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It's All Enumerative: Reconsidering Library of Congress Classification in U.S. Law Libraries

Kristen M. Hallows

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Ms. Hallows investigates the widespread use of the Library of Congress Classification system in U.S. law libraries and the difficulties it can present in some circumstances. To address these problems, she proposes that smaller law libraries that do not participate in a bibliographic utility may benefit from an in-house classification scheme.

Introduction

¶1 At its most basic level, the human impulse to classify emerges from our strong desire to know what to expect. New things that resemble familiar things need little or no further examination. Quite simply, “we know what to expect of a dog or a banana, since they are similar to dogs and bananas we already know.”¹

¶2 Classification also provides a means of organization. One of the most fundamental concepts learned in a library and information science program is that we organize to retrieve; therefore, classification is not only helpful but also necessary if we are to benefit from the information we acquire and produce. Further, we may also classify to facilitate browsing and therefore discovery—even in an online environment such as the library catalog,² though physical collections are the focus of this article.

¶3 In an increasingly digital world, classification may seem like a quaint notion from the past. In a database, it is unnecessary to store records using any particular system, as long as those records relevant to a search are displayed or sorted in a useful way. Even with the explosion of electronic material, however, physical collections in law libraries are relied on heavily, especially when online versions are incomplete or even incorrect. Physical collections therefore need a reliable classification system to enable not only the location of specific materials but also the ability to browse within a subject area, which benefits researchers who come to the library with only a certain area of law in mind. Snunith Shoham said that “[b]rowsing is one of the most common ways in which the library user finds the books he borrows” and that “[the browser] goes to that section of the library that he estimates has the highest probability of containing a book or books that his immediate

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** Research Librarian, Bricker & Eckler LLP, Columbus, Ohio.

1. VANDA BROUGHTON, *ESSENTIAL CLASSIFICATION 1* (2004).

2. *FUNDAMENTALS OF LIBRARY OF CONGRESS CLASSIFICATION 1–11* (Lori Robare et al. eds., 2008).

interests would make him want to borrow.”³ Beyond simple organization, classification by subject “provide[s] as many other helpful options as possible to suitable substitutes should the patron’s original subject-based retrieval approach be unsuccessful.”⁴

¶4 None of these statements address the considerable challenges involved in classification of materials by subject in any type of library. Most traditional classification schemes are not optimal for every size and specialization; as a result, many libraries have developed their own in-house or “homegrown” classification systems. Alternatively, some may adopt (and subsequently adapt) another library’s in-house scheme.

¶5 Regarding the unique obstacles in choosing a suitable classification system for a law library, Elsie Basset stated:

Sometimes a cataloger of a general collection of books is transferred to a law library and finds that law cataloging requires special study. Sometimes a person without library experience, but with some knowledge of law, is given the task of cataloging, and realizes that legal training should be supplemented by cataloging technique.⁵

For instance, a law library serving the office of a state attorney general is unlike its private and academic counterparts. Its patrons consist of lawyers with diverse practice areas as well as legal interns, forensic scientists, and investigators. These factors combine to increase the complexity of choosing (and using) any one existing classification scheme.

¶6 This article examines why the Library of Congress Classification system (LCC) is so widely used in U.S. law libraries and explores in-house classification systems that are the exception to this rule. It then reports the results of a survey of records produced by the online public access catalogs (OPACs) of two law libraries using in-house schemes in order to determine how select legal works are classified, and compares this information to the classification of these same works by two additional libraries using traditional schemes.

A Brief History of Classification for Legal Materials

¶7 In the process of identifying U.S. law libraries (academic, private, or government) that use in-house classification systems, I found myself wondering why nearly all U.S. law libraries use LCC, and why the law libraries that at one time had an in-house system decided to switch partially or completely to LCC. Before the Library of Congress published Subclass KF, Law of the United States (the first of many subclasses of its main class for law, Class K), in 1969, legal materials were classified under the subject to which they pertained. For example, materials on

3. SNUNITH SHOHAM, LIBRARY CLASSIFICATION AND BROWSING: THE CONJUNCTION OF READERS AND DOCUMENTS 92–93 (2000).

4. Frank Lambert, *Do Provenance-Based Classification Schemes Have a Role in Libraries and Information Centres? The Case of Classifying Government Publications*, 49 CATALOGING & CLASSIFICATION Q. 208, 217 (2011).

5. ELSIE BASSET, A CATALOGING MANUAL FOR LAW LIBRARIES 5 (1942).

school law and legislation would be found arranged by jurisdiction under Class L, Education: Subclass LB, Theory and Practice of Education.⁶

¶8 Various commentators have referred to the absence of a law schedule as a “strange omission”⁷ and pointed out that the Library of Congress published its Class K twenty years after the “postwar period of growth in which American law libraries began to feel a serious need to classify their collections.”⁸ While Class K was conceived as early as 1900, the prevailing opinion was that a classification for law was unnecessary (in addition to the fact that the Library of Congress had insufficient funding and staff to devote to the project).⁹

