

## **Academic Law Librarianship—A Look to the Future**

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Academic law librarians, like all academic librarians, continue to confront the effect of changes rippling through their parent institutions. The effect of smaller budgets in the face of expanding missions and growing competition; the transformation of the learning environment by application of learning theories from the field of educational psychology; the incorporation of Internet technologies in the educational setting, including online courses, programs of study, and social networking; the now-clear preference of scholars and students for access to information in online formats, militating for hard choices as to whether to maintain print library collections; a publishing system based on high-cost print and electronic subscriptions that grow more expensive each year; the open access movement and the still unclear impact it will have on publication and dissemination of scholarship; and outside market forces such as accreditation bodies and official and unofficial ranking systems: all of these circumstances are reflected in decisions academic law librarians will make in the foreseeable future.

Some recent developments affecting print collections and librarian-provided services offer an indication of where academic law librarians are heading, and thus warrant closer examination.

### **Collections**

Emerging print preservation initiatives based on shared repositories is one important trend in the field of collection management. Print collections are at risk of loss because of a now-clear user preference for electronic formats, especially for accessing primary law (the law made by official law-making bodies within the U.S. governmental system). Today, most U.S. legal research can be conducted with a high level of quality through exclusive use of online resources. In addition, American Bar Association accreditation standards for law libraries are no longer viewed as a barrier to offering legal material in a predominantly electronic format, as was once the case. Substantial portions of academic law library print collections are being devalued as a result of these changes.

It is not just the convenience of online access that puts print collections at risk, however; print collections are costly to maintain, and grow more so each year. In addition to expensive updating subscriptions, print requires space that is often at a premium. Today, we frequently see space being taken from the library for other law school uses.<sup>1</sup> These developments put primary law collections at risk of being deaccessioned and discarded in haste, without full appreciation of the consequences for maintaining permanent access to this information, and for the potential loss of the historical record.

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<sup>1</sup>A recent posting to an electronic discussion group maintained for academic law library directors reported that 64 percent of 75 informal survey respondents had experienced a loss of law library space for other institutional needs.

Several recent preservation initiatives seek to establish repositories of this material to ensure the continued existence of legacy print primary law collections. The Legal Information Preservation Alliance (LIPA, [www.aallnet.org/committee/lipa/](http://www.aallnet.org/committee/lipa/)) seeks to preserve legal information in both print and digital formats that are at risk of loss. Under the LIPA model, various law libraries throughout the United States will inventory and pledge to maintain their print primary law collections to serve as repositories. Other smaller, regional initiatives are also springing up. The Desert States Law Library Consortium ([lawlibrary.unm.edu/desertstates/index.html](http://lawlibrary.unm.edu/desertstates/index.html)) set out recently to inventory and preserve territorial- and statehood-era print primary legal materials in their respective home states. Under the Desert States model, a library would pledge to maintain a repository of its home state's legal material, to preserve it and make it available to other member libraries within the consortium. Other member libraries can then rely on electronic access in most instances and safely discard print from all but their home states.

These initiatives will allow academic law librarians to embrace electronic access and downsize print collections in the future without fear of loss of the historical record, or fear of vulnerability from over-reliance on commercial database publishers who might suddenly increase license fees or go out of business. Consequently, these initiatives are likely to experience greater prominence in the future.

## **Public Services**

In addition to initiatives to preserve print primary law collections, we are seeing some important trends in the public services sector of academic law libraries, especially in the areas of teaching and faculty research support. Academic librarians have a long tradition of teaching in subject-specific fields and providing bibliographic instruction. More recently, that charge has expanded to librarian-taught classes in information literacy. Within academic law libraries, growing numbers of law librarians now also teach courses in legal research for credit within the law school curriculum. Previously, the academic law library director was likely to be the only librarian to teach within the law school. Now, many more rank-and-file law librarians are offering semester-long courses in general and specialized legal research instruction.

