

Lincoln Memorial University - Duncan School of Law

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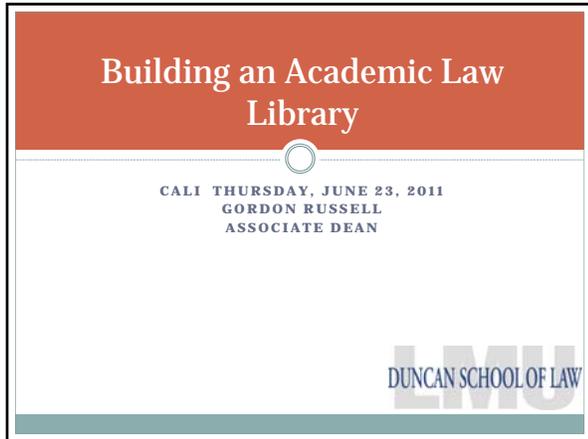
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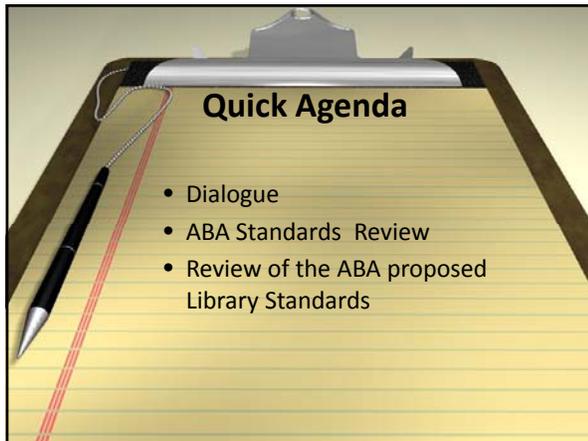
Library Unbound: The Convergence of E-books, Electronic Access and New ABA Library Standards are Transforming the Law Library

Gordon R. Russell



Available at: https://works.bepress.com/gordon_russell/26/







Premise

Libraries have never been about books?



Question

Is the Law Library still the heart of the law school?



Question

What is the heart of the law school today?



Standards Review

http://www.americanbar.org/groups/legal_education/committees/standards_review.html



Standard 601. GENERAL PROVISIONS

Standard 601. GENERAL PROVISIONS

(a) A law school shall maintain a law library that is an active and responsive force in the educational life of the law school. A law library's effective support of the school's teaching, scholarship, research and service programs requires a direct, continuing and informed relationship with the faculty, students and administration of the law school.

(b) A law library shall have sufficient financial resources to support the law school's teaching, scholarship, research, and service programs. These resources shall be supplied on a consistent basis.

(c) A law school shall keep its library abreast of contemporary technology and adopt it when appropriate.



Interpretation 601-1

*Cooperative agreements may be considered when determining whether faculty and students have efficient and effective access to the resources necessary to **meet the law school's educational needs**. Standard 601 is not satisfied solely by arranging for students and faculty to have access to other law libraries within the region, **or by providing electronic access.***

Interpretation 606-6 (Formerly Interpretation 601-1)
 Cooperative agreements may be considered when determining whether faculty and students have efficient and effective access to the resources necessary to **enable the law school to carry out its educational program and accomplish its mission**. Standard 601 is not satisfied solely by arranging for students and faculty to have access to other law libraries within the region.



Interpretation 601-1

Interpretation 601-1
 A library is an **active and responsive force** if it is relied upon by the faculty, students, and administration to **provide library expertise, resources, and services adequate to enable the law school to carry out its educational program and accomplish its the mission.**



Active Responsive Force?

“Relied on”
 provide library expertise, resources, and services - enable law school to carry out its educational mission.



Interpretation 601-2

Interpretation 601-2
 A library that is an **active and responsive force** in the educational life of the law school, working together with the dean and faculty, regularly identifies specific library **responsibilities and goals relating to the educational missions of the law school** and for supporting the law school's programs. The law library identifies means to achieve the established goals, assesses its success and challenges in realizing the established goals, and regularly re-examines and appropriately revises its established goals. **Such goals should be integrated into law school strategic planning documents as well as stated in library policy documents.**

Strategic Planning

Identify specific library responsibilities

Identify means to achieve the established goals

Assess the successes and challenges

CLOSE the LOOP



Standard 602

Standard 602. ADMINISTRATION

(a) A law school shall have sufficient administrative autonomy to direct the growth and development of the law library and to control the use of its resources.

(b) The dean and the director of the law library, in consultation with the faculty of the law school, shall determine library policy.

(c) The director of the law library and the dean are responsible for the selection and retention of personnel, the provision of library services, and collection development and maintenance.

(d) The budget for the law library **should** be determined as part of, and administered in the same manner as, the law school budget.