¶9 However, as law libraries grew, law librarians clamored for a workable system for law libraries: “[T]he present lack of a definite classification scheme for materials has made it more and more apparent that a workable and tried scheme should be provided for law librarians.”¹⁰ In response, Elizabeth V. Benyon of the University of Chicago Law School Library developed the K schedule, which was first published in 1948. The “Benyon scheme,”¹¹ as it was known, was designed to be used with LCC.¹²

¶10 Eventually, library participation in bibliographic utilities such as OCLC strongly encouraged, almost required, “interlibrary cooperation and widespread acceptance of national standards.”¹³ Understandably, predictability and consistency are valuable to any user of a shared catalog. Ralph Stahlberg, Director of Reference and Research Services at the Los Angeles County Law Library (LACLL), explained that his library decided to switch to LCC “to be in sync with other libraries and to make cataloging easier.” New catalogers already familiar with LCC do not have to be trained on an in-house classification system.¹⁴

¶11 It is reasonable that a desire for uniformity would result in a single classification scheme being used by the vast majority of U.S. law libraries. The influence of the American Association of Law Libraries (AALL) should also be considered. AALL was founded in 1906, and A.J. Small described law classification in his first presidential address as “most important for our consideration.”¹⁵ However, it was not until the Library of Congress published its law classification well over a half century later in 1969 that the AALL adopted it as a “standardized subject classification system.”¹⁶

6. LIBRARY OF CONGRESS, CLASSIFICATION: CLASS L. EDUCATION 58 (3d ed. 1951).

7. ANTONY C. FOSKETT, *THE SUBJECT APPROACH TO INFORMATION* 325 (5th ed. 1996).

8. Alva T. Stone & Jessie Tam, *Cataloging and Classification of Law Materials: A Survey of Recent Literature*, 83 LAW LIBR. J. 721, 733 (1991).

9. Martha M. Evans, *A History of the Development of Classification K (Law) at the Library of Congress*, 62 LAW LIBR. J. 25, 25 (1969).

10. Carleton W. Kenyon, *Classification in Law Libraries*, 49 LAW LIBR. J. 250, 251 (1956).

11. See *Synopsis of Benyon Scheme*, in ELIZABETH V. BENYON, CLASSIFICATION: CLASS K, LAW 11-12 (rev. ed. 1967).

12. Elmer B. Hess, *A Study of the Classification of Legal Materials in the Law Libraries of the Library of Congress, the Los Angeles County Law Library, and the University of Chicago*, 69 LAW LIBR. J. 33, 33 (1976).

13. Stone & Tam, *supra* note 8, at 722.

14. E-mail from Ralph Stahlberg, Dir. of Reference and Research Servs., L.A. County Law Library, to author (Feb. 27, 2012) (on file with author).

15. A.J. Small, *President's Address*, 1 LAW LIBR. J. 4, 5 (1908).

16. Kasia Solon, *Present in Its Absence: Law Librarians and Technology at the Founding of AALL*, 98 LAW LIBR. J. 515, 526, 2006 LAW. LIBR. J. 29, ¶ 28.

The delay appears to have been caused by the inability to agree on author or subject classification.

¶12 Certainly, the adoption of LCC was seen as a way to reduce cataloging costs.¹⁷ Moreover, there was an increasingly symbiotic relationship between the Library of Congress and other libraries, which began with the sale of Library of Congress catalog cards, and naturally produced savings in cataloging and card ordering for subscribing libraries. This and other services became so valuable that “[b]y 1968, American research libraries looked to LC to meet more than seventy percent of their current cataloging needs.”¹⁸ LCC is, after all, the classification system used by the “most influential library in the Western World, if not in the world generally.”¹⁹

¶13 Interestingly, LCC has never been nearly as popular outside the United States. In one survey of law libraries in the United Kingdom, more than forty percent of respondents reported using an in-house classification system.²⁰ Should LCC continue to be the *de rigeur* classification system in the United States? Strict adherence to LCC can complicate the effective use of a library’s collection, and it may be appropriate to claim that LCC has become anachronistic in some law libraries. “‘What we have done before’ isn’t a particularly rigorous yardstick in terms of classification rules.”²¹

Library of Congress versus In-House Classification

¶14 Like the other schemes discussed in this article, LCC is enumerative, which means that every topic that can be used to classify a work is included, or enumerated, in the scheme. Class K is different in that it is first arranged by jurisdiction—not subject—due to contrasts in legal concepts between one country or state and another, since laws “are the true reflections of the social, economic, and cultural tradition.”²² Though Class K differs in its arrangement, this literary warrant is fundamental, because LCC is based entirely on the Library of Congress collection, “instead of being a classification of knowledge in the abstract.”²³

¶15 Similarly, LCC “is dictated by the organization of the library rather than by theoretical considerations,”²⁴ and “there are no provisions for subjects not represented in the library.”²⁵ Furthermore, LCC was originally designed and intended for the exclusive use of the Library of Congress; any issues that other libraries encoun-

17. Foskett, *supra* note 7, at 332.

18. Deanna B. Marcum, *The Library of Congress and Cataloging’s Future*, 45 CATALOGING & CLASSIFICATION Q. 3, 5 (2008).

19. Foskett, *supra* note 7, at 332.

20. Rachel Brett, *Classification Practice in Law Libraries: A Brief Survey*, 8 LEGAL INFO. MGMT. 61, 61 (2008).

21. E-mail from Jules Winterton, Dir., Inst. of Advanced Legal Studies, Univ. of London, to author (Mar. 1, 2012) (on file with author).

