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# The Law Librarian of the Twentieth and Twenty-First Centuries: A Figuration in Flux

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*Through inspection of scholarly writings of the twentieth and twenty-first centuries, Ms. Belniak articulates the skill sets, knowledge areas, and personality characteristics of the archetypal law librarian over the last one hundred years.*

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### Introduction

The final triumph of the law school over the older system of legal apprenticeship is still a recent development. The promotion of the library from an auxiliary to a

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central function in legal education is newer still. It seems highly probable that the full reverberations of these two changes have not yet been felt.<sup>1</sup>

There will be no juggling of philosopher's special lingo: the spotlight of practicality will be trained on *the* law librarian not *a* law librarian,—a synthetic model constructed from those in the profession who have come nearest the ideal and have worked out some of the absolutes in a common-sense way.<sup>2</sup>

¶1 What are the origins of the archetypal law librarian? What are the ideal librarian's skills, educational qualifications, and personal traits? How has this figure changed throughout its history in the United States, especially in response to technological advances such as the Internet and the digitization of sources? Are there qualities that have remained intact over the course of its existence, despite these advances?

¶2 By digging through the contemporaneous writings of those involved in the profession during various points in the past century,<sup>3</sup> an archaeology of sorts emerges. These writings sketch a portrait of the archetypal law librarian in the firm and the law school environments throughout the twentieth and twenty-first centuries in North America. Through this portraiture, it is hoped that the outer parameters of the "who," "how," and "why" of law librarianship will be defined, including the skills, personality traits, and formal education seen as necessary in different time periods. In turn, this definition will highlight the similarities and differences between embodiments of the law librarian before and after the widespread use of automated technologies.

### The Early Twentieth Century

The foundation of every law library is in the statutes and the judicial decisions. Every law book owes its existence to either one or the other or both.<sup>4</sup>

¶3 The printed word was the backbone of the legal system in the early years of the United States, but this backbone only supported the few. The Philadelphia Library Company, the largest library outside of the Harvard and Yale collections, provided for the Supreme Court in the late 1700s<sup>5</sup> but the majority of legal practitioners derived legal knowledge from private collections.<sup>6</sup> Legal resources were not widely available and no infrastructure existed to support their public dissemination.

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1. Laurent Frantz, *The Education of the Law Librarian*, 44 LAW LIBR. J. 94, 94 (1951).

2. Lucile Elliott, *Fundamental Concepts of Law Librarianship*, 46 LAW LIBR. J. 83, 83 (1953).

3. The choice of documents discussed here is meant to be illustrative, not exhaustive, as the breadth and depth of material available would mock even Dickensian length.

4. Frank B. Gilbert, *Duties of the Law Librarian*, 2 AM. L. SCH. REV. 85, 86 (1906).

5. See Shelly L. Dowling, *The United States Supreme Court Library*, in LAW LIBRARIANSHIP: HISTORICAL PERSPECTIVES 3, 12–13 (Laura N. Gasaway and Michael G. Chiorazzi eds., 1996).

6. See Edgar J. Bellafontaine & James A. Brink, *The History of the Social Law Library*, in LAW LIBRARIANSHIP: HISTORICAL PERSPECTIVES, *supra* note 5, at 111, 114–15.

¶4 In the 1800s, the formation of social law libraries was one solution to the dearth of legal resources,<sup>7</sup> along with the growth of university and private firm collections. However, these budding organizations of capital and scholarship reflected the haphazard collection development habits of the practitioners. In addition to this piecemeal approach to practice, the apprenticeship system was in full swing<sup>8</sup> and the centralization of legal resources was unlikely and impractical in that context.

¶5 Throughout the eighteenth and nineteenth centuries, these semi-autonomous territories of legal information created an uneven terrain for those navigating the legal world, providing well-worn paths for those with access to legal materials and putting up mountains and valleys for those unable to make it to those paths. The spheres of influence defined by these territories resulted in the duplication of resources within some geographical areas, the lack of resources in others, and localized application of the laws countrywide.

¶6 With the industrialization of the United States and the accompanying improvements in travel and formal education came nascent university-level law programs<sup>9</sup> and larger firms. In turn, these programs and firms generated new sets of information and resource needs unseen before the twentieth century. Paired with the explosion of official reports,<sup>10</sup> a new territory was realized: a landscape unimaginable before the consolidation of resources took shape and offering novel challenges to those exploring its contours.

¶7 A new landscape requires a flexible explorer, well-versed in various techniques but able to adapt to new tools and challenges. It is no coincidence that the functional trope of “the law librarian” was legitimized during this time period. The formation of the American Association of Law Libraries (AALL) in 1906 and the extensive scholarship that grew up around this early figuration of the law librarian illustrates two major points: first, the necessity for a librarian specializing in legal resources had created a new niche of employment (and its accompanying specialized educational requirements), and second, the parameters of the archetypal law librarian figure were not yet defined. It is this second point that deserves special attention: what did the underlying makeup of the law librarian look like? What skills were deemed necessary for this explorer? Were there perceived differences between the budding academic law librarian and the private firm librarian?

### Defining “The Law Librarian”

¶8 The writings of the first half of the twentieth century are interesting archaeological finds when attempting to reconstruct the perceived responsibilities, traits, and skills of the law librarian of that time period. With the formation of AALL and

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7. *Id.* at 115.

8. See Judith Lihosit, *Research in the Wild: CALR and the Role of Informal Apprenticeship in Attorney Training*, 101 LAW LIBR. J. 157, 164, 2009 LAW LIBR. J. 10 ¶ 16.

9. For an example of the growth of an university law program, see generally James S. Heller, *America's First Law School Library: A History of the College of William and Mary's Marshall-Wythe Law Library, 1779-1995*, in LAW LIBRARIANSHIP: HISTORICAL PERSPECTIVES, *supra* note 5, at 43.

10. See Gilbert, *supra* note 4, at 86.

its accompanying forum for professional discussion, *Law Library Journal*, much was written of this “new” figure.

¶9 An archetype needs an origin narrative and E.A. Feazel’s composition *The Status of the Law Librarian*,<sup>11</sup> provided one for our explorer.<sup>12</sup> Feazel suggested that “[l]aw librarians have in the past been recruited chiefly from four sources”: lawyers, general librarians, library clerks, and those awarded positions based on political connections.<sup>13</sup> These disparate groups possessed different areas of expertise, ensuring little or no similarity in research methodology or educational background. He outlined three general areas of knowledge that the law librarian should possess: “[t]he science of law, library science, and legal bibliography,”<sup>14</sup> and asserted that

the many different sources from which the law librarians have been drawn have brought in to the service of the libraries those whose preliminary training has been so diverse that we cannot say that the law librarians of to-day as an aggregate body have been educated in, or have acquired, special knowledge of any one of the three [areas of knowledge].<sup>15</sup>

¶10 Feazel could not conceive of an educational system that would provide the proper background for the law librarian, suggesting that “the law librarians are too few in number to support such an institution or to justify a special department or course in one already established.”<sup>16</sup> To surmount this barrier and to concretize the professional status of the law librarian, Feazel believed that law librarians should engage in “self education, cooperation, and the cultivation of a professional spirit among those already in the work.”<sup>17</sup>

¶11 Although he left the general areas of knowledge without any further description, the figuration that Feazel carved out was one defined by its characteristics, not its skill set. Feazel’s law librarian was one who not only possessed technical knowledge but also a great amount of self-awareness, discipline, and drive.<sup>18</sup> The possible diversity of educational and experiential background of law librarians was not quite a strength, but was something that might be overcome through communication and cooperation.