The impetus for librarians to teach regularly and often comes from multiple sources. Many law librarians now hold both MLS and JD degrees, especially within the public services sector. Dual-degreed, lawyer librarians are more readily accepted as qualified to teach within a law school curriculum. Legal research has, in many ways, become more, rather than less, complex with the introduction of online resources. The expertise of law librarian teachers significantly increases the likelihood that law students will become proficient researchers while still in law school.

In addition, law schools are coming under heavy pressure to prepare law students better for the realities of legal practice. Going or gone are the days when law firms were willing to support and mentor newly minted lawyers through the process of attaining proficiency in all areas of practice, including legal research skills. Market forces are such that many firms cannot afford to invest as much time and money in the development of young lawyers' practice skills as they did in the past. Consequently, law schools are under more pressure to include additional

skills instruction in the curriculum. Seen in this light, it is understandable that law librarians are being called upon in growing numbers to provide legal research instruction to law students. This trend is reflected in an emerging area of interest among academic law librarians in the development of a pedagogy of legal research instruction that reflects the ongoing curricular reform movement within law schools.<sup>2</sup>

Providing robust research support for a law school's scholarly agenda is another service area that is likely to expand in the future. Today's law faculties engage in complex, multidisciplinary research. Fewer law faculties regard themselves primarily as teachers; instead they are placing a heavier emphasis on scholarship. The push to publish extends beyond tenure-track pressure; it is often seen in response to rankings competition with other institutions. Law school rankings are currently heavily influenced by the productivity and reputation of a school's scholarly output rather than its teaching. Consequently, more academic law librarians are dedicating a significant amount of time to support of law faculty scholarship goals. Law faculties now expect prompt document and book delivery upon demand. Librarian support is also needed for more open-ended research questions, non-law research questions, and, in growing numbers of instances, statistical and legal analysis.

Conditioning law faculties to expect prompt delivery of research materials and services may partly be the result of increasingly prevalent collection development policies based on a philosophy of "just in time" rather than "just in case." In addition to complicating collection development, a just-in-time policy often means librarians must scramble to acquire information when it is requested, since fewer dollars are committed to having resources ready and waiting, just in case they are needed. This leads to greater librarian involvement when need arises and information must be suddenly obtained, as well as greater researcher dependence upon law librarian document delivery and research services. Also, law faculties increasingly engage in more sophisticated social science analyses and multidisciplinary research. These efforts require expertise that is greater than the typical law student research assistant can provide.

Other economies are realized by involving law librarians in pursuit of a law faculty's scholarly agenda. Given a goal of increasing law faculty scholarly output, the strategies that can be employed in pursuit of this goal are somewhat limited. Course relief to create more time for writing or hiring more law faculty members could raise the overall production of articles every year, but the price paid is high. Investing in more law faculty members is an expensive proposition, and course relief simply shifts the teaching burden to others. Investing in law librarians can be a less expensive option for a law school. Several law librarians dedicated to the task of providing efficient, cost-effective research support can help increase the overall quality and output of law faculty scholarship. Whatever the motivation, it seems clear that more and more academic law librarians are now striving to provide robust faculty research support, and this trend seems certain to continue as long as the pressure on law faculties to publish grows.

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<sup>2</sup> A recent posting to an electronic discussion group maintained for academic law library directors advertised a conference on "Legal Information: Scholarship and Teaching," devoted in part to the development of a "signature pedagogy" for the teaching of legal research as suggested by the 2007 Carnegie Report.

In sum, the academic law library of the future will rely heavily on electronic resources, but law librarians will work to ensure that legacy print collections of primary law are not lost to us in the process. Academic law librarians will continue to provide enhanced instructional and research support services, which is a direct reflection of the forces of change at work within the parent law schools. These trends will affect academic law library missions and thus hiring practices in the future. They also give witness to the creativity and adaptability of academic law librarians. The resources and services librarians provide, and the space they inhabit—whether virtual or physical, may change, but there is every reason to anticipate the continued existence of this noble, helping profession.