22. Jolande E. Goldberg, *Development of a Universal Law Classification: A Retrospective on Library of Congress Class K*, 35 CATALOGING & CLASSIFICATION Q. 355, 374 (2003).

23. LOIS MAI CHAN, A GUIDE TO THE LIBRARY OF CONGRESS CLASSIFICATION 16 (1990).

24. Foskett, *supra* note 7, at 325.

25. *Id.* at 326–27.

ter when using LCC relate directly to this origin. Thus, the smaller the library, the more likely LCC is too detailed for it to use efficiently. For example, the LACLL deliberately made its in-house scheme less specific.²⁶

¶16 Yale Law Library Classification, created in 1939, makes its intended use clear in the introduction:

This classification is designed solely to serve the purposes of the Yale Law School and its Library. It is published primarily for the use of the Yale Law Library staff now and in the future. In its preparation no thought was given to the question whether or not it might be adopted by other libraries. . . .

A general policy was first adopted . . . but this was not followed by a vast scheme in which the relation of each group of books to all the other groups was decided upon in advance. . . .

The basis of procedure was that the classification should serve the Library, rather than that the Library should be bound by a preconceived theoretical classification.²⁷

¶17 From the patron's perspective, strict adherence to LCC numbers in law libraries that own items on nonlaw subjects (e.g., medicine or criminology) can make locating some items rather inefficient, because works pertaining to a particular subject might be located in different areas of the library. A law library that uses the call numbers assigned by the Library of Congress would catalog diagnostic manuals and drug handbooks in Class R, Medicine, and health law treatises and guides to health care legislation in Class K, Law. Or a law library might own works on human anatomy, which would be classified in Class Q, Science.

¶18 For example, the Ohio Attorney General's Library (AG Library) owns a considerable number of nonlaw, health-related items such as those described above, which, under LCC, were physically located in different areas throughout the library. The AG Library decided to gather the legal and nonlegal health-related works in one location for easier browsing, and this area was titled Health. This section required an in-house classification scheme.

¶19 Two libraries that have created their own in-house classification schemes, though they are not law libraries, are worth mentioning because of the reasons behind the development of their systems. First, the Bellevue Classification System (BCS) was created by instructor Ann Doyle for the Bellevue Hospital School of Nursing Library in New York in the early 1930s. The BCS is a prime example of the influence of a system's creator and the era in which it was created. Traditional schemes were eschewed at this library because they "projected nursing as neither a particularly encompassing nor a particularly dynamic knowledge domain."²⁸ Law is a long-established profession; however, a library's classification scheme can be used to "construct and promote a distinct viewpoint of [legal] knowledge."²⁹ If a state attorney general's collection is considerably different in size and scope compared to, for example, a small private firm's library, should the same classification system be used in both?

26. Memorandum from Melody Lembke, Assoc. Law Librarian for Technical Servs., Univ. of Cal. Irvine Sch. of Law, *Introduction to Class K–Law*, at iv (n.d.) (on file with author).

27. FREDERICK C. HICKS, *YALE LAW LIBRARY CLASSIFICATION*, at vii (prelim. ed. 1939).

28. Keith C. Mages, *The Bellevue Classification System: Nursing's Voice upon the Library Shelves*, 99 J. MED. LIBR. ASS'N 40, 48 (2011).

29. *Id.*

¶20 The second example not only demonstrates the questioning (and subsequent modification) of a traditional classification system, it also exemplifies the beneficial effect of literary warrant and the connection between subject arrangement and the ability to browse. The traditional scheme at issue is the storied Dewey Decimal Classification (DDC). Barbara Fister described a public library in Darien, Connecticut, that implemented a “Dewey/bookstore mashup,” explained by one of its librarians as follows:

The bookstore-as-destination people come in, wander around, get a stack of books, a cup of coffee, and settle in. The grab-and-go folks take a quick look around and usually hop on a computer or ask an employee, find the item they're looking for, and leave. Dewey is great for the grab-and-goers, and we didn't want to lose that. Dewey is not so great for the destination users. Cooking is in technology. Gardening is in arts and recreation. Don't those two make more sense with each other?³⁰

¶21 Substitute LCC for DDC and add a greater sense of urgency, and you might have an adequate description of a law library in terms of its patrons' typical activities. In this public library, DDC was great for organizing travel books, but put languages on the other side of the library; under the mashup system, both were put together under the title Places.