¶12 In *Duties of the Law Librarian*, Frank Gilbert filled in some of the gaps left by Feazel, discussing the various skills necessary for the law librarian of the early twentieth century. As his quote at the beginning of this section indicates, Gilbert believed that the heart of every law library was in the written law. A laundry list of sources<sup>19</sup> highlighted his idea that the law librarian must possess some familiarity with the various materials of both domestic and foreign law. These books and “how

11. E.A. Feazel, *The Status of the Law Librarian*, 2 LAW LIBR. J. 21 (1909).

12. This is not to suggest that law librarians weren’t around before this time, but is meant to highlight that a narrative about *the* law librarian did not exist because of the dearth of publications within the specialized area of law librarianship.

13. Feazel, *supra* note 11, at 23.

14. *Id.* at 22.

15. *Id.* at 23.

16. *Id.*

17. *Id.*

18. *Id.* at 24–25 (discussing what Feazel terms “professional spirit”).

19. “Statute law finds expression in codes, compiled statutes, and session laws; judicial decisions are contained in law reports, and catalogued and classified in law digests; while both are made the subject of discussion and treatment in encyclopedias and law treatises.” Gilbert, *supra* note 4, at 86.

best to make them available, and to promote such a use of them that the purposes for which they were created may be attained, [was] properly the law librarian's object in official life."<sup>20</sup>

¶13 Gilbert further described the law librarian and the duties and skills expected of him in his official capacity:

His duties will require knowledge of book values and a keenness in acquiring rare and much sought for books. He should have a comprehensive knowledge of the literature of the law. Knack of arrangement and classification, and experience in the art of book binding, will prove valuable.<sup>21</sup>

¶14 In addition to the above, Gilbert expected that the law librarian would understand basic legal principles. Although the law librarian did not need “the grasp of legal principles possessed by the well-trained lawyer, he nevertheless should know how those principles are best classified, and where best to find cases illustrating their application.”<sup>22</sup> Gilbert suggested that there would be a “meeting of the minds” in which an attorney, armed with legal knowledge, would meet with the law librarian, armed with navigational knowledge, and between the two, they would be able to discover the pertinent case law and secondary sources.

¶15 Gilbert's definition of the law librarian is one of functionality, in contrast to Feazel's emphasis on personality. The ability to develop, classify, and arrange the collection and bookbinding were critical skills for the early twentieth-century law librarian. The mastery of these administrative and practical skills defined the law librarian's effectiveness as a professional. Educational backgrounds were diverse, and a consideration secondary to the knowledge of legal sources.

### The Early Twentieth-Century Law Librarian in Context

¶16 Beyond these general figurations of Gilbert and Feazel, other writers of the time period attempted to situate the law librarian within more specific landscapes. The common contextualizations occurred within two settings: the law firm library (or, in the early part of the century, the small county library) and the academic law library. Each provided a different point from which the law librarian would begin his or her exploration of the shifting legal landscape, and each valued slightly different skills for the explorer.

#### *The Small Law Library Professional: A Hazy Picture*

¶17 Not much was written specifically about law firm libraries in the first part of the twentieth century. Although managing attorneys may have perceived of the library as the “engine room” of the firm, “it was not until a firm had grown to somewhere between 50 and 100 attorneys that a professional librarian was hired.”<sup>23</sup> With fewer than sixty U.S. law firm libraries listed in the AALL *Directory* in 1950,<sup>24</sup> there

20. *Id.* at 88.

21. *Id.*

22. *Id.* at 89.

23. Gittell Seer & Jill Sidford, *The Evolution of Law Firm Libraries: A Preliminary History*, in *LAW LIBRARIANSHIP: HISTORICAL PERSPECTIVES*, *supra* note 5, at 77, 78–79.

24. *Id.* at 79.

were likely even fewer during the early part of the century, leaving no written documentation of the experience within a law firm.

¶18 That being said, there were small law libraries around the country, and there were law librarians who oversaw them. In *Management of a Small Law Library*, Claribel Smith and Hettie Baker discussed the responsibilities of the law librarian within a small law library, outlining the skills necessary for efficiency and the concerns facing the law librarian of the county library.<sup>25</sup>

¶19 Smith and Baker focused on the imperative nature of collection development and collection maintenance within the small library setting. They also underlined the importance of cataloging for the “layperson”: “A good rule is to catalogue for the veriest blockhead to be imagined; a bright fellow will have no difficulty in finding what he seeks if it is there at all.”<sup>26</sup>

¶20 The managerial portion of the law librarian’s duties was emphasized by Smith and Baker. More in keeping with Gilbert’s figuration, the law librarian of a small county library was one who organizes and oversees the library, classifies and catalogues the collection, and selects and circulates material. Smith and Baker did not expect the small county librarian to assist or to teach patrons; rather they expected the librarian to construct source tools (such as the catalog) to accommodate the various skill levels of users.

### *The Law School Librarian: The Superman*

[T]he librarian should be a sentinel on the watch tower of knowledge, acute to scan the intellectual horizon . . . .<sup>27</sup>

¶21 In contrast to the small law library professional, the academic law librarian was portrayed as having more of a “public relations” role within the professional realm, as the librarian was expected to engage with a wider segment of the public. In particular, Gilbert emphasized the necessity of instruction of law students in the use of various legal sources:

The student in the school should . . . be taught by actual demonstration how all these books are to be used. He should learn from competent instructors how to search out what he wants from available material, intelligently, quickly, and accurately. He should also be taught to weigh the value in his search, and be taught to discriminate between that which is in point and that which is not . . . . He should know instinctively upon the presentation of a statement of fact or of law under what heading or within the scope of what subject he should find a grouping or treatment of similar cases.<sup>28</sup>

¶22 Gilbert’s suggestions were extensive. The law librarian was expected to not only be able to navigate the sources but also to impart this ability to the students who were familiarizing themselves with the sources. Furthermore, the law librarian was charged with imbuing each student with “instincts” about which direction they

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25. Claribel H. Smith & Hettie Gray Baker, *Management of a Small Law Library*, 3 LAW LIBR. J. 1, 3 (1910).

