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Mitigating Citation Errors in the Interlibrary Loan System*

Scott Hamilton Dewey** and David Zopfi-Jordan***

Journal articles from most academic disciplines have long shown high rates of citation errors. American law reviews, with their careful cite-checking, are a rare exception to the overall rule. Incorrect citations are especially costly and problematic for interlibrary loan librarians. This article offers practical suggestions to address the problem.

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Introduction

¶1 Citation errors have long been a serious, all-too-frequent problem in scholarly literature across nearly all disciplines. Legal academia’s “peculiar institution” of student-edited law reviews forms a rare exception to the overall rule, policing and guarding against citation errors by having teams of staff members meticulously cite-check to assure citation accuracy. As discussed below in greater detail, in a wide range of other disciplines, citation error rates frequently run at more than 10 percent, 20 percent, or even above 30 percent, even in prominent, respected journals.

¶2 While citation errors potentially pose problems for all researchers and librarians, they can present a particularly vexing problem to interlibrary loan (ILL) librarians, whose work requires the cooperation of library staff members at multiple institutions who all rely on receiving correct bibliographic information. For ILL librarians, citation errors can be particularly costly and time-consuming.

¶3 This article traces the history and current state of citation errors and their recognition as a problem, as well as the history of ILL librarianship and its special concern with citation errors. Notwithstanding many marked improvements in library and information technology and techniques during recent decades, the problem of citation errors unfortunately remains alive and well, and it promises to remain well into the foreseeable future. This article suggests several tested techniques that ILL librarians and others can use to mitigate the problem.

Ongoing Problems in Scholarly Literature Citations

¶4 Few scholars would argue that citations do not matter all that much to scholarship or that flawed citations present only a trivial problem. Many scholars, in fact, emphasize the integral role that accurate citations play in scholarly literature and conclude that incorrect citations represent a potential threat to the whole scholarly project. To provide just a few examples: “Citations are a basic part of the system of scholarly communication and are the standard way of acknowledging credit in science. . . . They connect the current work to the framework of research that has gone before.”¹ “Academic research is a cooperative and cumulative enterprise that relies on the accuracy of documented information to ensure the proliferation of research fidelity. . . . [R]esearch that perpetuates erroneous information not only impedes scholarly advancement, but also may take years to eradicate[]”² “Citations and bibliographies ensure that research results can be properly reproduced and credited[]”³ “Within all areas of research, the use of previously

¹. Robert Lopresti, Citation Accuracy in Environmental Science Journals, 85 SCIENTOMETRICS 647, 647 (2010), https://doi.org/10.1007/s11192-010-0293-6.
published material is an essential building block of knowledge-production. . . . However, research results are sometimes used sloppily and cited inaccurately."4 “Even ‘trivial’ mistakes . . . have consequences [that can] inconvenience (and subsequently frustrate) colleagues on a personal level.”5

¶5 Citation errors come in many different shapes and sizes. Broadly, they fall into two categories: (1) errors regarding the content or message of the cited source, sometimes labeled “quotation errors”6 and (2) errors in reporting of bibliographic information or metadata, possibly including incorrect or misspelled authors’ or editors’ names, book or article titles, journal or publishers’ names (or locations), hyperlinks or web addresses, or page, chapter, volume, or section numbers, among others.7 Some authors use the label “citation error” only to describe the second variety, bibliographic information errors,8 while other scholars refer to such bibliographic errors as “reference errors.”9 Scholars across the academic spectrum generally view content errors with greater seriousness and severity because they may indicate scholarly malpractice ranging anywhere from sloppy research to outright academic fraud.10 Bibliographic citation errors are

6. Amedee Marchand Martella et al., Quotation Accuracy Matters: An Examination of How an Influential Meta-Analysis on Active Learning Has Been Cited, 91 Rev. Educ. Rsch. 272, 273 (2021), https://doi.org/10.3102/0034654321991228; Ard W. Lazonder & Noortje Janssen, Quotation Accuracy in Educational Research Articles, 35 Educ. Rsch. Rev. 1, 1, 8 (2022), https://doi.org/10.1016/j.edurev.2021.100430; Hosseini et al., supra note 4, at 1–2. We should note that we find “quotation errors” to be a somewhat problematic and perhaps inherently confusing term because it is currently used to cover any claim about the message or content of a cited source. This includes loose paraphrasings or brief assertions that may bear little or no relationship to the actual language used by cited authors, along with examples of exactly and specifically quoted language that many readers (such as the present authors) might normally associate with the term “quotation.” Thus, we would perhaps propose the label “content errors” to cover that broader ground and use “quotation errors” only for the subcategory of actual quotations. Admittedly, “content errors,” without more, may also be problematic in that citations include bibliographic/metadata information “content” along with factual, rhetorical, or general informational “content.” At any rate, “citation errors” vary in kind and character—errors regarding substantive content are quite different from errors regarding bibliographic information, and errors regarding specific quotations arguably are different from errors regarding mere paraphrasings or loose assertions and allegations as to substantive content. For this reason, it would seem desirable for all scholars and disciplines to have a clear, common vocabulary for describing them. That, however, might be another of those obvious good ideas that is inevitably doomed from the outset.

8. See, e.g., Peter Genzinger & Deborah Wills, How Well Do Librarians Cite and Quote Their Sources?, 57 Reference & User Servs. Q. 30, 30 (Fall 2017).
10. See, e.g., D.C. Drake et al., The Propagation and Dispersal of Misinformation in Ecology: Is There a Relationship Between Citation Accuracy and Journal Impact Factor?, 702 Hydrobiologia 1, 1–2 (2013), https://doi.org/10.1007/s10750-012-1392-6; Marianna C. Teixeira et al., Incorrect Citations Give Unfair
more likely to cause headaches for librarians when they are acting in their usual role of assisting other researchers to find information (not as scholars or editors themselves). Yet both content errors and bibliographic errors can harm scholars, articles, and journals in various ways, including denial of deserved credit and reduced impact factors or other metrics used to measure scholarly productivity or significance. Even something as minor as missing or incorrect middle initials in authors’ names can make works more difficult to identify (or locate or rank) correctly.

Presumably, citation errors in scholarship are as old as written scholarship itself. In a now-classic 1989 article, though, James H. Sweetland offered, as “[p]erhaps the earliest complaint” about incorrect citations, the partly humorous 1859 comments of notable French surgeon and medical scholar Aristide Verneuil on how “it took him about six hours to trace one fact through a series of incorrect and incomplete citations”—time that could have been better spent. What may have been the world’s first systematic study of citation errors surfaced in 1911. Some 10,000 references for Jacob Wolff’s German-language textbook on cancer were checked individually; 10 percent of them contained errors. Such citation errors likely have arisen over decades or centuries from failures of hearing or handwriting (or more recently, typing, texting, or copy-pasting), as scholars
guessed at names or titles heard during conference presentations or mistakenly transposed letters or numbers in their handwritten notes.\footnote{17}

\footnote{7} Citation errors can also appear more frequently as cited sources migrate between different languages. In what has become a classic and often-cited example, the title of an 1887 medical journal article written in Czech (Bohemian), “O úplavici” (“On Dysentery”), was misread in other languages as an author’s last name and first initial, producing numerous citations of an article by an alleged Professor/Doctor O. Uplavici.\footnote{18} Medical librarian Frank Place offered a similar, if slightly less comical, example of international name- and title-garbling in 1916.\footnote{19} A more recent study indicates that even today, scholars with non-English names are miscited more frequently, and thus are ranked lower for scholarly impact, in rankings based on citation analysis from Anglophone bibliometric databases.\footnote{20}

\footnote{8} The early examples of Verneuil, Wolff, and Place suggest that concern about citation errors may have arisen earlier and more strongly in medical scholarship than in other fields. Yet in 1958, medical librarian David A. Kronick observed, especially regarding medical literature, “There have been very few systematic studies of errors in literature citations.”\footnote{21} Three decades later, in reviewing then-existing citation error studies in biomedical and other fields, Sweetland echoed Kronick: “Surprisingly few citation studies discuss the potential for error in their data.”\footnote{22} From the 1970s to the 1990s, though, a good many studies sought to fill that void, and generally found substantial (or even alarming) citation error rates from around 10 percent to above 50 to 60 percent in scholarly literature across a wide range of medical and healthcare disciplines, including general and emergency medicine, surgery, and anesthesiology.\footnote{23}

\footnote{9} Notwithstanding technological changes since the 1980s, including shifts toward digital technology and online access for research materials, medical journals still have

\footnote{17. Kronick, \textit{supra} note 16, at 220; Lopresti, \textit{supra} note 1, at 654.}
\footnote{18. Kronick, \textit{supra} note 16, at 220. The classic study that uncovered this mistaken identity is Clifford Dobell, \textit{Dr O. Uplavici (1887–1938)}, 30 \textit{Isis} 268 (1939). As Dobell recounts, the article in question was written by leading Czech medical researcher Dr. Jaroslav Hlava (1855–1924). For more recent retellings, see also, e.g., Sweetland, \textit{supra} note 15, at 293; Cindy Kristof, \textit{Accuracy of Reference Citations in Five Entomology Journals}, 43 \textit{Am. Entomol.} 246, 246 (1997); Waytowich et al., \textit{supra} note 2, at 196; Gupta, \textit{supra} note 7, at 230.}
\footnote{19. Place, \textit{supra} note 11, at 699.}
\footnote{20. Kotiaho, Tomkins & Simmons, \textit{supra} note 8, at 307 (testing comparative citation error rates between Finnish and English names); see also Robert A. Buchanan, \textit{Accuracy of Cited References: The Role of Citation Databases}, 67 \textit{Coll. & Rsch. Libr.} 292, 297–98 (2006) (discussing problems associated with journal translations in research databases).}
\footnote{21. Kronick, \textit{supra} note 16, at 219.}
\footnote{22. Sweetland, \textit{supra} note 15, at 294. Sweetland added, “A substantial portion of [the] evidence on the accuracy of citations is in the biomedical literature.” \textit{Id.} at 292.}
a significant problem with citation errors. A 2015 study of frequency of citation errors in medical journals found a quarter of all the citations studied to include major or minor quotation errors;24 notably, this categorization of major or minor errors concerning incorrect interpretation of a cited author’s meaning did not even include additional bibliographic errors of the sort that can cause headaches for librarians.25 A 2022 study of nearly 6,000 citations in articles appearing in the top 10 highest-ranked surgical journals from 2015 to 2020 found an error rate of 15.2 percent—with 77.2 percent of those categorized as major errors. It concluded, “[C]itation inaccuracies continue to be prevalent throughout highly-ranked surgical literature.”26 A 2021 study of citation errors regarding frequently cited biomedical research papers found errors in 11 to 15 percent of the sample, with 38.4 percent of those errors citing entirely nonexistent findings, while 15.4 percent clearly misinterpreted the cited author’s findings and 19.3 percent resulted from “chains of inaccurate citations”—situations where authors apparently copied incorrect citations from earlier papers without reading the cited sources.27 A 2016 study focused more closely on the sorts of bibliographic errors that especially concern librarians and found an error rate of 17.3 percent.28 Such errors produced measurable detrimental impact on the target journal’s impact factor in 2012 and 2013, and the study’s author concluded, “[I]naccurate citations are a continuing problem with consequences for the validity of the study, the credibility of the authors, and the reputation of the journal.”29 Other healthcare professions and journals are not immune. The editor of a nursing journal recently echoed those conclusions, noting the “disturbing problem known as citation errors” and stating, “Healthcare literature abounds with citation errors . . . and the problem is pervasive.”30 Along with potentially hurting authors in relative scholarly productivity rankings, “[i]naccurate or incomplete citations are also

27. Vedrana Pavlovic et al., How Accurate Are Citations of Frequently Cited Papers in Biomedical Literature?, 135 Clinical Sci. 671, 671, 674–75 (2021), https://doi.org/10.1042/CS20201573 (another 16.6% reported inaccurate numerical data from earlier studies).
28. Nevzat Karabulut, Inaccurate Citations in Biomedical Journalism: Effect on the Impact Factor of the American Journal of Roentgenology, 208 Am. J. Roentgenology 472, 472–73 (2017), https://doi.org/10.2214/AJR.16.16984 (17.3% of the 1055 citable articles published in the American Journal of Roentgenology from 2011 to 2012 were miscited 423 times, with 44.8% of those errors involving incorrect page numbers, 20.2% including misspelling of authors’ names, and 22.4% including errors in more than one such citation metadata category).
29. Id. (author names, title, year, volume, issue, and page numbers at 473–74).
detrimental to the journal, the reviewers, and the truth. . . . The credibility of the journal suffers when articles include incorrect citations."31

¶10 Medical literature represents a comparatively high-value, highly trafficked body of literature in which citation errors might come closer to being actual matters of life or death than in some other disciplines. It also shows a relatively long history of complaints and concerns about citation errors. But other fields of research clearly are not immune either. For example, a 2010 study of citation accuracy in 33 marine biology journals found nearly a quarter of the sample citations questionable or misleading to support the claim made for which the citation was offered.32 Other studies found rates of content errors as high as 37.9 percent in ecology journals.33 Studies of life science or environmental science journals focused particularly on bibliographic errors found error rates up to 45.4 percent, with the problem getting worse over time.34 These studies confirmed earlier research finding substantial error rates.35 Significant citation error rates have also surfaced in studies of social science fields such as education, psychology, business, and social work, among others.36 In 1989, after noting the citation error rates in the medical and life sciences, Sweetland observed, “The situation in the social

31. Id.
32. Peter A. Todd et al., One in Four Citations in Marine Biology Papers Is Inappropriate, 408 Marine Ecology Progress Ser. 299, 299, 300 (2010), https://doi.org/10.3354/meps08587 (based on a sample of one citation apiece from 198 papers from the 33 journals).
33. Drake et al., supra note 10, at 2 (37.9%); Teixeira et al., supra note 10, at 1–3 (15% of citations were clear misinterpretations of content; an additional 22% were “lazy citations” that improperly credited authors of review articles with findings that came from other original researchers).
34. Harper, supra note 7, at 39, 41, 43 (45.4%, and error rate markedly worse than in the same journal a decade earlier); Lopresti, supra note 1, at 648–51 (finding an overall bibliographic error rate of 24.4% and giving exact details regarding how many of these were author name errors (44%), title errors (29.7%), page number errors (11.4%), electronic link errors (5.4%), and other error categories).
35. Kristof, supra note 18, at 249 (finding an average of roughly 30% of citations in five entomology journals to include one or more error); see also, e.g., Robert N. Broadus, An Investigation of the Validity of Bibliographic Citations, 34 J. Am. Soc’y Info. Sci. 132 (1983) (tracing the identical reproduction in later citing articles of title errors in citations originally appearing in a popular book on biology).
36. Anthony J. Onwuegbuzie et al., Editorial: Evidence-Based Guidelines for Avoiding Reference List Errors in Manuscripts Submitted to Journals for Review for Publication, 18 Rsch. Schs. i, iv–v (2011) (studying miscitation among doctoral students); Lazonder & Janssen, supra note 6, at 8 (finding a content/quotation error rate of 15% in a sample of education scholarship); Christina A. Spivey & Scott E. Wilks, Reference List Accuracy in Social Work Journals, 14 Rsch. Soc. Work Prac. 281, 281, 284 (2004), https://doi.org/10.1177/1049731503262131 (41.2% out of sample of 500 references in social work scholarship contained at least one error); Qun G. Jiao, Anthony J. Onwuegbuzie & Vicki L. Waytowich, The Relationship Between Citation Errors and Library Anxiety: An Empirical Study of Doctoral Students in Education, 44 Info. Processing & MGMT. 948, 953–54 (2008), https://doi.org/10.1016/j.ipm.2007.05.007 (finding a citation error rate of 31.8% in research proposals from doctoral students in education); Arden White, Reference Inaccuracies in Two Counseling Journals, 26 Counseling Educ. & Supervision 286, 286, 288 (1987) (1,072 (44.9%) of 2,388 verified references contained at least one error); O’Connor & Kristof, supra note 10, at 23 (on average, 41.7% of citations from a large sample of business journal articles contained one or more errors); Dana F. Wyles, Citation Errors in Two Journals of Psychiatry, 22 Behav. & Soc. Sci. Libr. 27, 45–46 (2004) (in a study of two leading psychiatry journals, one saw its citation error rate improve from 44% to 17% between 1980 and 1999, while the second saw its citation error rate worsen from 26% to 31% over the same period).
sciences is no more encouraging”; 37 nor has that changed in recent decades. Much of the scholarship on citation errors in many academic fields comes from the relatively long-developed Western nations of Europe, North America, and Australia, but similar studies from other countries, such as Iran and India, help to emphasize the worldwide nature of the problem. 38

¶ 11 Perhaps, at least in theory, library and information science (LIS) journals and scholars should be particularly sensitive to, and on guard against, citation errors of all kinds. But the LIS community suffers from the same malady. In a relatively early (1992) study of citation errors in LIS scholarship, Nancy N. Pope asked, “Shouldn’t our profession, which concentrates on providing information services to patrons, take greater care with citations than our fellow authors in other areas of study?” 39 Her results showing a roughly 30 percent error rate in a sample of LIS articles, however, led her to conclude that “citations are no more accurate in library science journals than they are in those of professional publications of other disciplines.” 40 More recent studies of citation errors in LIS scholarship indicate that the problem remains. A 2012 study of four high-impact-factor information science journals found bibliographic error rates ranging between 41.3 percent and 49.1 percent. 41 Other recent studies of LIS literature also found significant error rates. 42

¶ 12 There are various ways to detect, sample, and measure citation errors. Scholars may track error rates for a sample of articles from a particular journal, for a particular journal overall, or for batches of articles drawn from various journals. Statistics may be given for the number of citations in an article or a journal issue that contain at least one identifiable error; for the total number of errors that appear in all the citations within an article or journal volume; or for percentages of authors showing errors, with or without additional statistics regarding varying measures of average error rates. Sample sizes, of articles or journals, may be larger or smaller and focus only on prominent, high-impact-factor journals and articles or on broader samples of journal literature. One

38. See, e.g., Mohammad Reza Ghane, How Accurate Are Cited References in Iranian Peer-Reviewed Journals?, 29 LEARNED PUB’G 77, 79–81 (2016) (finding an average error rate of 36.6% in a sample from Iranian science journals); Gupta, supra note 7; Vishnu Kumar Gupta, Citation Errors in “Libres: Library and Information Science Research e-Journal,” 12 INDIAN J. LIBR. & INFO. SCI. 42 (2018); Vishnu Kumar Gupta, Accuracy of References in the Doctoral Theses in Library and Information Science Submitted to Banasthali Vidyapith, 67 ANNALS LIBR. & INFO. STUD. 183 (2020).
40. Id. at 242.
41. Davies, supra note 9, at 379–80, 385.
42. Genzinger & Wills, supra note 8, at 33–34 (finding a cumulative bibliographic citation error rate of 25.8% across three prominent LIS journals together with a content/quotation error rate of 30.3%); Maria Elizabeth Clarke, Citation Behaviour of Information Science Students II: Postgraduate Students, 24 EDUC. INFO. 1, 2 (2006), https://doi.org/10.3233/EFI-2006-24101 (finding an overall bibliographic citation error rate of 24.9% in bibliographies compiled by LIS students); Gupta, Citation Errors in “Libres,” supra note 38, at 45–46 (finding an error rate of 63%); Gupta, Accuracy of References, supra note 38, at 183, 188–93 (finding a citation error rate of 77.92% in LIS doctoral theses).
relatively early study tracked the propagation of particular known citation errors from an identifiable and widely circulated original source of the errors to all traceable citing sources, across all articles and journals.\textsuperscript{43} Some studies may focus only on content/quotation errors,\textsuperscript{44} others only on bibliographic errors,\textsuperscript{45} and others on both error categories.\textsuperscript{46} Studies of bibliographic errors may provide statistics on the frequency of each sort of error (e.g., incorrect authors, incorrect titles); studies of content errors frequently report statistics for different levels of errors (e.g., cited source offers no support for the claim in the citing text whatsoever, versus ambiguous or shaky support).\textsuperscript{47} Study results may vary based on differences in citation systems and style manuals—for instance, studies may track the mismatch between bibliographic information given in in-text citations and the fuller reference list at the end of an article in journals using an APA-type citation system.\textsuperscript{48} Other studies may trace inaccurate bibliographic information appearing in online indexes, bibliographies, or databases.\textsuperscript{49} Some citation systems do not require the use of page numbers, so missing page numbers do not constitute errors, even if they make life more difficult for readers who might wish to check such citations.\textsuperscript{50} In short, there are many different ways to approach the problem and many different shapes the problem can take, which may help to account for varying average or cumulative statistics reported by different studies. Also, certain disciplines, or certain journals within a given discipline, may run a somewhat tighter ship regarding avoidance of citation errors than their peers. (Certainly, some individual authors may be more careful about their citations than others.) Yet all the studies point toward a significant problem with citation errors across a wide range of academic disciplines and journals, whether the statistical averages tend to hover around 15 percent, 25 percent, 30 to 40 percent, or higher.

\textsuperscript{43} Broadus, supra note 35 (tracking replication of identifiable citation errors appearing in noted biologist Edward O. Wilson’s well-known book, \textit{Sociobiology: The New Synthesis} (1975) and finding 23\% of later sources that cite the same miscited sources repeating Wilson’s errors); see also Martella et al., supra note 6, at 272 (tracking citations of the influential Freeman et al. meta-analysis on active learning and finding 26\% of such citations to be unsupported assertions, while 35\% of articles included at least one unsupported assertion).

\textsuperscript{44} See, e.g., Lazonder & Janssen, supra note 6, at 1; Jergas & Baethge, supra note 24; Sauder et al., supra note 26.


\textsuperscript{46} See, e.g., Genzinger & Wills, supra note 8.

\textsuperscript{47} Id. at 33–34 (both categories of errors); Lopresti, supra note 1, at 648–51 (only bibliographic errors).

