academic law libraries.

Witt, John F. *American Contagions: Epidemics and the Law from Smallpox to COVID-19*. New Haven, Conn.: Yale University Press, 2020. 184p. \$20.00.

*Reviewed by Courtney Segota**

¶69 *American Contagions* opens with a quotation from Cicero's *De Legibus*: "Salus populi suprema lex esto. (The health of the people is the supreme law.)" (p.1). The following chapters, however, demonstrate that this has not always been the case in the United States and, in many ways, is not today.

¶70 In this book, John F. Witt lays out how "[i]n the United States, the law of epidemics stems from the legal authority of the police power," the government's authority to enforce laws protecting its citizens (p.3). Since colonial times, the makers and enforcers of American law have exercised the police power in two general ways. *Quarantinism* is the state's authoritarian enforcement of control over the bodies of the people, via

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quarantine, compulsory vaccination, and even imprisonment, as in the cases of many immigrants and the sad story of “Typhoid Mary.” Other extreme examples include forced medical procedures, such as sterilization of those deemed “mentally unsuitable” for parenthood, or the infamous Tuskegee syphilis experiments that the U.S. government carried out on unwitting Black subjects for decades. *Sanitationism*, on the other hand, is a more progressive approach emphasizing education and voluntary participation, working to improve the social conditions that contribute to contagious disease.

¶71 Witt describes how the United States has balanced these methods over time in its attempts to quell outbreaks, with mixed results. Some early methods included vaccination measures, mandatory quarantines and reporting of smallpox cases (especially on ships in U.S. harbors), movement of burial grounds from urban churchyards to large cemeteries outside of town, and removal of livestock and sewage from city streets. Throughout, the author quotes and explains watershed court cases on these topics, putting them in a solid historical context for lay readers and legal professionals alike.

¶72 An important thread running through Witt’s narrative is how American jurisdictions have tended to apply more liberal sanitationist methods to those with political and economic clout, while applying authoritarian, quarantinist measures to everyone else. In some cases, *both* approaches have been applied to benefit the rich—for example, by selling the improvement of conditions in tenement housing to middle- and upper-class city dwellers as a measure to stop the diseases of the poor from spreading to their “betters” via goods manufactured by low-wage factory workers. From the abhorrent conditions described by Upton Sinclair in *The Jungle*, to the federal government’s handling of the AIDS crisis in the 1980s, all the way to South Dakota Governor Kristi Noem’s refusal to let Native Americans set up traffic checkpoints to slow the spread of COVID-19 to their reservations, the general historical trend toward sanitationism and civil rights in the United States has been set back by more authoritarian quarantinist measures against historically disadvantaged populations.

¶73 Another major issue in the United States’ handling of disease outbreaks has been the lack of federal police power in public health matters, which have fallen to state and local governments. This allocation of authority was less of an issue in the early days of the republic, when it took much longer for germs (or anything else) to travel between towns. Diseases like COVID-19 have no particular respect for national and state boundaries, however, and today travel is incomprehensibly faster and cheaper than in the 18th century. Science and technology have also improved by leaps and bounds, of course, but the balance between civil liberties and safety is still difficult to achieve, especially as the spread of disinformation via social media thwarts the work of health professionals.

¶74 The book’s organization by concepts rather than chronology can feel a bit repetitive; I found myself wondering, “Didn’t we already talk about quarantining ships?” However, with a good mix of solid research—the index and endnotes take up nearly 40 percent of the book—and understandable, well-articulated connections

between history, law, science, and social science, *American Contagions* gives much-needed context to COVID-19. This book offers legal information to historians, historical and social science information to lawyers, and a solid understanding of the economic, racial, and other social justice factors that affect the handling and treatment of disease in the United States to any reader. Recommended for academic law libraries and for firm libraries with a significant health law practice.

Memorial: Yvonne Jeannette Chandler (1957–2020)

An “Interloper’s” Legacy*

¶1 When I first heard of Yvonne Chandler, she was not being mentioned in a favorable light. She was identified to me as an interloper who ran a University of North Texas (UNT) library science cohort in Atlanta. At the time, I was an adjunct at Valdosta State University teaching legal research to library students. Even though Valdosta is 230 miles away from Atlanta, my program’s director and faculty were not happy with Yvonne’s return to Georgia.

¶2 Fast-forward a few years, when I finally met Yvonne in person while interviewing to be the founding director of the library for the University of North Texas at Dallas College of Law. She was on the search committee interviewing me. I later learned she spent a lot of time on the phone with the college’s associate dean explaining what was needed in a new director and to establish a new library. She laid a foundation that made my eventual work on the new library go much more easily. Once I was hired, she called regularly, seeking opportunities for her students, whom I gladly hired, and supporting UNT via networking at our downtown Dallas location or at the joint receptions with AALL chapters. You could not say no to her. Yvonne was now bathed in the most favorable of lights!

¶3 This year I am teaching her law library courses at UNT. Some of my students entered the law librarian program at UNT because of Yvonne’s recruitment or her reputation. I hope I do not let her down. Her legacy will continue.—*Edward T. Hart*¹

“Another Mother”**

¶4 It is difficult for me to write about my cousin, Yvonne Jeannette Chandler. Part of it is that she has left us far too soon. A lot of it has to do with the fact that even though we were not that far apart in age when my mother passed away, Yvonne, or Bonnie as we called her at home, became “another mother” to me. It was Yvonne who

* © Edward T. Hart, 2021.

1. Assistant Dean for Law Library, UNT Dallas College of Law, Dallas, Texas.

** © Yolanda Patrice Jones, 2021.

encouraged me to go to library school at Atlanta University, where she went and where my mother went as well.

¶5 When I think of Yvonne, I think of places. Especially those places connected with the Association of American Law Libraries Annual Conference: Baltimore, Austin, Philadelphia, San Antonio, and so many others. She never stood still for very long. From my first AALL conference in New Orleans in 1991, I could always be assured of seeing her at conference gatherings, the exhibit hall, parties, and vendor events. She was a founding member of the Black Caucus, and I could always count on seeing her at their meetings and at the annual dinner event, which she often helped to plan. When I think of Yvonne, I also think of adventure. With Yvonne, regardless of whether it was work or play, it was always fun.

¶6 Whenever I saw Yvonne at the annual conference, she was never alone. There was always a swirling cloud of people being swept along by her infectious enthusiasm about law libraries and the librarians who served in them. Her dissertation research and AALL work on professional competencies of law librarianship was a precursor to the AALL Body of Knowledge. Yvonne constantly focused on issues that were important to her, such as diversity in law librarianship and access to legal information.

¶7 In the midst of this, Yvonne was always able to find time for everyone. She was a mentor for me and for so many others whom she took under her wing. Yvonne always had time to talk. She made the time to help. Yvonne worked tirelessly for everyone she cared for. Taking it easy was not in her nature, but she always made you feel as though you were the sole focus of her day.

¶8 She would call me sometimes at odd times of the day or night. I would ask her, where are you? She might be at a faraway place like in the Pacific Islands, where she was coordinating a library science education program grant. She might be in China with the Chinese and American Forum on Legal Information and Law Libraries. She might be calling from somewhere in the United States, where she served as director of master's degree cohort programs from her home base at the University of North Texas, as well as in several western states.