26. *Id.*

27. A.H.R. Fraser, *The Duty of the Librarian of a University Law Library Towards the Library’s Patrons*, 4 LAW LIBR. J. 5, 5 (1911).

28. Gilbert, *supra* note 4, at 90.

should move in to find applicable case law and secondary materials. Gilbert wrote that this role as educator logically included a law librarian as a faculty member within the university system.<sup>29</sup>

¶23 A.H.R. Fraser added a few more duties to the plate of the academic law librarian of the early 1900s. He wrote of the technical knowledge required by the position, suggesting that a librarian needed to “be cognizant of all legal material published, reports, digests, texts, encyclopedias, periodicals, session laws, legislative material, monographs and pamphlets that seek to record the complete thought and achievement of legal science and practice, past and present . . . .”<sup>30</sup>

¶24 In addition, Fraser delineated five types of patrons and the law librarian’s duties that accompanied these patrons. First, the law librarian must suggest to the instructing staff “possible repositories where lurking legal lore may be had” to facilitate course construction.<sup>31</sup> Second, and perhaps most importantly, the students

should receive . . . a greater degree of knowledge, skill, care and attention than is given to other library patrons. The librarian should teach them the actual use of books as guides to knowledge, reiterate the various sources of legal theories with their applications, aid in the solution of their minor difficulties, show them how to meet classroom requirements and be and continue their general legal advisor during their residence.<sup>32</sup>

¶25 Third, the law librarian must not only help the professional user find information for a particular case but also should “interest him in jurisprudence, the broader view of legal science, enlarging his vision, and maturing and enriching his judgment.”<sup>33</sup> Fourth, the law librarian must help public users

by directing them to the particular books where their queries may be answered and also explain to them the difference between the lawyer’s and the layman’s point of view, and do his best to show them the relative spheres, rights, duties and privileges of persons and things as recognized by the constitution, laws and courts of various countries.<sup>34</sup>

Finally, the law librarian must help “itinerant law writers” by allowing the use of the legal sources, but without interrupting their use by students and professors.<sup>35</sup>

¶26 There are quite a few character traits of the archetypal law librarian wrapped up in Fraser’s extensive list of duties. The librarian was the superman of the law school library, balancing source knowledge with teaching skills. Having long since perfected his knowledge of the organization and classification systems of the particular library, this scholar and professional was responsible for guiding those ignorant of the law’s inner workings and assisting laypeople in the full realization of their rights and duties within the United States.<sup>36</sup>

29. *Id.* at 91.

30. Fraser, *supra* note 27, at 5.

31. *Id.*

32. *Id.*

33. *Id.* at 6.

34. *Id.*

35. *Id.*

36. There might be some question about this role now, with the concern about liability issues if such guidance were construed as legal advice. For a review of some of the literature on the topic, see Paul D. Healey, *Pro Se Users, Reference Liability, and the Unauthorized Practice of Law: Twenty-Five Selected Readings*, 94 LAW LIBR. J. 133, 2002 LAW LIBR. J. 8.



¶27 But, above and beyond educational responsibilities, the law librarian desired to guide all those who walked through the library doors to widen their respective horizons. Attorneys needed to be pushed to take a “broader view” of the law and encouraged to read beyond their respective practice areas. Students were guided and inculcated with the importance of the law and legal system. The law librarian was a bastion of legal information, and served as an idealistic ambassador for the legal system and the underlying social structure that supports it.

### *Educational Requirements*

¶28 Although there seemed to be some consensus about the source knowledge and technical skills necessary for the 1900s law librarian, there was little mention of the path taken to obtain this knowledge. Both programs for librarians and law schools were establishing themselves, but no combination of the two occurred.

¶29 Feazel’s suggestion of self-education<sup>37</sup> is illuminating in two ways: first, it highlights the vacant space aching for a formal educational program that incorporated library science and the law; and second, it underlines the tenacity and drive of the law librarian of this time period. Whether entering the profession from a legal or library background, the law librarian had to learn the basics of an entirely different profession, oftentimes with only the guidance of a more seasoned mentor.

### **The 1930s: Solidification and Redefinition**

The world is getting smaller all the time. Business is reaching out and establishing contacts and connections on all the Seven Seas. We have received and will continue to receive, to a more limited extent, immigrants flocking to our shores from many and varied lands. Both these conditions require to a constantly greater extent the building up of collections of foreign law.<sup>38</sup>

¶30 In the 1930s, the law librarian figure changed its stripes yet again to pursue the ever-receding horizon of the legal world. With the First World War, the Great Depression, and the makings of the Second World War, the legal world was becoming all the more interconnected and international in scope. The law librarian had to adjust to new topographies in the growing landscape. The need for increased accessibility to national and international law pushed for the replacement of regional practices with a more streamlined approach to legal research and to the law.<sup>39</sup> The writings of the time reflect these growing pains.

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37. Feazel, *supra* note 11, at 23.

38. Arthur S. McDaniel, *The Educational and Cultural Background of a Law Librarian*, 23 LAW LIBR. J. 68, 69 (1930).

39. See, e.g., William R. Roalfe, *Status and Qualifications of Law School Librarians*, 8 AM. L. SCH. REV. 398, 400 (1936) (“As librarians usually work alone, as such, and as they are frequently scattered geographically, ‘provincialism’ is unfortunately a common evil, and naturally there is a crying need for greater co-operation.”).

### The Law Librarian in General

¶31 In addition to the qualities, skills, and knowledge expected of the law librarian in the early 1900s, the 1930s brought further expectations of cultural proficiency. Arthur McDaniel, in *The Educational and Cultural Background of a Law Librarian*, wrote that the law librarian should be educated in “three fields—languages, history, and government or political science.”<sup>40</sup>

¶32 A law librarian should know two or three languages well, so that he or she may garner a “good working knowledge of any other for which the occasion arises.”<sup>41</sup> Aside from the obvious benefits of cataloging foreign law materials that may be in another language, McDaniel believed that foreign language aptitude would allow the law librarian to “put himself in the mental attitude of a writer of another language . . . .”<sup>42</sup>

¶33 The importance of history was underlined by McDaniel. The law librarian must “realize the concomitant conditions of civilization and political institutions” in order to better understand the evolution of “human institutions upon which an understanding of the story of the genesis and evolution of *legal* institutions can later be based.”<sup>43</sup> In particular, the law librarian should be “well grounded in a more detailed knowledge of the history of the 19th and 20th centuries, particularly the story of his own country in its internal and international relations.”<sup>44</sup>

¶34 Political science and the study of the government should also be in the law librarian’s grasp. McDaniel highlighted the necessity of such knowledge by pointing out the continual fluctuations within the law and the increasing number of government agencies that were being created during the 1920s and 1930s.<sup>45</sup>

¶35 McDaniel’s figuration of the law librarian combined the technical requirements of the early 1900s with new expectations, reflecting the tumultuous nature of the legal environment. The changing borders of the legal landscape broadened the scope of knowledge at the law librarian’s fingertips; it likewise broadened the expectations of patrons, students, and attorneys when referring to the librarian for guidance. The law librarian was adept at the regional and the international; a thorough knowledge of history and a few foreign languages situated this new figure as a “border-dweller.” The law librarian of the past served as sentinel at the door between those seeking the law and the written, local law itself; the law librarian of this time period served as a bridge that stretched across continents, languages, and politics to better meet the needs of patrons.