\textsuperscript{48} Onwuegbuzie et al., supra note 36, at i (finding over 90\% of authors committing such mismatch errors in manuscripts submitted to education journals); see also Nancy Van Note Chism & Shrinika Weerakoon, \textit{APA, Meet Google: Graduate Students’ Approaches to Learning Citation Style}, 12 J. SCHOLARSHIP TEACHING & LEARNING 27 (2012) (describing graduate students struggling with use of the APA citation system).

\textsuperscript{49} See, e.g., Buchanan, supra note 20.

Together with reporting the existence of a significant or downright serious problem at the core of scholarship and bibliometric analysis of it, many scholars have offered suggestions for how to fix the problem of citation errors. The central, perhaps somewhat cruel, irony of this is that scholars have been making similar suggestions for more than a century, yet the problem apparently remains alive and well. Medical librarian Frank Place made impassioned pleas to medical researchers to “Verify Your Citations!”—and clean up their scholarly acts—back in 1915 and 1916, providing a detailed list of best practices to follow to ensure accurate bibliographic information and content in citations. More recent studies of citation errors have sometimes sought to address the question of who to blame, including authors, journals, journal editors, and reviewers. Whose job is it to catch flawed citations before they appear in print or online?

Traditionally, the primary responsibility has fallen on authors of manuscripts submitted for publication. A fairly eloquent statement of this traditional view, from 1987, observed:

Everyone who writes for the archives of our discipline should live up to the highest standards of scholarly writing. Because journal editors are at the mercy of writers, the problem is one that must be recognized and then solved by writers themselves, who also are, for good or ill, the major models for writers-to-be.

But other scholars studying the problem have noted that, unfortunately, leaving it up to the manuscript authors to get things correct, regarding both the content and bibliographic information in citations, is not good enough. “Instructing the author to verify citations or stating that the author is responsible for the accuracy of the citations does not ensure verification.” Thus, although most scholars still generally accept the premise that authors should have primary responsibility to get their citations right, some scholars have called for journals, editors, editorial staff, and/or reviewers to take a more aggressive role in monitoring and policing potentially faulty citations.

To address what is recognized as a widespread and serious problem, scholars have suggested various adjustments to the publication and citation verification process that seeks to impose a heightened duty of care and responsibility on authors, journal staff, or other participants in that process. These include clear and comprehensive style guides that carefully instruct authors on how to create and verify the full range of sources and citations that might appear in a manuscript (which remains an extension of the traditional “leave it to the author” approach); emphasizing to researchers the importance of citation accuracy; improved education and training of students and

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51. Place, supra note 11; Frank Place Jr., Bibliographic Bones, 1 Med. Pickwick 82, 82–84 (1915).
52. White, supra note 36, at 291; see also, e.g., Jergas & Baethge, supra note 24, at 15/20 (noting that it is “authors, who carry, it is widely agreed, the final responsibility for quotation accuracy”); Todd et al., supra note 32, at 302 (“Authors are undoubtedly in the best position to improve citation practices”).
53. Benning & Speer, supra note 45, at 57.
54. Sauder et al., supra note 26, at 9; Todd et al., supra note 32, at 302; Davies, supra note 9, at 383.
55. Sweetland, supra note 15, at 301.
junior scholars in careful research and citation practices;\textsuperscript{56} encouraging young scholars to read and cite original research, not secondary reviews or summaries of that research, and explaining why that matters;\textsuperscript{57} requiring scholars to submit signed statements affirming that they have indeed checked and verified all their citations;\textsuperscript{58} using point-specific citations right next to claims made in the text (as is already the practice among legal scholars), rather than group citations at the ends of sentences or paragraphs;\textsuperscript{59} requiring authors to submit title pages and perhaps additional documentation or even full copies of all their cited sources along with their manuscripts;\textsuperscript{60} capturing screenshots of cited websites to protect against later changes to or removal of such websites (as with the Perma.cc process now in use by many journals);\textsuperscript{61} urging co-authors to take more responsibility to monitor their fellow authors’ citations;\textsuperscript{62} having journal editors or staff test random citation samples for accuracy and return “citation-challenged” manuscripts to their authors for revision and verification before publication;\textsuperscript{63} requiring manuscript reviewers to do more to police citation accuracy;\textsuperscript{64} expanded use of research and citation management software, and even anti-plagiarism software, to help catch inaccurate citations;\textsuperscript{65} including systems and software to allow comments and corrections for articles posted online at publisher’s websites;\textsuperscript{66} and curtailing unnecessary over-citation, as of established facts that need no support.\textsuperscript{67} LIS scholars Susan Benning and Susan Speer, in 1993, suggested conducting a survey of practices and policies for assuring accurate citations in use at leading medical and LIS journals to determine which different approaches are used, and to test and measure which are most effective, with the implication that all journals not using the best methods should start using them.\textsuperscript{68} It is uncertain whether such a comprehensive comparative study was ever undertaken, however.

\begin{footnotes}
\footnote{56. Id.; Teixeira et al., supra note 10, at 4; Lazonder & Janssen, supra note 6, at 7; Pavlovic et al., supra note 27, at 679.}
\footnote{57. Drake et al., supra note 10, at 4; Jergas & Baethge, supra note 24, at 15/20; Pavlovic et al., supra note 27, at 679.}
\footnote{58. Lazonder and Janssen, supra note 6 at 7; Jergas & Baethge, supra note 24, at 15; Todd et al., supra note 32, at 302; Davies, supra note 9, at 384.}
\footnote{59. Jergas & Baethge, supra note 24, at 15; Todd et al., supra note 32, at 302.}
\footnote{60. Lopresti, supra note 1, at 654; Jergas & Baethge, supra note 24, at 15; Davies, supra note 9, at 384.}
\footnote{61. Sauder et al., supra note 26, at 9.}
\footnote{62. Teixeira et al., supra note 10, at 4; Pavlovic et al., supra note 27, at 678–79.}
\footnote{63. C.A. Doms, A Survey of Reference Accuracy in Five National Dental Journals, 68 J. Dent. Res. 442, 444 (1989); Gupta, Citation Errors in Scholarly Communication, supra note 7, at 232; Drake et al., supra note 10, at 4; Lazonder and Janssen, supra note 6, at 7; Jergas & Baethge, supra note 24, at 15/20; Todd et al., supra note 34, at 302; Davies, supra note 9, at 384 (noting potential use of librarians specifically in this role).}
\footnote{64. Lazonder & Janssen, supra note 6, at 7; Sauder et al., supra note 26, at 9; Davies, supra note 9, at 384; Todd et al., supra note 32, at 302 (but noting that sufficiently qualified reviewers are “atypical”).}
\footnote{65. Drake et al., supra note 10, at 4; Pavlovic et al., supra note 27, at 678; Sauder et al., supra note 26, at 9.}
\footnote{66. Lazonder & Janssen, supra note 6, at 7.}
\footnote{67. Drake et al., supra note 10, at 4 (noting, e.g., that there’s no real need for a citation to support a claim such as that water is essential to life on earth); Jergas & Baethge, supra note 24, at 15; Todd et al., supra note 32, at 302 (“do not provide long lists of citations if 1 or 2 will do”).}
\footnote{68. Benning & Speer, supra note 45, at 58.}
\end{footnotes}
¶17 In recent years, reflecting the digital information revolution and the proliferation of new digital tools for finding and managing research resources, some authors have suggested how various new tools might help to rein in the ongoing problem with citation errors.69 Yet other scholars point out how the digital revolution may prove to be a double-edged sword, with some digital technologies helping to find, fix, and control citation errors while others may help them to proliferate the problem even faster.70 For instance, might the same special power of the internet to rapidly spread misinformation also perhaps spread incorrect citations widely and rapidly?71 One medical journal editor was troubled to observe how, contrary to expectations, citation accuracy for his and similar journals had not improved after the introduction of the MEDLINE/PubMed digital information systems for biomedical literature. He noted that his staff had slightly relaxed their reference verification procedures in reliance on a new electronic manuscript submission system—reliance that proved somewhat misplaced.72 Experiences like this suggest that although new and improved digital technologies may help substantially with the long-standing problem of citation errors, they, alone, may never entirely banish it.

¶18 Perhaps most troubling about the whole long story of citation errors is that, although appropriate citation practices have been known and available since before Place’s time (1916), they have not always been reliably put into effect. Considering the various recent recommendations listed above, James Sweetland’s comment from 1989 unfortunately still rings true today in many ways:

The situation 130 years after Verneuil’s complaint has, if anything, worsened. The rate of errors in citations in respected scientific journals is high. While some complaints are routinely made, there is little consensus even as to who is responsible for correcting citations. Publishers seem to feel it is up to the author(s) to provide correct citations; the authors seem to feel it is up to referees to doublecheck them; no one, except perhaps librarians, seems to care very much about the problem. The quality of the texts for training new researchers in citation is poor, and there appears to be little training.73

69. Buchanan, supra note 20, at 294, 299, 301 (noting electronic databases’ gradual correction of inaccurate bibliographic information); Hosseini et al., supra note 4, at 7, 9 (proposing a new electronic error reporting system); Lopresti, supra note 1, at 654, 655 (finding lower error rates with citations containing electronic links); Šigut et al., supra note 10, at 1528–29.

70. Nyvang et al., supra note 3, at 5 (finding, by 2016, 34.3% of the web references in an article published in 2011 to be already suffering from “link rot”); Lopresti, supra note 1, at 654 (warning of the excessive ease of copying and pasting citations, including erroneous ones, but finding this less of a problem than traditional inaccurate hand-copying of bibliographic information); Šigut et al., supra note 10, at 1529 (certain new technologies “could be a double-edged sword” for correcting and/or increasing citation errors).


72. Spinner & Northouse, supra note 5, at 531–32.

73. Sweetland, supra note 15, at 301.
¶19 Meticulously accurate citation practices appear to be somewhat like washing our hands or brushing and flossing our teeth—we all know we should do them, regularly and reliably; we just all too often don’t.74 Worse yet, the stubborn persistence of practices such as copying other authors’ citations without ever actually reading the cited sources tends to suggest possibly perverse incentives at work—tacit incentives to avoid some of the hard, careful, time-consuming labor that is required both for sound scholarship and reliable citations, together with an awareness of the small chance of being penalized.75 In short, compared to other aspects of the academic research and publication process, citation accuracy remains a proverbial stepchild—overlooked and underloved.

¶20 Yet as those of us who work in law libraries already know, there is at least one academic discipline that is truly obsessive about checking and verifying citations: academic law. Although some scholars have raised doubts over the student-edited law journals that are so unlike the professionally edited journals in most other disciplines,76

74. Medical doctors and nurses, even more than the rest of us, really should know to wash their hands frequently, yet their compliance with that protocol remains almost legendarily deficient. See, e.g., Ruth M. Sladek, Malcolm J. Bond & Paddy A. Phillips, Why Don’t Doctors Wash Their Hands? A Correlational Study of Thinking Styles and Hand Hygiene, 36 AM. J. INFECTION CONTROL 399, 399 (2008) (quoting an editorial observing how, “after more than 150 years of prodding, cajoling, educating, observing, and surveying physicians, hand hygiene adherence rates remain disgracefully low”); Peter Heseltine, Why Don’t Doctors and Nurses Wash Their Hands?, 22 INFECTION CONTROL & HOSP. EPIDEMIOLOGY 199, 199 (2001) (echoing Sladek et al. in noting that healthcare workers have known for 150 years that handwashing is the most effective way to prevent cross-infections, “But, they don’t do it.”); Howard Markel, Wash Your Hands!, 93 MILBANK Q. 447 (2015); A. Wuffle, Should You Brush Your Teeth on November 6, 1984: A Rational Choice Perspective, 17 PS 577 (1984).

75. Again, see, e.g., Waltner, supra note 10, at 96; Šigut et al., supra note 10, at 1523, 1528. Medical librarian Frank Place was already well aware of the problem in 1916. See Place, supra note 11, at 697 (“Some so far forget science as to quote articles that it is plain they have never seen, but have lifted bodily from some other list.”). For a quick overview of the notorious, long-standing “publish or perish” culture of academia, further aggravated in recent decades by growing bibliometric obsessions used to rank and reward scholars and journals, and how this all can encourage academic sloppiness or outright academic fraud, see generally, e.g., David Robert Grimes, Chris T. Bauch & John P.A. Ioannidis, Modelling Science Trustworthiness under Publish or Perish Pressure, 5 ROYAL SOC’Y OPEN SCI. 1 (2017), https://doi.org/10.1098/rsos.171511; Matt Field, How Can the Biden Administration Reduce Scientific Disinformation? Slow the High-Pressure Pace of Scientific Publishing, 77 BULL. ATOMIC SCIENTISTS 38 (2021), https://doi.org/10.1080/00963402.2020.1860332; Lex M. Bouter, Commentary: Perverse Incentives or Rotten Apples?, 22 ACCOUNTABILITY RSCH. 148 (2015), https://doi.org/10.1080/08989621.2014.950253; Marc A. Edwards & Siddartha Roy, Academic Research in the 21st Century: Maintaining Scientific Integrity in a Climate of Perverse Incentives and Hypercompetition, 34 ENV’T ENG’G SCI. 51 (2017), https://doi.org/10.1089/ees.2016.0223; Freny Rashmiraj Karjodkar, The Pressure to Publish for a Post, 33 J. INDIAN ACAD. ORAL MED. & RADIOLOGY 234 (2021); Graham Lawton, “We Should Expect Scientists to Be Much More Open, But Also More Boring,” NEW SCIENTIST, Aug. 22, 2020, at 36; Tomas Furst & Jan Strojil, A Patient Called Medical Research, 161 BIOMED. PAPERS MED. FAC. UNIV. PALACKY OLOMOUC CZECH 54 (Mar. 2017), https://doi.org/10.5507/bp.2017.005 [https://perma.cc/VXK6-MF2M] (offering a brief and unusually witty, sardonic overview of the situation).

the American student-edited law review system has elevated conscientious citation-checking to a high art. Members of law journals certainly still encounter difficult, problematic, and/or incorrect citations in submitted manuscripts, and they may turn to librarians for help with them; but a huge number (hopefully nearly all!) of such citation errors should get dutifully caught and corrected. This, in turn, should elevate the overall accuracy of citations in American legal journals above those of other disciplines. Although the conventional wisdom in other fields holds that “the technical editing required by journal staff to identify miscitations is too huge a burden,” American law students, through the “peculiar institution” of law review, actually shoulder that huge burden, year in and year out. As such, certainly in this one area of journal management and regulation, law student journal members are doing something right where many other journals in other disciplines are doing little to police the situation.

Even if the law review cite-checking process improves the overall rate of citation accuracy in American legal scholarship, law students and law librarians must still


The legendary obsessiveness of student editors of law reviews regarding meticulous cite-checking is an outgrowth of the wider culture of the legal profession, in which precise citations long have been recognized to have higher stakes, professionally and otherwise, compared to other professions. Unlike journal editors in other disciplines, conscientious judges and judicial attorneys or clerks routinely do carefully check citations in legal briefs filed in court, and inaccurate or misleading citations may be grounds for sanctions or other disciplinary actions. Though this may apply more to content/quotation errors than to purely bibliographic citation errors, court staff also may view the latter sort as indicative of sloppy, unprofessional lawyering that may tend to shift the overall presumption of credibility against the writer of such briefs. See, e.g., Steven K. Homer, Hierarchies of Elitism and Gender: The Bluebook and the ALWD Guide, 41 Pace L. Rev. 1, 8–9 (2020) (“A citation to an authority that does not actually support the proposition asserted misrepresents what the law is. Inadequate substantive citations can be a proper basis for sanctions.”); K.K. DuVivier, Legal Citations for the Twenty-First Century, 29 Colo. Law. 45, 45 (May 2000) (“If your citations are sloppy, some readers may presume that your research and reasoning were done in a similarly uninformed and careless fashion.”).

Although American law reviews engage in more thorough and systematic cite-checking than professional journals in almost any other field, they still can have problems with citation errors, both substantive and bibliographic—perhaps particularly when questionable facts from outside the law seep into legal journal articles through interdisciplinary sources and citations. See, e.g., Charles D. Bernholz, Citation Abuse and Legal Writing: A Note on the Treaty of Fort Laramie with Sioux, etc., 1851 and 11 Stat. 749, 29 Legal Reference Servs. Q. 133 (2010), https://doi.org/10.1080/02703191003751230; Robert C. Bird, Vaccinating Legal Scholarship from Distorted Science: Evidence from the Anti-GMO Movement, 90 UMKC L. Rev. 1 (2021); Walter R. Schumm et al., Assessing the History of Exaggerated Estimates of the Number of Children Being Raised by Same-Sex Parents as Reported in Both Legal and Social Science Sources, 30 BYU J. Pub. L. 277 (2016).

Todd et al., supra note 32, at 302.
confront vast numbers of sometimes suspect citations in assisting legal scholars, law students, and law faculty members with their research. Moreover, many such scholars are wide ranging and interdisciplinary in their scholarly interests,\(^{80}\) which reopens the door to potentially shoddy citations from other disciplines. Although law librarians, like other librarians, mostly may not have to worry about content or quotation accuracy (outside of their own scholarship!), they do need to worry about bibliographic citation errors. These can be a problem for reference librarians, but they can pose bigger problems for ILL librarians.

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**The Joys, Woes, and a Brief History of Interlibrary Loan Librarianship**

¶\(^{22}\) ILL librarians have long recognized their special role in the information universe and their ability to transcend the limits of libraries’ local holdings. As a 1991 ILL training manual enthused, “Interlibrary loan is … one of the most difficult and yet one of the most enjoyable activities in which library staff members can participate. . . . Few greater joys in librarianship exist than that which comes from tracking down and then securing for a grateful customer a document … unavailable locally.”\(^{81}\) Decades later, in 2014, on the other side of the digital information revolution, ILL librarian Beth Posner observed how the particular needs and demands of ILL librarianship give such librarians special insight into the processes of information sharing and scholarly communication that are central to the fundamental mission of scholarship.\(^{82}\)

¶\(^{23}\) Contrary to the famous advice of Polonius to young Laertes in Shakespeare’s *Hamlet*—“Neither a borrower nor a lender be”\(^{83}\)—ILL imposes on libraries an obligation to be both a lender and a borrower. As the 1991 ILL training manual emphasized, “Reciprocity is the guiding principle in interlibrary loan. Each library that participates in interlibrary loan should get something out of the exchange. If your library is a borrower one day, it should be willing to be a lender the next.”\(^{84}\) This ethos of reciprocity and sense of mission to assist other librarians and their patrons in remote places has led some observers to propose that there is an actual moral obligation to provide ILL services.\(^{85}\)

¶\(^{24}\) From an early date, librarians recognized that mutual sharing of resources through ILL could help libraries to economize as to their own local holdings. In fact,

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80. The authors’ home institution is justifiably proud of a recent study finding it to rank first among all American law schools for interdisciplinary scholarly impact. The rich mix of both legal and interdisciplinary scholarship keeps the library staff busy. See J.B. Ruhl, Michael P. Vandenbergh & Sarah E. Dunaway, *Total Scholarly Impact: Law Professor Citations in Non-Law Journals*, 69 J. Legal Educ. 782, 802–03 (2020).


83. Shakespeare, *Hamlet*, act 1, sc. 3.


“an editorial in *Library World* [in 1951] shows that “social financial austerity is not a recent occurrence.”\(^{86}\) To cope with straitened acquisition budgets, “[a] library with more resources can help another with fewer resources. This can lead to a situation where some libraries lend more and are termed ‘net lenders,’ while other libraries borrow more and are termed ‘net borrowers.”\(^{87}\)

\(^{\S}25\) Although there was a longer tradition of lending books between libraries in Europe back to medieval times, “The idea of lending books between libraries in the United States was suggested in 1876 by Samuel S. Green.”\(^{88}\) After tentative experiments in this direction, in 1917 the American Library Association (ALA) produced its first Code of Practice for Interlibrary Loans “for the guidance of cooperating libraries”; this was later revised in 1940 and 1952, “by which time the system of lending between libraries had become almost universal.”\(^{89}\) Indeed, already at an early date, ILL was becoming to some extent a victim of its own success. By 1946, there was “renewed concern over the increased volume of interlibrary lending and the solution of some of the problems involved” and, by 1950, warnings of an outright “interlibrary loan crisis” that helped to trigger the 1952 code revision and focused attention on ILL costs and how to simplify and streamline ILL procedures.\(^{90}\)

\(^{\S}26\) Careful bibliographic verification of ILL requests was already an issue by the 1950s, if not earlier. In a 1954 survey of ILL services, 87 percent of libraries claimed to try to verify and complete all ILL requests (that is, check any request from a patron to ensure that it was correct); apparently, 13 percent did not.\(^{91}\) Most libraries could successfully verify the vast majority of ILL requests (90%–95%) before sending, though only 57 percent clearly identified the unverified remainder as “not verified.”\(^{92}\) Perhaps inevitably, this created concerns and complaints from request-receiving, lending libraries.\(^{93}\) Although university libraries typically made greater efforts to verify than college and public libraries, university libraries were also unhappy with the citations they received from requesting libraries.\(^{94}\)

\(^{86}\) *Id.* at 273 (citing **Editorial**, *53 Libr. World* 229 (1951)).

\(^{87}\) *Id.*

\(^{88}\) Carl H. Melinat, *Interlibrary Lending*, *2 Libr. Trends* 573, 573 (1954). Notably, interlibrary lending in medieval or early modern Europe typically would have been between institutions with selective, exclusive memberships (academic faculties, wealthy individuals, monasteries), whereas America was early in developing ILL relations between public libraries for a much wider range of patrons. Regarding the early history of ILL in Europe, see Teresa M. Miguel, *Exchanging Books in Western Europe: A Brief History of International Interlibrary Loan*, *35 Int’l J. Legal Info.* 499 (2007).

\(^{89}\) Melinat, supra note 88, at 573.

\(^{90}\) *Id.* at 574.