¶9 The last time I saw Yvonne before she fell ill was at the 2019 Washington, DC, AALL annual conference. We stayed in the same hotel, and I helped her get her things to the waiting taxi. She was all in white, still wearing the same outfit that she wore to accept the Joseph L. Andrews Legal Literature Award earlier in the day for her contributions as a coauthor of the book *Celebrating Diversity*. Yvonne was using a cane, but it looked like she was walking on air. The taxi weaved away into the busy DC traffic—and then she was gone.

¶10 Yvonne left behind many people in AALL and beyond who consider her as family. With them, she left what her close friend and mentor Joan Howland termed a “legacy of leadership” that “will live on for generations due to her many contributions to librarianship and education as well as through her scholarship.” Yvonne was truly a

champion of legal information and library science education. I will always cherish her as a dearly beloved family member, mentor, and friend.—*Yolanda Patrice Jones*²

“Convention Wife”*

¶11 Dr. Yvonne Jeannette Chandler was an associate professor and the director of the Law Librarianship and Legal Informatics Program in the Department of Information Science at the University of North Texas (UNT). Yvonne was a UNT faculty member since 1993 and a member of AALL for more than 40 years.

¶12 Many knew her as “Professor Chandler,” but I knew her as my “Convention Wife.” I met Yvonne at my first AALL Annual Meeting in San Francisco in 1992. For the next two years we connected at the meetings in Boston and Seattle, but it was not until the 1995 Annual Meeting in Pittsburgh that our relationship was sealed. Having lunch at a restaurant overlooking the city was our first “official date.” For the next 24 years, we had a weeklong marriage cemented during the Annual Meeting.

¶13 To know Yvonne Chandler was to know a dedicated and enthusiastic librarian. Dr. Chandler was your best teacher: she told you how to dress at a conference (*yes, show up in your best*), where to sit in the programs (*in the front*), how to ask a question, but most of all how to represent your profession with distinction. She encouraged one of her UNT students after graduating to take a job in Los Angeles. When her student moved to the Los Angeles area, Yvonne called me and instructed me in no uncertain terms to “take care of OUR child!” A good husband knows when his wife means business, and Yvonne meant business.

¶14 Every year when she taught her classes, she would refer some of her students to me for insight into being a law librarian, especially in a governmental setting. She developed a network of librarians that was a resource for younger colleagues. Yvonne Chandler believed that as librarians, we are here for one another. Our profession is enhanced by trained professionals who can make a difference in our world.

¶15 Yvonne served in many positions for various library associations. She was a former president of SWALL and the president of the Texas Library Association in 2013–2014. Her theme for her presidential year was “Lead Out Loud,” and Yvonne embodied that desire. When Yvonne walked in the room, you knew she was there. Yvonne was a cheerleader for librarians, a recruiter for the profession, and a mentor to those who struggled to find their places in the profession she held so dear. When you interacted with Yvonne Chandler, she was always active, always available, and always jovial.

¶16 Unfortunately after the Annual Meeting in 2019, Yvonne was found unresponsive and spent the next year in a semi-comatose state. It was heartbreaking to see my

2. Law Library Director and Associate Professor of Law, Florida A&M University College of Law, Orlando, Florida.

* © Cornell H. Winston, 2021.

wife in that condition for the final year of her earthly life. But death does not have to still the voice nor the legacy of an individual. Yvonne's father was an AME minister as well as a college administrator. The Christian scriptures contain a verse that proclaims "Then I heard a voice from heaven say, 'Write this: Blessed are the dead who die in the Lord from now on.' 'Yes,' says the Spirit, 'they will rest from their labor, for their deeds will follow them.'" (Revelation 14:13). Yvonne may have passed away, but her deeds are following her in the careers of hundreds of students in whom she invested, in the associations in which she was a proud member, and in her many friends around the globe. They are paying a return that is credited to her account.

¶17 Rest well my friend, colleague, and wife—rest well!—*Cornell H. Winston*³

“Colleague”*

¶18 It was a pleasure to hear Cornell Winston (our friend and AALL treasurer) honor Yvonne Chandler with the Marian Gould Gallagher Award as we shuttered ourselves against the COVID-19 pandemic in July 2020. Less than a month after that happy occasion, however, I was heartbroken to learn of Yvonne's death on August 8. I still find it difficult to accept the fact that Yvonne's outsized, contagious laugh is gone, along with her enormous smile. Yvonne gave her all to students, to the association, and to the profession of librarianship (particularly law librarianship), and I appreciate this opportunity to celebrate her with a remembrance of the Yvonne I knew.

¶19 Yvonne's unusually long list of accomplishments, awards, and publications—well known to so many of her students and colleagues—raises the question of how she managed to contribute so much. Yvonne's secret, I think, was never saying no to anyone who asked her for help.

¶20 I knew Yvonne best when I was deputy director of the library of the University of Texas School of Law from 1996 until 2001. Soon after I met Yvonne, I was in touch with her often as I tried to round up library colleagues to contact Texas legislators or U.S. Congress members on topics of importance to libraries. Requests like mine were especially challenging in Texas, given the huge distances between the population centers and the lack of reliable public transportation. The kind of wheedling that had succeeded in Washington, DC—delivered with a quick phone call, or lunch date, or office visit—was impossible in Texas. The distance from Austin to Houston was a three-hour drive, and a trip to Dallas took four hours. Luckily, Yvonne, in Dallas, was also in my corner and willing to show me the way. We got the support we needed because Yvonne knew everyone we hoped to convince, and she backed up our efforts with her own considerable magic. Yvonne's contributions were incalculable, as one example will illustrate.

3. Law Librarian and Records Center Supervisor, United States Attorney's Office, Los Angeles, California.

* © Keith Ann Stiverson, 2021.

¶21 The issues in those days were compelling. One Texas issue in the late 1990s was particularly horrendous: an attempt by a committee of the Texas Supreme Court to remove Nolo Press DIY books from the state’s libraries, charging that the materials were equivalent to the unauthorized practice of law. This threat to the right of citizens’ access to the law lasted a couple of years, eventually quashed by an ingenious legislative solution. AALL and TLA worked tirelessly to convince members of the Texas legislature and the state courts to end this threat to the public’s right to solve legal problems without hiring a lawyer, a process many could not afford. Yvonne was very active in the fight.

¶22 Yvonne was always busy with other priorities, but she was never too busy to write the letter, to make the telephone call, or to send the email message. As AALL advocates know well, it is often tough to find fellow advocates who are free when you need them and who can spare the time to do more than sympathize. Yvonne was one of those rare beings who always found the time.

¶23 I got in touch with Yvonne whenever I wanted to discuss the future of library education or the need for change in law librarianship programs. I learned something new and essential every time I contacted her. Like many of you who are reading this, I am grateful for her life and for her service to our community.

¶24 Thank you, dear Yvonne. Rest in peace.—*Keith Ann Stiverson*⁴

“The Consummate Encourager”*

¶25 I first met Dr. Chandler upon visiting her office at the University of North Texas in September 1994, a week or two following my decision to leave the practice of law and pursue a career in librarianship. She, of course, readily affirmed my decision, and we were close friends from that day forward. I submitted my application for the MLS program a few days later and matriculated in January 1995. In the fall of the same year, Dr. Chandler guided me through the process of applying to and interviewing for my first full-time academic law library position. Though I never saw the letters she wrote on my behalf or was privy to any of the conversations she had with folks at the libraries to which I had applied, it was abundantly clear that she genuinely went to bat for me and that her word carried significant weight among those in the law library community.