### The Law Firm Librarian

I well remember one Saturday morning when I was asked to get together certain material for a lawyer who had been called to Europe on short notice and was sailing that night. . . . [After collecting the book from a lending library], I sent it by a

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40. McDaniel, *supra* note 38, at 69.

41. *Id.*

42. *Id.*

43. *Id.* at 70.

44. *Id.*

45. *See id.*

Western Union boy to the boat. In about five weeks time it came back and I'm sure never divulged its wanderings.<sup>46</sup>

¶36 There is very little written about the firm librarian during the 1930s; there were no attempts to describe the “ideal” librarian in the law firm setting, in contrast to the efforts made in the academic arena. However, the anecdotal accounts of individual librarians survived and provide a glimpse into some of the skills needed.

¶37 In a presentation to the AALL in 1933, Lotus Mitchell Mills, the first law firm librarian to serve on the board of AALL,<sup>47</sup> opined that:

The interest of the work is not diminished by the circumstance that the librarian is generally given a free hand in organizing it. She may receive suggestions, but more often she is expected to make changes and anticipate needs. She has all the weight and all the stimulus of full responsibility. There is ample scope for initiative and good management. To the librarian who keeps in mind that the library is the intelligence service of the office, the potentialities of the position are virtually unlimited.<sup>48</sup>

¶38 Mills's experience reflected the self-sufficiency and internally-defined purposefulness of the law firm librarian. The librarian needed to be one step ahead of the attorney's needs, but took little external direction about how to discern and satisfy those needs. As is implicit in the above description, the librarian was in charge of constructing and maintaining the library that best suited its users. Because there was less diversity of user demands, the firm librarian had the sole goal of keeping the library as the “intelligence service” of the firm: collection development and reference work were in keeping with this goal.

### The Academic Law Librarian

[I]n my opinion the librarian is himself the crux of our whole problem.<sup>49</sup>

¶39 With *Status and Qualifications of Law School Librarians*, William Roalfe set out to define the academic law librarian for the Association of American Law Schools in 1932. Finding current definitions of the law librarian lacking, he divided the requirements into two categories: “informal and nonacademic qualifications; and . . . formal academic qualifications.”<sup>50</sup> The first category included a “genuine interest in books including but extending far beyond the desire merely to read them. He should be imbued with the passion for collecting them.”<sup>51</sup> In addition to this passion for accumulation,

[h]e will, of course, keep in touch with other libraries, and he has long since discovered the most reliable and resourceful dealers and knows in just what fields each is likely to excel.

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46. Am. Ass'n of Law Libraries, *Twenty-eighth Annual Meeting*, 26 LAW LIBR. J. 51, 127–28 (1933) (remarks of Lotus Mitchell Mills) [hereinafter Mills].

47. FRANK G. HOUDEK, *THE FIRST CENTURY: ONE HUNDRED YEARS OF AALL HISTORY, 1906–2005*, at 26 (2008).

48. Mills, *supra* note 46, at 127.

49. Roalfe, *supra* note 39, at 398.

50. *Id.*

51. *Id.*

. . . [H]e has made it a part of his weekly round to request and receive material distributed to libraries free or at nominal prices . . . .<sup>52</sup>

There were also certain personality traits that the academic law librarian must possess: the librarian must have a “natural capacity for co-operation [,] a sympathetic appreciation of the interests of others,”<sup>53</sup> and must be “sensitively attuned to all of [the] diverse groups and interests [of staff, faculty, and students].”<sup>54</sup>

¶40 The second category of qualifications included the skills and abilities of the early 1900s, but was made more complex with the additional duties of running an established academic law library. The librarian must “be able to organize the work as a whole so as to direct the activities of his assistants toward desired ends”;<sup>55</sup> provide “assistance to the students, either directly or through members of his staff, . . . supplement the formal instruction of faculty members in various ways, and he may frequently render valuable assistance by making suggestions as to reading, or as to the purchase of books for personal libraries.”<sup>56</sup> “[T]he ideal law school librarian should . . . have the desire and capacity to contribute to the development of his own profession”<sup>57</sup> by “seiz[ing] ideas and adopt[ing] practices evolved by others confronted with similar problems . . . . [and] reciprocate[ing] by making contributions of general value.”<sup>58</sup>

¶41 Roalfe’s law librarian focused less on cultural and linguistic strengths than on administrative duties within the academic law library. Although the law librarian’s intellectual pursuits were important, it was the smooth operation of the law library and the development of professional contacts to facilitate that operation that were most important to the law librarian.

¶42 In *The Function of the Law School Librarian*, Judson Falknor concurred with and added to the list begun by Roalfe.<sup>59</sup> Falknor’s law librarian would teach the students of “the lives and personalities of the great historical figures of the law” so as to provide “a source of genuine inspiration to the student, which certainly ought to develop in him a real sense of affection and respect for his profession.”<sup>60</sup>

¶43 The law librarian should provide a “complete digest of leading articles, case notes and comment from all periodicals . . . received at the library during the preceding week”; issue a quarterly law library bulletin, which would generate information requests; and preserve the local history of the state bar.<sup>61</sup> The law librarian was expected to

participate in the work of the local and state bar associations; . . . serve on committees when requested; appear and speak when asked, and in a general way, develop friendliness and cooperation between the bar and the school. . . . He must be prepared to be constantly consulted by members of the bench and bar in reference to their problems.<sup>62</sup>

52. *Id.* at 399.

53. *Id.*

54. *Id.*

55. *Id.* at 400.

56. *Id.*

57. *Id.*

58. *Id.*

59. Judson F. Falknor, *The Function of the Law School Librarian*, 30 LAW LIBR. J. 13 (1937).

60. *Id.* at 14.

61. *Id.* at 15.

62. *Id.*

¶44 Falknor's law librarian also had to educate the students and young practitioners in the use of law library materials. It was expected that the librarian would help "young lawyers who need assistance and advice in building and selecting their libraries along the most economical and practical lines."<sup>63</sup> This role was easy to fill, as the law librarian had nothing to sell, and could "act with complete impartiality."<sup>64</sup>

### Educational Requirements: A Clearer Picture Emerges

¶45 AALL recognized in its infancy that the education and training of law librarians would be paramount to them in securing positions as professionals (as opposed to mere law clerks).<sup>65</sup> But what formula was fit for training individuals who would take up the role of law librarian? How was this uniquely positioned professional to be trained in a way that could be duplicated within an academic context?