(d) The budget for the law library **shall** be determined as part of, and administered in the same manner as, the law school budget.



Interpretation 602-1

This Standard recognizes that substantial operating autonomy rests with the dean, the director of the law library and the faculty of a law school with regard to the operation of the law school library. The Standards require that decisions that materially affect the law library be enlightened by the needs of the law school's educational program. This envisions law library participation in university library decisions that may affect the law library. While the preferred structure for administration of a law school library is one of law school administration, a law school library may be administered as part of a general university library system if the dean, the director of the law library, and faculty are responsible for the determination of basic law library policies **and funding levels.**

Standard 603

(a) A law library shall be administered by a full-time director whose principal responsibility is the management of the law library.

(b) The selection and retention of the director of the law library shall be determined by the law school.

(c) A director of a law library **should have a law degree and a degree in library or information science** and shall have a sound knowledge of and experience in library administration.

(d) Except in extraordinary circumstances, a law library director shall hold a law faculty appointment **with security of faculty position.**

(c) A director of a law library **shall have the requisite skills, education and experience to provide leadership to the law school's information resource needs** and shall have a sound knowledge of and experience in library administration, **library technology, and issues involving legal research and legal education.**

(d) Except in extraordinary circumstances, a law library director shall hold a law faculty appointment **with the rights and protections accorded to other members of the full time faculty under Standard 405.**

Standard 604. PERSONNEL

The law library shall have a **competent** staff, sufficient in number **to provide appropriate library and informational resource services.**

The law library shall have a staff, sufficient in number **to expertise** and number **to support the library's informational resources and services.**



Interpretation 604-1

Factors relevant to the number **and expertise** of librarians and informational resource staff needed to meet this Standard include the following: the number of faculty and students, research programs of faculty and students, **whether there is** a dual division program in the school, **any** graduate programs of the school, size and growth rate of the collection, range of services offered by the staff, formal teaching assignments of staff members, and responsibilities for providing informational resource services.



Standard 605. SERVICES

A law library shall provide the appropriate range and depth of reference, instructional, bibliographic, and other services to meet the needs of the law school's teaching, scholarship, research, and service programs.



AALL Response to Standards Committee

A law library shall provide the appropriate range and depth of reference **support, information literacy skills training** and **research instruction**, access to resources, and bibliographic and other services to meet the needs of the law school's teaching, scholarship, research, and service programs.



Interpretation 605-1

*Appropriate services include **having adequate reference services, providing access (such as indexing, cataloging, and development of search terms and methodologies) to the library's collection and other information resources, offering interlibrary loan and other forms of document delivery, enhancing the research and bibliographic skills of students, producing library publications, and creating other services to further the law school's mission.***

Appropriate services include **reference services and faculty research support, enhancing the research and bibliographic [information literacy] skills of students, providing access (such as indexing, cataloging, and development of search terms and methodologies) to the library's collection and other information resources, offering interlibrary loan and other forms of document delivery, producing library publications and managing the library's web site, and creating other services to enable the law school to carry out its educational program and accomplish its mission.**

Appropriate Services?

- Reference – virtual
- Faculty research – Research Pool
- Student information literacy skills
- Providing Access

Are this bound by space?



Appropriate Services?

- Reference – virtual
- Faculty research – Research Pool
- Student information literacy skills
- Providing Access



Standard 606. COLLECTION

(a) The law library shall provide a core collection of essential materials **accessible in the law library.**

(a) **The law library shall provide a core collection of essential materials through ownership in the law library or reliable access. The choice of format and of ownership in the library or a particular means of reliable access for any type of material in the collection, including the core collection, shall effectively support the law school's curricular, scholarly, and service programs and objectives, and the role of the library in preparing students for the effective and responsible participation in the legal profession.**

Major Change

**Ownership OR Reliable Access
Choice of Format
Including the Core Collection**



Standard 606: cont'd

(b) In addition to the core collection of essential materials, a law library shall also provide a collection that, through ownership or reliable access,

- (1) meets the research needs of the law school's students, satisfies the demands of the law school curriculum, and facilitates the education of its students;
- (2) supports the teaching, scholarship, research, and service interests of the faculty; and
- (3) serves the law school's special teaching, scholarship, research, and service objectives.

(c) A law library shall formulate and periodically update a written plan for development of the collection.



Standard 606: cont'd

<p>(d) A law library shall provide suitable space and adequate equipment to access and use all information in whatever formats are represented in the collection.</p>	<p>(d) A law library shall provide suitable space and adequate equipment to enable patrons to access and use all information in whatever formats are represented in the collection.</p>
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Interpretation 606-1

All materials necessary to the programs of the law school shall be complete and current and insufficient quantity or with sufficient access to meet faculty and student needs. The library shall ensure continuing access to all information necessary **to** the law school's programs.