¶26 Beyond being an exceptional teacher and a renowned expert in her field, Dr. Chandler was one of the kindest people I have ever had the pleasure of knowing. She had a winsome way about her that led everyone she encountered to believe that he or she was her best friend. She lived life to its fullest and made the most of every day. She was the consummate encourager, always cheering on her students and assuring them that they could accomplish anything to which they set their minds. Her students never doubted that she was in their corner, no matter which career path they chose, and that

4. Retired Library Director/Senior Lecturer, IIT Chicago-Kent College of Law, Chicago, Illinois; AALL President, 2015–2016.

* © Brandon D. Quarles, 2021.

they could rely on her for a glowing recommendation letter, wise counsel, or an entertaining evening out on the town during one of the impressive array of law library conferences she attended.

¶27 I last saw Dr. Chandler at the 2016 SWALL-SEAALL Joint Meeting in Dallas. I had planned on grabbing a quick breakfast at the hotel one morning before attending the day's slate of meetings. As it happened, the restaurant hostess directed me to a table immediately beside Dr. Chandler. I was shocked to see that she was sitting alone, as I seldom saw her anywhere without at least two or three others in her entourage; she nearly always had a huge following everywhere she went. Capitalizing on this unique opportunity, I quickly joined her at the table, and we proceeded to chat, catch up, and laugh for well over an hour.

¶28 I was recently reminded of what a stellar person Dr. Chandler was when my colleague at Baylor Law, Professor Matt Cordon, stated that she was the best mentor he ever had. Upon learning of Dr. Chandler's passing in August, Matt shared with me an email that he had received from her in July 2017. She had invited Matt to the HALL/DALL/SWALL/UNT Alumni Reception at the 2017 AALL Annual Meeting in Austin. Matt thanked her for the invitation and replied that he was not planning on attending the Annual Meeting that year, as he had become a "defector" and had shifted his focus away from librarianship and toward legal writing and had become the director of the Legal Writing Center at Baylor. In typical Dr. Chandler fashion, her response to Matt was as follows:

You will always be my graduate. I'm so proud of you and everything you have accomplished since the day we met when you were studying for the bar exam. Congratulations, and remember you will always be mine, and I'm going to keep you on the list so that you can know everything we are doing at the University of North Texas.

¶29 That email exchange sums up the way I will always remember Dr. Chandler. I consider it a rare privilege to have been her friend, and I trust that many hundreds of others share the same sentiment.—*Brandon D. Quarles*⁵

"Mentor"*

¶30 Dr. Yvonne J. Chandler, also known as Bonnie or Dr. C to many, was a phenomenal professor and law librarian. She had passion beyond belief for the library and information science profession, specifically law librarianship and legal informatics. Dr. Chandler provided endless advice, support, and dedication to our profession. She was a respected member of the law librarian community for 40 years, and known for her boundless energy and passion. In 2020, Dr. Chandler was awarded the American

5. Director of the Law Library and Professor of Law, Baylor Law School, Waco, Texas.

* © Michele A. L. Villagran, 2021.

Association of Law Libraries' highest honor, the Mariam Gould Gallagher Distinguished Service Award. As a graduate of Clark College in Atlanta, Yvonne earned her master of science in library science from Atlanta University and a doctorate in library and information science from the University of Michigan. She served as president of the Texas Library Association, the largest state library association in the United States, from 2013–2014, and was selected to serve on the External Advisory Board for the University of Michigan.

¶31 For 27 years, Dr. Chandler was employed with the University of North Texas (UNT) as a professor in the Department of Information Science in the College of Information. She was responsible for teaching with the iSchool courses around information access and retrieval, government information, and legal/law librarianship. Due to her commitment to law librarianship, she developed and expanded the University of North Texas, Department of Information Science Law Librarianship Program, from which more than 150 law librarians across the nation have graduated, including me. As program director of the Nevada/Utah, Los Angeles, SWIM, LEAP II, NoCAL, Lubbock, and ELMS cohort programs, she also advised students and assisted them with job placement. Her efforts at UNT did not go unnoticed as she received several Institute of Museum and Library Services grants to support and help more than 300 master's degree students obtain their degrees.

¶32 From my professor to mentor to peer and colleague, we had almost 18 years of learning and laughing together. When I first met Dr. C, it was a fall day in 2002 in Las Vegas. I was in the front row at the University of Nevada–Las Vegas, ready to start my master's degree in library science with the University of North Texas in the first Nevada cohort. I remember the day like it was yesterday. She walked into the room with all smiles in a neon pink dress. I immediately knew we would instantly connect. Each time she was in Vegas, I would text and call her and swing by to pick her up no matter where she was! As I credited in *Celebrating Diversity: A Legacy of Minority Leadership in the American Association of Law Libraries* (2006, p. 142), Dr. Chandler was one of the most influential mentors in my career. If it weren't for our continued communications even 1400 miles away, my courage to leave my home, and my determination to grow within the field, I would never have moved to Texas or grown to be where I am today.

¶33 I had the distinct privilege of working with Dr. Chandler at the University of North Texas from 2009–2015, and boy did we have a ball! The first course I taught at UNT was her INFO 5366 Law Library Management course while she was on sabbatical. It helped me to get an insider look from the Dr. C perspective (even though I had taken that class years before as one of her students). The peer relationship was natural, and our dual desires to promote law librarianship and support diversity were instrumental in our becoming closer. We stuck together like two peas in a pod. She was always a mother to me: a caring mother, a dear friend, a supportive peer. We always worked hard so we could play hard, and we enjoyed our deserved time sightseeing and eating after work at conferences. We held advising sessions together for the Nevada and California cohorts, where she conducted advising and I reviewed the internship and practicum

opportunities. We often roomed together at conferences, watched endless television shows, and graded until the wee hours. I will most miss her smile, her encouragement, and all the wonderful things we shared with one another. There is another angel watching over us, cheering us along and supporting us as we continue her work and cherish her legacy within library and information science, law librarianship, and diversity.
—*Michele A. L. Villagran*⁶

6. Assistant Professor, School of Information, San José State University, San José, California.

Memorial: Daniel Lawrence Wade (1944–2020)

The Worlds of Dan Wade*

¶1 Daniel L. Wade had little to do with the managerial and technological concerns that dominate law librarianship today. Yet he was a towering figure in our profession. His exhaustive knowledge, talents, and passions made him uniquely qualified for his position as Curator for Foreign and International Law at the Yale Law Library. His reach, however, extended far beyond any law school campus.

¶2 One example of this influence was his founding of an AALL special interest section and his centrality in launching a second SIS. Mark Podvia recorded that “[t]he May 1989 issue of *AALL Newsletter* included the following announcement: ‘A new SIS for Legal History and Rare Books is currently being formed.’ . . . Those interested in the new SIS were directed to contact Dan Wade at Yale Law Library. [Wade] later recalled that while the idea to start the SIS was his, the late Morris Cohen [Yale Law Library director] ‘. . . was the real mover and shaker.’”¹ Dan’s impulse to share the credit demonstrates how little concerned he was with recognition. His focus was on helping others, in ways large and small.