¶46 McDaniel suggested several combinations: first, three years of law school, then two years of library science; second, two years of library science and a few evening courses at law school; and third, and most appealing to McDaniel, two years of library science and a thorough understanding of legal bibliography.<sup>66</sup>

¶47 Roalfe believed that the academic law librarian should have

a general liberal education . . . legal training and . . . a general grounding in library science. From a purely academic point of view, an obvious first answer is that the law school librarian should have a regular under graduate college education, plus a standard course in an approved law school, plus training in library science.<sup>67</sup>

¶48 Mills suggested that law firm librarians "should realize that their work will be comparatively much more effective if they have some training in law or at least in legal terminology."<sup>68</sup> This education will "raise the standard of the librarians' profession generally, not only in its own ranks but among the laymen."<sup>69</sup>

¶49 Although there is no consensus about the "best" proportion of law to library science, the law librarian of the 1930s was thought to need some law experience, and some library experience. Whether in a firm or academic setting, a grasp of basic legal terminology and concepts and an understanding of the basic organizational principles of library science were an asset to be gained through formal or informal education.

¶50 These proposed qualifications run counter to their actual incidence among librarians of the time.

In October, 1936, the Committee on Education for Librarianship for the American Association of Law Libraries made a survey of professional staff members of law school libraries and found that 7 per cent reported both law and library degrees, 23 per cent

63. *Id.* at 15–16.

64. *Id.* at 16.

65. See Laura N. Gasaway, *The American Association of Law Libraries: The People, the Profession, and Their Association*, in *LAW LIBRARIANSHIP: HISTORICAL PERSPECTIVES*, *supra* note 5, at 289, 293.

66. See McDaniel, *supra* note 38, at 70–71.

67. Roalfe, *supra* note 39, at 401.

68. Mills, *supra* note 46, at 128.

69. *Id.*

reported library degrees only, 19 per cent reported law degrees only, while 29 per cent reported no college training.<sup>70</sup>

### The 1950s Through the 1970s: Broadening Horizons

¶51 World War II, drastic increases in administrative and agency law within the United States, a burgeoning international market economy, widespread social upheaval, and a massive shift from an industry-based economy to an information-based economy sent earthquakes rippling across the legal landscape after the middle of the twentieth century. In addition to the complexities arising from this constellation of circumstances, the legal publishing world was moving at a breakneck pace, incorporating many international sources.<sup>71</sup> The horizons that were still in view during the early part of the century were slipping away, and the law librarian was born anew to make sense of and to navigate the new terrain.

#### The Law Firm Librarian

¶52 In 1978, Ronni Begleiter asserted that the formation of AALL and the later creation of the Law Library Association of Greater New York (LLAGNY) in 1939, and the “tremendous expansion of law firms and corporate legal departments” created an opportunity for firm librarians to “serve the library community as professionals.”<sup>72</sup> With the growth of law firms, more private librarians were hired. Begleiter referred to them as “miracle workers” who

began to round up and catalog collections, to institute basic acquisitions procedures so that unwanted materials were not routinely accepted and bills were not paid twice and, as the lawyers grew to know and trust them, to provide in-depth reference service: to locate esoteric material, follow legislation and compile legislative histories, prepare bibliographies, decipher obscure citations and respond promptly and accurately to the information needs of the most sophisticated and high pressured law practices.<sup>73</sup>

¶53 In addition, the firm librarian of this time period added on duties working with AALL and local associations.<sup>74</sup> Collection development and providing reference to the attorneys was the firm librarian’s primary purpose. Finding information of all sorts, no matter how obscure, became the specialty of the firm librarian.

#### The Academic Law Librarian

If the truth were known, probably every university law librarian is in quest of perfection which implies progressive development of excellent quality. Since perfection is not attainable, the process of forward movement must be the goal.<sup>75</sup>

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70. Frantz, *supra* note 1, at 97.

71. For example, the *Index to Foreign Legal Periodicals* began publication in 1960. HOUDEK, *supra* note 47, at 64.

72. Ronni F. Begleiter, *The Private Librarian—A Complete Library Professional*, 71 LAW LIBR. J. 91, 91–92 (1978).

73. *Id.* at 92.

74. *Id.*

75. Elliott, *supra* note 2, at 83 (footnote omitted).

¶54 During this time period, the academic law librarian became even more clearly defined, while the duties and expectations grew. In the face of ever-increasing source materials and an explosion in the number of law schools, more and more law librarians were entering the profession; the archetype of the law librarian stretched its skin to incorporate the diversity of experiences being brought to the profession.

¶55 Lucile Elliott was unapologetic when she wrote: “The main factor of a law library is the librarian.”<sup>76</sup> Elliott attempted to define the librarian by looking at the needs of different groups that the law librarian interacted with each day. First, there was the library staff: “If the chief librarian has carefully chosen the heads of the departments of his library, he shows wisdom by delegating a part of his own authority to plan, evaluate and formulate policies . . . .”<sup>77</sup> Delegation of power allowed the chief librarian to extend the personal sphere, creating a work force that helped to enact the policies and realize the visions projected by the librarian. No longer alone on the journey, the librarian had traveling companions who were obliged to care for the day-to-day while the librarian held the compass and steered the group.

¶56 The second group Elliott marked was the readers. The librarian “must offer a library built on a solid framework of official documents and their indexes, filled in with every type of commentary both early and up to date.”<sup>78</sup> Also, there must be “the maximum freedom so that there are no barriers to books.”<sup>79</sup> The collection and access to the collection were of primary importance.

¶57 The faculty was the third group noted by Elliott. The librarian “stands as educator-colleague”<sup>80</sup> because the librarian “pioneers and spots new items that will refresh old courses[,] . . . senses new subjects creeping into law and new trends in legal education,”<sup>81</sup> and “is prepared to offer bibliographies, new material and equipment for the new subjects” that were anticipated.<sup>82</sup> The law librarian needed a grasp of more than basic legal knowledge—a mastery of what is “inside” to determine what is outside of the academic legal world would allow the librarians to anticipate and prepare for change. In Elliott’s figuration, the librarian became the official crier for faculty, heralding new land to be explored in academia.

¶58 The law librarian also monitored the needs of administrators and business managers, and was “obliged to catch step with the leaders and fashion his plans by theirs. He looks to their big purposes to discover what policies control their planning. Once determined, his own blue print for the future can be sketched.”<sup>83</sup> The law librarian looked to the administrators for guidance, mirroring the “life plan” of the library with the motivations of the administration. The librarian was expected

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76. *Id.*

77. *Id.* at 84.

78. *Id.*

79. *Id.*

80. *Id.*

81. *Id.* at 85.