\(^{91}\) *Id.* at 577.

\(^{92}\) *Id.*

\(^{93}\) *Id.* Forty-one percent of libraries found that ILL requests they received were verified and complete; 47 percent were not satisfied with the references they received, and only 10 percent found unverified requests to be labeled as “not verified.” Perhaps because of the construction of the poll questions, though, the poll produced the different figure of 45 percent of libraries reporting that requests did not indicate “not verified” even when that was the case.

\(^{94}\) Melinat, supra note 88, at 577.
 Nearly half (46%) of borrowing libraries identified their major problem as finding out which other libraries had the materials sought; over half (55%) of lending libraries pointed to unverified citations as their biggest problem. In terms of borrowing libraries, 17 percent questioned the “amount of time and money spent on this service not being in proportion to the results obtained,” while 15 percent of lending libraries complained of a “heavy drain of this type of service upon the library budget[].” “Only one-quarter of the lending libraries . . . indicated that they had no serious problems,” and “university libraries reported more problems than the college and public libraries.” Notably, the university libraries, with their more extensive and specialized holdings, were more likely to be “net lenders,” while the other libraries were more likely to be “net borrowers.”

From an early date, American libraries enlisted new technologies to help with their growing ILL demand (and problems). Already in the early 1950s, more than two-thirds of libraries provided “photostats,” almost half could also provide microfilm copies, and only 28 percent reported no reprographic capabilities. The 1954 poll on ILL services also noted the teletype communication system between the Racine, Wisconsin, and Milwaukee public libraries first introduced in 1950, as well as a wider system that connected teletype subscribers nationwide with the Library of Congress and with each other, while an “interlibrary network of facsimile communication” was being explored along with “mechanical devices such as Ultrafax (which is said to be able to transmit one million words per minute)” and “closed circuit television transmission” that “appear[ed] to be too expensive for extensive use in the near future.” Yet the 1954 survey concluded optimistically (and presciently), “But the day will come when the delivery of a document from another library at some distance will take no more time than is now taken in getting a book from the stacks to the delivery desk.”

In 1970, as ILL processes and procedures continued to develop rapidly, a study by the New York statewide library ILL system noted that library schools remained largely unfamiliar with how to teach fledgling librarians to handle interlibrary loans, and that ILL training should be improved. The year 1970 also saw the publication of Sarah Katharine Thomson’s *Interlibrary Loan Procedure Manual*, which another librarian called the first “set of standard procedures to be followed by librarians in properly
processing interlibrary loan requests.” 103 The Thomson manual encouraged careful verification of a range of bibliographic information before an ILL request was sent, to “reduce the number of blind citations receive[d] by [lending] libraries.” 104 The New York State study emphasized that “the critical need for better citations cannot be overstated,” noting the “terrific expenditure of time and effort” that librarians at receiving libraries had to devote to verification of “incomplete, inaccurate, and garbled requests” and calling on borrowing institutions to at least provide all the information they had where citation information was incomplete. 105

¶ 30 Verification of ILL requests remained an issue two decades later at the dawn of the digital information revolution. As a 1991 ILL training manual observed, in urging careful attention to citation verification by requesting libraries, “The bibliographic citation should be as complete as possible. . . . Clairvoyance is not a responsibility of the lending library. Do not expect the staff at the lending library to spend time on an incomplete or incorrect citation.” 106 Addressing a long-standing, related problem already identified in 1954, the manual continued, “If you have not been able to completely verify the citation, note ‘Cannot Verify’ and/or indicate which parts are in doubt. Indicate which bibliographic tools you have checked unsuccessfully for verification. This can be a substantial timesaver for the staff at the lending library.” 107

¶ 31 From 1991 to 2004, as libraries and librarians confronted the digital information revolution, borrowing among academic research libraries grew by 148 percent, the “largest increase of any library service” in that period, while reference interactions shrank by 34 percent, showing a continuing shift toward resource-sharing between libraries—creating more work, and need, for ILL librarians. 108 Since 2004, the digital revolution has continued to bring further rapid changes to libraries and to ILL services. This has raised questions about what is the precise nature of ILL librarianship and where it fits within wider library operations. Some scholars have called for integrating ILL librarians into the reference branch, 109 while others find a special relationship


104. Perrault, supra note 103, at 65–66. Perrault, politely challenging the call for careful verification by borrowing libraries, noted the very small percentage (2.5%) of returned ILL requests at her own library (LSU) and questioned the utility of “an extremely costly and time-consuming procedure from which it would derive virtually no benefit” when “[t]he figures prove[d] that over 95 percent of the requests can be filled with the information supplied by the requestor.” Id. at 66, 68.

105. Ellis et al., supra note 102, at 33–34.


107. Id.


between ILL and library acquisitions. The emergence of e-books and digital journals has created additional complications for ILL service providers. Other matters beyond e-resources can also entangle ILL librarians in a variety of issues related to technology or copyright. The rise of open access resources and search tools has opened new possibilities for ILL librarians and services, and various scholars have noted the particular impact of Google on both reference and ILL librarianship. The reach of ILL


services has grown increasingly international,\(^\text{115}\) while ILL librarians must watch for and redirect library patron ILL requests for materials that are available locally.\(^\text{116}\)

\(\S 32\) Notwithstanding technological changes and the automation or digitalization of various library functions and processes, ILL librarians must also confront and seek to control the costs in time and money associated with citation errors in ILL requests. In 1952, an early study of ILL requests found that, on average, it took 2 minutes and 54 seconds to locate correct citations within a library’s catalog (82% of total ILL requests); 3 minutes and 23 seconds to locate correct citations not in the catalog (9%); 12 minutes and 49 seconds to verify incorrect citations (5%); and 10 minutes and 32 seconds before librarians gave up on unverifiable incorrect citations (4%).\(^\text{117}\) The study thus indicated that librarians had to spend substantial amounts of additional time on the nearly 1 in 10 incoming requests with faulty information. Although today the not-in-catalog determination is expedited greatly for correct citations by OCLC and other online catalogs, and similar tools have helped reduce time spent to verify citations in each category, technology has not yet solved the problems of identifying and fixing incorrect citations or the additional time spent doing so.

\(\S 33\) Regarding the costs associated with ILL requests and how to measure these costs, scholars have observed, “At first glance, the literature presents a disconcertingly wide range of answers to the question, ‘how much does an ILL request cost?’”\(^\text{118}\) Various factors figure into the total: librarians’ labor costs typically comprise 36 to 80 percent,\(^\text{119}\) along with copyright or royalty fees and other charges.\(^\text{120}\) Total costs include borrowing costs paid by the borrowing library together with the lending costs of the lending library.\(^\text{121}\) Costs can vary widely by item and by institution, but based on a comprehensive

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119. Id. at 1.

120. Id. at 2–3; Amy Stefany, Meghan Williams & Jenn McCool, *Average Cost per Interlibrary Loan Article Request at Western Libraries* 2 (W. Librs. Fac. & Staff Publ’ns no. 65, 2015), https://cedar.wwu.edu/library_facpubs/65 [https://perma.cc/FT6G-8NNY].

121. Simard et al., *supra* note 118, at 1.
2004 study, $17.50 has been a frequently used average for borrowing costs in many later studies, while lending costs have been estimated at a little over half that ($9.50), for total average ILL transaction costs of around $27.122 Although there apparently has been no comprehensive ILL cost study since 2004, the increasing transmission of downloadable digital copies of articles since then likely has driven average costs lower; for instance, a 2011 study of one library reported average borrowing costs of only $9.62.123

¶34 Such average figures mostly concern normal, nonproblematic ILL requests. But given that ILL requests including citation errors take more time and effort to process, we may expect them to run substantially more costly. In a 2001 study, Wayne Pedersen posited that incorrect citations would necessarily cost more due to two factors: their taking more time to process and some of that time frequently being spent by higher-salaried library staff.124 Pedersen’s study data indicated that, on average, ILL requests including incorrect citations cost roughly 3.18 times more than those with correct citations.125 Using that multiplier on average costs for normal requests and including all the labor costs of reference and ILL staff at both borrowing and lending libraries, he estimated average costs for faulty requests at $72.90 in 2001 dollars ($125.66 in 2023 dollars).126 In times when libraries face tight budgets and, perhaps, pressure to reduce staffing, the significant amounts of time, labor, and money wasted on fixing citation errors are most unwelcome.

¶35 Although citation errors obviously can be annoying nuisances for reference librarians, the complex system of cooperation and reciprocity between librarians and between institutions that characterizes the interlibrary lending relationship makes citation errors potentially even more serious and costly in the ILL context. In keeping with the traditional practices of law journals—that it is not enough to merely identify a problem, an author also should propose possible solutions—the next section of this article offers the thoughts, reflections, and suggestions of a highly skilled and experienced ILL librarian at a busy academic law library regarding some helpful and efficient methods for taming, if not banishing, the ongoing problem of citation errors.127

122. Mary E. Jackson, Assessing ILL/DD Services (2004); Simard et al., supra note 118, at 2 (noting that Jackson’s 2004 estimated average of $17.50 remained, in 2020, the “most commonly used figure, based on the largest study sample and frequently cited by other scholars”).
123. Stefany et al., supra note 120, at 3 (reporting results from Lars Leon & Nancy Kress, Looking at Resource Sharing Costs, 40 Interlending & Document Supply 81 (2012)).
125. Id.
127. Because the ILL librarian coauthor of this article is much too modest to toot his own horn, the non-ILL librarian coauthor will do so for him. A prolific scholar at the authors’ home institution observed in the acknowledgments of a recent book, “David Zopfi-Jordan … tracked down obscure and fugitive materials and provided bibliographical support of a quality and extent of which, I suspect, less lucky writers can only dream.” Michael Tonry, Doing Justice, Preventing Crime ix (2020).
Practical Suggestions for Confronting Citation Errors in the ILL Context

36 In a busy ILL department, all sorts of problems present themselves, and it requires knowledge and problem-solving techniques to address the issues that arise. Moreover, different types of resources and materials can create different sorts of headaches. The following discussion briefly traces the distinctive problem profiles, and practical solutions, for various major document categories: books, journals, newspapers, dissertations and theses, and audiovisual or other more unconventional resource types.

Books

37 There are several approaches to working on ILL requests for books. For instance, if the information that was given in a request fails to find the book sought, try using segments of the information provided, with the hope that some information may be correct. Try the author's name with publication year, leaving out the title—or title with publication year, leaving out the author—to test for errors in the author's name or title. If that approach fails, try the title alone in case other data segments such as author and year are both wrong. Also, conferences or special publications may not list individual authors, making the title often the most valuable data point. A quoted-phrase search for a title on Google or Google Scholar can help clarify whether an uncertain or ambiguous item is a journal article, a book, or a chapter within a book.

38 To search books with an International Standard Book Number (ISBN), you can use isbnsearch.org or an online bookstore, such as abebooks.com, alibris.com, or amazon.com. Online bookstores can also provide tables of contents for locating needed page numbers or the correct year of publication. Although first editions of certain books may be hard to obtain, usually later reprints of the same book can satisfy the request. There are several useful search tools that will help locate books. These tools may not supply page numbers or tables of contents, but they can verify that the book exists.

39 WorldCat is an international meta-catalog for books, journals, e-books, audiovisual resources, manuscript collections, and other documents and materials that helpfully shows which libraries own certain items.128

40 Addall can find both in-print and out-of-print books.129 It can find ISBN numbers, other reprints, or other editions of a book so that it can be requested using interlibrary loan. Addall can also compare books on many dimensions for purchasing decisions; by default, it compares prices across bookstores from least to most expensive. Purchasing books may sound like a foreign concept to ILL practitioners, but with the acquisition department's permission, it sometimes offers a better solution than ILL, especially if the various postage and transaction fees associated with ILL would make an item more costly to borrow than to purchase.130

130. Regarding the potential role of ILL departments in book purchasing, see generally, e.g., Charles William Gee, Book-Buying Through Interlibrary Loan: Analysis of the First Eight Years at a Large
¶41 Google Advanced Search is a search form that helps to locate the book you are looking for. It is an advanced searching tool that has all the features of a public catalog. It is often helpful to use a basic Google search first, putting the title in quotations. If this does not work, Google Advanced Search can be tried since it allows searching with multiple fields at the same time.

¶42 Digital books normally do not circulate beyond the libraries that hold them, for copyright and licensing reasons, so a hardcopy edition may be required.131 However, the Virtual Library of Virginia does circulate e-books.132

Journals

¶43 Journals, periodicals, and monographic serials have many areas in which errors can occur—the article title, author, year, journal title, volume, and/or page numbers. There may also be situations where the volume and publication year given in a request do not match the actual journal information, and it can be difficult to figure out what went wrong without being able to look through entire journal volumes. But there are tools and techniques to help fill requests despite such errors. For instance, International Standard Serial Number (ISSN)–based search tools allow librarians to use a publication’s ISSN to correctly identify a journal title and publisher even if a request has garbled that information.133 Then the journal publisher’s website can be located and searched, and frequently content can be downloaded. Another helpful option is Ulrichsweb, a database providing information about journals and the other databases that include these journals.134 Once the correct database is identified, the journal’s contents may be searched. Google Scholar has frequently proved helpful to find lists of all publications by particular authors. Entries for available articles usually have hyperlinks allowing direct access to desired articles.135 These are some helpful tools among the various

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options that continue to surface as the online information universe and open access trends continue to evolve rapidly.136

Abbreviations

¶44 Abbreviations of journal titles or other information in citations can cause confusion for library patrons and librarians alike.137 Hopefully the requesting patron will be able to explain a potentially tricky abbreviation. Otherwise, librarians may be able to apply their subject-area knowledge and familiarity to make educated guesses at the meanings of mysterious abbreviations. Libraries' reference departments typically have books and other tools to help with such situations, while discipline-specific websites increasingly are available to demystify abbreviations.138 Legal literature, which includes large numbers of potentially confusing abbreviations and mostly uses the hyper-abbreviated Bluebook citation format, thankfully also has resources such as Prince's Bieber Dictionary of Legal Abbreviations.

Newspapers

¶45 Requests for newspapers can be problematic since online articles may differ from articles in print. For recent newspapers and articles, NewsLink has proved helpful.139 There are also several useful finding tools for older newspapers, including Chronicling America: Historic American Newspapers and other collections and databases maintained by the Library of Congress.140 ProQuest Historical Newspapers is also a helpful subscription resource covering a number of major American newspapers back to the 1800s.141 Along with current news, NewsBank offers a wide range of often smaller, more local historical newspapers from the 1800s onward through its Readex—Archive of Americana division.142 Gale Primary Sources offers a collection of Nineteenth Century U.S. Newspapers.143 Such sites can help identify years and page numbers for requested articles if such information is not provided. Using databases to search for

137. See, e.g., Scott Seaman, Online Catalog Failure as Reflected through Interlibrary Loan Error Requests, 53 COLL. & RSCH. LIBRS. 113, 116–17 (1992), http://hdl.handle.net/2142/41535 (finding abbreviation difficulties to account for 9% of cases in which patrons could not find locally held items in the library's online catalog).
138. Even a simple search in a general web browser for the abbreviated term plus the discipline is often sufficient.
archived newspaper articles usually proves to be more efficient than searching through an actual copy of a newspaper. Many papers now provide online archives of their earlier editions. Because newspaper titles can change, it may be necessary to verify the publication year or year range and compare that information against the title that was then in use. Ulrichsweb can help track name changes for newspapers along with journals, and Newspapers.com, which offers a free basic service plus additional fee-based services, is also helpful.

**Dissertations and Theses**

¶46 Theses or dissertations traditionally were difficult to obtain by interlibrary loan, both because they could be hard to locate in the first place (information sources regarding dissertations traditionally were limited) and because potential lenders often were unwilling to lend items that might be the sole copy in existence. Yet a number of online databases now provide information about such graduate research projects, nationwide or occasionally worldwide, that often allow direct downloads: Open Access Theses and Dissertations (global and free to the public); DART-Europe E-theses Portal (free European theses and dissertations); ProQuest Dissertations & Theses (a vast collection of both open access and non-free theses and dissertations from North America and other nations or regions over the past century); and the Networked Digital Library of Theses and Dissertations (specifically for open access electronic theses and dissertations). As with other research resources, the digitalization of both newly written theses and older projects formerly available only in print or on microfilm has helped to make such works much more accessible. Some institutions also make their students’ research freely available through institutional repositories. The various dissertations databases listed here can help verify or clarify information needed to request such works by ILL, if they are not directly downloadable.

**Audiovisual Materials**

¶47 Audiovisual materials in unusual or out-of-date formats, such as VHS videotapes or cassette audiotapes, can pose special problems for getting access, for finding equipment suitable for playing them, and perhaps in facing heightened risks of citation or cataloging problems. Sometimes, if the item is not needed in its specific original

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144. Regarding the long history of special difficulties associated with interlibrary lending of dissertations and theses, see, e.g., Jack Plotkin, *What Has Been Done: Dissertations and Interlibrary Loan*, 4 RQ 5 (1965); Chérié L. Weible, *Where Have All the Dissertations Gone? Assessing the State of a Unique Collection’s Shelf (Un)availability*, 30 Collection Mgmt. 55 (2005), https://doi.org/10.1300/J105v30n01_06; Baich, supra note 113, at 59.


149. Regarding the special challenges of audiovisual ILL, see generally, e.g., Sue Kaler & James
format, a digitized or otherwise more readily accessible substitute can be provided. WorldCat contains information on a vast number of such unconventional “documents” and where they may be found. A surprisingly wide range of audiovisual materials also may appear on websites such as YouTube.

**Key Tools and Resources**

**ILL Handbook**

¶48 The *Interlibrary Loan Practices Handbook, 3rd Edition* (2011), edited by Cherié L. Weible and Karen L. Janke, is an important resource for the interlibrary loan practitioner because it includes the basic workflow for lending and borrowing, copyright information, and web tools. ¹⁵⁰ This book educates the practitioner on all functions of the ILL unit. The chapter on technology and Web 2.0 particularly addresses the topic of this article. The *ILL Handbook* is a reference resource that every ILL practitioner should have.

**American Library Association’s Webpage on Interlibrary Loans**

¶49 The ALA’s Interlibrary Loans page is an enormously helpful and informative resource, especially for fledgling ILL librarians or for normally non-ILL librarians temporarily serving in an ILL capacity. It also serves as a useful reminder and information clearinghouse for more experienced ILL librarians. The webpage includes links to key policy documents related to ILL services, such as the current Interlibrary Loan Code for the United States (updated in January 2016), which applies in the absence of other ILL agreements among institutions or consortia, and ALA’s approved ILL Request Form. The site also includes a section with links and guidelines specifically concerning international ILL services derived from the International Federation of Library Associations (IFLA). Along with Weible and Janke’s *ILL Handbook*, the site provides links to other helpful books and documents offering a wide array of suggestions and recommended best practices for ILL, document delivery, and resource sharing. ¹⁵¹

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¹⁵¹ The ALA’s ILL webpage is at https://libguides.ala.org/Interlibraryloans [https://perma.cc/38G8-G7DD]. Notably for the present topic and the traditional friction between institutions over insufficient verification, the ILL Code includes in section 4.0, “Responsibilities of the Requesting Library,” “4.3
Wayback Machine and HathiTrust

§50 One important tool for identifying and accessing problematic materials is the Internet Archive’s Wayback Machine, which can help find materials that are no longer accessible through usual channels due to their age. This tool is useful for citation verification because, when hyperlinks produce no results, the Wayback Machine often can reveal the source of the problem and perhaps find the item sought. Failure to find materials using either current databases or the Wayback Machine often confirms a serious citation error.

§51 Another important resource for dealing with older materials is HathiTrust, which includes a vast collection of digitized books, journals, and other print materials. This resource allows downloading of page ranges or entire texts of public domain works. HathiTrust is often particularly helpful in tracing earlier titles and title changes that may frustrate researchers looking for a work in current databases.

Classes and Continuing Education

§52 Between new and changing technology and the older, long-established hurdles of ILL librarianship, there is always more to learn. The ALA and OCLC offer classes on tools for ILL practitioners to help them meet challenges and find materials despite incorrect citations. The ALA’s online class titled “Xtreme Bibliographic Searching for Interlibrary Loan and Reference” is offered every few years. This class presents tools and techniques to locate materials that can be tricky to find even with correct citations. The course covers a wide range of document types and formats, as well as how to handle title changes or citation errors regarding all the various formats. The instructors also provide

Describe completely and accurately the requested material following accepted bibliographic practice.” See https://www.ala.org/rusa/guidelines/interlibrary [https://perma.cc/R38V-MPRK].


154. By 2015, HathiTrust, founded in 2008, held more than 13.2 million volumes, with around 5 million of those already in the public domain (back then, pre-1923 publications). Maria A. Perez-Stable, Hidden Gems of the Library, in Hacking the Stacks: The Inside Scoop on Library Resources for Graduate Level Research—3, at 4 (2015), https://scholarworks.wmich.edu/hacking_stacks/3 [https://perma.cc/PSU5-6S9X]. As of 2022, HathiTrust claims holdings of more than 17.6 million total volumes, with 40 percent of those (more than 7 million) in the public domain. See https://www.hathitrust.org/about [https://perma.cc/V3VW-LXDZ].
helpful resources for finding book chapters, conference proceedings, open access materials, digital repositories, and abbreviations. In 2018, OCLC offered a resource-sharing conference (Bridging Communities) with a section on “Tips and Tricks for Handling Difficult Requests,” including practical training on HathiTrust and the Wayback Machine, among other resources. Such valuable continuing educational opportunities are most welcome.