¶3 Dan was also crucial in launching the Foreign Comparative and International Law (FCIL) SIS, founded by Claire Germain of the Cornell Law Library. Dan edited the first FCIL newsletter in 1987, in which he mentioned that he had produced the first membership directory of the group. A search in HeinOnline for “Wade” retrieves 75 mentions of his name in the newsletter over the years. In addition to his work as editor, he served the FCIL-SIS as secretary-treasurer, vice chair, and chair. When FCIL instituted its major award in 2006, it named it the Daniel L. Wade Outstanding Service Award, and the first recipient was . . . Dan Wade.

¶4 It is thus not hyperbolic to regard Dan as the preeminent foreign/international law librarian of all time. He mentored generations of young FCIL librarians. At Yale, his foreign/international law “disciples” included Mark Engsberg, Ryan Harrington, Evelyn Ma, Teresa Miguel-Stearns, Lucie Olejnikova, Ken Rudolf, and Tracy Thompson. He helped and influenced many more librarians outside of Yale. One anecdote in particu-

* © Fred R. Shapiro, 2021.

1. Mark W. Podvia, *The Legal History and Rare Books Special Interest Section: Celebrating Twenty-Five Years of Excellence*, 7 UNBOUND 31, 31 (2014).

lar shows how much his mentorship meant to people. Some years ago, when Dan had a health scare, he announced at a meeting of foreign/international librarians that he would have to retire. Many of the people in the room wept. (Fortunately, the scare turned out to be temporary, and Dan worked into his mid-70s.)

¶5 In his Yale work, Dan focused on collection development. He believed that a large research library should collect not only for the immediate needs of its primary patrons but also for the national community and for future patrons. Because foreign law is more difficult to acquire than domestic materials, it is essential that the larger law libraries collaborate to ensure that materials from throughout the world have at least one copy in the United States. At a time when understanding of the laws, politics, economics, and culture of other countries is actually a matter of national security, collecting foreign legal information is one of the most significant roles law libraries play. To further the goal of foreign collecting, Dan instigated (together with Kent McKeever of Columbia and Blanka Kudej of NYU) yet another very important organization, the Northeast Foreign Law Librarians' Cooperative Group. In an era of budget cuts and retrenchment in the library profession, Dan's grand vision for and pursuit of an exhaustive collection of foreign legal information is needed now more than ever.

¶6 Dan started at Yale in 1987, three weeks before I did. Morris Cohen, our director at that time, was amazed by Dan's enthusiasm even before Dan arrived in New Haven. He had previously worked at the Vanderbilt and University of Houston law libraries. Before that, he was a "professional student." In addition to law and library degrees, he had a B.A. in history, an M.A. in medieval Islamic history, an M.Div., and an M.A. in history of religions (the last of these from the University of Chicago). The number of languages he had studied was even larger than the number of his degrees. Dan's broad interests were legendary at our library. One of the highlights of my career was being present when Dan asked an intern who was giving a talk about women law printers what her thoughts were about medieval theories of murdering cats (both Dan and I were cat owners, so I mention this not out of any anti-feline animus).

¶7 Law librarianship is about much more than management and technology. It also has a rich intellectual tradition, and academic law libraries are vital to the scholarship, research, and teaching of their schools. A large dynamic law library such as Yale's supports scholarship, research, and teaching beyond its own institution, reaching national and even global constituencies. When we honor Dan Wade, we honor the intellectual component of law librarianship. When we honor him, we also honor the causes of peace, racial justice and equality, climate justice, and immigrant rights, to which he was tirelessly devoted. His wife, Carol Wade, discusses these passions of Dan's, as well as his religious commitments, elsewhere in this tribute.—*Fred R. Shapiro*²

2. Associate Director for Collections and Access, Lillian Goldman Law Library, Yale Law School, New Haven, Connecticut.

Remembering Dan Wade*

“Love is patient, love is kind. . . . It always protects, always trusts, always hopes, always perseveres.” (1 Corinthians 13:4, 7)

¶8 When Daniel L. Wade joined the Lillian Goldman Law Library in 1987, he was already an experienced and respected law librarian, having worked with Igor Kavass at Vanderbilt Law Library and participated in building a Mexican law collection at the University of Houston. Dan’s passion for foreign and international law was ignited even earlier by Professor M. Cherif Bassiouni at DePaul University Law School, with whom Dan studied international law. At Yale, Dan served as Foreign and International Law Librarian and Associate Librarian for Foreign and International Law before, in 2010, assuming the position of Curator of Foreign and International Law Collection at the Lillian Goldman Law Library.³

¶9 Dan had deep knowledge of and appreciation for law and librarianship. He had many strengths, which aided him in his distinguished role as the curator of our foreign and international law collection. His language skills were broad, and his knowledge of many topics was both esoteric and deep. He also brought a deep love for and curiosity in humanity. All of Dan’s strengths can be seen in the collection of legal materials and in his mission to mentor fellow librarians. It is Dan’s humanity that most shaped the Yale Law Library.

¶10 Dan’s skill with languages was remarkable and, sometimes, the butt of a jibe about the need for Homeric Greek modern law. But of course, the joke was on us as Dan was right: the *Iliad* and *Odyssey* may be relevant legal texts.⁴ Dan studied 15 languages in the classroom: “classical Latin, French, German, Turkish, Arabic, Modern Hebrew, Hellenistic Greek, Biblical Hebrew, Medieval Latin, Middle Egyptian, Aramaic, Sanskrit, Homeric Greek, Spanish, and Italian.”⁵ He used French, German, Spanish, Italian, and Portuguese in his daily work. Aside from his law and library degrees, Dan studied many other subjects including history, medieval Islamic history, and history of religions; in

* © Lucie Olejnikova, John Nann, Cate Kellett, and Evelyn Ma, 2021.

3. *Introducing . . . Daniel Wade as the September FCIL Librarian of the Month*, DIPLOMATIC DIALOGUES BLOG (Aug. 29, 2014), <https://fcilsis.wordpress.com/2014/08/29/introducingdaniel-wade-as-the-september-fcil-librarian-of-the-month/> [<https://perma.cc/D95L-QCCW>] [hereinafter *Introducing . . . Daniel Wade*]; AALL, FCIL-SIS, *Oral Histories of FCIL-SIS Members, Oral History: Dan Wade*, <https://www.aallnet.org/fcilsis/about-us/history/oral-histories/dan-wade/> [<https://perma.cc/NY3R-FFHG>].

4. “Arbitration has been a method of resolving disputes since ancient times. For example, historical records from ancient Greece attest to the fact that arbitration was employed in the ancient Greek world to resolve disputes. . . . In addition, in Book 18 of the *Iliad*, Homer states ἀμφω δ’ ἰεσθην ἐπι ἰστορίῳ πεῖραρ ἐλεσθαι,” which has been interpreted to refer to an instance when two disputants agreed to have their dispute resolved in arbitration. An ἰστωρ was a ‘referee’ or ‘daysman,’ in other words, a neutral party that the parties would consent to have resolve their dispute.” Admin. Dist. Council 1 of Ill. of Int’l Union of Bricklayers & Allied Craftworkers, AFL-CIO v. Masonry Co., 941 F. Supp. 2d 912, 915 n.1 (N.D. Ill. 2012).