¶22 Similarly, librarians at the AG Library felt that the Health section had become necessary not only because medical jurisprudence, anatomical charts, medical dictionaries, and coding manuals would be located in different parts of the library under LCC, but also because these items were on subjects vastly different from the rest of the collection. More important, the Health section would prominently place all related items in a single location for patrons' improved access.³¹

¶23 Regarding subject arrangement, consider the sentiment expressed by Charlotte Jennett over a half century ago:

This survey was undertaken chiefly because so many wistful attorneys and law students have presented themselves at the reference desk of a nonclassified law library and asked, “Where do you keep all the material on taxes?” Sometimes the inquiry was about all the material on labor law or workmen's compensation, but always it was a definite subject approach to law which prompted the questions.³²

The patrons may be different, but the questions are basically the same. In the AG Library, a request for “all the material” on health (or medicine) now leads to a single section with its own classification scheme.

30. Quoting Kate Sheehan, Knowledge & Learning Servs. Librarian, Darien Pub. Library, in Barbara Fister, *The Dewey Dilemma*, LIBR. J., Oct. 1, 2009, at 22, 25.

31. As a student in Kent State University's MLIS program completing my practicum in the AG Library, I had the opportunity to assist in the implementation of an in-house classification system for this subject area.

32. Charlotte Jennett, *Subject Classification in Law Libraries: A Survey—1955*, 49 LAW LIBR. J. 17, 17 (1956).

A Survey of Classification Schemes

¶24 In order to discover how a small law library (such as the AG Library) might decide to classify certain law materials, I surveyed how four different libraries classify examples of legal materials. I chose the University of Chicago Law Library³³ and the Los Angeles County Law Library,³⁴ both of which use in-house classification schemes; Harvard Law Library, which uses LCC;³⁵ and New York State Library (NYSL), which uses DDC.³⁶

¶25 Each library's online public access catalog (OPAC) was accessed multiple times in February and March 2012. Sixteen legal works published in the United States, the United Kingdom, and Canada in the twentieth and twenty-first centuries representing a range of areas of law were chosen as examples (see Table 1). Next, the most recent schedule possible was obtained for each classification scheme in order to determine how each work was classified. The fact that three of the four schemes discussed use the letter K as a mnemonic notation can be confusing, but every attempt was made to produce a clear analysis.

Classification—Class K, Law (Benyon Scheme)

¶26 To fully understand the Benyon scheme and the reasons it was created, it may be helpful to imagine LCC without Class K or any of its subclasses. At a time when law was subdivided under subject, the Benyon scheme was developed for the purpose of classifying legal materials within a general collection classified according to LCC. Benyon was not intended for an independent law library; there is no allowance for classification of nonlegal materials. The scheme is based on the principles of LCC and is therefore similar in arrangement and terminology. It is also based on the legal system, so the scheme is primarily divided geographically.³⁷

¶27 The Benyon scheme was designed to be flexible; thus territories may be classified with the country of origin, and numbers are arranged so that new material can be added. In the published classification, notes are used to indicate University of Chicago preferences. The index is interesting because it contains the numbers for legal materials that appear elsewhere in LCC, and the index is described as a “comprehensive guide to legal materials, wherever they may be

33. In 1983, the University of Chicago Law Library switched to LCC. Classification—Class K, Law (Benyon scheme) is used for older works (before 1983), and LCC is used for newer works (1983 and after). E-mail from Univ. of Chicago Library to author (Mar. 7, 2012) (on file with author).

34. The LACLL currently uses its version of the Benyon scheme, which was similarly named Class K—Law; however, the library is in the process of converting to LCC. E-mail from Ralph Stahlberg, *supra* note 14.

35. Harvard Law Library currently uses LCC, but Harvard actually began with two in-house systems. For thirty years, it used a combination of LCC and one of the in-house systems for foreign law. In 2012, Harvard began using LCC exclusively. E-mail from John Hostage, Authorities & Database Integrity Librarian, Harvard Law Sch. Library, to author (Feb. 27, 2012) (on file with author).

36. The NYSL uses DDC; as Melvil Dewey was once the New York state librarian, it is unlikely that the NYSL will ever switch to LCC. E-mail from Allan Raney, N.Y. State Library, to author (Feb. 27, 2012) (on file with author).