All materials necessary to the programs of the law school shall be complete and current and insufficient quantity or with sufficient access to meet faculty and student needs. The library shall ensure continuing access to all information necessary **for** the law school's programs

Interpretation 606-2

The appropriate mixture of collection formats **depends on** the needs of the library and its clientele. A collection that consists of a single format may violate Standard 606

The **law school shall provide an** appropriate mixture of collection formats, **including in the core collection**, that supports **the mission of the institution, the school's curriculum, and the needs of the library and its clientele, including the library's role in preparing students for the effective and responsible participation in the legal profession.** A collection that consists of a single format may violate Standard 606.

Interpretation 606-3

Agreements for the sharing of information resources, except for the core collection, satisfy Standard 606 if:

- (1) the agreements are in writing; and**
- (2) the agreements provide faculty and students with the ease of access and availability necessary to support the programs of the law school.**



Interpretation 606-3

- 1) **Reliable access requires the continuing availability of a sufficient range of information resources and the availability of one or two databases [or online information provider]s does not provide sufficient access to the core collection.**
- 2) **Reliable access to information resources can be provided through an appropriate mixture of:**
 - (a) **databases to which the library or the parent institution subscribe or own and are likely to continue to subscribe and provide access,**
 - (b) **authenticated and credible databases that are available to the public at no charge and are likely to continue to be available to the public at no charge, and**
 - (c) **participation in a formal resource-sharing arrangement through which materials are made available, via electronic or physical delivery, to users within a reasonable time period.**



The committee's concern

Can't just be Westlaw and Lexis
 reality Westlaw, Lexis, BNA, HeinOnline, Proquest, etc.
 Parent institution provides access
 Free Sources
 Resource sharing w/n reasonable time?



Interpretation 606-4

Off-site storage for non-essential material does not violate the Standards so long as the material is organized and readily accessible in a timely manner.



Interpretation 606-5

A law library core collection shall include the following:

(1) all reported federal court decisions and reported decisions of the highest appellate court of each state;

(2) all federal codes and session laws, and at least one current annotated code for each state;

(3) all current published treaties and international agreements of the United States;

A law library core collection shall include the following:

(1) all reported federal court decisions and reported decisions of the highest appellate court of each state **and U.S. territory**;

(2) all federal codes and session laws, and at least one current annotated code for each state **and U.S. territory**;



Interpretation 606-5 cont.

(4) all current published regulations (codified and uncodified) of the federal government and the codified regulations of the state in which the law school is located;

(5) those federal and state administrative decisions appropriate to the programs of the law school;

(4) all current published regulations (codified and uncodified) of the federal government and the codified regulations of the state or **U.S. territory** in which the law school is located;



Interpretation 606-5 cont.

(6) U.S. Congressional materials appropriate to the programs of the law school;

(7) significant secondary works necessary to support the programs of the law school, and

(8) those tools, **such as citators and periodical indexes**, necessary to identify primary and secondary legal information and update primary legal information.

(8) those tools, necessary to identify primary and secondary legal information and update primary legal information.

Interpretation 606-6

The dean, faculty, and director of the law library should cooperate in formulation of the collection development plan

[DELETED] See Standard 606 (c)



Interpretation 606-7

This Standard requires the law library to furnish the equipment to print microform and Electronic documents and to view and listen to audio-visual materials in the collection.

[DELETED] SEE Standard 606 (d)



Chapter 7 Facilities

LAW SCHOOL AS PLACE
REPLACES LAW LIBRARY AS PLACE



Standard 701.

GENERAL PROVISION

A law school shall have physical facilities **that are adequate both for its current program of legal education and for growth anticipated in the immediate future.**

GENERAL REQUIREMENTS

(a) A law school shall have physical facilities **and equipment that enable it to fulfill the requirements of the Standards and carry out its program of legal education.**



(b) The physical facilities shall include:

- (1) class and seminar rooms in sufficient number, functionality, and size to permit reasonable scheduling of all classes and seminars;
- (2) sufficient space for staff providing support services, including student support services, to the program of legal education;
- (3) an individual office for each full-time faculty member suitable for faculty research, class preparation, and faculty-student conferences and office space for part-time faculty members suitable for faculty-student conferences;
- (4) facilities and equipment that meet all applicable safety and fire codes; and
- (5) for law schools that offer "live client clinics" or similar real life practice experiences, sufficient and suitable space appropriate for conducting its clinical program in a manner that assures competent and ethical representation of clients and meaningful instruction and supervision of students, including confidential client interviewing space, space for working on and discussing client cases, and security for client files.

(c) If equal access for persons with disabilities is not readily achievable, the law school shall provide reasonable accommodation to such persons.