82. *Id.*

83. *Id.*



to master the art of “getting full value for his dollars,”<sup>84</sup> and became “a practical economist and an accountant.”<sup>85</sup>

¶59 Also, the law librarian must have an active role in the national associations. The librarian “carries his library’s resources and influence to the widest area possible . . . [with] visits to other libraries, contacts with those mature in the profession and committee work . . .”<sup>86</sup> These connections were used to keep the librarian informed and current on national law library issues and to create a network of helpful contacts within the profession.

¶60 In addition to the above qualifications, Elliott’s figuration of the law librarian must

constantly struggle to rise above the daily grind for perspective. He strains to reach high enough to see his library as a whole and in comparison with those who have approached more nearly the objectives he is seeking. From this detached position he locates his “yardsticks” and constructs his frames of reference which change as he lifts his library to the level of the standard.<sup>87</sup>

¶61 Echoing the concerns of law librarians from the beginning of the century, Elliott’s librarian needed a certain level of self-awareness that would allow for perspective. The librarian must not only possess the technical capabilities required for orchestrating a law library but also have a temperament that embraced reflections on the overall efficacy of the collective forward movement of the organization.

¶62 In tandem with this struggle for objectivity came a realization that the law librarian has a duty to support the “lawyers and legal scholars in the war between the forces of law and tyranny.”<sup>88</sup> This is “an extensive work and of a high calling.”<sup>89</sup> Elliott’s figuration was imbued with a sense of honor and pride of place: these attributes were pivotal to the law librarian’s functionality and overall sense of purpose.

### Educational Requirements, Reconsidered

¶63 In 1940, a law librarianship course was established by Dr. Arthur Beardsley at the University of Washington. One of the first formalizations of the educational track to law librarianship, this program was meant to skip over the “superfluous details . . . in the general librarianship courses” such as children’s literature or learning to select fiction for public libraries.<sup>90</sup> The course required a degree from an accredited law school and the eventual completion of a research project (in lieu of a thesis), and lasted for four academic quarters with the fourth quarter spent in an internship.<sup>91</sup>

¶64 The courses taught through this program were as follows:

84. *Id.* at 86.

85. *Id.*

86. *Id.*

87. *Id.* at 88.

88. *Id.*

89. *Id.* at 89.

90. Marian G. Gallagher, *The Law Librarianship Course at the University of Washington*, 5 J. LEGAL EDUC. 537, 537 (1952–53).

91. *Id.* at 538.



- History of the Book
- Libraries, Librarians, and Society (I and II)
- Directed Field Work
- Evaluation of Library Materials
- Library Materials in the Humanities and Social Sciences
- Government Publications
- Cataloging and Classification (I, II, and III)
- Advanced Legal Bibliography
- Selection and Processing of Law Library Materials
- Legal Reference and Research
- Law Library Administration<sup>92</sup>

¶65 This program was much more defined than any attempted previously. But the program, although comprehensive, was not popular: in thirteen years, the program saw only nine graduates.<sup>93</sup> The ad hoc scheme of recruitment for the program<sup>94</sup> lessened the likelihood of wider enrollment, and the faculty demands beyond the academic only added to the dearth of students.<sup>95</sup>

¶66 In the 1962 *Manual for Procedures for Private Law Libraries*, AALL promulgated standards for firm librarians. Although these standards were only suggestions, they reflected a desire for formal education, including

four years of college, . . . a degree or course in library science, legal education . . . or the equivalent in experience, and several years of experience in a law or financial library. Since the librarian must also be able to deal effectively with management, library users and staff, administrative experience is valuable.<sup>96</sup>

¶67 The educational requirements of the law librarian during this time period were still somewhat fluid. There was acknowledgment within the profession that library science training was as important as legal training, but the exact combination was still undefined. The experimental nature of the University at Washington's program suggested a movement toward more concrete educational requirements, but its unenthusiastic reception implies a lag in the level of formal commitment on the part of those entering the profession.

### Automation and Technology: A Further Complexity, Looming

¶68 With the burden of the ever-increasing quantity of legal material and the concurrent growth in computing technology, "automation" became a buzzword for

92. *Id.* at 538–39.

93. *Id.* at 538.

94. *See id.*

95. "We shall still have occasional difficulty in locating, at the proper time, willing victims who are industrious, alert, charming, attentive to detail, refined, imaginative, unafraid of briefing for a judge or getting filthy shifting books, dependable, receptive to taking and following orders, able to direct underlings to inspired heights, incorruptible, sincerely interested, attractive (and if women, not interested in persons who think a woman's place is in the home), amusing, cheerful, imperturbable, diplomatic, and Summa Cum Laude." *Id.* at 539. A tongue-in-cheek summary, but daunting nonetheless.

96. MANUAL OF PROCEDURES FOR PRIVATE LAW LIBRARIES 71 (Libby F. Jessup ed., AALL Pub'n Series No. 5, 1962).

the law librarian.<sup>97</sup> In the mid-1960s, computer-assisted legal research became a reality, although by today's standards it was extremely primitive.

¶69 The Ohio Project, discussed by William Harrington, was the first group to define the “what” of computer-assisted research: what it was meant to do, what it needed to do (and for whom), and what users wanted.<sup>98</sup> They “defined it as a non-indexed, full-text, on-line, interactive, computer-assisted legal research service.”<sup>99</sup> This prescient definition outlined the activity of nascent service providers, such as LexisNexis and Westlaw.

¶70 With the introduction of LexisNexis in 1973 and the later development of Westlaw,<sup>100</sup> and the sale of subscriptions and proprietary terminals to law firms and law schools, the law librarian had yet another skill to add. The librarian needed to understand not only the printed sources, but also how to operate a computer system and deal with the accompanying and inevitable technical glitches that surfaced.<sup>101</sup>

¶71 The terrain and pathways shifted yet again, from the grounded avenues worn between the stacks of the library to the thin wire strung between massive computer terminals across the nation. The law librarian adjusted. The technical knowledge gained in this time period generated an expectation of further technical proficiency with each new development in technology; an expectation that dictated future figurations of the law librarian.

### Into the Twenty-First Century: Technological Complexity, Realized

I went back to Google, typed in the name of the act and there it was. What the student had *not* done was open up the article. It was a federal act alright—of Chad! My email back to her consisted of one line: “You’ve been Googling legislation again, haven’t you?”<sup>102</sup>

¶72 Globalization and its impact on technology, communications, economics, politics, and travel have irrevocably altered the legal landscape and those who navigate its terrain. The digitization movement has pushed legal information beyond any comprehensible limit, making management more important than merely knowing the sources. The law has been divided into increasingly specialized areas of study, and sources of information have followed suit. With all of these changes, the law librarian of today is not the law librarian of the past.

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97. See generally Richard Sloane, *Application of Mechanical Devices to Processing in Private Law Libraries*, 59 LAW LIBR. J. 23 (1966); John Henry Merryman, *Legal Research Without Books*, 44 LAW LIBR. J. 7 (1951).