37. ELIZABETH V. BENYON, CLASSIFICATION: CLASS K. LAW 7 (rev. ed. 1967).

Table 1
Selected Legal Works and Corresponding Call Numbers by Library

Work	Los Angeles County Law Library (Class K—Law)	University of Chicago Law Library (Benyon scheme)	Harvard Law School Library (Moody scheme/LCC)	Library of Congress (LCC)	New York State Library (DDC)
John Elliott Byrne, <i>A Manual of Federal Evidence</i> , (1928)	KB202 .B91 s*	KB539 .B42M2	US 994 BYR	KF8932.8 .B9	347.7306 B995 97-6613 [†]
<i>Baldwin's Ohio Revised Code, Annotated</i> , (1953)	KA846 .B18 1953 s	K766 1958	US/O 203B F53	KFO30 1953 .A2	<i>Does Not Own</i>
Madaline Kinter Remmlin, <i>School Law</i> , (1950)	KB68 .R45 s	LB2523 .R4	US 977 REM	KF4119 .R453	379.1473 R388
Milton R. Konvitz, <i>The Constitution and Civil Rights</i> , (1947)	KB24 .C7 K6500 s	JC599 .J5K8	US 961 KON	KF4749 .K628 1947	323.4 K82
Gerald Henry Louis Fridman, <i>The Modern Law of Employment</i> , (1963)	KD60 .F91 s	KB1915 .F25M7 1963	UK 957 FRI	KD3009 .F75 1963	<i>Does Not Own</i>
Victor Di Castri, <i>Canadian Law of Vendor and Purchaser</i> , (1968)	KC219.5 .D4 s	KB1134 .D25C2	CAN 916.7 DIC	KE729 .D53 1968	346.7102 C212 200-5062
Arkansas Legislative Council, <i>The Defense of Insanity: Commitment to and Discharge from State Mental Institutions of Criminally Insane Persons</i> , (1964)	KB9 v.517	K146.3 .A2 v.118	US/ARK 681 F64	JK5174 .A34 no. 118	340.6 qA7285
Dennis R. Suplee and Diana S. Donaldson, <i>The Deposition Handbook</i> , (2011)	KB200 .D4 S95 2011 s	XXKF8900 .S872 2011 [†]	KF8900 .S87 2011	KF8900 .S87 2011	347.7372 S959 92-48614 2011
Michael H. Graham, <i>Federal Rules of Evidence in a Nutshell</i> , (2003)	KB202 .G69 2003 s	XXKF8935 .Z9G72 2003	KF8935 .Z9 G7 2003x	KF8935 .Z9 G7 2003	347.736 G741 92-38125 2003
Charles T. McCormick, <i>McCormick on Evidence</i> , (2006)	KB202 .M12 2006	XXKF8935 .M293 2006	KF8935 .M292 2006x	KF8935 .M29 2006	347.736 M131 97-13724 2006
William E. Ringel, <i>Searches and Seizures, Arrests and Confessions</i> , (1979)	KB93 .R47s 1979 s	XXKF9625 .R530 1979	US 993 RIN	KF9625 .R53 1979	345.747052 R581 88-42743 1979

Table 1 (Continued)
Selected Legal Works and Corresponding Call Numbers by Library

Work	Los Angeles County Law Library (Class K—Law)	University of Chicago Law Library (Benyon scheme)	Harvard Law School Library (Moody scheme/LCC)	Library of Congress (LCC)	New York State Library (DDC)
Albert Constantineau, <i>A Treatise on the De Facto Doctrine in its Relation to Public Officers and Public Corporations . . .</i> , (1910)	KB32 .C66 s	Web Access Only	Web Access Only	K3400 .C66 1910	342.06 C758 96-16618
Robert Sproule Stevens and Harry G. Henn, <i>Laws of Corporations and Other Business Enterprises</i> , (1983)	KB110 .H51 1983	XXKF1414 .H450 1983	KF1414 .H45 1983	KF1414 .H45 1983b	346.73066 H5-15 97-11018 1983
Mark A. Rothstein, <i>Occupational Safety and Health Law</i> , (1998)	KB61 .O3A12 O15	XXKF3570 .R672 1998	KF3570 .R67 1998x	KF3570 .R67 1998	344-730465 R847 84-34050 1998
H.W.R. Wade, <i>Administrative Law</i> , (1977)	KD32 .W11 1977 s	XXKD4879 .W30 1977	KD4879 .W3 1977	KD4879 .W3 1961	351-95 W119 1977
Julien D Payne and Marilyn A Payne, <i>Canadian Family Law</i> , (2001)	KC215 .P34a	XXKE539.2 .P39 2001	KE539.2 .P39x 2001	KE539.2 .P39 2001	Does Not Own

Note: Editions may vary among libraries.

[†]The lower case “s” indicates that the item has been removed from the library’s main public floor.

[‡]An accession number sometimes follows the Cutter number.

[§]The “XX” preceding the call number is used to distinguish LCC call numbers from Benyon Class K.

classed in the Library of Congress system.”³⁸ Furthermore, cross-references in the index will guide a user to broader, narrower, and related terms.

¶28 Another characteristic of enumerative schemes is the successive narrowing of broad subjects to more specific ones; for this reason, enumerative schemes are sometimes called top-down classifications.³⁹ Class K (international law) includes constitutions, statutes, court reports, and so on arranged geographically (e.g., the United States is divided into states and territories and then divided further into cities). Two of the three main categories are Anglo-American (United States and Great Britain) and Foreign, which is the result of the worldview of the classification scheme’s creators. Subclasses KA and KB are structured in essentially the same way; they both contain collected works, legal history, and treatises. However, KA is intended to classify general, comparative works (e.g., those concerning the law of more than two countries) rather broadly. Subclass KB is strictly Anglo-American law, and “general and special works” may be arranged by author or by using an alternate subject classification.

¶29 “General and special works” in subclass KB is the area in which three of the seven older items in this survey were classified, and classification by author was chosen over classification by subject. For example, the call number for John Elliott Byrne’s *A Manual of Federal Evidence*⁴⁰ begins with KB539. The number 539 represents authors Byr–Bys. All author surnames may be assigned a number from 20 (A–Aba) to 6831 (Zy–Zz). This allows for the broad classification of items as “general and special works” under Anglo-American law, but closer classification (further specification by subject) is unavailable unless the alternate subject classification is used. Cutter numbers are also used.