Conclusion

¶53 The academic world has had a long and problematic history with citation errors in the books and journals of various academic disciplines. Such errors, which potentially strike to the heart of the whole academic project, arguably have not yet been given the importance they truly deserve—outside of American legal academia with its vast teams of law student journal members and editors doing the extensive and grinding labor of meticulous cite-checking that most other disciplines and journals find to be beyond their capacity. Although many suggestions have been made for how to improve the whole situation, including the imposition of additional responsibilities on authors, coauthors, editors, and peer reviewers, the problem remains. In fact, the pressure to publish rapidly and in quantity may create a perverse incentive that still encourages authors to save time on the careful and tedious labor of creating and checking their own citations for accuracy. Perhaps someday, artificial intelligence and/or machine learning will allow digital servants to more effectively perform the work that humans have not always done. Until then, the problem of citation errors likely will remain with us.

¶54 Citation errors, which can be a problem for reference librarians and any other librarians, pose a special, potentially costly, and frustrating problem for ILL librarians, who must cooperate with their counterparts at remote institutions and require correct citation information to do so. Yet there are various ways for ILL librarians to help mitigate the possible damage from incorrect citations. This article offers various suggestions in that direction, from a successful old hand at the ILL process.


Good and Faithful Servant: Marshal and Librarian Junius M. Riggs and the Supreme Court Library of Alabama*

Paul M. Pruitt Jr.**

This article follows the career of Junius Riggs (1851–1943), who was librarian of Alabama’s Supreme Court Library from 1874 to 1934. Riggs built the library’s holdings from 3,000 to 55,000 volumes. The article covers Riggs’s presence during controversial times; it also analyses his printed bibliographies.

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Introduction

¶1 The life that Junius Moore Riggs lived was a study in contrasts. First, Riggs lived in contentious, dangerous times. Indeed, he was connected or related to prominent actors in the tragic scenes of Alabama’s Civil War, Reconstruction, and New South eras. Worlds waxed and waned around him, yet Riggs remained mostly in the background, devoted to the growth and improvement of the library that had given him his first and

* Paul M. Pruitt Jr., 2023. The author thanks the following people for their help in researching the life of Junius Riggs and for their insights and encouragement: Director Timothy A. Lewis and Curator Hall Copeland of the Alabama Supreme Court and State Law Library; Scotty Kirkland of the Alabama Department of Archives and History; Warren Rogers, University of North Georgia; David I. Durham, Archivist and Curator, Bounds Law Library; and Director Casey Duncan of the Bounds Law Library. He also thanks his perceptive and persevering editors, Heather Haemker and Lisa Wehrle.

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only job. 1 Somehow, despite experiencing so many sudden shifts—including vast changes in material and intellectual culture as well as alternations of political regimes—Riggs was content to “stay put,” working within a world of book sales, collection building, and reference service that remained remarkably consistent. 2 Only when his library was well established was Riggs willing to take part in broader outreach, including a public library campaign started by his friend Tom Owen, who directed the state’s Department of Archives and History from 1901 until his death in 1920.

¶ 2 One is tempted to focus on Riggs’s longevity and not on any political cast of mind he may have possessed. Certainly, his times were marked by the Democrats’ unending (and successful) crusade for “White supremacy”—the most consistently applied slogan of postwar politics. 3 We can assume that Riggs was comfortable with this battle cry and much that went with it, but we really don’t know, such was his reticence. Through it all, as his friends have assured us, he approached the Alabama Supreme Court and its books with a personifying vision, regarding the former as a beloved friend and the latter as his children. 4 It is fair to say that by the time he retired, lawyers thought of Riggs and the Supreme Court Library as essentially inseparable.

¶ 3 The following narrative explores the circumstances of Riggs’s life, the library collection he “inherited” and slowly built up, his two published bibliographies, and the conditions under which he and his library flourished.

Junius Riggs’s Childhood and Youth: Instability in Peace and War

¶ 4 Junius Moore Riggs was born in Montgomery, Alabama, on November 29, 1851. Very little is known of his childhood, except that he was the son of Joel Riggs (1812–1865) and his wife Georgena Rebecca Moore (1824–1851), who died a few days after giving birth to him. 5 Superficially, it is a simple matter to trace the fortunes of Joel

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1. Riggs belonged to the nation’s inaugural generation of professional librarians; see Wayne A. Wiegand, Development of Librarianship in the United States, 24 LIBRS. & CULTURE 99 (1989), for the basic “ideology” of nineteenth-century American librarians. The post–Civil War decades—Riggs’s formative years—saw the birth of the American Library Association in 1876, the origins of university-based library schools in 1887, and the founding of the American Association of Law Libraries (AALL) in 1906. See https://www.ala.org/aboutala/mission-history#:~:text=Founded%20on%20October%206,learning%20and%20ensure%20access%20to [https://perma.cc/Z5RQ-VH6S]; for library schools, see N.Y. TRIB., June 19, 1887, at 6; for AALL, see Bos. EVENING TRANSCRIPT, Aug. 1, 1906, at 17. There is no evidence that Riggs was involved in any of these ventures, nor is there evidence that he was an early member of AALL. He does not appear on the membership list published in 13 LAW LIBR. J. 16, 16–18 (1920).


4. See infra notes 130 and 139.

5. Biographies of Joel Riggs and Junius Riggs can be found in THOMAS M. OWEN, HISTORY OF ALABAMA AND DICTIONARY OF ALABAMA BIOGRAPHY 1440 (1921). For Georgena’s birth year, see U.S.
Riggs, a West Point graduate who was a teller “in the old State Bank” of Tuscaloosa, where he was “best known as an expert accountant, in a time long before the rise of the modern profession of accountancy.” A staunch Democrat in a staunchly Democratic state, he was in 1848 elected by the legislature as comptroller of accounts, an office he held for about seven years.

¶5 In that office Joel distinguished himself, initiating a bookkeeping system that brought “order out of confusion” and introduced a “system, of which very little had been practiced for years.” Because of his labors, the state had a “basis for estimating the public revenue from taxes and other sources.” With such employment (by 1852 his yearly salary would be $2,000 plus transactional fees), he was in a good position to support his family of two girls and an infant son. The 1850 census shows Joel and Georgena living in Montgomery with their daughters and Eliza Moore (Georgena’s mother). They claimed $5,000 in real estate, a very respectable amount. An examination of the slave schedules of the same year reveals that the Riggs family owned nine enslaved people—all residents, evidently, at the Riggs’s home in Montgomery’s First District. All indications are that the White Riggs were prosperous.

¶6 In the best of his possible worlds, Junius Riggs might have grown up as a treasured child—especially in a family that had lost three sons and a mother. In reality, he most likely saw little of his father, who according to the language of biographical directories, “stood at his desk from morn till night rendering to the State honest services for the compensation he received.” That statement, so evocative of hard-won stability, is somewhat inconsistent with Joel’s rapid changes of occupation from the mid-1850s

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6. OWEN, supra note 6, at 1440; see WASH., D.C., DAILY NAT’L INTELLIGENCER, July 13, 1833, at 2.

7. 2 ALBERT BURTON MOORE, HISTORY OF ALABAMA AND HER PEOPLE 149 (1927). For Riggs’s statement setting forth the state banks’ liabilities and assets, see AUGUSTA CHRON., Jan. 10, 1845, at 2.

8. For Joel Riggs as a Democrat, see TIMES-PICAYUNE (New Orleans), Dec. 13, 1851, at 2 (election of Riggs as one of a slate of Democrats). For Riggs’s elections as comptroller, see NATCHEZ FREE TRADER, Feb. 2, 1848, at 1; and MONTGOMERY DAILY ALA. J., Dec. 13, 1851, at 2, and Dec. 18, 1853, at 2. DAILY PICAYUNE (New Orleans), Jan. 19, 1856, at 1, refers to Riggs as the “late Comptroller of Public Accounts of Alabama.”

9. OWEN, supra note 6, at 1440. For a bit of self-promotion in which the Montgomery Mail (of which Joel Riggs was part-owner) praised an efficient Georgia state comptroller as “a second Riggs,” see the MACON WKLY. GA. TELEGRAPH, Jan. 11, 1859, at 2 (copying the Mail).

10. ALA. CODE § 63 (1852).

11. The Riggs children included Eliza and Annie, both of whom survived to adulthood. Two sons, William Crutcher and Junius Alexander Riggs, died in 1849. Joel and Georgena Riggs are buried in Montgomery alongside their sons; see https://www.findagrave.com/memorial/177015081/joel-riggs [https://perma.cc/Y9QJ-BB9C]. Note that Findagrave.com mentions an unmarked concrete slab in the Riggs family plot. This may mark the grave of Frank, a fourth son mentioned by Owen but otherwise unidentified.


13. Id. at 113 (“Slave Schedules”). The Ala. State Census, 1850, Montgomery Cnty., lists Joel Riggs as the owner of eight slaves.

14. OWEN, supra note 6, at 1440; MOORE, supra note 4, at 149.
onward. Early in that decade Joel had twice been reelected (1851 and 1853) state comptroller. But he was defeated in his bid for a fourth term in 1855, and at that point he was forced to reorient his life. In January 1856, Joel was described in a newspaper advertisement as the “late Comptroller,” now “joint proprietor and editor” of the Montgomery Mail. Two years later, he was listed in advertisements as secretary of the Southern Insurance Company.

Newspaper and insurance work paid the bills, but the Riggs family seems to have lost its claim to stability. By the fall of 1860, Joel was casting his net as far away as Galveston, Texas, where he declared that he had gone into business with one Ashley Wood Spaight. The two men advertised themselves in the New Orleans Picayune as “Cotton and Sugar Factors and General Commission, Forwarding, and Shipping Merchants.” By that time, on the eve of the Civil War, the indications are that the Riggs family was no longer living as a unit. In June 1860, a census-taker recorded Joel as living by himself in Montgomery. He listed his occupation as “Cashier in Bank” and declared that the value of his “Personal Estate” was $10,000, hardly the property of someone bankrupt.

During the Civil War, Joel was able to make use of his reputation as an expert military man. Through his association with a Montgomery militia unit, the True Blues, he had advanced to the rank of captain as early as March 1852; two years later he was being referred to as “Col. Joel Riggs.” When Alabama seceded on January 11, 1861, Riggs was speedily named adjutant-general of the forces of the “Republic of Alabama.” Before the war’s end he was “Adjutant General and Inspector” of the state’s militia. If we knew enough about the state of Joel’s health, we might know whether illness or disability prevented him from serving at the front, instead of holding an administrative post in the state’s mostly untouched capital.

15. For Riggs’s reelections, see the citations at supra note 5.
16. William Garrett, Reminiscences of Public Men in Alabama for Thirty Years, with an Appendix 621, 674 (1872). Joel Riggs was defeated by William J. Greene, an experienced clerk in the state House of Representatives.
17. Daily Picayune (New Orleans), Jan. 19, 1856, at 1. The real force behind the Mail was the nationally prominent humorist and states-right Whig Johnson Jones Hooper. See William Warren Rogers, Jr., Confederate Home Front: Montgomery During the Civil War 16 (1999).
21. The 1860 slave schedules show Joel Riggs as the owner of one slave, as opposed to the nine slaves that he had owned 10 years earlier. See U.S. Census of 1860, supra note 13, at 16.
23. Montgomery Daily Mail, Aug. 23, 1864, at 1; Columbus Daily Enquirer-Sun, Feb. 1, 1921, at 5 (copying the Daily Enquirer-Sun of Feb. 1, 1861); see also Daily Standard (Raleigh), Dec. 4, 1865, at 1 (obituary, stating that Riggs had “acted as adjutant general of the State during the administration of the Hon. Thomas H. Watts”).
If we knew more about the Riggs’s domestic life we might know when he met Martha Jones of Tuscaloosa, his second wife, whom he married on June 26, 1862. Did young Junius live with them at any point? One feels that the early-teenaged Junius must have been proud of his father, who was able to exhibit his uniform on the streets of Montgomery during the four years of conflict. However, Joel scarcely lived to see the peace—he died on November 13, 1865. Where did young Junius live then? Perhaps he was taken in by his aunt, Caroline Moore Bird, who in 1860 was listed as head-of-house in an establishment that included her school-aged daughters and her mother, Eliza (Elizabeth) Moore, who was Junius’s grandmother.

By 1870, Junius was in fact living in Mrs. Bird’s house in Montgomery’s District Number 1. His fellow lodgers included his cousin Thomas Goode Jones and Jones’s wife Georgina and their young son. Junius’s 66-year-old grandmother, Elizabeth Moore, lived there, too. The 1870 census lists Junius as a clerk in the “State Library.” He was 19 years old and must have had some schooling—but of what kind? Civil War Montgomery was home to several private academies, where well-to-do boys obtained the rudiments of a classical education while also, in some cases, receiving basic military training. As for young Riggs, however, it is more likely that he attended a free public school—neither genteel nor military—since his only statement about his education, made years later, was that he had “received a common school education.” At some point shortly after the war’s end, Junius was part of a group of young people who formed the “Joie de Vie club,” which put on the “first assemblies that brought the people together for social recreation after their ‘day of the deluge.’”

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24. Owen, supra note 6 at 1440, says that Joel married a second wife, Martha Jones of Tuscaloosa, but adds no detail. Walter Burgwyn Jones, John Burgwyn, Carolinian; John Jones, Virginian: Their Ancestors and Descendants 56 (1913), says that Joel married Elizabeth Martha Jones as his second wife, adding that there was no “issue” from the marriage. Moore, supra note 4, at 149, says that Junius was the “youngest of the children of his father’s first marriage,” making no mention of children from the second marriage.

25. The U.S. Census of 1860, Ala., Tuscaloosa Cnty., Dist. 1, 35 [469], shows more than one Martha Jones, but only one who was a likely candidate for Joel’s second wife. She was Martha E. Jones, aged 30, who lived in Tuscaloosa with Elizabeth Jones, aged 50 (presumably her mother). These Jones were well-to-do, reporting $6,000 in real estate and $8,500 in personal property. If this is the correct Martha Jones, then it seems likely that she and Riggs married either just prior to or following the outbreak of war.

26. Owen, supra note 6, at 1440.

27. In 1860, Caroline Bird and Elizabeth Moore were living together with two Bird daughters and with 78-year-old Caroline Clitherall. U.S. Census of 1860, Ala., Montgomery Cnty., 1st Dist., 97 [225].

28. See U.S. Census of 1870, Ala., Montgomery Cnty., 1st Dist., 30; see also Benjamin P. Crum, Death of Junius Moore Riggs, 4 Ala. Law 336, 338 (1943). The house, according to Crum, was “on the northwest corner of Adams and Bainbridge Streets, just a block from the capitol.”


30. Rogers, supra note 17, at 62–63.

31. Owen, supra note 6, at 1440.

Young Librarian in a Reconstructed State

¶11 As for his life as a youthful functionary, Riggs reported to Patrick Ragland of Jackson County, who since 1868 had been marshal of the Supreme Court and librarian of the Supreme Court Library. The marshal-librarian occupied, as one might surmise, a strangely comprehensive post—one that required the skills of a police officer and the inclinations of a scholar. On the surface, the occupant’s chief concern was “to obey such rules and regulations as may be prescribed to him” by the Supreme Court, which had rulemaking powers over the combined state library and state law library. One of Riggs’s old friends later referred to the early period of Junius’s employment as “a novitiate of several years.” It is possible, since Ragland’s primary residence was in Jackson County, in North Alabama, that he was frequently absent, in which case Riggs had to learn his library management skills on the fly.

¶12 The youthful Riggs was eager and anxious to please. Such was his personality throughout his life, and as a lowly clerk he needed to keep his job. That he had the job at all was a testimony to the nonpartisan inclinations of Alabama’s Supreme Court justices, and particularly of the chief justice, Elisha W. Peck. Peck and his brethren were “Scalawag” (i.e., native-born southern Republican) Republicans and, as such, highly suspect to much of the White population of the state. Yet Peck was determined to proceed with goodwill to keep partisan politics out of his court. His opening address to the Supreme Court bar in 1869 acknowledged that “the old foundations have been broken up, and new ones laid, upon which the judicial edifice is to be erected, by the labors of the Bar and the Bench.” It would “be the desire of the Bench,” he continued, “to make these labors as harmonious and as pleasant as possible.” Peck’s court tried to live up to a spirit of judicial bipartisanship, nowhere more so than by its appointment of Riggs’s cousin Thomas Goode Jones—a Democrat and Confederate veteran—as court reporter.

¶13 The mid-1860s had been a time of relative quiescence for Alabama’s high court, but the volume of cases increased from about 100 in 1869 (two terms) to 230 in 1873

33. See Garrett, supra note 13, at 775. The U.S. Census of 1870, Ala., Jackson Cnty., Bellefonte Subdivision 2 (Beat 10), 87 [112], reports a Patrick Ragland, aged 40, whose net worth was $250 and whose occupation was “Marshall of Supreme Court of Ala.” He was living with David Ragland, aged 14, who was “attending school.” The census taker has marked both Raglands down as unable to read or write. But since he did so for most people on the page, including some whose occupation made their illiteracy unlikely, it is fair to assume that he was simply careless.


37. The following figures are based on hand counts of decisions in the cited reporters. The Alabama Supreme Court had issued over 80 opinions in its June 1861 session (37 Ala.). By 1863 (39 Ala.) the number of cases decided was even lower, namely 35 (12 in the January term, 23 in the June term).
(two terms). The workload on Peck, whose health was fragile, meant busier days for nonjudicial officers such as Jones, Riggs, and Ragland. The latter, in any case, was elected secretary of state in 1872, leaving Riggs under the supervision of Wilbert P. Golson, a resident of nearby Prattville, who held his post through most of 1874. In the meantime, there were changes of personnel at the top. Chief Justice Peck resigned in 1873, and a sitting Republican justice, Thomas M. Peters, became chief justice. Robert C. Brickell, a Democrat, was appointed to replace Peters.

The elections of 1874—marked by racial violence directed by Democrats under the banner of “White supremacy”—were among the most turbulent in the state's history. When the dust had settled, the Democrats had overthrown all but the last vestiges of Republican Reconstruction in Alabama, and Brickell had been elected chief justice. He would preside over an all-Democratic court. The Brickell court, whose judges included Thomas J. Judge and Amos R. Manning, chose Junius Riggs to be the head of their library—probably toward the end of 1874. Since Riggs had been on the scene for several years, it might reasonably be thought that having completed his “novitiate,” he was the obvious candidate. Even so, the story as told decades later by his friend Benjamin P. Crum had certain Dickensian elements attached to it. Crum, who is quoted above regarding Riggs’s living arrangement, said that the judges of the Supreme Court also boarded in Montgomery with Mrs. Moore and Mrs. Bird. “Junie Riggs,” wrote Crum, “was attentive to them and they were greatly impressed by the manliness and intelligence of the young boy. So, when he grew up and reached young manhood, they made him Marshal and Librarian of the Court.” Evidently the transformation from childhood to grown-up took place quickly!

**Librarian and Marshal, the Early Years**

Riggs began his professional career with the Alabama Supreme Court at a time of collegiality, competence, and freedom from political division. The Court was dominated by two long-serving justices, R.C. Brickell (Chief Justice, 1874–1884, 1894–1898)
and G.W. Stone (Associate Justice, 1856–1865, 1876–1884; Chief Justice, 1884–1894). The Court’s clerks included Daniel B. Booth, a Confederate veteran who was a Scalawag holdover from the Peck era; and Thomas J. Rutledge, an active Democrat who, a year younger than Riggs, was too young to have fought for the Confederacy. In addition, Riggs worked with his kinsman Thomas Goode Jones, the Court’s reporter. Jones and Riggs were both well acquainted with the Montgomery bookseller and publisher Joel White, who would publish 34 volumes of *Alabama Reports*, and whose bookshop would furnish many of the volumes with which Riggs would build his library’s collection.

¶16 As librarian, Riggs had inherited a collection of more than 3,000 volumes, listed in the Law Library’s *1859 Catalogue of Books Belonging to the Supreme Court Library of Alabama*. At present, it is impossible to say what additional volumes Ragland and Golson had acquired in the intervening years, but from the 1859 *Catalogue*, we can get a pretty good idea of the library’s strengths and general tendencies at the time Riggs took office. To begin with, in 1859 the library had a sizeable collection of American law reports, including combinations of reports, digests, and statutes from 31 of the nation’s 33 states. Of U.S. Supreme Court reporters, the library held the nominative reporters known as Dallas, Cranch, Wheaton, Peters, and Howard, which covered from the 1790s through the 1850s. The collection of circuit court reports was less complete, lacking reporters for the Fifth, Sixth, and Eighth Circuits. So far as federal district courts were concerned, the library held reporters for federal courts in Maine, New York, Pennsylvania, and South Carolina, in addition to reports from the Territory of Arkansas.

¶17 The library’s 1859 collection of English materials included reporters, digests, and treatises. The 1859 *Catalogue* classified such works under several headings, including House of Lords (11 titles), Common Law (123 titles), Chancery (34 titles), Exchequer (15 titles), Ecclesiastical (1 title), Crown Cases (2 titles), Digests of Reports (10 titles), and English Digests and Statutes (6 titles), plus 25 volumes of *Statutes at Large*. From these listings one can draw tentative conclusions. First, that the Supreme

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47. *Id.* at 115 nn.239, 240; Owen, *supra* note 6, at 173; Alabama Official and Statistical Register 28 (1907).
49. *Catalogue of Books Belonging to the Supreme Court Library of Alabama* (1859) (hereinafter 1859 Catalogue). Hand counts in January 2022 revealed that the 1859 Supreme Court Library held approximately 3,200 volumes. There is no easy way to tell who compiled the catalog since the first name on Tim Lewis’s list of librarians, James S. Albright, served from December 12, 1859, to May 23, 1861—a strong possibility being that he was not the compiler. The collection had been built up by means of occasional legislative appropriations of $1,000; see W.H. Brantley, Jr., Our Law Books, 3 Ala. Law 371 (1942).
51. *Id.* at 6–7. The district court holdings may reflect Alabama lawyers’ interest in the developing federal law in heavily commercialized states such as New York and Pennsylvania. Or it may reflect arrangements with district court clerks who were willing to share and/or exchange copies of reports. Riggs’s predecessors had also laid in a plentiful supply of federal digests—six in all—as well as the U.S. Statutes at Large, the latter augmented by a “Synoptical Index” and by “Brightly’s Digest of the Laws of the U.S.” See 1859 Catalogue, *supra* note 49, at 7.
Court’s judges and attorneys routinely required access to English legal precedents. Second, that the library’s holdings were put together by someone familiar with English legal bibliography. Third, that previous librarians had been in touch with London, Philadelphia, New York, or Boston booksellers able to acquire the works in question.53

¶18 The catalogue’s concluding section is misleadingly titled “Elementary Work.” This consists of over 350 titles of treatises and reference works, some of which—John Fortescue’s *De Laudibus Legum Angliae*, Anthony Fitzherbert’s *Natura Brevium*, and Christopher St. Germaine’s *Doctor and Student*—were originally published as early as the 16th century. Other monuments of English legal bibliography included Edward Coke’s *Institutes of the Laws of England* (a single volume, probably “Coke on Littleton”) and Blackstone’s four-volume *Commentaries on the Laws of England*. In addition, the library held multivolume works by Blackstone’s American counterparts, including James Kent’s *Commentaries on American Law* and Joseph Story’s *Commentaries on the Constitution of the United States*.54 It also held Nathan Dane’s *General Abridgment and Digest of American Law*.55 As noted above, the presence of such foundational works—most still of use to the contemporary working lawyer or judge—indicated a systematic and well-informed acquisitions policy.