5. *Introducing . . . Daniel Wade, supra* note 3.

addition, he held an M.Div.⁶ His knowledge was vast but never satisfied. He enjoyed learning and never missed an opportunity to attend a talk, an event, or a conference. All of Dan's learning continued to influence his collection development practices. Dan's anticipation of patrons' needs is legendary. It was not uncommon for us to receive a hot new request from a faculty member or a student, only to find that Dan had already selected it.

¶11 For all of Dan's learning, it was Dan's commitment to his faith that most informed his worldview and his actions. The great strength that Dan drew from the church and applied in the law library was the power of community. Throughout his career, Dan built communities: all of the users of the libraries that he curated, the many patrons whom he helped, the many librarians he taught, the many librarians he mentored, the many librarians that the organizations he founded have supported and mentored, the scholars who will use the collections that he built or that were built by librarians influenced by Dan. The community surrounds everything that Dan did.

¶12 Dan was committed to building a collection of legal materials useful to real people today and in the future. Dan was not an elitist. He wanted all libraries to collect with their communities in mind, no matter their budgets. His great mission was to spread his vision of the purpose of building a collection. Dan took on a leadership role in confronting the problems associated with collecting foreign, comparative, and international legal materials in times of uncertain funding, changing users' needs, uncertain publishers, changing technology, issues of preservation, and often unpredictable political issues.

¶13 In Dan's view, a foreign and international law collection can do many things. Among them are preserving history for future generations and acting as a catalyst for peace and social justice movements. Dan was committed to activism for peace and justice and considered librarianship to be an activist profession. Collecting, saving, and making central to the collection materials about issues of social justice, human rights, equal rights, race, women's rights, and indigenous peoples' rights can help promote a worthy cause and move it forward. Moreover, the collection reflects his interest in law-adjacent subjects, including law and literature and law and film.

¶14 Dan's vision for the foreign and international law collection at Yale included not only its immediate needs and users but also future ones. His understanding and appreciation of history supported his conviction that we have the responsibility to preserve titles that are, or will be, hard to obtain. He also concentrated on preserving titles from limited-access jurisdictions in which, for example, information is difficult to acquire or is controlled. He believed that a useful collection cannot consist of titles published only in the West and written by Western authors.

¶15 Dan was committed to bringing non-white, non-Western, non-English, non-male-centric, and other legal perspectives into the library. He tirelessly read periodical publications to find titles that were not readily marketed or available. Finding material

6. *Daniel Lawrence Wade Obituary*, NEW HAVEN REG. (June 5, 2020), <https://www.legacy.com/amp/obituaries/nhregister/196302951> [<https://perma.cc/X4YA-Q7XD>].

from non-Western perspectives often meant that Dan sought out titles from small and independent publishers and book jobbers. It was his personal mission to make sure that nothing important, unique, or scarce slipped through the cracks. The Yale Law Library's African law print collection is but one example of Dan's success in his mission. In addition to collecting African law primary sources, namely codes and case law reporters, Dan gathered monographs, pamphlets, reports, and gray literature about the region or its subregions. Dan's ambitious goals often required extensive legwork and relationship building, such as working through Library of Congress field offices or collaborating with then African Studies librarian Dorothy Woodson.

¶16 In addition to valuing professional collaborations, Dan was especially thrilled to develop relationships with visitors, students, and other collection users. He took time to connect with people. Dan, occasionally with his wife Carol, would attend the graduate students' movie nights. He enjoyed the company of students and the discussions, even though sometimes the discussions would continue well into the evening. In the immediate term, Dan sought purchase suggestions, but in the longer term, these discussions often led to long-lasting relationships. Dan welcomed purchase suggestions from his librarian colleagues and faculty, but most importantly from American J.D. students and scholars visiting from outside the United States. Anytime Dan spoke with a group of students (small or large), he took every opportunity to encourage them to make purchase suggestions. In fact, encouraging students to make purchase suggestions continues to be one of the staples of our orientation for all students.

¶17 Dan believed that each law library's collection should reflect its community. It should be a unique and eclectic gathering of titles that cuts across jurisdictions, time periods, subjects, and perspectives. A collection should reflect both the current and future needs of the time and place of its building. Dan recognized the value in obtaining important titles that might have short publishing lives or other uncommon attributes, and he welcomed scholarship by local scholars from jurisdictions around the world. Dan's choices made our library much richer. Dan justified the acquisition of a title that might have not squarely fallen within the strictures of our collection development policy⁷ because he considered diversity in perspectives to be important. As he always said, "The Yale Law Library considers itself a national and international resource. Its foreign collection development policy makes sense only if others make use of it. We invite you to do so!"

¶18 Dan's vision of librarianship contemplated several goals. He saw each library as a unique collection, and he wanted to ensure that everything that a legal researcher might want would be somehow accessible. Building a foreign and international law collection and preserving our legal history for future generations grew beyond Yale. Dan cofounded the Northeast Foreign Law Librarians' Cooperative Group (NEFLLCG) with Blanka Kudej from the New York University Law Library and Kent McKeever from the

7. Yale Law School, Lillian Goldman Law Library, 2018 Collection Development Policy (Sept. 19, 2018), <https://library.law.yale.edu/collection-development-policy> [<https://perma.cc/2ZX4-XJD5>].

Columbia University Law Library,⁸ to preserve important, hard to find, and hard to obtain foreign and international law materials.

¶19 Starting with only three schools, over time NEFLLCG has grown. The close collaboration allowed for “vigorous” collecting and shared the responsibilities among participating libraries. The cooperating law libraries meet on a regular basis to not only continue the collection development work but also to engage in an information exchange, which in a way fulfilled Dan’s effort to train the next generation of foreign and international law librarians. Whether intentional or by accident, forming NEFLLCG created a big mentoring circle from which all of us benefit.

¶20 Dan was a committed mentor. Those of us at Yale were lucky to have had the opportunity to work with Dan directly, for which we are grateful, but he mentored far and wide. He was generous with his knowledge and with anyone. One of Dan’s strengths as a mentor was that he trusted people to take on projects and new responsibilities; he welcomed our ideas and initiatives while always keeping us on our toes with his piercing questions. Dan allowed us our autonomy and discretion when selecting, yet he was always available to talk and assist us through the selection process.

¶21 Dan’s vision was a grand one, intended to reach beyond his or our lifetimes. He saw all of us as participating in a millennia-long conversation about civilization. To Dan, the church and the library were two great parts of civilization. We hope that his vision continues to inspire all of us in the law library and beyond.