98. William G. Harrington, *A Brief History of Computer-Assisted Legal Research*, 77 LAW LIBR. J. 543 (1984–85).

99. *Id.* at 545.

100. *Id.* at 553.

101. See Mindy J. Myers, *The Impact of Lexis on the Law Firm Library: A Survey*, 71 LAW LIBR. J. 158, 164 (1978).

102. Laurel Murdoch, *Bloodhounds and Butter Tarts: A Private Law Librarian's Efforts to Teach Legal Research Skills to the Google Generation*, 30 CAN. L. LIBR. REV. 202, 202 (2005).

## The Law Firm Librarian

In the law firm of either today or tomorrow, the constant pressure of time will continue to dictate most activity. Law firms do not sell wickets; they sell time. Time is therefore a more valuable commodity than money.<sup>103</sup>

¶73 Firm librarians have historically faced a different set of pressures than the academic law librarian, and the twenty-first century is no different in that regard. The firm librarian is still given esoteric reference requests that need to be satisfied within the day, must be adept at locating sources in-house and out in the world, and juggles the requests of multiple attorneys while keeping in mind the notion highlighted above: time is a commodity in a law firm, and therefore efficiency is key.

¶74 Holley Moyer discussed some new “hats” for a firm librarian to wear; these new functions ensure efficiency and employability within the firm setting. They also provide a clear picture of the expectations that define the firm librarian of today:

1. Organization Expansion—Firm librarians may research demographic and business statistics and other information relevant to the decision to open international and national branches.
2. Client Acceptance Process—Use librarians to examine financial health of prospective clients.
3. Administrative and Management Changes—Before committing to a revised fee or partnership structure, attorneys should have librarians explore the experiences other firms have had with these changes.
4. Ethical Rulings—Firm librarians should track such decisions and forward them to attorneys.
5. Lateral Hires—Recruiting partners should routinely work with firm librarians to identify publications by prospective hires and other information that may shed light on potential problems.
6. Prospect Visits—Librarians can research the organization, finances, past legal actions, and other information on prospective clients to prepare attorneys in their competition for those clients.
7. Practice Management—Practice groups should involve librarians in business meetings so that librarians will be able to recommend collection purchases and otherwise support the practice.
8. Finances—Librarians should organize acquisition data by practice group and branch, particularly as firms move toward greater financial accountability.
9. Space Planning—Librarians are vital to decisions regarding space allocation and should be intimately involved in decision-making.
10. Total Quality Service—Librarian expertise in information organization can support the firm’s efforts to provide more efficient, high quality service to clients.<sup>104</sup>

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103. Ellen M. Callinan, *Library Administration in the Private Law Firm*, in *LAW LIBRARIANSHIP: A HANDBOOK FOR THE ELECTRONIC AGE*, 43, 65 (Patrick E. Kehoe, Lovisa Lyman, & Gary Lee McCann eds., AALL Pub’ns Series No. 47, 1995).

104. *Id.* at 66–67 (quoting Holley M. Moyer, *Make the Most of the Library Staff*, HILDEBRANDT REPORT, Jan. 1993, at 5).

¶75 Moyer's list provides excellent definition to many of the expectations for the private firm librarian. The librarian is part business person, part paralegal, part architect, part administrator. In addition, a sole firm librarian would also be responsible for collection development, cataloging, and shelving print resources. The librarian may also instruct first-year associates on the use of the library, catalog, and electronic databases; broker deals with companies like LexisNexis or Westlaw; those in one-person libraries can even find themselves dusting or cleaning up after forgetful attorneys.

### The Academic Law Librarian

The information age has had little impact on the two major missions of a law school. The main missions continue to be to train lawyers and to have its faculty make significant contributions to legal knowledge through publication.<sup>105</sup>

¶76 Phillip Berwick's figuration of the modern academic law librarian is one of flux. While the law school's mission may be the same, the "converting of large amounts of information from paper to electronic format has provided the opportunity for law schools to re-evaluate the library's role in the law school community."<sup>106</sup> Law librarians are "uniquely positioned to play an active role in assisting the law school" by "becoming educators."<sup>107</sup> Through this shift to an educational role, be it in advanced legal research classes for students or in faculty training sessions, the law librarian must re-conceptualize the role of a librarian to include the function of educator.

¶77 If librarians are not allowed to teach within the university setting, they "should vigorously pursue guest lecture slots in seminars, informing the students of existing resources on the seminar topic and teaching students more generic research techniques."<sup>108</sup> Berwick's academic librarian must teach students and faculty in such a fashion that they are likely to be more comfortable in requesting information in the future.

¶78 Berwick's librarian is also expected to "provide Lexis and Westlaw training to first year students," "offer a short course on legal research techniques during the student journal orientation sessions," and "maintain contacts with former students by making an effort to participate in alumni functions."<sup>109</sup> In addition to interactions with students, the law librarian should help "faculty in their research projects and their teaching endeavors" through an "active faculty liaison program."<sup>110</sup>

¶79 Mary Kay Kane weighed in on the academic law librarian's duties in 2003, in *Technology and the Law School Librarian of the Twenty-First Century*.<sup>111</sup> Kane

105. Phillip C. Berwick, *Academic Law Librarians in Transition: The Librarian as Educator*, TRENDS L. LIBR. MGMT. & TECH., vol. 16, no. 2, 2005, at 6, 6.

106. *Id.*

107. *Id.*

108. *Id.* at 7.

109. *Id.*

110. *Id.*

111. Mary Kay Kane, *Technology and the Law School Librarian of the Twenty-First Century*, 95 LAW LIBR. J. 427 (2003).

approached the law librarian from a hiring perspective: “[J]ust as it is important to find the right dean to lead a particular law school and make sure it achieves its mission, it has become increasingly important to identify the right librarian to respond to the peculiar needs or goals of the library of the law school.”<sup>112</sup>

¶80 Kane’s law librarian must be proficient in “seven often-overlapping areas involving technology”:<sup>113</sup>

1. Collection planning—The librarian needs to develop a short-term plan and long-term plan “addressing which materials should remain available in hard-copy format and which should be provided electronically so as to provide maximum access to the law school’s faculty and students.”<sup>114</sup>
2. Budget and cost containment—The librarian must find ways to avoid denuding the budget for books by utilizing viable alternative resources for the same information.
3. Space and library configuration—The librarian needs to be cognizant of the changing demands made on physical space at the law library, and how technology may ameliorate overcrowding.
4. Management of e-scholarship—The librarian should comprehend up-to-date changes in technology and e-resources and “may play a major role as the manager or even developer of those resources.”<sup>115</sup>
5. & 6. Student and faculty training in technology—The librarian should try to institute policies that may simulate actual usage patterns at a law firm in order to encourage students to be more proficient and cost-effective in their searching. Also, she must encourage faculty empowerment in researching through regular trainings and courses.
7. Technology supervision outside of the library—If the librarian is managing both the library and technology for the law school (something that Kane actively discourages for some schools), “the position demand[s] . . . greater experience or expertise with technology . . .”<sup>116</sup>

¶81 Kane’s librarian is focused on the impact of technology on the functioning of the library. Technology must be integrated in the most efficacious and productive way possible, allowing as much access as possible and empowering students, faculty, and staff in its use within the law school. The library, although important, is no longer the only sphere of influence for the law librarian. Rather, it is expected and desired that the law librarian extend communication beyond the walls of the law school to better serve students and faculty. The librarian must be well-versed in both print and electronic resources, but, more importantly, must be adept at manufacturing the constructive links<sup>117</sup> between those resources and the patrons.