¶19 Beyond the building blocks of legal studies, the specialized treatises listed under “Elementary Works” surely indicate the types of litigation tried in Alabama courts. Among these were treatments of the laws of admiralty and shipping, the U.S. Constitution, contracts, criminal law, debtor and creditor, evidence, equity, family (husband and wife), fire and life insurance, insanity, patents, pleading, real estate, slander, statutory construction, title deeds and wills, legacies and executors, as well as the law of nations.56 Two volumes of Scottish law and one of “Gentoo” (Indian customary) law probably reflected the scholarly tastes of one or more of the justices, as did Flander’s *Lives and Times of the Chief Justices*, Franz Lieber’s *Legal and Political Hermeneutics*, and James M. Walker’s *Theory of the Common Law*.57


55. 1859 Catalogue, supra note 49, at 10; see Nathan Dane, General Abridgment and Digest of American Law (1823–1829).

56. 1859 Catalogue, supra note 49, at 9–13. It is interesting that the library held two works on civil law and one volume on the laws of Spain; possibly these reflected matters that had originated in Louisiana or even Spanish West Florida.

57. Id. at 11, 12, 13.
Riggs in Charge: Finances and Collections

¶ 20 From the mid-1870s to the early 1880s, Riggs was spending variable sums, typically $200 a year or less, on new materials for his library’s collections. In 1876, for example, he spent $173.80 with bookseller White.58 In theory, under legislation passed in 1877, the Supreme Court Library could spend as much as $500 per year from funds “not otherwise appropriated.”59 Some years, though, the legislature was more generous. The lawmakers declared in February 1879 that the Supreme Court Library was a source of “great benefit” to the members of the legislature, state officials, and the public generally. They also noted that the room in the capitol “containing the said library is insufficient in size to contain the books therein at this time, to say nothing of the yearly increase of books received by exchange of the supreme court reports of this State for the supreme court reports of the other States.” For all these reasons the legislators appropriated $1,500 with which to expand into an adjoining anteroom, provide shelving and alcoves, and to purchase such reporters—especially those of northern states—that had not been acquired by exchange during the “recent civil war between the States.”60

¶ 21 Some persons—most likely Riggs but also Chief Justice Robert C. Brickell61—had envisioned a great future for the Supreme Court Library. Thus, in addition to reporters, Riggs continued to purchase treatises from White and other dealers in and out of the state. An invoice preserved by the Alabama Supreme Court Library shows that Riggs purchased about 30 such titles from White between September 1881 and May 1883. These included “Benjamin on Sales,’ ‘Story on Partnership,’ ‘Morawetz on Private Corporations,’ and ‘Pomeroy on Contract.” For these works White received $179.62

Clearly, Riggs was adding notable treatises to his collection of state reporters. Before he had been on the job 10 years, in fact, he was confident enough of his library’s growing collections to show them to the world in the form of a new printed bibliography.

¶ 22 In 1882, Riggs published his Catalogue of Supreme Court Library, of Alabama. Weighing in at 171 pages, it displayed (compared to its 1859 predecessor) significant improvements in bibliographical practice. For example, it contained a table of contents, an index containing nearly 200 subject entries, and lists of title abbreviations for American

58. Pruitt, Durham & Hoeflich, supra note 3, at 116 n.246, citing Report of the Auditor of the State of Alabama for the Fiscal Year Ending 30th September 1876, at 67 (1876). The date of the transaction was reported as May 1877.

59. Ala. Code § 587 (1876) (citing an act of February 1877). In some years, though, Riggs’s spending was much straitened. See Report of the State Auditor of Alabama for the Fiscal Year Ending 30th September 1881, at 18, 53 (1881). In this year, Riggs apparently spent only $46.21. Perhaps the rest of the money was “otherwise appropriated.”

60. 1878–1879 Ala. Laws 32–33. By the fall of 1879, the state had spent more than $1,300 of the Supreme Court Library Fund, more than $800 of which went to Joel White; much of the balance, presumably, was spent on construction and furnishings. For these figures, see Report of the State Auditor of Alabama, for the Fiscal Year Ending 30th September 1879, at 21, 44 (1879).

61. Brickell was an intelligent, reasonable man; see Pruitt, Durham & Hoeflich, supra note 3, at 111–12, 111 n.216.

62. This invoice, “Supreme Court Library, Bought of Joel White,” is discussed in Pruitt, Durham & Hoeflich, supra note 3, at 116, 116 n.244.
and English reporters. Not surprisingly, the 1882 Catalogue showed that the library’s collections had grown with the country and with the times. In addition to up-to-date federal reporters and statutory materials, including reports of the U.S. Supreme Court, the federal circuit courts, and selected federal district courts, it listed state and territorial reports and codes from 43 jurisdictions, as well as session laws from 44 states and territories.

Though more sophisticated than the 1859 Catalogue, the new work still preserved its strangely mixed category titled “Elementary Works.” As before, this section contained an amorphous collection of materials, including legal treatises, purely antiquarian works, and other titles of historical, philosophical, literary, or general reference value. It is best to treat this miscellany as a tribute to the scholarly tastes of nineteenth-century attorneys. When all its parts are counted, the 1882 Catalogue listed 585 titles, up more than 200 from 23 years earlier.

Years of Establishment: 1883–1902

In February 1883, Representative Mims Walker of Marengo County introduced a bill “To provide a fund for support of the Supreme Court Library without appropriations from the Treasury.” This measure, signed by the governor on February 23, mandated that $6 per appellate case be collected “as other costs in such case is collected” and paid to the librarian of the Supreme Court. The law described that sum as a “Library Tax” that “shall be expended by the Supreme Court for maintaining the Supreme Court Library.” The origins of this law are murky, though surely its inspiration should be laid at the door of one or more groups—the Supreme Court justices, the Court’s functionaries (notably Riggs), and/or prominent lawyers already in the legislature. Whatever the genealogy of this legislation, its effect was transformative. As the rate of the state’s appellate
cases climbed by the 1890s to over 500 a year, money began to flow into the Supreme Court Library.69

¶25 By the early 1880s, Riggs was fully settled into his position as a judicial functionary. He was a well-connected man occupying a well-financed position. In terms of his personal finances, he had endured a bump at the end of the previous decade, when the legislative budget passed in 1879 set his salary at $1,500 a year—not the $2,000 prescribed by the 1876 Code of Alabama.70 Riggs challenged this reduction in the City Court of Montgomery, where he sued State Treasurer Willis Brewer for the additional salary he believed he was owed. Losing there, he carried his case before the state Supreme Court (his employers), who ruled that the legislature had in effect repealed the code provision.71 Riggs had lost, but in such a way as to demonstrate an independent spirit where the dignity of his position was at stake. A single man, he could get by on his new (reduced) salary—the more so since he still lived with his aunt, Mrs. Caroline Bird, whose household was now home to 11 people, two of whom were servants.72

¶26 Within a few years, however, Riggs's domestic arrangements were altered. Though he was always a sociable individual, early on he had lacked the material possessions that would have made him properly marriageable. By the 1880s, when he was in his 30s, he may have been considered quite an old bachelor; but by that time, he had resources and a respectable position. It is not surprising that he met a younger woman, Elizabeth Harris Green of Selma, and the two were married on April 11, 1888.73 Elizabeth (or Lizzie) was a sociable woman herself, and by 1898 they were settled at 420 Washington Street,74 which remained their home during their lifetime together. In the meantime, Riggs continued to serve his clientele of judges and lawyers, the latter of whom now included a new generation. One of them, Ben P. Crum of Montgomery, met Riggs in the summer of 1887 upon becoming a member of the Supreme Court bar. That first acquaintance, Crum remembered, “ripened into a warm personal friendship” marked by “many kindnesses to me, and to many others.”75

¶27 Some of Riggs’s duties were civic and social, as when the Supreme Court Library stood open to receive guests who wandered in during recesses of the 1892 Alabama State Democratic Convention. The latter was notable for the secession of “Jeffersonian Democratic” candidate Reuben F. Kolb—who broke up the Democratic Party when it was clear that incumbent governor Thomas Goode Jones (Riggs’s cousin) would be renominated.76 The library’s guests, however, were particularly drawn to a “fac simile of

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69. For the steady growth in the number of appellate cases, see Paul M. Pruitt, Jr., The Legal Profession in New South Alabama, 1861–1915, at 12 (1997); this cite is to chapter 2 of an unpublished typescript, Paul M. Pruitt & Tony A. Freyer et al., Alabama's Supreme Court and Legal Institutions: A History (1997).


73. Thomas M. Owen, Alabama Official and Statistical Register 1911, at 50 (1912).

74. Maloney’s 1898 Montgomery Appendix 330 (1898).

75. Crum is quoted in Travis Williams, Tribute to Junius Moore Riggs, 5 Ala. Law 103 (1944).

a photograph of the scene at the inauguration of Jefferson Davis.” Donated by one Mary Thomson of Baltimore, this exhibit may be an early instance of Riggs’s subsequent practice of gathering portraits and other artifacts of state history. The following year, the library was chosen to host “the bar of Montgomery” in a celebration of the fiftieth anniversary of Chief Justice Stone’s career as a judge.78

¶28 In September 1895, Riggs was one of a gaggle of state officials who joined Governor William C. Oates in welcoming General E.P. Cottraux of the Louisiana state troops. The latter was head of a contingent that included the famous Washington Artillery, who assembled before the state capitol and presented arms when Oates appeared. The Louisianans were on their way to parade at the Atlanta Exposition, a great world’s fair of the day. Oates, looking over their ranks, observed that during the Civil War he “saw the Washington Artillery under fire,” adding that “it was the best artillery in Lee’s army.”79 Riggs was destined to represent the Court on several such occasions.80 On the political side, in 1898 he and other officials attended a rally celebrating the noted presidential candidate William Jennings Bryan. In this case Riggs, his friend Phares Coleman (the Court’s reporter), and Justice Thomas N. McClellan were present with Governor Joseph F. Johnston, a strong Bryanite.81 Some years later Riggs and McClellan would appear before the Capitol Commission, a body empowered to ask them about the “special needs of their departments.”82

¶29 By the end of the 1890s, Riggs was a recognizable figure, a Supreme Court fixture. His status can be determined by his inclusion in a Birmingham Age-Herald column of 1899, “Hotel Lobbies and Elsewhere,” in which the writer led off with tales of Alabama’s U.S. senator John Tyler Morgan, continued with various anecdotes heard or overheard, and ended with a list of “notable personages” passing through or recently arrived in Birmingham; Riggs was one of the latter.83 More often, of course, Riggs provided materials and services needed by professional contacts who were themselves spending a few days away from home—like future Supreme Court justice James J.

77. Columbus Enquirer-Sun, June 10, 1892, at 4.
78. Id. Aug. 4, 1893, at 1. Stone had served as a circuit judge, 1843–1849; see Owen, supra note 6, at 1628–29.
80. See, for example, Birmingham Age-Herald, Mar. 8, 1901, at 1, for a story detailing Riggs’s presence in Selma as an “honorary pall bearer” at the funeral of Speaker of the Alabama House Francis L. Pettus, though on this occasion Riggs was representing the Knights of Pythias. The Montgomery Advertiser, Nov. 25, 1902, at 11, lists Riggs as an ”Honorary Pall Bearer” in the Oakwood Cemetery funeral of Tennent Lomax, a post he shared with Judge A.D. Sayre, President John W. Abercrombie of the University of Alabama, and other notables.
81. See Black Hills Union (Rapid City, SD), Apr. 1, 1898, at 2. For Johnston, see Michael Perman, Joseph F. Johnston, 1896–1900, in Alabama Governors, supra note 79, at 127–33.
82. Montgomery Advertiser, July 6, 1904, at 8.
Mayfield of Tuscaloosa, who in the fall of 1899 worked for “a few days in the supreme court library”84 in order to supplement Brickell’s Digest.85 The latter was a basic work of Alabama law, first published decades before by Riggs’s original patron Robert C. Brickell.

¶30 A photograph of the library taken around 1900 reveals an arrangement of tall, ornate bookshelves with worktables and suspended electric lights. Another shows a black-suited Riggs sitting at his desk, a black hat on his head, surrounded by stacks of books and papers such as one can see in library offices even today. Also visible are several framed paintings or pictures hanging on the walls and at least two busts.86 These reflect, according to a report of the Alabama History Commission, “the indefatigable efforts of the present efficient librarian, Junius M. Riggs.” In fact, Riggs had put together an “almost complete collection of the likenesses of the Governors and of the Chief Justices of the Supreme Court,” and had installed the former “on the walls of the library, while the latter are in the Supreme Court room.”87 He was himself a benefactor of the just-launched state archives. In December 1901, the archives’ director, Thomas M. Owen, wrote that Riggs had donated a “Cabinet photograph” of the state’s early governor Gabriel Moore.88

¶31 The late nineteenth and early-twentieth centuries were a tumultuous time in Alabama legal and constitutional history. Throughout the 1890s, members of agrarian organizations such as the Farmer’s Alliance and the People’s Party joined Republicans and independent Democrats in challenging the monolithic power of the Democratic Party. They were unsuccessful because “Bourbon” Democrats used their control of the voting apparatus to stuff ballot boxes across the state’s “Black Belt” counties.89 Bourbons of all types joined the fray, including Chief Justice G.W. Stone, who wrote campaign articles for 1892 gubernatorial incumbent Thomas Goode Jones, attacking Populist doctrines, especially any proposals that would have increased the power of the federal government.90 In 1901, the Democrats wrote a new constitution that disfranchised their “natural” opponents—nearly all Black voters plus many Whites—in the name of “White supremacy.” The legal establishment was deeply involved, from Chief Justice T.N. McClelland, who convened the 1901 Constitutional Convention, to two former justices who were among the 96 lawyer-delegates (out of 155 delegates in all).91

84. Id. Oct. 21, 1899, at 3.
86. See photographs at 20 Ala. Law. 234, 234–36 (1959). The library was then located in the “east wing of the state capitol.”
89. See Rogers, supra note 77, at 121–335 passim; see also Paul M. Pruitt, Taming Alabama: Lawyers and Reformers, 1804–1929, at 75–77 (2010).
¶32 It is reasonable to assume that Riggs followed the same political path as Thomas Goode Jones, G.W. Stone, and other juridical Democrats around whom he lived, moved, and had his being. So far as the evidence shows, though, he was not a political being except in a ceremonial sense. As for the intellectual currents of the time, Riggs was an informed spectator, but his chief concerns were to build the collections of the (still-combined) law library and state library and to classify them on the shelves and in his mind. He had steadily pursued these goals since the mid-1870s, and by 1902, he was ready to publish his second printed bibliography. This was his *Catalogues of the Supreme Court Library and of the State Library*, a compilation of some 300 pages divided into 12 sections—covering, in all, a collection of more than 17,000 volumes. In what may have been a function of his self-effacing personality, this work contains no preface or introduction by its compiler. It is possible, however, to take from his work some interesting points, including the areas of greatest interest to the judges and lawyers who were Riggs’s chief patrons and their typical research patterns.

**Signpost of Accomplishment: The 1902 Catalogues**

¶33 The first 26 pages of the 1902 *Catalogues* is a subject index, in which Riggs divides his collections into more than 400 subject-categories, linking many subjects to others by means of “see” references. Under each subject, authors’ names are listed without any additional information, in the expectation that users would look up specific titles by means of the authors’ index at the back of the book. It is reasonable to suggest that subjects with the largest numbers of authors would reflect, in a general sense, the subjects of greatest interest or concern to the library’s users. Hand counts of March 2022 revealed four subjects, under each of which Riggs listed 30 or more authors: corporations and corporate securities; criminal law; insurance; and U.S. Constitution and constitutional

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Graffenried was a delegate, and future justice John C. Anderson was given “the privileges of the floor.” Riggs’s cousin Thomas Goode Jones (former governor and soon-to-be federal district judge) was likewise a delegate. See *Journal of the Proceedings of the Constitutional Convention of the State of Alabama* 3, 4, 1479, 1777 (1901). All the 1901 convention delegates were aware that similar disfranchisement conventions had been (and were being) convened all across the south; see C. Vann Woodward, *Origins of the New South, 1877–1913*, at 321 (1951).

92. *Catalogues of the Supreme Court Library and of the State Library* (Junius Riggs comp., 1902) (hereinafter 1902 Catalogues). From March through May 2022, a series of hand counts produced the following volume totals: U.S. reporters, codes, etc., 1,251; state reporters, etc., 5,113; English reporters, other materials, 2,709; Irish, “Scotch,” Canadian, and British Colonial reporters, 302; “Law Periodicals and Reporters,” 387; “Session Laws and Statutes,” 2,045; “Authors’ Index,” 2,226; and “Miscellaneous Books” [i.e., contents of the state library], 3,100. The authors’ index count is approximate since the titles of many reporters, digests, and other reference works were included among the volumes of legal treatises. Every effort was made not to count anything twice. The whole section of “Senate and House Journals” was not amenable to a volume count since the state holdings were presented (except for Alabama’s volumes) as spans of years. Thus, it appears that the “grand total” of 17,133 volumes represents an undercount. For observations based on these totals, see below.

93. See *supra* at notes 57–58 for similar evidence relating to the 1859 Catalogue.

A larger number of subjects listed 20 or more authors: chancery and equity; contracts; domestic relations; English law; evidence and circumstantial evidence; insanity, medical jurisprudence, and lunacy; mortgages and real property; partnership and leading cases; pleading; practice; and real property and restraint on alienations.96

¶ 34 The arrangement of the 1902 Catalogues—with sections for reporters (grouped by nations), statutory laws, and legislative journals—may indicate the order in which these materials were shelved.97 With the help of Riggs’s bibliography, the library’s patrons could walk from the appropriate digest to current law (case law or statutory law) for virtually every American jurisdiction. The library held comprehensive or near-comprehensive collections for U.S. law98 and Alabama law,99 as well as impressive holdings of case law for 49 states and territories, statutory laws for 50 states and territories, and legislative journals for 42 states and territories.100 These holdings were backed up by elements of West Publishing Company’s National Reporter System, including the Supreme Court Reporter, the Federal Reporter, and West’s regional reporters.101 Moreover, it is clear that the judges and lawyers who patronized the Supreme Court Library wanted access to English precedents both historical and recent; in 1902 the library held more than 2,700 volumes of English sources.102

¶ 35 Turning from law’s primary to its secondary sources, Riggs’s 1902 author index is interesting in several ways. Apart from author and title, the index provides minimal bibliographic information on the works listed, but it does provide a publication date for most of the works. This allows us to obtain a fair approximation of the number of titles Riggs purchased after passage of the 1883 law that provided greater library funding. A hand count revealed that the author index listed 1,389 dated titles, of which 546—or more than 39 percent—were published in 1884 or later.103 Of course, it is quite likely

95. *Id.* at 5, 6, 7, 13. The stated author count for U.S. Constitution/constitutional law combines those of two subjects, as does that of corporations/corporate securities. The author count for insurance law represents the counts of four subjects, including general, fire, life, and marine insurance. In all cases of grouped subjects, we are following Riggs’s lead via his “see” references.

96. *Id.* at 4, 5–6, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23. The stated author count for chancery/equity combines those two subjects, as do those of mortgages/real property, partnership/leading Cases, and real property/restraint on alienations. The author count of insanity/medical jurisprudence/lunacy combines three subjects. The count of domestic relations reflects seven subject headings, including domestic relations, divorce, husband and wife, master and servant, marriage, marriage settlements, and married women. Note that Riggs has grouped real property with both mortgages and restraint on alienations.

97. Federal reporters and statutes/codes are grouped together in the 1902 Catalogues; otherwise, separate sections for case law and statutes seem to prevail.

98. 1902 Catalogues, supra note 92, at 27–31.

99. *Id.* at 34–35, 94–96.

100. *Id.* at 35–68, 94–155, 157–64. Typically, the lists include the District of Columbia and the territories of Dakota, New Mexico, Arizona, and Oklahoma. Not all non-Alabama collections are complete.

101. *Id.* at 29, 93. Note that the bulk of the National Reporter System, consisting of 387 volumes, is listed almost as an afterthought under “Law Periodicals and Reporters.”

102. *Id.* at 69–85; see *id.* 86–88 (Irish materials), 89 (“Scotch” reports and colonial materials), and 90–91 (Canadian materials).