¶30 The alternate subject classification is clearly the predecessor of the LACLL’s subclass KB. The LACLL’s adaptation was an expansion; for example, they modified the governmental or administrative regulation category by adding items such as “fire codes” and “Sundays and holidays.” This becomes apparent when comparing the Benyon scheme originally published in 1948 (revised in 1967) with the 1958 version of the LACLL’s Class K—Law.

¶31 Two titles, *School Law* by Madaline Kinter Remmlein,⁴¹ a book on educational law, and *The Constitution and Civil Rights*, whose subjects include constitutional law, by Milton R. Konvitz,⁴² were classified according to LCC under subclass LB (theory and practice of education) and subclass JC (political theory), respectively. It is not surprising to find works classified under nonlaw subjects, as Benyon specifically stated in a 1947 article that the “non-legal materials in the Law Library are classified according to the Library of Congress system,”⁴³ not in Class K, Law. What is interesting about this is that of the four libraries surveyed, the University of Chicago is one of two that consider these two items to be nonlegal.

38. *Id.* at 6.

39. Broughton, *supra* note 1, at 32.

40. JOHN ELLIOTT BYRNE, *A MANUAL OF FEDERAL EVIDENCE* (1928).

41. MADALINE KINTER REMMLEIN, *SCHOOL LAW* (1950).

42. MILTON R. KONVITZ, *THE CONSTITUTION AND CIVIL RIGHTS* (1947).

43. Elizabeth V. Benyon, *Class K (Law) at the University of Chicago*, 40 *LAW LIBR. J.* 9, 9 (1947).

Class K—Law (LACLL)

¶32 A not widely known connection between the University of Chicago and the Los Angeles County Law Library is Forrest S. Drummond. He was the law librarian at the University of Chicago, where Elizabeth Benyon developed her scheme, and the LACLL's version of the Benyon scheme was published after Drummond became its director.⁴⁴

¶33 The LACLL finished its first adaptation of the University of Chicago's Benyon scheme in 1951. Probably the most significant difference between the Benyon scheme and Class K—Law is that Class K—Law may be used to classify nonlegal materials.⁴⁵ The LACLL is an autonomous law library, so its modification of the Benyon scheme is almost completely expected. However, unlike the University of Chicago, the LACLL classifies *School Law* and *The Constitution and Civil Rights* as legal works. Another difference is that the most recent version of Class K—Law (2006) has no index. The index contained in the 1958 compilation, however, appears to be virtually identical to the index contained in the Benyon scheme.⁴⁶ It is not known when or why the index was eliminated. The LACLL's Class K—Law also appears not to employ notes.

¶34 Like Benyon, Class K—Law is an enumerative scheme in which broad subjects are broken down into more specific topics, and it is also arranged geographically. However, when comparing the two systems, one may note the different uses of class K and subclasses KA and KB, which are both used for U.S. law. Like Benyon, Class K—Law contains comparative materials, but nonlaw materials can also be found there (e.g., criminology). Subclass KA contains primary materials (e.g., constitutions, statutes, court reports, and administrative codes), and subclass KB contains secondary materials (e.g., textbooks, treatises, and periodicals).

¶35 Primary materials may be classified in KB if subject is considered more important than form, and KB does not differentiate among federal, state, or multi-state secondary materials. Jurisdictional arrangement is achieved by the use of location symbols for federal and state jurisdictions. These symbols can be found at the end of the call number, and the scheme has an appendix that lists them. For example, "Tex" is used for the state of Texas.⁴⁷ For these reasons, Class K—Law may be more flexible than the Benyon scheme.

¶36 There are subtler differences discoverable in the classifier instructions for Class K—Law. For example, the Benyon scheme instructs readers to place a work that discusses the law of two jurisdictions, one of them the United States, under the United States. Conversely, Class K—Law suggests that such a work be placed with the other jurisdiction unless it can be determined that it is meant to be used in the United States. As another example, the Benyon scheme states that works about the

44. Memorandum from Melody Lembke, Associate Law Librarian for Technical Services, University of California, Irvine, School of Law, on Introduction to Class K—Law (no date) (on file with author).

45. *Id.*

46. LOS ANGELES COUNTY LAW LIBRARY, LOS ANGELES COUNTY LAW LIBRARY CLASSIFICATION SCHEDULE: CLASS K. LAW 69 (1958).

47. Memorandum from Melody Lembke, *supra* note 44.

laws of more than two countries should be placed in Class K. Class K—Law says they should be placed in a regional number if from the same region; if not, only then should they be classed in K. These are relatively small distinctions, but they can make a significant difference in the way items are classified. The LACLL's Class K—Law was designed to be less specific than LCC. For very small libraries, which may require even less detail, there is a brief guide for modifying the scheme.⁴⁸

Harvard Law School Jurisdictional Classification

¶37 When conducting this survey, I observed that Harvard, which now uses LCC, also uses a different scheme for the older works on my list, which appeared to be one of their in-house classification systems. John Hostage, Authorities and Database Integrity Librarian, explained that this system is in fact the Harvard Law School Jurisdictional Classification. It was informally called the Moody system, which was used for the law of all jurisdictions.⁴⁹ As the section for Harvard in Table 1 indicates, it appears to be a relatively straightforward scheme that uses notations such as US, CAN, and UK.