¶22 Dan said, “I consider my Last Will and Testament to be ‘The Wisdom from Mount Nebo (Hiei): Advice to a Young Person Aspiring to Become a Foreign and International Law Librarian,’ 23 *Legal Reference Services Quarterly* 51 (2006),”⁹ which epitomizes his commitment to training not one, not two, but three generations of foreign and international law librarians, we being among the lucky ones.¹⁰

¶23 As former colleagues and friends, we can’t leave it at that. Dan’s belief in the good in people, in building community, and in the value of logic, reason, and law are important credos, and we would like to call on all readers to believe in the good in people, build community, and value logic, reason, and law.—*Lucie Olejnikova*,¹¹ *John Nann*,¹² *Cate Kellett*,¹³ and *Evelyn Ma*¹⁴

8. Dan L. Wade, interviewed by Patrick Kehoe, *An Oral History of Law Librarianship: A Collection*, in HEINONLINE’S SPINELLI’S LAW LIBRARY REFERENCE SHELF (July 13, 2014), <https://www.youtube.com/watch?v=OBa03tIUfr0&t=26s> [<https://perma.cc/A86R-MUQ4>].

9. *Introducing . . . Daniel Wade*, *supra* note 3.

10. *Remembering Dan L. Wade—The FCIL Giant: March 6, 1944–May 28, 2020*, FCIL NEWSLETTER (Lucie Olejnikova et al. eds., July 2020 Special Issue), https://www.aallnet.org/fcilsis/wp-content/uploads/sites/7/2020/10/FCIL_-July-2020_Special-Issue_Final.pdf [<https://perma.cc/QRA5-VC9K>].

11. Head of Foreign and International Law and Lecturer in Legal Research, Lillian Goldman Law Library, Yale Law School, New Haven, Connecticut.

12. Senior Librarian for Reference, Instruction, and Collection Development and Lecturer in Legal Research, Lillian Goldman Law Library, Yale Law School, New Haven, Connecticut.

13. Catalog and Government Documents Librarian, Lillian Goldman Law Library, Yale Law School, New Haven, Connecticut.

14. Reference Librarian for Foreign and International Law and Lecturer in Legal Research, Lillian Goldman Law Library, Yale Law School, New Haven, Connecticut.

A Force for All*

¶24 Dan Wade was a force in my life from the moment I met him during my interview at Yale in the summer of 2005. During my job talk to the library staff, he asked a question to which I did not know the answer!

¶25 And so it would be for the next 15 years—Dan would pepper me with questions that I couldn't answer, but for which I would seek, discover, and learn. That was just one of Dan's methods of pushing me to constantly grow and become a better librarian and a better leader.

¶26 In addition to stumping me with difficult questions, Dan sought other ways to develop me—and our colleagues—professionally. He delegated projects that he knew would expand my knowledge. He gave me my first publication opportunities. He encouraged me to take on leadership roles before I had the confidence to really do so. And he gave me—and many of our colleagues—reading material, and more reading material, and more reading material.

¶27 Dan's thirst for knowledge was never quenched; nor was his desire for justice in the world. Dan's quest for equality carried over into his work. In his 30 years at the Lillian Goldman Law Library at Yale Law School, Dan developed superb human rights and African law collections; he mentored dozens and dozens of librarians around the world; he even started a book club focusing on injustice at AALL Annual Meetings. Dan was also painfully humble; he would never admit to his many accomplishments. However, the FCIL-SIS, which Dan cofounded in 1985, recognized Dan's contributions to the profession in the form of an award in his honor: the Daniel L. Wade Outstanding Service Award.

¶28 Finally, Dan was simply one of the kindest, most generous, and most thoughtful persons I have ever known. He never missed an opportunity to share a kind word of praise for another's accomplishment, give a small gift on one's birthday (often a book), or contribute a hearty and sincere laugh.

¶29 We will miss Dan's laugh and wise words, but his generous spirit will continue to live among us. Thank you, Dan, for all you did for me, our colleagues, and our profession. You will continue to be a driving force in our lives. We miss you and we love you!—*Teresa M. Miguel-Stearns*¹⁵

Reflections on the Life of Dan Wade*

¶30 It was late in 1999 when I first met Dan Wade. I was a wide-eyed graduate student in library and information science at the University of Illinois at Urbana-

* © Teresa M. Miguel-Stearns, 2021.

15. Associate Dean, Legal Information Innovation; Director, Law Library and Professor of Law, Daniel F. Cracchiolo Law Library, James E. Rogers College of Law, University of Arizona, Tucson, Arizona.

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Champaign. At that time, a handful of fellow library students and I had been hired as graduate assistants. Newly appointed library director Janis Johnston had hired Dan as a consultant to survey the library's foreign and international collection; in particular he was evaluating many volumes of uncatalogued foreign materials in the collection and was to stay at the Jenner Law Library at Illinois for a week or two for that purpose. Janis introduced Dan to us grad students as someone who knew practically everything there was to know about foreign law resources—and what he did not know was probably not worth knowing. Over the following years, I came to understand that truth about Dan and the amazing depth of his knowledge of foreign legal resources, and so much more.

¶31 In addition to Dan's encyclopedic knowledge of foreign legal resources, he was also a kind and friendly person. Many inside the law librarianship profession know that Dan took an interest in newer law librarians, particularly those who joined the ranks of foreign, comparative, and international law librarians, and he took pleasure in seeing them grow and mature in the profession. True to his nature, Dan asked me about my background and studies, and during his short time at Illinois, he encouraged me to apply for a position at Yale's Lillian Goldman Law Library where he was working. Good fortune and the right circumstances eventually brought me to Yale several months later in October 2000.

¶32 My first job at Yale was as a reference librarian. Even though my office was some distance from Dan's, I saw him frequently. After a year or two, Tracy Thompson, who had been serving as an FCIL reference librarian, left Yale for the position of executive director of NELLCO, and her former position in the FCIL Department opened up. The Yale law library director at the time, Blair Kauffman, guided me in that direction, and I soon relocated to a small suite of offices that housed the FCIL Department and settled in just two doors down from Dan. My mentor-mentee relationship with him began immediately. I was in his office daily, asking him questions and trying to absorb the deluge of information that he generously shared with me about foreign and international legal resources and how to conduct research with them.

¶33 Dan's office deserves special mention. It was truly remarkable for its cluttered explosion of books, journals, papers, catalogs, brochures, and other material. He was an artiste of disarray. Stacks of paper and other materials stood everywhere, but somehow he knew where everything was—and yes, he actually used much of it often. I would ask him a question about something, and he would get up from his desk, reach over my head, and pluck the perfectly on-point publication from a shelf. Intriguingly, many studies have researched what messy desks or offices say about the people who use them.¹⁶ The consensus seems to be that people with messy desks tend to be more extro-

16. See, e.g., *Is Your Desk Messy or Tidy? Find Out What It Says About You*, CLEVELAND CLINIC (June 3, 2020), <https://health.clevelandclinic.org/is-your-desk-messy-or-tidy-find-out-what-it-may-say-about-you/> [<https://perma.cc/P33U-M9AB>]; Brandon Specktor, *If Your Desk Is a Mess, You're Probably a Genius*, READER'S DIGEST (Aug. 21, 2019), <https://www.rd.com/article/desk-of-a-genius/> [<https://perma.cc/R6H4>

verted and welcoming to others. And a messy desk can also indicate a creative mind. Clearly, Dan Wade fit that description.

¶34 Beyond Yale, Dan already enjoyed a respected national and international reputation for his extensive knowledge of foreign, comparative, and international legal materials. But he truly reigned as the elder statesman of FCIL resources in the Northeast, particularly among institutions that actively collected that class of material. Long before my time at Yale—and long after—he was a central figure in the Northeast Foreign Law Librarians Cooperative Group (NEFLLCG). NEFLLCG is a coalition of law libraries that share expertise and information about FCIL materials from every jurisdiction, and make cooperative collection development decisions that help ensure strong and diverse collections in these materials.