103. Riggs listed together several reporters and periodicals (alphabetically by title); these items typically have no dates affixed to them. For many of the dated entries, he also included the city of
true that many of the titles dated 1883 or earlier were purchased years later. White was famous for keeping out-of-print and antiquarian titles in stock, and Riggs could have purchased these as he could afford them.104

¶ 36 A glance over the 76 antiquarian (pre-nineteenth-century) titles listed in the 1902 authors’ index105 reveals a continued eclectic and scholarly taste on the part of the justices and librarians. In addition to the library’s 1859 holdings of William Blackstone, Edward Coke, and Matthew Hale, the 1902 Catalogues revealed the acquisition of a first edition (4 volumes, 1765) of Blackstone’s Commentaries on the Laws of England; an early (1697) edition of Coke’s Book of Entries; a 1764 edition of Coke’s Law Tracts; a 1779 fourth edition of Hale’s History of the Common Law; a 1640 edition of Henricus de Bracton’s De Legibus et Consuetudinibus Angliae; and perhaps most impressive of all, a 1605 edition of William West’s Symbolegraphie, or Instruments and Precedents.106 Among other tracts added since 1859 were such staples of Enlightenment jurisprudence as Hugo Grotius’s De Jure Belli et Pacis and Caesare Beccaria’s On Crimes (1775).107 Among other interesting acquisitions were Thomas Cooper’s Institutes of Justinian (2nd edition, 1841) and an 1852 translation of John Selden’s Mare Clausum.108

¶ 37 The final section of the 1902 Catalogues is a 50-page section (listed alphabetically by author). It is titled, on successive half-title pages, Catalogue of the State Library and Catalogue of Miscellaneous Books.109 There is no telling why Riggs adopted this designation, but it does show that he was keeping a separate state library in addition to the Supreme Court’s books. This collection includes some law-related works but is chiefly composed of historical works, many of which centered on the Confederacy (including a 69-volume set of the Official Records),110 and works of literature. Many of the latter seem to be composed of uniform sets of the standard authors of the time—Honoré de Balzac, Edward Bulwer-Lytton, Charles Dickens, and Sir Walter Scott, for example.111 Of course, the state library’s collection included many works written by nineteenth-century Alabamians: Joseph Glover Baldwin, Willis Brewer, Jere [Jeremiah] Clemens, John Witherspoon DuBose, Peter Hamilton, Henry W. Hilliard, Johnson Jones Hooper, Sydney Lanier, Octavia Levert, A.B. Meek, Albert J. Pickett, Raphael

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104. Pruitt, Durham & Hoefflich, supra note 3, at 83.
105. The number of these books, all published before 1800, was determined by a hand count of April 2022. The oldest of these works is a 1605 edition of William West, Simbolegraphie: Which May Be Termed the Art, or Description, of Instruments and Presidents [Precedents]. See 1902 Catalogues, supra note 92, at 244.
106. For the works listed (in order as above) see 1902 Catalogues, supra note 92, at 174, 183, 199, 176, 244. The “newness” of these acquisitions was determined by a comparison of the 1902 Catalogues with the 1859 Catalogue—the latter serving as a baseline. Entries in neither the 1859 Catalogue nor the 1882 Catalogue were furnished with reliable dates of publication.
107. 1902 Catalogues, supra note 92, at 198, 171 (in order).
108. Id. at 184, 231.
109. Id. at 251–301; the half-title pages are unnumbered and follow 248.
110. Id. at 264–265, 276, 285.
111. Id. at 253–55, 258, 266, 290–91.
Semmes, and Augusta Evans Wilson, to name a few prominent examples. The “Miscellaneous” collection has its quirks, but on the whole it represents the tastes and needs of literate early twentieth-century White Alabamians.

Public Involvement: Riggs’s Colleague Thomas M. Owen

§38 Two years after the publication of his 1902 Catalogues, Riggs found himself involved in wider-ranging intellectual projects. Riggs had previously made the acquaintance of Thomas M. Owen, an encyclopedic bibliographer of printed Alabamiana, reviver of the long-defunct Alabama Historical Society, author of legislation creating an Alabama Historical Commission, and, from 1901, director of the pioneering Alabama Department of Archives and History (ADAH). Owen believed, as he stated in 1904, that “Alabama is just now entering upon an era of great library development.” Indeed, he was determined that libraries should serve as the lynchpin of a new era—a new century, marked by the triumph of a White southern culture that would be preserved by the ADAH and spread by means of a growing number of Carnegie and other libraries. In terms of bricks and mortar, he was quite right; between 1901 and 1916 the Carnegie Corporation funded 14 public libraries and five academic libraries in Alabama.

§39 On November 21, 1904, under Owen’s leadership, the first meeting of the Alabama Library Association convened at Montgomery’s Carnegie Library. He had billed the two-day conference as an occasion for understanding the “extent and limitations of collections” in Alabama while building a sense of “the high character of the functions of libraries and the dignity of the office of librarian.” Based on the event’s

112. Id. at 253, 257, 262, 267, 272, 274, 278, 279, 282, 287, 291, 300.
113. Among the “Miscellaneous” works are, for example, nine entries for works by the mystical theologian Emanuel Swedenborg and an even larger collection of the works of Charles Darwin. See id. at 234, 295.
114. See Thomas McAdory Owen, Bibliography of Alabama (1898), a work of nearly 500 pages.
116. A Proposed Alabama Library Association, Circular No. 1: Preliminary Announcements; Tentative Program 2 (1904) [accessed by means of Hathitrust (http://www.hathitrust.org)] (hereinafter Circular No. 1). Owen was doubtless aware that in 1903 the Alabama Educational Association had “created a Library Committee which did everything from drawing up bills for the legislature to actually organizing libraries for interested communities,” and that the following year the state superintendent of education had thrown “his forces behind the movement for school libraries.” See Kenneth R. Johnson, The Early Library Movement in Alabama, 6 J. Libr. Hist. 121 (1971).
117. For examples of what White southern culture meant in practice, see Frederickson, supra note 116, at 86–95. Marie Bankhead Owen (wife of Thomas M. Owen) was a member of a politically powerful family. Following her husband’s death in 1920, she went on to direct the ADAH for 35 years.
119. Circular No. 1, supra note 116, at 1. The social activities associated with the convention, Owen, believed, would build “esprit de corps.”
program, the speech of welcome was given by Phares Coleman, chairman of the Montgomery Library Association and Riggs’s fellow functionary at the Supreme Court Library. Several papers were scheduled for that morning, including one on “the rigid observance of technical regulations” given by Mrs. F.H. Happer, librarian of Mobile’s YMCA. In the afternoon, Laura Elmore, head of Montgomery’s Carnegie Library, spoke on the “Organization of a Library.” The next morning, Owen himself would speak on “the duty of the State to libraries and library effort.” The Montgomery Advertiser described the meeting as “Earnest”; the Birmingham Age-Herald said that, according to attendees, the creation of the association was “one of the most important steps in the interest of practical education made in the state.” That the leadership of the new organization was all White (and that the benefits it sought to confer were for Whites) was taken for granted.

¶40 Riggs was a signer of the association’s prospectus, and he was chosen secretary at the November 1904 meeting. He thus took his place among a group of White library leaders who, in addition to Owen and Elmore, included William H. Dingley, librarian of Montgomery’s Grand Masonic Lodge; Eliza M. Bullock, principal and librarian of Montgomery’s Girls’ High School; and L.L. Dix, secretary of Montgomery’s YMCA. As was his wont, he labored inconspicuously but effectively for the library’s cause. For example, the participants in a 1905 librarians’ summer school thanked him for his “sympathetic and continuous cooperation.” Riggs served as secretary at least through the annual meeting of 1905, where he was reelected secretary. Most likely he worked very hard—after all he was serving under Owen, who had proved himself capable of writing “to over a thousand historians, collectors, and libraries” in one six-month period as Archives director.

¶41 By the summer of 1907, Riggs had no choice but to slow down on such extra-curricular activities, for during that spring he was plagued with ill health. In early June

120. Id. at 3–4.
121. Montgomery Advertiser, Nov. 22, 1904, at 5; Birmingham Age-Herald, Nov. 23, 1904, at 3.
122. Owen’s library crusade is an example of Alabama Progressivism at work. William Warren Rogers and Robert David Ward, however, describe that Progressivism as a “chimerical impulse.” They note particularly that “[t]he Progressive agenda was compromised and inherently flawed because it was restricted to whites.” See Rogers et al., supra note 42, 355–75, quoted passage at 375.
123. Circular No. 1, supra note 116, at 2; Birmingham Age-Herald, Nov. 23, 1904, at 3. Other participants included Dr. Charles C. Thach, president of Alabama Polytechnic Institute at Auburn; Dr. H.S. Sayre of the University of Alabama; Dr. J.H. Phillips of Birmingham; State Superintendent of Education Isaac W. Hill; and A.C. Hart, secretary of Mobile’s YMCA.
126. Frederickson, supra note 115, at 83. Owen would serve as president of the Alabama Library Association until his death in 1920, but perhaps his greatest years of advocacy came in the years following the association’s 1904 launch. By 1907, he had secured passage of a “Library Act,” which created and financed a “Library Extension Division of the Department of Archives and History”; the latter operated a modest “system of traveling libraries.” See Johnson, supra note 116, at 122, 125–26.
the *Birmingham Age-Herald* reported that Riggs “has recovered from his recent illness,” adding that he “is looking a little thin but is coming back to normal and is as watchful as ever of the interests of his ‘clients,’ who fill the library from day to day.”127 His collection development work alone must have been taxing. In the six years after publication of the 1902 *Catalogues*, the volume count of the Supreme Court Library had grown to over 33,000.128 There can be no doubt that Riggs was, as the *Age-Herald* put it, “one of the best posted law book men in the state,”129 nor that he was emotionally invested in the collections he was building. Judge Benjamin Crum, quoted several times above, observed that Riggs’s library books “were really his ‘children.’ He watched over every single book with loving care and was greatly distressed if one became misplaced for any length of time.”130

**A Long Twilight: 1910–1943**

¶42 As the twentieth century entered its second decade, Riggs—now a veteran of office—continued to provide a high level of service to his patrons. In 1910, for example, the Supreme Court Library furnished space and materials for Emmett O’Neal, president of the Alabama State Bar Association (and Democratic nominee for governor) to use in composing his presidential address.131 Given Riggs’s long practice in anticipating the needs of lawyers, it is no surprise that historian A.B. Moore later said of him that he “probably ha[d] a more extended acquaintance among prominent men over the state than any other official at Montgomery.”132 There were moments of drama—notably in 1916 when Riggs, as marshal of the Supreme Court, served papers on a sheriff accused of violating state prohibition laws.133 But mostly his work required him to be suave, genial, and well informed, which earned him the nickname “Uncle Junie” among younger attorneys.134

¶43 As the years went by, Riggs continued to provide reference service, avuncular advice, and a calm, scholarly atmosphere for his justices and patrons. He continued to acquire titles, too; by the early 1930s the Supreme Court Library boasted more than 55,000 volumes.135 His longevity attracted attention as well; in its 1922 annual meeting,

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127. *Birmingham Age-Herald*, June 23, 1907, at 3. This story also mentions that Riggs “has high position in the order of Knights of Pythias.” In fact, at one time or another Riggs held several offices in the Knights of Pythias. In this he was much like other middle-class men of the period. For Riggs’s toast at a Pythian banquet, see *Montgomery Advertiser*, Dec. 29, 1903, at 10.


129. *Age-Herald*, *supra* note 125, at 3.


132. 2 Moore, *supra* note 4, at 149.


134. See Williams, *supra* note 76, at 107, 108, 111.

135. Homer Patterson, *Patterson’s American Educational Directory* 785 (Homer Patterson ed., 1932). The published count was 55,071.
for example, the National Association of State Libraries praised his long tenure. Finally in 1934, when he had been at his post for 60 years, he decided that it was time to retire. The justices offered to hire additional helpers, but he refused, saying that he did not want to hold down a job whose requirements he could not fully perform. When they called him back to receive an engraved silver cup, he responded with warm thanks, remembering “the Chief Justices and Associated Justices who served here at this altar of Justice,” and noting (in a way that would have made Owen proud), that each had “helped to make the glorious history of our noble State.”

¶44 Placed as he was, it was natural for Riggs to see the Supreme Court as a historical phenomenon, a thing almost synonymous with the state itself. But in his personal perspective, according to Judge Walter B. Jones, he went well beyond that. The latter wrote that Riggs did not see the Court “as an abstract or impersonal thing, something created by the Constitution to ascertain the law.” Rather, it “was endowed with a personality. It was a kindly friend you could trust, a father you could look up to.” Riggs, wrote Jones, “always spoke of it as though he were talking about a close and loved friend.” As for the books of his library, we have seen above the statement that they were Riggs’s “children.” Montgomery attorney John S. Tilley described this relationship in almost mystical terms. “From day to day, year in and year out,” Tilley wrote, “he lived with his books,” and “on those shelves, each in his own niche, lived Stone and Brickell and Clopton.” Tilley concluded: “They, being dead, yet lived for him.”

¶45 Junius Riggs was a man of mild and sociable disposition, who despite his lack of educational opportunities loved books all his life. He could not pursue this love in tranquility, for he lived in turbulent times—from Civil War and Reconstruction, from the agrarian revolt of the 1890s to the campaign for disfranchisement. With the new century, Riggs, with Owen and other White librarians, sought to move toward cultural consensus by means of library building, but that “Progressive” moment did not reflect the core of his being. The true center of Riggs’s life was the institutional life of the Supreme Court. The Court, after all, was the branch of government whose judgments decided conflicts. Within its walls, Riggs could interact with kin and friends (Thomas Goode Jones, Phares Coleman) and with its justices—beginning with those who befriended him when he was a mere boy. Within “his” library the books themselves were both an expression of arranged order and a way of keeping the past alive. Indeed, thanks to his published bibliographies of 1882 and 1902, and to many mentions of the excellent service he provided, the record of his work has survived—in a quiet, Riggs-like fashion.

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136. Reported in 44 AMERICAN LIBRARY ASSOCIATION, PROCEEDINGS 415 (1922).
137. Crum, supra note 29, at 336.
138. Id. at 337.
139. Walter B. Jones was the son of Riggs’s cousin Thomas Goode Jones. W.B. Jones is quoted in Williams, supra note 76, at 104–05.
140. Tilley is quoted in id. at 107. Clopton was Justice David Clopton, a justice of the Alabama Supreme Court from 1884 to 1892; see Owen, supra note 6, at 352–55.
¶46 Riggs died at his home after a two-week illness on May 8, 1943. The press, including the Associated Press, took note of the passing of this “aged court officer.”142 The state bar, which met in Birmingham in July, adopted resolutions honoring him.143 In November the Supreme Court held a special meeting of speeches in his honor.144 Surely Junius Riggs—who had spent more than half a century in service of the bench and bar—would have been pleased with these obsequies.

142. See, e.g., TIMES-PICAYUNE (New Orleans), May 9, 1943, at 21.
143. Williams, supra note 76, at 102.
144. IN MEMORIAM: PROCEEDINGS IN MEMORY OF JUNIUS MOORE RIGGS, MARSHAL, AND LIBRARIAN OF THE SUPREME COURT OF ALABAMA, 1874–1934, 244 ALA. xvi–xxiii (1943). These speeches and tributes are substantially the same as those found in Williams, supra note 76.
Carol Dweck’s implicit self-theories model research explores relationships between mindsets and the effect they have on learning. Legal educators expand on Dweck’s model to examine mindsets and learning in the legal academy. Based on this research, this article suggests a framework that introduces a growth mindset into the legal research classroom.

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Once you fall, you won’t be afraid anymore. That’s the whole point of skateboarding, bro.
—Cool dude in the skate park

Introduction

Failure—the other F-word. Common wisdom tells us that learning from failure is essential, while failing to learn from it is self-defeating. Understanding how to respond to failure, then, is an important step in all areas of our lives, personal and professional. But learning from failure is difficult because simply experiencing an act of failure is not enough. The process also requires persistence, insight, and a willingness

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to try—and therefore risk failure—again. To learn from failure requires that we understand the significance of effort, receive growth feedback, reflect, and try again. Although this process may sound like a dismal cycle of despair, it actually embodies what Carina Granberg calls “a productive struggle.”¹ This process is necessary to transform failure into a powerful learning tool that accepts effort, feedback, and reflection as necessary parts of intellectual growth.

² Most law students learn in highly competitive, achievement-based environments that demonize failure and shame those who experience it. Destigmatizing failure is of the utmost importance as it can help law students develop skills that achieve deeper learning and hone skills that will benefit them in their future careers. This article explores how law students can develop mindsets that change their perceptions of failure, deepen their learning, and reframe challenges as opportunities rather than measures of their ability.

³ Carol Dweck’s work on self-theories explores the relationships between mindsets and the effect they have on challenge seeking and resilience.² Legal educators have expanded on Dweck’s work to examine how mindset applies to learning in the legal academy.³ Using these theorists’ work, this article presents a framework that introduces a reframed failure pedagogy into the legal research classroom. The iterative nature and analytical process of problem solving in the legal research classroom make this framework uniquely suited to incorporate failure, guide productive struggle, encourage persistence, and provide feedback to promote growth mindset characteristics in law students.

The Language Behind Mindset

⁴ Psychologists and educators suggest that people form meaning systems (or lay theories) based on beliefs developed through their experiences and that these meaning systems impact people’s behavior and motivation.⁴ How might students’ meaning

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² Carol S. Dweck, Self-Theories: Their Role in Motivation, Personality, and Development (2000).


systems influence how they interpret and react to failure? Simply put, the fear of failure can overwhelm students and harm their learning process. More accurately, a student’s perception of failure may cause this maladaptive response. This can be particularly true for law students. After years of successful academic experiences, many law school students are introduced to failure in their first year of studies. For some, these new challenges and setbacks are embraced. For others, feelings of defensiveness and vulnerability are common responses. Students experiencing these defensive feelings may also suppress help-seeking behavior and exert less effort.

Dweck and others have examined these acutely different approaches to learning when faced with failure. Their studies lead to a more general conceptualization of individuals’ beliefs about intelligence. Dweck’s implicit self-theories model identifies two mindsets that form based on how people view their abilities. Her framework, in part, predicts students’ reaction to failure, exertion of effort, and response to feedback in the face of a challenge.

The model distinguishes between incremental theorists and entity theorists and explains the psychology behind challenge seeking and resilience. Incremental theorists view intelligence as malleable. They see a mastery-oriented response pattern to failure, looking at a failure simply as a problem to be tackled. Everyone, with effort and guidance, can increase their intellectual abilities according to these theorists. Incremental theorists are more likely to select activities that produce growth and learning. Entity theorists believe intelligence is a fixed trait, static and unchangeable. They believe that “intelligence is portrayed as an entity that dwells within us and that cannot change.” Entity theorists are concerned with proving their ability and looking smart,
which may draw them to easy low-effort successes and creating an “urgency to prove oneself over and over.”

¶7 While working on a challenging task, mastery-oriented individuals show increased effort and more effective problem-solving strategies. They demonstrate this mastery orientation pattern because they believe their ability can improve through effort and are open to feedback. In contrast, because they view their ability as fixed, entity theorists respond to failure with a helpless pattern. They view a challenge as something out of their control and a reflection of their inadequacies. A helpless response to failure has a direct negative effect on the level of effort that entity theorists exert because the necessity to exert effort is an indictment of their innate intelligence. Helplessness also negatively impacts help-seeking behavior since entity theorists fear that asking questions may give the appearance that they are less intelligent.

¶8 Elliot and Dweck expanded their self-theories research to examine a possible link between self-theories of intellectual abilities and the motivations behind students’ responses to failure. They hypothesized that if educators could determine the intellectual goal of theorist-types, this would give insight into how students might respond in classroom environments.

¶9 The researchers identified performance goals and learning goals as two classes of achievement goals. They examined the impact these goals might have on student motivation. The researchers found believers in incremental theory formed learning goals, also called mastery goals, while believers in entity theory formed performance goals. The researchers postulated that these achievement goals create a framework within which individuals interpret and react to challenging events. Within this framework, entity theorists focus on performance and are concerned with looking “smart.” These students are reluctant to reveal that they are struggling and avoid seeking help because doing so would reveal their perceived inadequacies. Alternatively, incremental theorists focus on learning and are not necessarily concerned with looking “smart.” These students interpret increased effort as a necessary component of working through a challenge, not a commentary on their intelligence, making them open to exercising adaptive help-seeking behavior.

15. See Dweck, Self-Theories supra note 2, at 2.
19. Id.
20. Id.
22. Id.; Dweck, Self-Theories, supra note 2, at 15–19.
23. Elliot & Dweck, supra note 17, at 10.
¶10 A 2005 study by psychologists Caroline Dupeyrat and Claudette Mariné also found relationships between implicit theories of intelligence, goal orientation, and learning. While their research only partially validated Dweck’s model, they did find a strong relationship between mastery goals, active engagement in learning activities (such as deep processing strategies), effort, and performance.\(^{24}\)

¶11 Students’ self-theories of ability and their learning goals are not absolute. According to Dweck’s research, students hold both learning and performance goal characteristics. Students may want to develop their skills and be validated and praised for them. Likewise, students may want to develop their skills for the sake of learning and gaining knowledge.\(^{25}\) Dupeyrat and Mariné’s study suggests students who display implicit theory characteristics may also display entity theory characteristics depending on the circumstances.\(^{26}\) The issue arises when achievement goals conflict and students must choose one goal over the other, influencing individuals’ response to failure differently.\(^{27}\) Note that if performance goals are overemphasized, they can overshadow learning goals and promote helplessness patterns.\(^{28}\) Though there are conflicting findings as to whether a correlation exists between performance goal characteristics and measuring ability, learning goals suggest that individuals remain focused on problem-solving strategies.