Library of Congress Classification (LCC)

¶38 For the sake of comparison, it is worthwhile to consider how the Library of Congress classifies the works sampled in the survey using its own classification system. Because of the University of Chicago's exclusive use of author surnames to classify works according to the Benyon scheme, the first and most significant comparison is to the LACLL's Class K—Law. As expected, LCC is a more detailed scheme. A good example of this detail can be found in the way John Elliott Byrne's *A Manual of Federal Evidence* is classified. The LACLL places this book in a "general works" category under "evidence," which is a subcategory of "procedural law." It is also found in a "general" subcategory in LCC, but the journey from specific to general (and back) is longer; one moves from general to evidence to trial to civil procedure to, finally, courts.⁵⁰

¶39 Another good example is the level of specificity employed when classifying the law of individual states. *Baldwin's Ohio Revised Code Annotated* (ORC)⁵¹ is classified simply as "law of Ohio" in the Benyon scheme and in Class K—Law; however, LCC provides a much greater level of detail. The notation for "law of Ohio" is KFO, and even after being classified under "general compilations of statutes," the notation ".A2" is added to the call number, which indicates official editions (with or without annotations) arranged chronologically. The Library of Congress, unlike the University of Chicago, which designed its Class K to fit into LCC, classifies all of these legal works as such (though it has a wealth of other subjects under which to classify them).

48. *Id.*

49. E-mail from John Hostage, Authorities & Database Integrity Librarian, Harvard Law Sch. Library, to author (Mar. 20, 2012) (on file with author).

50. LARRY D. DERSHEM, LIBRARY OF CONGRESS CLASSIFICATION: CLASS K. SUBCLASS KF. LAW OF THE UNITED STATES CUMULATIVE SCHEDULE 263 (1984).

51. OHIO REV. CODE ANN. (West 1953–).

Dewey Decimal Classification (DDC)

¶40 Also for the sake of comparison, it is interesting to consider how these legal works are classified by the NYSL, which uses DDC. DDC is an “enumerative scheme with analytico-synthetic features” because it allows for frequently occurring concepts (e.g., the decimal extension 73 indicates the United States).⁵² For most people, however, DDC is familiar because of its widespread use in public and school libraries. For some, DDC may suggest juvenility; for others, it may evoke fear. As one patron of the Darien Public Library proclaimed before the “Dewey/bookstore mashup” was implemented, the library was “kind of like a disapproving Mother.”⁵³

¶41 Regardless of its cultural associations, this classification system is most useful when it comes to broad or close classification. Depending on the type and size of a library and its collection, materials can be classified as generally or as specifically as desired. Mark A. Rothstein’s *Occupational Safety and Health Law*⁵⁴ was given a relatively specific call number by the NYSL: 344.730465, which indicates Social, labor, welfare, health, safety, education, cultural law (344), the United States (73), Public health (04), and Industrial sanitation and safety (65). In a smaller library, the call number could stop, for example, at 344.73. In some instances, the NYSL chose broader classification: the call number for Milton R. Konvitz’s *The Constitution and Civil Rights* is 323.4, which indicates Civil and political rights (323) and Specific civil rights (.4).

¶42 Understandably, works pertaining to laws of states other than New York or countries other than the United States are rare at the NYSL. Luckily, only three of the sixteen legal works in this survey were absent from the library’s OPAC. Of the remaining thirteen, all were classified in the 300s (Social Sciences), but three were not classified as Law (340–349) at all. Two have been mentioned previously: Madaline Kinter Remmlein’s *School Law* was classified under Public policy issues in education (379), and *The Constitution and Civil Rights* by Milton R. Konvitz was classified under Civil and political rights (323). A third, *Administrative Law* by H.W.R. Wade,⁵⁵ which concerns administrative law in Great Britain, was classified under Public administration (351).

The Complexities of Subject Arrangement

¶43 One particular work, *The Defense of Insanity: Commitment to and Discharge from State Mental Institutions of Criminally Insane Persons*, is classified differently in each of the four schemes discussed in this paper. This is a government publication prepared by the Research Department of the Arkansas Legislative Council in 1964. It summarizes the insanity laws of many states with a focus on the state of Arkansas.⁵⁶ The LACLL broadly classified it as a pamphlet (most likely an unbound volume), and the University of Chicago placed it with works published by the state

52. BROUGHTON, *supra* note 1, at 33.

53. FISTER, *supra* note 30, at 22–23.

54. MARK A. ROTHSTEIN, *OCCUPATIONAL SAFETY AND HEALTH LAW* (1998).

55. H.W.R. WADE, *ADMINISTRATIVE LAW* (1977).

56. ARK. LEGISLATIVE COUNCIL, *THE DEFENSE OF INSANITY: COMMITMENT TO AND DISCHARGE FROM STATE MENTAL INSTITUTIONS OF CRIMINALLY INSANE PERSONS* (1964).

of Arkansas. The Library of Congress classified it as State Government under Subclass JK, Political Institutions and Public Administration (US). Finally, the NYSL classified it as Law and, more specifically, Forensic medicine (340.6), also known as “legal medicine” or “medical jurisprudence.” Interestingly, the NYSL is the only one of the four libraries that classified it as a legal work, and this library uses a scheme that would almost never be found in a law library.