¶35 Dan provided many opportunities for me to grow professionally. He took me with him on day trips to New York- and Boston-area libraries for NEFLLCG meetings. He introduced me to other law librarians working with foreign law materials, and he generously offered me a seat at the table with the other “grown-up” librarians who knew more than I ever would. It was clear that everyone—and I mean everyone—considered him the undisputed master of this area of collection development.

¶36 I tagged along behind Dan in the FCIL world for about five years and learned as much as I could from him. Eventually, my career took a new direction, and I became the library director at Emory University School of Law. Dan and I kept in touch over the ensuing years. We met at library conferences and other meetings. I have also remained closely connected to the FCIL library community, and librarian colleagues from all over the world still ask me about Dan. His famed professional expertise and his equally esteemed and genuine humanity have been established within the collective consciousness of so many librarians around the world. In as far-flung cities as Kampala, Moscow, Melbourne, and Mumbai, librarians know and speak about Dan with a kind of reverence. From my personal knowledge, I can attest that such acclaim is not displaced.

¶37 Dan deserves all the praise and kind words that he receives. His too-early demise is an enormous loss to our profession, and it is undoubtedly an indescribable heartache to his family and closest friends. As just about anyone can attest, his knowledge of foreign, comparative, and international legal resources was encyclopedic and second to nobody else's. And he also possessed an intrinsic goodness that made knowing him a privilege. Dan Wade, through his work and the way he lived his life, really did make the world a better place, and that is perhaps the highest praise anyone can give.—*Mark Engsborg*¹⁷

-44FA]; *What a Messy (or Neat) Desk Reveals About You*, BUSINESS NEWS DAILY (Mar. 9, 2020), <https://www.businessnewsdaily.com/4882-messy-desk-personality.html> [<https://perma.cc/7B4R-DJRA>].

17. Director of Library Services and Professor of Practice, Hugh F. MacMillan Law Library, Emory University School of Law, Atlanta, Georgia.

Dan Wade: An Icon in Foreign and International Law*

¶38 On May 28, 2020, I got the official news from Dan's daughter, Alyson, in a text message. The Rev. Daniel L. Wade was gone. But I already knew. When such a soul leaves, someone who has lived at once so intensely and so gently, you can feel the absence. Dan was a true mensch, a person of great honor and integrity. And I feel privileged to have been his colleague and his friend.

¶39 My first professional opportunity as a new law librarian in the late 1990s was as Foreign and International Reference Librarian at Yale. Dan had been there since 1987, and he was my boss. At that time, I didn't yet recognize my great good fortune. Dan was a scholar first, and the piles of journals, texts, and files on his desk were intimidating in the beginning. His innate curiosity propelled his work and fueled his tenacity. He felt that it was his responsibility to mentor and encourage the next generation of foreign and international law librarians, and I was a direct beneficiary of his mission.

¶40 Dan's leadership style was to provide guidance and demonstrate professionalism, rather than issue orders and assign busy work. He knew that the day-to-day work of a library, especially a world-class collection like Yale's, can devour your time and attention, and limit your worldview. He encouraged me to set aside a minimum of an hour each day for professional reading and current awareness, and he kept a constant flow of recommended reading crossing my desk. To this day, I appreciate his encouragement to develop habits of reading, analytical thinking, and even quiet reflection.

¶41 In the late 1990s, recognizing Dan's eminence, Oceana Publications approached him about revising Szladits' *Bibliography of Foreign and Comparative Law*. He immediately pulled me into the project and gave me a coeditor credit for the work we did. His scholarly knowledge of the content, along with my tech skills, made for a great working team.

¶42 Dan had the reputation of being both a giant in the world of foreign and international law and a curator of people and relationships. In 2006, the AALL Foreign, Comparative, and International Law Special Interest Section (FCIL-SIS) created the Daniel L. Wade Outstanding Service Award to recognize those who have had a similar significant impact on the profession. Since then, 17 librarians have been recognized, and my guess is that each of them could write a moving tribute to Dan and the impact he had on their professional development. I am grateful to have been given that opportunity.—*Tracy L. Thompson*¹⁸

* © Tracy L. Thompson, 2021.

18. Owner, Healthy Organizations Consulting, LLC, Schenectady, New York.

An Appreciation of Dan Wade*

¶43 I had the privilege of working with Dan Wade for 12 years and of maintaining a friendship in the years afterward. I met Dan in 1990 when I interviewed for a position at Yale that included FCIL reference. Fresh out of library school, my only background was a basic knowledge of a couple of European languages, but Dan saw potential and became my teacher and mentor. Besides assigning tasks that required me to work with and learn various parts of the collection, he supported attendance at training sessions related to FCIL librarianship. He also encouraged participation in professional organizations, particularly the FCIL-SIS. Even after I left Yale for a smaller library without an FCIL collection, he continued to support my professional development—providing citations for a bibliography on international environmental law and later recommending me for a publishing project.

¶44 Dan's mentorship extended not only to those of us who worked with him at Yale but also to librarians from other libraries. He welcomed librarians from libraries both within the United States and from abroad for visits that extended from a few days to a few weeks. He provided internship opportunities for students in library school who were interested in FCIL librarianship. In addition, he was always willing to provide guidance to the many FCIL librarians he met at the AALL Annual Meeting, which he attended regularly.

¶45 Dan's interest in cooperative collection development, particularly relating to foreign law, led to strong ties with other major research libraries. While he strengthened the international collection at Yale, particularly emphasizing the human rights collection, he recognized that even with the resources at his disposal, it was impossible to build a comprehensive collection of foreign legal materials. He began meeting with the group of New York FCIL librarians from Columbia, Fordham, and New York University, who had been coordinating the acquisition of foreign legal material and making those collections available to other members of the group. In the days before online catalogs were readily available on the Internet, Dan participated in the creation of union lists of gazettes, serials, and treatises to facilitate the sharing of resources. He also encouraged the expansion of the group to include more libraries, ultimately resulting in the meeting of foreign law selectors at the AALL Annual Meeting.

¶46 Dan had a special concern for the graduate students and visiting scholars who came to Yale from foreign countries. From the time he arrived at Yale in 1987 until our building renovation in the late 1990s, all the graduate students and visiting scholars had closed carrels in the Annex, a three-story underground facility where the FCIL collection was housed. Dan wanted the graduate students to have opportunities to interact with each other, so he encouraged informal conversations in the Annex reading room. In addition, Dan wanted them to experience the kind of American hospitality that he knew from his midwestern roots, and he invited groups of students to his and Carol's

* © Kenneth Rudolf, 2021.

home for meals, especially for holidays when many foreign students could not leave New Haven. Many of these students kept in touch by email after leaving Yale, and when they returned to New Haven for visits, they made a point of visiting him in the library to renew their acquaintanceship.