¶12 Dweck’s self-theories model does not suggest that failure and criticism are more beneficial than success and praise. Nor does she argue that feelings of confidence aren’t valuable. She does argue that ability, success, intelligence, praise, and confidence are not what drive students to apply more effort, seek challenges, and persist when faced with failure. Instead, it is their mindset.\(^{29}\)

Mindset and the Legal Academy

¶13 Recognizing and accepting failure can be challenging. How we respond to and perceive failure is directly related to our implicit beliefs or mindset. For example, in law school, where the fear of failure is constantly prevalent, brought on by the program’s pace and the emphasis on performance in the student’s first year, for example, creates an environment that may trigger fixed mindset characteristics and its maladaptive consequences. Researchers suggest that many law students hold fixed mindsets.\(^{30}\) When reflecting on law school, graduates “cite competition, grades, and workload as major

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26. Dupeyrat & Mariné, supra note 24, at 54 (examining lay theory in adults returning to school; for example, considering the importance or purpose of the class to a student).
27. Id.
29. Id.
30. See Sperling & Shapcott, supra note 3.
stressors.”31 These stressors play key roles in the law school experiences for many students, thus influencing their mindsets. Legal education literature also documents many negative effects of law school on law students.32 In 2014, legal educator Jerome Organ and others conducted a multi-school study that included 15 law schools nationwide and over 11,000 law students. The study reexamined student use of alcohol and illegal drugs, prescription drug use, mental health concerns, and help-seeking attitudes of law students.33 The researchers found that 37 percent of law students reported anxiety, compared to 15 percent of other graduate students, and 17 percent of law students reported depression, compared to 14 percent of other graduate students.34 These statistics support Austin’s contention that a link exists between “a well-being crisis in the legal field and legal education.”35

¶14 Law schools define achievement in terms of standardized test scores, grades, class standing, and law review journal participation. Students are “introduced to these ‘goals’ as early as orientation, driving them to perform.”36 For many students, law school is the first time in their academic careers that they struggle learning new content and concepts. New students must adapt to these challenges while coping with and understanding unwritten institutional values or behaviors. Each experience has the potential to negatively impact learning for students.37 Additional anxieties may exist for students in part-time programs who are working full time, as well as nontraditional students who may have been away from the classroom for many years. These stressors may prove overwhelming and become pressure-inducing experiences that students must navigate for three to four years.

¶15 An individual’s makeup also influences what demands they find threatening and how they respond—confidently and effectively, for example, or fearfully and maladaptively. Arguably, after successfully completing the rigor of law school acceptance, the self-confidence of most students is high when they begin their studies.38 Therefore, it seems reasonable to suppose that students with high levels of confidence are better prepared to adeptly respond to law school stressors and setbacks. However, high self-confidence does not safeguard students from entity theorist responses to perceived failure. Although high levels of confidence in their intellectual abilities may initially

31. Austin, supra note 3, at 650 (citing Rebecca Nerison, Lawyers, Anger, and Anxiety: Dealing with the Stresses of the Legal Profession 68 (2010)).
34. Id.
35. See Austin, supra note 3, at 649.
36. Id. at 655.
37. Id. at 653; see also Bishop, supra note 3 (quoting Emily Zimmerman, Do Grades Matter?, 35 Seattle U. L. REV. 305, 346 (2012) (finding in an empirical study of first-year law students that “most students reported that their law school grades were worse than their college grades” but that their expectations of grades in law school were varied)).
38. See Austin, supra note 3, at 650.
help entity theorists respond adaptively to failure, the persistence of law school stressors and threats of failure eventually trigger a helpless pattern, which in time takes over. This supports Kaci Bishop’s conclusion that focusing on these stressors nurtures entity theorist characteristics, which are detrimental to the mental health and intellectual curiosity of some law students.39

¶16 Bishop’s “failure pedagogy” applies Dweck’s theories of intelligence research to develop an approach to legal education that incorporates failure in the legal classroom to motivate growth mindset in students. Failure pedagogy posits that legal educators can create and reinforce a culture to destigmatize failure.40 Bishop suggests a framework where “professors can incorporate into their curricula easily to create a safe space for failure, include growth language in their feedback, and help students analyze, anticipate, and prevent failures.”41 Similarly, using growth mindset as a basis, legal writing professors Carrie Sperling and Susan Shapcott focus specifically on students’ response to failure—in part, their response to feedback—in the context of legal writing. They opine that through meaningful assessment by way of effort and feedback, instructors can promote a growth mindset.

¶17 The examination of self-theories and the legal academy by these legal researchers lays a foundation for a framework to introduce failure into the legal research classroom.

**Legal Research and the Legal Academy**

¶18 Legal research is arguably the legal skill on which most other skills are built.42 “It is difficult to imagine legal writing, effective interviewing, discovery, negotiations, or client counseling without legal research.”43 Legal research skills are “essential throughout a wide range of . . . legal practice”44 and “define effective lawyering.”45

¶19 American Bar Association (ABA) Standards 302 and 314 affect legal research curricula in the legal academy.46 Standard 302 establishes learning outcomes for law schools to include legal research, and Standard 314 requires law schools to utilize both

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40. *Id.*
41. *Id.* at 960.
43. *Id.* at 213.
formative\textsuperscript{47} and summative assessment methods in their curriculum to measure and improve student learning and provide meaningful feedback.\textsuperscript{48}

¶20 Legal research skills are a requisite for law students from their first semester in law school to their last. Professionally, many students begin applying their legal research skills during their summer internships after their first year.\textsuperscript{49} Unfortunately, surveys of the bench and the bar routinely highlight the inadequacy of legal research skills of recent law school graduates. For years, law librarians have explored ways to improve student performance, how legal research instructors might promote a learning environment that connects what students learn in the legal research classroom to the challenges they would face professionally.\textsuperscript{50} Given the direct relationship between students’ beliefs about their intelligence, their reactions to failure, and consequently their ability to move through difficulty and stressors, a learning environment can affect students’ learning. Thus, “how legal research is taught is just as important as the information covered.”\textsuperscript{51}

¶21 Because legal research is an iterative process, and because legal reasoning and analysis are inherent to this process,\textsuperscript{52} the legal research classroom becomes an appropriate place to create a framework to introduce failure and promote growth mindset characteristics in students. By incorporating failure pedagogy in the classroom, legal research instructors not only create opportunities for students to engage in productive struggle, rather than a race to the answer, but receive opportunities to give growth feedback to students as well. Through growth feedback, legal research instructors can develop in-depth learning and resilience-developing opportunities for students and promote growth mindset skills.

\textsuperscript{47.} See Sullivan, supra note 46, at 7 (recognizing the importance of summative assessment but expressing the importance of formative assessment: “formative assessment, which focuses on supporting students in learning rather than ranking, sorting, and filtering them.”).


\textsuperscript{49.} See Valentine, supra note 43.

\textsuperscript{50.} Harker, supra note 49, at 82; Valentine, supra note 43, at 180.

\textsuperscript{51.} See Valentine, supra note 43, at 180.

\textsuperscript{52.} Id. at 179.
Reconceptualizing Failure: Bringing Growth Mindset to the Legal Research Classroom

¶22 The legal research classroom can provide students with the skills to manage challenging research environments and promote adaptive responses to failure. But an instructor must consider how students’ mindsets affect how they navigate the legal research process, what they glean from course exercises, and whether they seek help or accept feedback.

¶23 Students vary in their implicit theories, from more of a fixed or entity theory of intelligence to more of a malleable or incremental theory. Sperling and Shapcott suggest that a significant percentage of law students have a propensity toward a fixed mindset of intelligence. Entity theorists are concerned with measuring their ability. An entity theorist refrains from admitting that they need help. There are other attributes as to why they encountered a setback. The persistence of law school stressors exacerbates entity theorists’ failure response of helplessness. These students may become despondent or defensive when confronted with failure and apply less effort, give up, or pursue easy options if they perceive the legal research class or exercise is beyond the scope of their ability.

¶24 As discussed above, entity theorists emphasize performance goals, whereas incremental theorists emphasize learning goals. Thus, individuals with a fixed view of their intelligence are oriented toward performance goals that help them prove their ability level. In contrast, individuals who believe they can get smarter are oriented toward learning goals that help them increase their ability level. Since legal research is taught as an iterative process, the legal classroom is a uniquely appropriate place to create and reinforce an environment where students are comfortable with and responsible for acknowledging and learning from failures and promoting growth mindset.

¶25 While it is possible to influence students’ self-theories about their intelligence, how instructors conduct their legal research class is important. In legal research classes, very often exercises are created to easily demonstrate a concept or to allow students to work through them. By creating exercises that are not so straightforward, instructors can create an opportunity for meaningful struggle for students. Through constructive feedback, instructors can create in-depth learning and resilience-developing opportunities for students.

¶26 When considering how to create learning opportunities from students’ failures, instructors should acknowledge that many students may find it extremely difficult to "embrace the realization that taking risks and failing are often the essential moves necessary to bring clarity, understanding, and innovation." Moreover, Sperling and

54. See Sperling & Shapcott, supra note 3, at 58.
55. DWECK, SELF-THEORIES, supra note 2, at 68–70.
56. Id.
57. Id. at 26.
Shapcott argue the importance of acknowledging one’s own mindset as well as the students’. By acknowledging belief systems regarding intelligence, instructors can understand how they shape perceptions of success. For example, a professor who believes in entity theory might attribute a student’s success solely to their innate ability, disregarding other factors that may influence performance. This section discusses three ways of promoting adaptive responses to failure: creating a safe space for failure, creating opportunities for meaningful struggle, and including growth language in feedback.

Safe Space

¶27 Law students with fixed mindsets may freeze with fear of humiliation if they don’t know or are unsure of an answer. Even high-confidence students who more readily seek out challenges may avoid them when faced with a perceived threat of failure. These students may feel judged by their instructors and colleagues. This perceived judgment spirals into an emotional failure because of their perception that they did not achieve an intellectual expectation. Likewise, students who espouse a growth mindset may fear the characteristics of this theory are not valued given the institutional culture of law schools, which promotes fixed mindset characteristics.

¶28 Legal research instructors can build on their vulnerabilities by creating a space where students feel comfortable enough to risk giving incorrect answers, making mistakes, and demonstrating growth mindset learning characteristics. Researchers suggest introducing students to the notion of incremental mindset early in the semester. Redefine the concepts of failure, struggle, and effort as learning benefits, and create assignments that focus on process rather than ability.

¶29 Bishop’s failure framework lays a foundation that contextualizes failure to des-tigmatize its negative connotations, thereby creating an environment that fosters incremental mindset characteristics. When creating a safe space, do the following:

59. Sperling & Shapcott, supra note 3, at 72 (discussing benefits of instructors acknowledging their mindset when teaching and assessing students).

60. See, e.g., Bishop, supra note 1, at 987 (Bishop’s failure framework posits creating a “safe space for failure by contextualizing and sharing failure”); see also Sperling & Shapcott, supra note 3, at 72–83 (discussing many ways to incorporate incremental mindsets).

61. Bishop supra note 3, at 976; Dweck & Leggett, supra note 6, at 256 (study examining motivational goals).

62. Bishop supra note 3, at 976; Dweck & Leggett, supra note 6, at 256.


64. When discussing mindsets, the importance of effort, and the introduction of reconceptualizing failure with a student he commented: “Yes, tell us ‘this will be like no other class that you have.’”; see, e.g., Sperling & Shapcott, supra note 3, at 73–76 (discussing suggestions for fostering incremental mindset);

65. See Bishop, supra note 3, at pt. IV.
• Share your own failures. Most legal research instructors have experienced a wayward search or received unexpected results while demonstrating a lesson to students.

• Acknowledge the research experiences and abilities that students bring with them.

• Explain the iterative nature of legal research. Acknowledge that the new vocabulary and processes might seem challenging, but stress that this is expected.

• Refer to a student’s previous mistake or question that fellow students may have ignored as irrelevant and celebrate the significance the uncertainty has on the lesson.

• Encourage class participation. After an in-class assignment, ask a student to demonstrate their strategy. Inform the class that everyone will have to demonstrate at some point during the semester. Ask the student who is demonstrating to share their mistakes and ask the class to do the same. Students are reluctant initially, but their angst quickly dissipates, and their focus shifts to the assignment. This creates relevant discussions and gives the instructor an immediate assessment of how the class grasped the content covered.

§30 Creating a safe space is an ongoing effort. The process continues when instructors have one-on-one conferences or guest lectures.

Meaningful Struggle

§31 Legal research is mastered with practice and meaningful struggle. Meaningful struggle is a necessary process “in which students restructure their existing knowledge while moving toward a new understanding of what is being taught.” Very often, the more students struggle through a learning process, the more likely they are to recall the lesson. However, as discussed briefly above, how students navigate a process is influenced by their implicit theory. Students with a more fixed mindset or entity theory may give up and not seek help, fearing that doing so exposes their lack of ability. Alternatively, students with more of a growth mindset, or incremental theory, may increase effort and apply new strategies in the face of a challenge, understanding that it is simply a necessary part of learning. Research suggests that students’ mindset can be changed; instructors can create a context where growth mindset can thrive.

§32 Creating more challenging legal research assignments provides students with opportunities for deeper learning. Giving growth guidance by encouraging new strategies, self-reflection, and increased effort, instructors can help students navigate a difficult problem-solving process. However, empty, useless difficulty without learning outcomes does not promote deliberate meaningful struggle; rather, it promotes racing to an answer or discouragement. The instructional goal of the exercise is not to make

66. Id. at 990–91 (discussing ways to incorporate failure to create a safe space for students. For example, “[s]haring quotes or stories about others’ journeys, missteps, and failures. . .”).

67. Ermeling et al., supra note 1.

68. Anthony Sayster & Duncan Mhakure, Students’ Productive Struggles in Mathematic Learning, in Pedagogy in Basic and Higher Education: Current Developments and Challenges 97-114,98.

69. Bishop, supra note 1, at 964–66; see also Sperling & Shapcott, supra note 3, at 80 (discussing creating a mastery-focused classroom environment).
the exercise harder just to be difficult; students should learn while navigating through struggle, not become frustrated by it.70

¶33 The struggle will vary for students, but student growth and learning do not come from struggle alone. A student’s belief as to whether effort is instrumental to successfully facing failure is a key distinction between the fixed and growth mindsets.71 For example, students with fixed mindsets may view any additional effort as unnecessary if they got the answer right; they might forgo an opportunity to reconsider search strategies or reflect on the assignment. One student questioned the need to reflect on an assignment “unless you just really messed it up.” When students are working through an assignment in the classroom, instructors should avoid immediately correcting errors and follow up with more probing questions when students answer the problem correctly.72

¶34 Encourage increased effort by students. Allow students to reflect on the steps taken in their process and then to reengage with the problem. Creating opportunities for meaningful struggle and supporting students with growth guidance in the classroom can be achieved with in-class assignments. For example, students were given an in-class exercise and were tasked with finding a regulation. However, there was another very similar yet incorrect regulation in an adjacent regulatory scheme. As instructors moved about the room giving feedback and answering questions, an overly confident student’s research led him to an incorrect regulation, but the student was not corrected immediately. A short time later, the incorrect outcome was pointed out to the student. Faced with failure, he was stunned. The student was asked to consider his research process, reflect on what was covered, apply that lesson to why he found the incorrect regulation, and consider where he may have gone wrong with his process. He replied, “I get it,” then dove into the problem again, finding the correct regulation. During class discussion, this student had more self-reflection comments and learned more search strategies than students who raced to the answer. He also left the class with a deeper understanding of the regulatory scheme.

¶35 An educator might intuit that praising students’ intelligence encourages them to thrive when faced with challenges. However, research suggests that the opposite is true. Praising intelligence undermines learning goals and growth mindset because it is praising a student’s ability—giving students’ intelligence a measurement.73 In addition, by praising the ability of a student, rather than their effort or process, educators promote a “false growth mindset.”74 Praising ability fosters a fixed mindset and performance goals, resulting in helplessness responses to failure.75 Bishop also suggests shifting standard sources of praise in law schools to “that of effort, process, or progress and actively use

70. See Ermeling et al., supra note 71.
72. See Ermeling et al., supra note 71.
74. Dweck, Mindset, supra note 6, at 211–14.
75. Id.
growth language, thus promoting incremental theory or growth mindset in legal classrooms.⁷⁶

¶36 Meaningful struggle is most useful when it helps students grasp and retain key lesson ideas.⁷⁷ When considering introducing failure to promote growth mindset through exercises and assignments, do the following:

- Reinforce the concept of failure as a learning tool. This permits students to know that not getting the answer or your point immediately is not an indictment on their intelligence. This promotes student questions and reinforces help seeking.⁷⁸
- Reinforce that legal research is an iterative process.
- Consider the placement of more challenging assignments within the curriculum. Growth guidance may also be achieved by posing probing questions for a more in-depth understanding of the topic.
- Design struggle tasks based on an assessment of students’ prior knowledge and skills. Even if a student gets a question correct, consider asking more in-depth follow-up questions.
- Encourage effort. For in-class exercises, allow students the option to continue working on the assignment, whether completed or not. This demonstrates that additional effort is valued and praised.
- Create follow-up lessons that build on students’ ideas and misconceptions to promote help seeking.⁷⁹

¶37 Admittedly, creating meaningful struggle exercises and facilitating classroom discussion are difficult and ongoing challenges because mindsets receive feedback differently.

Feedback: Evaluating What Went Wrong

¶38 Students need accurate assessments of their ability to provide a gauge of their improvement and encourage a deeper understanding of the topic.⁸⁰ ABA Standard 314 acknowledges this by requiring that law schools use both formative and summative assessments to measure and improve student learning and provide meaningful feedback. In addition, Standard 315 requires law schools to conduct ongoing evaluations of their programs and to make appropriate changes to improve curriculums.

¶39 Implicit theories affect the learning spectrum—from meaning systems, goals, productivity, and attribution to a student’s willingness to seek help and hearing and applying feedback. Here, an instructor should consider their students’ mindset when

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⁷⁷. See Ermeling et al., supra note 71.
⁷⁸. See Bishop, supra note 3, at 997.
⁷⁹. Id.; see Sperling & Shapcott, supra note 3 (authors suggest a significant portion of law students hold a fixed mindset, and students will display maladaptive reactions to perceived negative feedback—no matter how thoughtful the assessment).
⁸⁰. See Sperling & Shapcott, supra note 3, at 41.
providing feedback. Like legal research, assessment is an iterative process, and it might change often during a course, depending on the ongoing needs of the students.81 Legal research instructors can use in-class assignments, quizzes, student presentations, videos, and technology to encourage help seeking and growth feedback for students. However, Sperling and Shapcott argue that unless mindsets are considered, any type of assessment will “fall short.”82 Individuals with growth mindsets receive feedback as a tool to improve and promote deeper learning. Alternatively, individuals with fixed mindsets receive feedback as a display of their perceived inadequacy; they may feel judged, and find their perceived “inadequacy” blameworthy. They may blame the setback on their lack of preparation, the instructor, the exercise, or the insignificance of an exam. For example, a student who did not seek help or underestimated the difficulty of a legal research exam may find the questions or assignment “arbitrary.”

¶40 When assessing students, instructors should be aware of their own mindset as well. Research finds that an instructor’s mindset can inadvertently impact student assessment.83 In an examination by Aneeta Rattan, Catherine Good, and Carol Dweck, the researchers found that instructors with fixed mindsets were more likely to judge lower-performing students and held low expectations for student growth.84 Moreover, instructors with fixed mindsets were more likely to offer easier strategies for improvement, or comfort-feedback, and less likely to promote academic growth with students they perceived to have less intellectual ability. The researchers suggest that the instructors’ “low expectations” can be communicated to students and impair academic achievement.85

¶41 Students may become defensive or discouraged after receiving what they perceive as negative feedback. A fundamental goal of feedback is that it is heard. Offering growth feedback allows students to hear or receive what is being said, thus allowing them to receive the opportunity for growth. To promote meaningful struggle and subsequently cultivate resilience and a growth mindset, instructors should incorporate growth language in their feedback.

• Reinforce the iterative process of legal research. Some research paths fail, but that’s OK. Bishop suggests using the word “failure” to diminish its power.86
• Shift the focus of praise from ability to effort and research process. Focus on the student’s process.87

81. Id.
82. See id. at 65.
83. Aneeta Rattan & Catherine Good, “It’s OK, Not Everyone Can Be Good at Math”: Instructors with an Entity Theory Comfort (and Demotivate) Students, 48 J. EXPERIMENTAL SOC. PSYCH. 731 (2012). (discussing four studies exploring the pedagogical implications of instructors’ implicit theories of intelligence on student motivation. Findings suggest that instructors with a stronger belief in entity theory are more inclined to evaluate student ability based on limited instances of poor performance. Additionally, these instructors, as the article title suggests, tend to provide comforting feedback to students presumed to have low ability and adopt pedagogical practices that may inadvertently reduce student engagement).
84. Id.
85. Id.
86. See Bishop, supra note 3, at 962, 960–1005.
87. Id. at 991.
• Create a checklist of skills that students will learn. This provides a roadmap of the skills they learned and a way to follow their progress. The checklist also provides students with a new vocabulary.
• When considering feedback, consider help-seeking methods.\textsuperscript{88}
• Be aware of your own mindset and avoid comfort-oriented feedback.

**Conclusion**

¶42 Failure can feel like a bitter pill to swallow, especially for those who agree that it “has been transformed from an action . . . to an identity.”\textsuperscript{89} Students face persistent threats of failure during law school, where grades, rankings, and other measures of achievement encourage fixed mindsets and their corresponding set of maladaptive responses. But it is possible to influence students’ self-theories about their intelligence and, in the process, promote a growth mindset and deepen students’ learning experiences.\textsuperscript{90}

¶43 Law librarians have long recognized the importance of preparing students to be effective researchers. But our influence extends beyond teaching only the hard skills needed for future law practice. By creating a safe space for failure, promoting meaningful struggle, and using appropriate feedback, we can reconceptualize failure in the classroom to strengthen law students’ learning and growth. Helping students to develop growth mindsets will prepare them for future challenges much greater than those faced in the classroom.

¶44 As a final note, the reconceptualizing framework considered in this article is drawn from experiences in a mandatory 1L legal research course. Further analysis is necessary to consider how this framework could be applied in guest lectures, asynchronous online courses, or reference interviews. It would also be interesting to examine to what extent organizational/institutional theories of intelligence more broadly affect student lay theories, and subsequently how the legal research classroom more narrowly can affect student lay theories.