¶44 Though the Ohio AG Library was not included in the survey, it offers a number of excellent examples of the complexities of subject arrangement. For example, does *Dollar Verdicts: Personal Injury*⁵⁷ belong in the new Health section, or should it be surrounded by items pertaining to wrongful death and comparative negligence? After some consideration, the latter option was chosen. Another example is the American Medical Association’s *Guides to the Evaluation of Permanent Impairment*.⁵⁸ This title was also originally shelved with works on wrongful death and comparative negligence, but when the Health section was created, it was marked for inclusion.

¶45 One commentator suggests the placement of “some or all” items in a collection under a different classification scheme as one of several solutions to cross-classification (a work may be classified in more than one category, but it can only be physically located in one place).⁵⁹ Given the divergent nature of most items in the Health section, this alternative made the most sense for the AG Library.

Conclusion

¶46 The Library of Congress collection was the origin of information for the development of LCC, and the Yale Law Library took a similar approach in developing its in-house classification system in 1939. Over time, valid reasons for the widespread use of Class K in U.S. libraries emerged, including the fact that the standardization of catalog records alone saves time and money and provides predictability for patrons as well as librarians. In using Class K, however, while libraries have not become “bound” by a “preconceived theoretical classification,”⁶⁰ they have signed on en masse to a classification system based on another library’s collection.

¶47 In his introduction to Yale’s classification, Frederick Hicks asserted that “the classification should serve the Library.”⁶¹ It is this condition—when the classification no longer serves the library—that was the impetus of this article. Yale’s confidently solitary stance in the 1930s may not be the most appropriate position today, as some law libraries may prefer to use LCC. Nevertheless, the unquestioning adherence to LCC in today’s law libraries may be limiting the use of some collections that acquire nonlaw items and whose patrons could benefit from at least

57. DOLLAR VERDICTS: PERSONAL INJURY (2007).

58. ROBERT D. RONDINELLI ET AL., GUIDES TO THE EVALUATION OF PERMANENT IMPAIRMENT (6th ed. 2008).

59. Lois Mai Chan, *Library of Congress Classification: Alternative Provisions*, in CLASSIFICATION: OPTIONS AND OPPORTUNITIES 68 (Alan R. Thomas ed., 1995).

60. HICKS, *supra* note 27, at vii.

61. *Id.*

partial subject arrangement to bring like items together, as demonstrated by the AG Library. Unless a collection closely resembles that of the Library of Congress, does consistency in catalog records trump patrons' ease of use? Subject classification is the *modus operandi* of all four in-house schemes discussed in this article, and while it may be possible to classify a work in a number of different subjects (cross-classification), effective browsing can depend largely on the ability of patrons to locate materials within each subject group. As in the AG Library, skilled librarians can determine the most effective arrangement.

¶48 The Bellevue Classification System and the “Dewey/bookstore mashup” were discussed because they are examples of the creation of an entirely new scheme (in the case of BCS) and the modification of an existing one (in the case of the mashup system). Either undertaking can be daunting, but both have the potential to increase patrons' use of physical collections simply by making them more straightforward and easier to use. Of the four libraries surveyed, those using the Benyon scheme and DDC classified the same two legal works in nonlaw subject categories. While it is natural to look to the scheme itself for an explanation, the decision to classify an item as a legal work may be more about the library and less about the classification scheme. Classification is inherently subjective, and classifiers have diverse opinions, perspectives, and experiences that inform their cataloging decisions. The classification scheme is also influenced by its creator's opinions, perspectives, and experiences. In theory and in practice, two libraries using the same scheme could classify an item differently, which could create a different browsing experience at each library. The adoption of LCC as a veritable national classification scheme for law libraries in the United States, however, virtually eliminated this possibility.

¶49 It is this conformity that may complicate the use of an independent law library whose collection differs from that of the Library of Congress. Literary warrant should be one of the main considerations in choosing or creating a classification scheme if a library is to best meet the needs of its patrons, and it may indicate that an in-house classification scheme is needed for a portion of the collection, or perhaps the entire collection. While the development of a completely new classification system is an undertaking of considerable proportions, it can also be demanding to follow updates and changes implemented by the Library of Congress or the library whose classification scheme has been adopted.

¶50 If the AG Library had had to choose one of the four schemes examined in this article, the LACLL's Class K—Law would have been most appropriate, because it allows for the classification of nonlaw materials and was meant for a freestanding law library. However, it was not necessary to choose the “lesser evil.” The AG Library does not participate in a bibliographic utility, so the need for standardization of catalog records is not as great. Therefore, the development of an in-house classification scheme was the best course of action for nonlegal subject areas that represent a sizable portion of the collection. The AG Library's Health section can perhaps serve as an exemplar for similar law libraries looking into different ways to classify library materials.