¶47 Dan was a significant force in the FCIL-SIS, but he was also active in other areas of AALL. He was the first editor of the *FCIL Newsletter* in 1987 and was SIS chair in 1988–1989. He encouraged the formation of working groups (now called interest groups) within the SIS, addressing not only the difficulties of collecting materials from different geographic areas but also the needs of FCIL librarians in areas such as teaching FCIL research. Beyond his work with the FCIL-SIS, Dan helped organize the Legal History and Rare Books SIS in 1989 and served as its chair in 1993–1994. He also served on the Annual Meeting Educational Program Committee in 2001–2002. Outside of librarianship, Dan was committed to human rights and pacifism, and he was active in New Haven groups with similar goals.

¶48 My memories of Dan are of a man who cared deeply about the people he worked with, who was helpful to colleagues throughout the profession, and who was committed to social justice. I will miss him.—*Kenneth Rudolf*¹⁹

Remembering Dan's Commitments: The Library, Human Rights, Kindness*

¶49 Dan Wade was one of the kindest, most humble people I've ever known. He was also steadfastly and gently dedicated to global justice, racial equality, and the well-being of all. I saw him at demonstrations or talks about the world's and the New Haven community's most troubling issues as often as I saw him to discuss international law questions or research materials. The more I've thought about what I loved and admired about Dan, the more I've appreciated what was unique about him: he was a singularly integrated person. His enthusiasm for international law and his work, the kindness and respect with which he treated others, his earnest commitment to peace and human rights, his engagement with his church and his community were all of a harmonious piece. And then it occurred to me that "integrated" and "integrity" come, of course, from the same Latin root, *integer*, generally defined as whole, intact, or complete. But the meaning of the word "integrity" has come to embrace honesty, a devotion to strong moral principles, and a quality of internal unity. Dan embodied integrity.

¶50 At Yale Law School, I direct the Lowenstein International Human Rights Clinic and the Schell Center for International Human Rights. My students and I relied on Dan as a guide to the often-arcane sources of international law. His knowledge of international law and of the library's international law resources was remarkable, but material

19. Professor Emeritus of Law and Retired Director of the Law Library, University of La Verne, La Verne, California.

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on human rights held a special place for him. When the Human Rights Clinic needed a book or I read a review of or a notice about a new book related to human rights that sounded useful, I sent Dan an email message to suggest he order it for the library. Most times, he emailed back immediately to tell me that he had already ordered it. He had a sure sense of what was worthwhile for the collection and stayed up with the evolution of international human rights law and discourse.

¶51 I fondly remember one small example of the way Dan's thoughtfulness and commitment to his work combined so naturally. The Lowenstein Clinic has a small office in which, over many years, we had accumulated a small, idiosyncratic library of human rights reports, journals, organization annual reports, and books. Several years ago, we decided it was time to clean up the office and create space by pruning this collection of odds and ends. An undergraduate assistant organized everything into categories and did searches to determine which materials could be found online, and we discarded those. I set aside a few references that clinic students could use and then called Dan to ask whether he'd like to go through everything else and decide what publications would be useful to include in the library's international collections. He came by and went through each item, quickly but with real interest, often commenting on an issue the document addressed or asking me a question. Only a small pile survived his review. What impressed me was Dan's knowledge—his memory of which reports were already in the library, his knowing sense of the significance of even the thinnest and most exotic reports—and genuine interest in the issues and stories the documents contained. But what touched me most was the genuine regret Dan expressed for every document his sure judgment told him he had to decline. I felt as if he was worrying that he was letting us down: the authors, the people whose suffering the reports addressed, or me.

¶52 Dan was the most faithful attendee at Schell Center human rights events. There were issues that were especially important to him. He never missed a talk or panel about Sierra Leone; he had become deeply invested in that country's struggles to heal from the abuses and violence of its civil war through his involvement in the New Haven-Freetown Sister City Program. At these events, Dan did not often ask questions, but when he did, he invariably showed, in his soft-spoken way, both his knowledge and his deep caring and sense of justice.

¶53 The last time I wrote to Dan to suggest he order a book for the library was on March 18, 2020. He responded right away to tell me he had asked acquisitions to order the book. I knew that Dan had been facing difficult health challenges, and the coronavirus had started to constrain everyone's lives and to loom as a threat to people with compromised health. So, in my email message, I asked Dan how he was doing. He responded only that he hoped I was doing well in a difficult time. I will miss Dan enormously. The law school will miss Dan enormously.—*James J. Silk*²⁰

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Daniel Wade's Peace and Justice Activities*

¶54 Daniel Wade attended Manchester College, now Manchester University, in North Manchester, Indiana, as an undergraduate. He was deeply influenced by the Peace Studies program under the direction of Dr. Gladdys Muir, and developed values of peace and justice that lasted until his death in May 2020. After completing an M.A. at Indiana University in Near Eastern history, he became a conscientious objector and attended Bethany Theological Seminary in Oak Brook, Illinois. During this time, he strengthened his beliefs in peace and justice; worked actively in peace groups; learned the languages of Aramaic, Greek, and Hebrew; and earned an M.Div. degree. He then embarked on an M.A. program at the University of Chicago in history of religions, where he refined his view of the medieval world; studied Arabic; and committed even more deeply to his peace and justice beliefs.

¶55 After a time of working for the law firm of Kirkland & Ellis in Chicago as a legal aide, he entered DePaul Law School, earning a J.D., and then subsequently University of Illinois Library School after he decided that he wanted to be a foreign and international law librarian. He worked at Vanderbilt Law Library and the University of Houston Law Library before coming to Yale Law Library. Throughout this time, he began his lifelong interest in the American Association of Law Libraries, and consequently the Foreign, Comparative, and International Law SIS, in which he played a part of significance.

¶56 Moving to New Haven in 1987 and beginning work at the Yale Law Library was a significant move for Dan, as he finally had time to engage in his broader interests of justice and human rights. He joined and was the president of Interfaith Community Ministries (ICM), a New Haven and suburban group of congregations, synagogues, and mosques that promoted justice organizations throughout New Haven. Such organizations as the Downtown Evening Soup Kitchen, Interfaith Volunteer Caregivers, and Abraham's Tent were all started by either DCM, the forerunner of ICM, or ICM.

¶57 He also joined the Church of Christ in Yale, which met on Sundays in Battell Chapel, and was active in the social justice group there. He helped out for several years at the Dixwell United Church of Christ on Dixwell Avenue in New Haven, and at Center Church UCC on Temple Street. He edited the FCIL-SIS newsletter for several years along with the *Holy Light*, an ICM newsletter.

¶58 In 2005, after Yale established a new nondenominational congregation and the former congregation became the newly formed Shalom United Church of Christ, Dan joined and became involved in ministry to interns at Yale Divinity School. During the last five years, he also joined the Unitarian Society of Greater New Haven, along with various social justice organizations: Green Sanctuary (climate justice), Immigration and Refugee Task Force, Preventing Gun Violence Task Force, and the Anti-Racism Group, among others. In addition, he was an active member of CONECT (Congregations

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Organized for a New CT), which influences lawmakers and administrators at various levels of government to create laws and regulations that are justice oriented. As well, he was involved as a non-Jewish member of Jewish Voice for Peace and worked for human rights laws across many countries.

¶59 When he died in May of 2020, he was still an active part of the international law library community and was heavily involved in social justice groups and activities. He aspired to live out the words of Martin Luther King, Jr.: “True peace is not merely the absence of tension, it is the presence of justice.”—*Carol Wade*

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