¶45 Recognizing the unique mindset of students and faculty in the legal classroom is essential to legal education. By doing so, we can create a supportive and inclusive environment that benefits students, enhances their learning experiences, and transforms the current institutional landscape into a more progressive institutional environment that can encourage active engagement and fosters a sense of belonging.

\textsuperscript{88.} See Sperling & Shapcott, supra note 3, at 75–77.
\textsuperscript{90.} Dweck, *Self-Theories*, supra note 2, at 218.
Keeping Up with New Legal Titles*

Compiled by Chava Spivak-Birndorf** and Matt Timko***

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Reviewed by Michael N. Umberger*

¶1 The field of federal Indian law is notorious for its array of confusing, convoluted, and at times contradictory doctrines, the outcome of repeated drastic swings throughout history in official U.S. policy with respect to Native peoples. Although Peter P. d’Errico is hardly the first author to bring attention to this situation, his *Federal Anti-Indian Law: The Legal Entrapment of Indigenous Peoples* squarely places the discovery doctrine, the legal and religious concept underpinning the U.S. domination of Indigenous peoples, at the base of this jurisprudential mess. d’Errico explains that this imbroglio is the result of a suspension of normal law, in effect an exception from the rule of law. Moreover, he identifies the discovery doctrine, and the complex body of law derived from it, as the source from which all U.S. claims to sovereign authority ultimately derive.

¶2 The work is an impassioned, clear-eyed critique of the discovery doctrine, unafraid to wield an occasional exclamation mark in service of its breathless indignation at historical and ongoing injustices against Native peoples. d’Errico grounds the book in his personal experiences, recounting stories from his time working for a legal services organization in Navajoland as a non-Native, which allowed him to see the inequities wrought by American law more clearly.

¶3 After demonstrating how thoroughly Native peoples have suffered under U.S. domination, d’Errico reviews the early trilogy of Supreme Court cases in which Chief Justice John Marshall established federal supremacy over both Indigenous and state powers, rooting this authority in the Christian doctrine of discovery.1 This cursory and succinct review of the Marshall trilogy is followed by a discussion of the philosophy behind the exceptional character of federal anti-Indian law and a review of later attempts to challenge federal anti-Indian law through litigation, with a special focus on cases in which the discovery doctrine itself was criticized.

¶4 Looking toward the future, d’Errico, a retired professor of legal studies, examines the role of legal realism in the development of the field of federal Indian law and how the discipline came to be taught in the classroom. d’Errico places special emphasis on the role that books, particularly Felix S. Cohen’s landmark *Handbook of Federal Indian Law*, have in shaping government policy and legal doctrine. *Federal Anti-Indian Law* closes with a call to action, emphasizing the necessity in moving beyond the power structures and homogenizing influence of sovereign nations toward a more communal and egalitarian way of life as exemplified in Indigenous communities around the world.

¶5 Certainly other works of legal history and legal analysis treat the domination and dispossession of Indigenous people in this country with more rigor and depth.

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including Lindsay G. Robertson’s *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of Their Lands* (2005), Robert J. Miller, Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg’s *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies* (2010), and even Steven T. Newcomb’s *Pagans in the Promised Land: Decoding the Doctrine of Christian Discovery* (2008), for which d’Errico himself wrote a foreword that resembles *Federal Anti-Indian Law* in miniature. In contrast, d’Errico’s book largely synthesizes the work of others and places it in the context of his own lived experiences. In the end, this approach mirrors his plea for a return to community-led ways of life and suggests that true understanding of humanity’s place in the world must be based on a diversity of voices. The succession of quotations sometimes threatens to overwhelm d’Errico’s ability to weave the various threads together, but the effect is ultimately in service of the book’s message.

¶6 The book’s structure is also not without defect, as it can feel disjointed and stitched together. At times *Federal Anti-Indian Law* reads as an uneasy combination of two separate works, one an impassioned personal history and the other a study of the development of the influence of the Marshall trilogy in American law, though the final chapter on the future does serve in some measure to unify the two strands. If anything, the book could have been enriched by including more of d’Errico’s personal stories from working in Navajoland and representing Native clients, as they ably demonstrate the immense difficulties Indigenous peoples and their attorneys face in challenging the entrenched doctrines of federal anti-Indian law.

¶7 Finally, through no fault of d’Errico’s, the book had the misfortune of being published mere months before the Vatican officially repudiated the discovery doctrine, claiming the papal documents on which it is based have “never been considered expressions of the Catholic faith.” This development almost certainly would have shaped d’Errico’s views on the future of the discovery doctrine given the magnitude of this renunciation. Nevertheless, *Federal Anti-Indian Law* remains a pointed plea for change in the face of centuries of Native mistreatment and reminds readers that alternatives exist to the historical modes and cycles of U.S. domination over its Indigenous peoples. This book is recommended for academic libraries of all types.


Reviewed by Matthew R. Steinke*

¶8 Mark C. Dillon, a justice of the appellate division of the New York State Supreme Court, has written a new book, *The First Chief Justice*, about the first Chief Justice of the

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U.S. Supreme Court, John Jay. Dillon notes that the book is not intended to be a biography of Jay, but rather focuses on the U.S. Supreme Court cases that were handled when Jay was the Chief Justice of the Court, from 1789 to 1795. Dillon, as a judge himself, is especially qualified to analyze these early cases.

Although not intended as a biography, the book capably introduces readers to Jay in its first couple of chapters. Dillon tells us that Jay was generally not someone who actively sought political positions. He was someone who felt that the office should seek the man, not the man seek the office (p.247). Jay was clearly a brilliant and well-liked man, and he was sought for many offices and positions during his life. Among his many accomplishments, he helped to negotiate the Treaty of Paris to end the war with Britain, and he wrote the Federalist Papers with Alexander Hamilton and James Madison. All of Jay's experience and accomplishments culminated with his appointment as the first Chief Justice of the U.S. Supreme Court in 1789.

Chapter 3 of the book focuses on Jay's appointment to the Court and the early operations of the federal court system. It is one of the best chapters in the book. I was surprised to learn that the U.S. Supreme Court justices were required to ride multi-state circuits and hear trial-level cases as part of their duties. The travel necessitated by the circuit riding was very difficult. The justices had to travel with their personal law libraries and were expected to pay for their own expenses. Justices continued to have circuit riding responsibilities for well over a century.

Beginning with Chapter 4, the book takes readers through the cases that were handled by the Jay Court. Dillon does an excellent job explaining legal terms and concepts in a manner that would be understandable to a lay person. Some of these cases are more interesting than others, but I appreciate Dillon's thorough and thoughtful approach.

One of the more interesting aspects of the case discussion is when Dillon considers these cases as a mechanism for the Court feeling out its powers in the early days of the country. In Hayburn's Case, the Court was looking at the constitutionality of the Invalid Pensions Act of 1792, which required federal judges to act as pension commissioners. This law raised several constitutional issues, but separation of powers and judicial supremacy were still being navigated in the early days of the country. Dillon explains that the Court may have delayed ruling on this case, knowing that legislation to repeal most of the law was about to be enacted. Once the new legislation was enacted, the Court simply dismissed the case, and thus avoided having to declare the law unconstitutional. In writing about Jay, Dillon frequently references the importance of his diplomatic skills. Jay was clearly using these skills to guide the Court in its early years.

The “Citizen Genet Affair,” covered in Chapter 10, is a highlight of the book. Edmond-Charles Genet was the French minister to the United States, and he was sent to aggressively promote French interests in the U.S. The “Citizen Genet Affair” refers to Genet's attempt to criminally prosecute Jay for libel in the U.S. Supreme Court during Jay's tenure as Chief Justice of the Court. Genet's political fortunes changed in the

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3. Hayburn's Case, 2 U.S. 408 (1792)
aftermath of the French Revolution, and he agreed not to pursue the case in exchange for receiving political asylum in the U.S.

¶14 In the book's final chapter, Dillon laments that Jay is not commonly regarded as on the first tier of the nation's founding fathers. If Jay was not a first-tier founding father, he was certainly someone that first-tier founding fathers called when they had an important job. A great example of this was when Jay was nominated and confirmed to be the Chief Justice of the U.S. Supreme Court a second time, without his knowledge, by President John Adams in 1800. As happened repeatedly in his career, he did not seek this office, it sought him. On this occasion, as he entered retirement, Jay declined the appointment.

¶15 The First Chief Justice is an excellent book about an important founding father with whom some readers may not be familiar. The book’s focus on the cases in the Jay Court provides a unique perspective on Jay and the early days of the Court. The book is well organized, citations are used throughout to identify sources, and a bibliography is included. Researchers who are interested in these early U.S. Supreme Court cases and the early years of the Court's operations will find this book valuable. This book is highly recommended for academic law libraries.


Reviewed by Stephanie Ziegler

¶16 The authors of Academic Librarian Burnout: Causes and Responses have provided an eminently practical and well-researched overview of the problem of burnout in the profession. Both within and without the profession, there is an impression that librarianship is a calling more than a job, which perpetuates the notion that librarians must be so naturally devoted to this calling that they are immune to burnout. This belief exacerbates the problem of burnout in librarianship and renders it less visible.

¶17 Burnout is a relatively recent term; it was first coined in relation to service professions in the 1970s. Given recent world events, it would be natural to assume the book would be couched solely in relation to the changes in the workplace in general, and academic librarianship in particular, caused by the COVID-19 pandemic. Instead, the book examines the problem of burnout from many different angles and over multiple time periods, sometimes focusing on the period of the pandemic, but also hearkening back to the 1970s and 1980s and the sea changes in academia that contributed (and still contribute) to librarian burnout.

¶18 Section 1, “Reframing Burnout,” examines burnout from a variety of standpoints: how burnout manifests in different generations and amongst feminist-identifying library leaders. We also see intersections and differences between burnout and both chronic illness and depression. Section 2, “Conditions that Promote Burnout,” discusses several factors contributing to burnout, with one chapter devoted to each: contingent labor contracts (specifically for archivists), leadership changes, parenthood, organizational
dysfunction, negative co-worker experiences, fear of making mistakes, publishing pressure, and service expectations.

¶19 Section 3, “Lived Experiences,” documents the personal narratives of academic librarians of marginalized groups as they experience and combat burnout. To add to the practical strategies the book outlines to deal with potential or actual burnout, this section’s chapters call for additional mental strategies: examining privilege, practicing radical empathy, and dismantling stigmas.

¶20 The remaining sections explore strategies for combating burnout. Section 4, “Individual Responses to Burnout,” tackles personal management of burnout. While institutional policies and environments play a large role in preventing and mitigating burnout, there are strategies individual academic librarians can employ, based on trauma-informed care and constructive living, strategizing within one’s unit and institution to achieve better work-life balance. Section 5, “Organizational Responses to Burnout,” shifts the focus to the role of organizations in fighting burnout. Although individuals and employees as a group can strategize and advocate for conditions to prevent and alleviate burnout, again and again, the consensus is that the organizations themselves must come together at all levels to solve this by examining which leadership styles may be most effective at combating burnout, using onboarding efforts that have the potential to head off burnout before it starts, and dealing with burnout caused by changing work environments.

¶21 Overall, the book aims to provide not only perspective, but also practical solutions to the burnout problem. This, of course, is complicated by the fact that there is no one-size-fits-all solution for academic libraries. And within specific solutions, there must be subtlety; flexible work arrangements and work-from-home, when not accompanied by a level of trust and autonomy, can be insufficient as solutions. But as much as the quantitative and qualitative data can paint a sad picture of the state of burnout in the profession, there are reasons for optimism: stories of librarians successfully advocating from the middle and individual librarians advocating as a group, formally or informally, all while continuing to provide the service for which we are known. The book is well-researched with extensive references (including a few to Law Library Journal) and would be an excellent addition to academic libraries of all kinds.


Reviewed by Dinah M. Minkoff*

¶22 When any of us casually scroll the internet, we see headlines and ads addressing how technology like AI, cryptocurrency, and social media are dramatically changing our lives. Neither the legal job market nor the global job market overall is immune to these changes; Digital Lawyering: Technology and Legal Practice in the 21st Century examines the current transformation of the legal profession in the United Kingdom.

* © Stephanie Ziegler, 2023. Reference Librarian, Ohio State University Moritz Law Library, Columbus, Ohio.
Even though *Digital Lawyering* focuses on present-day lawyering in the United Kingdom, the themes discussed—especially the technologies examined and explained—are relevant to a United States practitioner (or law student). Several snippets in the book discuss how the chapter's content pertains to Australia, Hong Kong, or the United States. In the first chapter, the authors explain that an impetus for writing the book was the dearth of books aimed at students that discuss digital lawyering, as well as the fact that academic articles on the topic are specific to jurisdictions” (p.13). To suggest *Digital Lawyering* is not jurisdiction-specific is a bit humorous, but it still provides a wealth of information about global digital competencies for today’s lawyers.

The authors wrote the book as a textbook for courses focused on technology and the law that introduces students to digital technology utilized within the legal profession. While that rings true when examining the book, the explanation of the individual technologies (e.g., blockchain and Secure Socket Layer (SSL)) are sometimes too detailed for anyone without a basic understanding of engineering. Additionally, by the middle of the second chapter, I started making a note at each point where I would have felt the need to do additional research to understand the point fully were I not on a cross-country flight without internet access.

However, the fact that some chapters do not read as introductory does not detract from the value of the book. *Digital Lawyering* is not designed to be read chronologically” (p.11). Therefore, a reader does not have to understand Chapter 3, “A Guide to Technology,” for example, to fully absorb the remainder of the book. Unfortunately, that arrangement will also result in some repetition of content for readers who choose to read the book cover to cover. On a different note, although the book is attributed to four authors—the first and last chapters are written by all four authors, with the rest attributed to only one—it succeeds at presenting a consistent voice.

*Digital Lawyering* provides a legal technology professor with a wealth of in-class exercises, group work, and diagrams to use in their course. Both visual and non-visual learners will appreciate the illustrations that accompany discussions of networks, digital evidence, analytics, and more. Additionally, each chapter begins with a mind map that displays the critical themes in the upcoming chapter in a flow chart. A professor could easily incorporate a chapter, a portion of a chapter, or simply an exercise (perhaps modified for students at a U.S. law school) into a legal technology course.

The mind maps and the conclusion at the end of each chapter summarizing its contents could guide a legal technology professor on whether the chapter fits their course without needing to read it thoroughly. In fact, Chapter 1, “Introduction to Defining Legal Technology,” or Chapter 2, “The 21st Century Legal Profession,” would be wonderful to assign to students before the first class, since both chapters underscore a refrain that should be repeated throughout the course: routinely using an iPad and scrolling on a phone does not translate into digital competence as a legal professional. Beyond the classroom, *Digital Lawyering* would fit nicely into an academic law library.
and a search of WorldCat shows that it is part of not only United States (and Canadian) law schools, but also community colleges and polytechnic schools like MIT.

Finally, I was impressed at how much a book with a 2022 publication date (listed on some websites as Nov. 2021) wove the implications of the COVID-19 pandemic into its discussions. It is easy for a book about technology to quickly feel dated, which the authors acknowledge in the first chapter (p.13). A new book (or any media) that discusses technology without discussing the profound effect of the pandemic would feel archaic; in contrast, a text about legal technology that references the “I’m not a cat” (p.355) meme will resonate with the twenty-first-century digital lawyer.


Reviewed by Shannon Roddy*

Queer and Religious Alliances in Family Law Politics and Beyond is a compilation of essays written by family law experts and religious legal scholars that explores possible common ground between LGBTQ and fringe religious communities in the family law sphere. Mainstream family law has historically marginalized both groups, and the editors posit that recognition of same-sex marriage is not the end of the struggle for those in nontraditional family structures. Rather, family law continues to exclude many people, including those who practice polyamory and polygamy. The authors of the 10 chapters in this book aim to propose creative paths forward through queer-religious partnerships.

The book strives for a global perspective, although its primary focus is on Western legal systems. Bookended by an introductory chapter and prognostications for the future, most of the book examines possible queer-religious alliances and the affected groups’ overlapping goals and interests. The editor’s note that they intentionally grouped chapters into Part II, “Religious-Queer Perspectives,” and Part III, “Queer-Religious Perspectives,” “to suggest that identities and politics in family law are not polarized—as stereotype dictates—but, in fact, often highly indeterminate and difficult to demarcate precisely” (p.4). The editors make clear that they do not intend for this book to be merely a scholarly rumination; rather, they stress that the individual authors are proposing concrete, practical legal solutions.

The book begins with a chapter on legal pluralism in both religious communities and queer ones, which sets the stage for a discussion of specific alliances. The author of chapter 1, Mariano Croce, argues that religious minorities, particularly first- and second-generation immigrants, often succeeded in practicing their religions while also adhering to the laws of their new country. This legal pluralism is instructive in the family law realm, where queer activists may advocate for “a plurality of overlapping and potentially conflicting legal orderings” (p.22) that recognize various family forms.

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¶32 Part II centers on religion. The chapters here trace the history of legal attitudes toward Mormon polygamy in the U.S., comparing it to the modern-day treatment of same-sex marriage; discuss (and dismiss) the idea of doing away with civil marriage, arguing that it is neither a new nor realistic path forward; and explore how a minority religious sect in Italy (the Waldensian church) has embraced LGBTQ family structures.

¶33 Part III shifts the focus to queer communities, centering on LGBTQ families. Chapter 5 explores the importance of LGBTQ friendships in Italy, where family law continues to be heteronormative (marriage, sanctioned and encouraged by the state, is between one man and one woman for the purpose of procreation), mononormative (one sexual partner at a time), and monomateral (a person may have only one [heterosexual, cisgender, married] mother). This chapter makes passing reference to “queer and religious groups advance[ing] claims grounded in solidarity and redistribution” (p.100) but does not provide any concrete suggestions. Chapter 6 is the only chapter that provides a tangible legal solution to a problem shared by members of the LGBTQ community and religious minorities: abolishing legal marriage in Israel. Israel is the only developed country that only recognizes religious marriage and does not recognize civil marriage (or divorce). The author makes the case that doing away with legal marriage is a “‘queer project’ championed by those who oppose normativity in sexual kinships” (p.105) that may also be attractive to religious groups. The final chapters discuss failed queer-religious alliances in the family law sphere, including legal recognition of nonconjugal families; question whether LGBTQ-religious alliances are possible; and provide some predictions for the future.

¶34 Overall, the book is disappointingly sparse on specifics. While the book draws some parallels between the LGBTQ community and religious minorities in terms of both groups’ exclusion from family law norms, it does not provide much explanation of how the groups could form alliances to work toward change. Despite the editors’ promise to provide concrete examples of queer-religious alliances, the book falls short in this regard. If the reader is looking for a roadmap for future activism, this is not that book.


Reviewed by Bianca Randall*  

¶35 There is hardly a topic more familiar to the average person than food. Most people can hold an impromptu conversation about food preferences and memories. Households around the world are impacted by food quality, cost, and availability. Yet even though food is such a regular item in daily human life, defining the parameters of food law is a complicated matter. In Food Law: A Practical Guide, editor Tommy Tobin successfully teaches the novice legal practitioner the fundamentals of different practice areas and explains how food law applies to each.

¶36 The book makes clear that food law is not typically a recognized subject on its own. However, the recent history of food topics in law shows increasing attention and regulation in this field. Government requirements and cultural expectations have put increased pressure on growers, suppliers, and distributors of food, and consequently, an increase in legal activity related to these industries, especially regulations. Additionally, U.S. law schools are steadily increasing their offerings of food law courses. The practice of food law, although ambiguous, is undeniably a growing field and a new career choice for the next generation of attorneys.

¶37 Food Law begins with the easiest topics first and gradually increases in complexity with each chapter. To help the reader begin thinking about food in law, the authors discuss some of the most obvious effects of food law on everyday life, such as the presence of nutritional labels, litigation regarding misleading labelling, rules regarding food safety and handling, and responding to customer complaints regarding food taste or appearance. As the book progresses, it delves into more complex subjects, such as international law, the impact of blockchain on world markets, and intellectual property. Yet even with these deep topics, the writers work from a basic level, defining key terms and common legal processes, and then tying those themes to food-related issues.

¶38 While reading about the many ways to practice food law, the reader may begin to wonder what formal education can prepare one for this specialization. Chapter 7, “Practicing International Food Law: Considerations for Counsel,” makes a point of listing the programs completed by the chapter’s author. Those programs include the master’s programs in food safety and packaging offered by Michigan State University and the University of Florida’s Institute of Food and Agricultural Sciences. Food Law’s foreword also includes a citation to Food Law & Policy: An Essential Part of Today’s Legal Academy, which in turn contains a listing of U.S. law schools that offered a course in food law between 2014-2018. Although the programs listed in Chapter 7 are useful to see, reviewing the cited article is the reader’s best option for gaining an in-depth perspective of which courses and schools would best prepare one for working as a food law attorney.

¶39 Food Law is readable and engaging. It makes both the legal topics and the food-specific nuances extremely basic and approachable for the novice. Although pricey, it’s a moderately slim paperback that can be read cover-to-cover in a few days. This book is perfect for law students and new attorneys who want to improve their understanding of the many ways food appears in their legal work. It does not require substantial external reading or prior experience to understand. Rather, Food Law is designed for the beginner.

¶40 Despite its title, Food Law isn’t as practical a guide in the same vein as the Rutter Guides. It wouldn’t function as a how-to manual for addressing exact procedural questions and is only organized into 10 general chapters. However, it does work as an excellent overview to food law. It directly cites statutes as needed and has an index. It gives a succinct professional biography for each of the 13 authors immediately after the table of contents, allowing the reader to gain a perspective of the credentials of a food law attorney. I would recommend using this book as a starting point for an introduction to the study of food law. It could also function as an optional treatise for answering general food law questions.
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