(d) To obtain or continue to merit full approval, a law school's facilities complying with these standards shall be completed and occupied by the law school; plans or construction in progress are insufficient.

(e) A law school does not comply with the Standards in this chapter if its physical facilities or technological capacities have a negative and material effect on the school's ability to fulfill the requirements of the Standards, carry out its educational program, or provide reasonable access or accommodation to persons with disabilities.

Interpretation 701-1

Inadequate physical facilities are those that have a negative and material effect on the education students receive or fail to provide reasonable access for persons with disabilities. If equal access for persons with disabilities is not readily achievable, the law school shall provide reasonable accommodation to such persons.

[DELETED]



Interpretation 701-2

Adequate physical facilities shall include:

- (1) suitable class and seminar rooms in sufficient number and size to permit reasonable scheduling of all classes and seminars;
- (2) suitable space for conducting its professional skills courses and programs, including clinical, pretrial, trial, and appellate programs;
- (3) an office for each full-time faculty member Adequate for faculty study and for faculty student conferences, and sufficient office space for part-time faculty members adequate for faculty-student conferences;
- (4) space for co-curricular, as opposed to extra-curricular, activities as defined by the law school;
- (5) suitable space for all staff; and
- (6) suitable space for equipment and records in proximity to the individuals and offices served.

[DELETED]



Interpretation 701-3

To obtain full approval, a law school's facilities shall be completed and occupied by the law school; plans or construction in progress are insufficient.

[DELETED]



Interpretation 701-4

A law school must demonstrate that it is and will be housed in facilities that **are adequate to** carry out its program of legal education. If facilities are leased or financed, factors relevant to whether the law school is or will be housed in facilities that are adequate include overall lease or financing terms and duration, lease renewal terms, termination or foreclosure provisions, **and the security of the school's interest.**

Interpretation 701-1
A law school must demonstrate that it is and will **continue to** be housed in facilities that **enable the law school to fulfill the requirements of the Standards and** carry out its program of legal education. If **all or part of** the facilities are leased or financed, factors relevant to whether the law school is or will **continue to** be housed in facilities that are adequate include overall lease or financing terms and duration, lease renewal **terms and conditions, and** termination or foreclosure provisions.

Interpretation 701-5

A law school's physical facilities should be under the exclusive control and reserved for the exclusive use of the law school. If the facilities are not under the exclusive control of the law school or are not reserved for its exclusive use, the arrangements **shall** permit proper scheduling of all law classes and other law school activities

Interpretation 701-2
A law school's physical facilities should be under the exclusive control and reserved for the exclusive use of the law school. If the facilities are not under the exclusive control of the law school or are not reserved for its exclusive use, the arrangements **must** permit proper scheduling of all law classes and other law school activities.

Standard 702. LAW LIBRARY

The physical facilities for the law library shall be sufficient in size, location, and design in relation to the law school's programs and enrollment to accommodate the law school's students and faculty and the law library's services, collections, staff, operations, and equipment.



Interpretation 702-1

A law library shall have sufficient seating to meet the needs of the law school's students and faculty.

[DELETED] SEE STANDARD 703



Standard 703. RESEARCH AND STUDY SPACE

To enable it to fulfill the requirements of the Standards and carry out its educational program a law school shall provide:

(1) sufficient quiet study and research seating **on site** for its students and faculty; **and**

(2) space **in sufficient amount, functionality, and size** for group study and other forms of collaborative work.

A law school shall provide, on site, sufficient quiet study and research seating for its students and faculty.

A law school should provide space that is suitable for group study and other forms of collaborative work.



Standard 704. TECHNOLOGICAL CAPACITIES

A law school shall have the technological capacities **that are adequate for both its current program of legal education and for program changes anticipated in the immediate future.**

A law school shall have the technological capacities **and support that enable it to fulfill the requirements of the Standards and carry out its educational program.**



Interpretation 704-1

Inadequate technological capacities are those that have a negative and material effect on the education students receive.

[DELETED]



Interpretation 704-2:

Adequate technological capacity shall include:

- (1) **sufficient and up-to-date** hardware and software resources and infrastructure to support the teaching, scholarship, research, service and administrative needs of the school;
- (2) **sufficient** staff support and space for staff operations;
- (3) **sufficient** financial resources to adopt **and maintain** new technology as **appropriate**.

Interpretation 704-1
In determining compliance with this Standard, factors to be considered include:

- (1) **the** hardware and software resources and infrastructure **available** to support the teaching, scholarship, research, service and administrative needs of the school;
- (2) staff support and space for staff operations;
- (3) financial resources **to maintain and, as appropriate,** adopt new technology.

Student Laptops



Wireless N throughout the building
Most study tables have power