112. *Id.* at 427.

113. *Id.* Kane discusses the seven areas outlined below at *id.* at 427–30.

114. *Id.* at 428.

115. *Id.*

116. *Id.* at 430.

117. Utilizing social networking sites (such as Facebook, Twitter, or MySpace), enabling reference assistance via virtual chat, and creating or moderating blogs directed toward patrons are examples of current constructive links between patrons and legal resources.

Furthermore, the librarian must be able to do this in many instances without ever seeing or speaking to that patron. The increasing amount of remote use of the law library's resources (i.e., no physical presence in the law library or face-to-face interaction with library professionals), facilitated by technological advances, creates invisible users who still utilize the various resources and guides prepared by the law librarian.

### Education Requirements, Solidified

¶82 A 1991 survey orchestrated by Katherine Malmquist provides a glimpse into the educational qualifications expected of academic law librarians.<sup>118</sup> The majority of nondirector law librarians had an M.L.S., about a third had a law degree, and about a quarter held both degrees.<sup>119</sup> Today, a cursory glance through employment listings shows that for many academic library positions, both degrees are required for employment. In a law firm, an M.L.S. is usually the minimum qualification, along with computer literacy. Experience in a law library is one of the qualifications most often mentioned in current employment postings.<sup>120</sup>

¶83 There are currently fifty-two programs with law librarianship courses offered in the United States, thirteen of which combine the J.D. and M.L.S. in a dual-degree program, and thirty-nine of which offer three or fewer law library courses.<sup>121</sup> Still, there is no definitive course listing for the law librarian. The only absolute is that degrees must be from an American Bar Association-accredited university (J.D.) and an American Library Association-accredited program (M.L.S.) to qualify for positions. The course offerings dealing specifically with law librarianship in either a law school or a library school vary drastically depending on the school's faculty, facilities, and commitment to the dual degree.

### The Law Librarian: A Dynamic Figuration

¶84 In the early twentieth century, legal sources and research methodologies were as varied as the law librarians who used them. Knowledge and resources were discovered and utilized after many years of self-directed study and work experience. The uneven availability and increasing number of sources, along with a lack of any formalized educational program in the early twentieth century guaranteed that, in order to be successful, the law librarian had to be self-educating, able to integrate new source material, flexible in regards to the various duties to be fulfilled, willing to make mistakes, and able to embrace change in order to better serve patrons.

¶85 The librarian was a solitary explorer, carving out a path through unpredictable legal terrain for the benefit of patrons. This narrow, zigzagging path accommodated only the librarian, allowed for unidirectional movement, and often melted

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118. Katherine E. Malmquist, *Academic Law Librarians Today: Survey of Salary and Position Information*, 85 *LAW LIBR. J.* 135 (1993).

119. *Id.* at 147.

120. For employment listings, see AALL Career Center, <http://www.aallnet.org/careers> (last visited Aug. 9, 2009).

121. See AALL Recruitment Committee, *Law Library Programs by Depth*, <http://aallnet.org/committee/rllc/resources/lawlib-depth.asp> (last updated Mar. 25, 2009).

back into the landscape with retirement. Professional efficacy was defined by how well the librarian could navigate the shifting landscape and adapt to change, despite the various obstacles that arose.

¶86 In the mid-twentieth century, the law librarian figuration changed again, and the law librarian was expected to be much more than a solitary explorer. With an increase in international legal concerns, the landscape shifted once more, and the law librarian became a bridge between the national and international. Languages, history, and political and cultural knowledge became assets in navigation. Increasingly, the law librarian was positioned to guide others, whether students, attorneys, faculty, or patrons, in their quests for legal knowledge, and to inform these seekers of other available sources.

¶87 In the twenty-first century, the law librarian is neither a solitary explorer nor a bridge. The intersection of technology and source material has triggered a reconsideration of the figure. Now, the law librarian is a multi-faceted nodule on a three-dimensional network, accessible through multiple points of entry and connected to a constellation of source material derived from personal and educational experiences. Diversity of experience is a strength, and specialization is expected.

¶88 The connections so desired by the solitary explorer in the early part of the twentieth century are now a given; to be unconnected to either a professional organization or an informal group of local librarians would be an impediment to efficiency and productivity. The incomprehensible breadth of legal sources and the increasingly complicated intersections of technology and use require a professional life of successive approximation: through continuous trial and error, a task is completed, but with the passage of time and gaining of experience, the rate of error recedes.<sup>122</sup> In short, the librarian of the present is confident, despite error, because the incorrect decisions of the past define the correct path of the future.

¶89 The skills and knowledge of the archetypal law librarian have changed drastically over the course of the century. From local to national to international, legal sources have increased exponentially. From mail by post to e-mail, and from printed matter to electronic databases, technology has transformed the methods of information classification and dissemination. Self-education and collaborative learning have been replaced by accredited M.L.S. and J.D. degree programs. In short, everything has changed.

¶90 Despite this, the figuration of the law librarian retains some constants. In each exposition of this figure, from the early 1900s to today, the most important element in determining professional success was and is the ability to anticipate changes in the sources and methods of communication and to integrate unanticipated changes to better serve patrons. The law librarian is a figuration in and of flux, evolving in response to environmental changes and incorporating new information and technologies. The librarian is always a little uncomfortable and is never settled; the discovery of new legal landscapes ensures that complacency cannot be a characteristic of the figure in any time period. And, regardless of the particular

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122. The law librarian must be comfortable enough in education, experience, and skill level to recognize that the potential for error is omnipresent because of the fluidity of information and technology.



knowledge or skills expected of the law librarian, it is this dynamic interaction with the legal and library environment that defines law librarianship as a profession.

¶91 There is nothing to suggest an end to the growth of legal information and sources, or an end to the creation of various classification or communication technologies. Whether working from an office in a law library or working remotely from home, the law librarian of the future will seem nothing like the librarian of present when comparing qualifications, skill sets, experience, and knowledge. However, when evaluating the future law librarian's ability to adapt to change and to embrace unanticipated outcomes, it will be oddly similar to that of the twentieth century's and today's figurations.