

# Oklahoma City University School of Law

---

From the Selected Works of Lee Peoples

---

2014

## Placemaking in the Academic Law Library

Lee Peoples, *Oklahoma City University*



Available at: [https://works.bepress.com/lee\\_peoples/28/](https://works.bepress.com/lee_peoples/28/)

## Placemaking in the Academic Law Library

LEE F. PEOPLES

*Oklahoma City University School of Law, Oklahoma City, Oklahoma, USA*

*Public and university libraries have embraced placemaking theories to develop user-centric library spaces. Placemaking has largely been overlooked in the context of academic law libraries. This article explores the range of space planning choices available to law libraries as they downsize their print collections. The benefits of reimagining law library space using placemaking concepts are explained.*

**KEYWORDS** *placemaking, library as place, space planning, subject-specific collections, library architecture*

A number of factors have coalesced to shape the future of print collections held by academic law libraries in recent years. These factors include: declining acquisitions budgets, rapidly rising print subscription costs, duplication of print materials in online databases, student and faculty preferences for electronic resources, collaborative print retention projects, changes to the American Bar Association's Annual Questionnaire and Standards, calls to produce practice-ready graduates, and the repurposing of library space for other law school functions.

A consistent theme that has emerged during this time of transition is the downsizing of the print law library collection. As one law librarian succinctly put it, "we are no longer building print collections."<sup>1</sup> Large collections of print resources are being systematically dismantled at law schools across the country. For years these print resources dominated the physical space they occupied. The care and housing of these collections turned vast areas of our law libraries into warehouses. Removing infrequently used print resources presents tremendous opportunities for law libraries to embrace a new space paradigm focused on the needs of the people who use our libraries.

---

© Lee F. Peoples

Address correspondence to Lee F. Peoples, 2501 North Blackwelder, Oklahoma City, OK 73106. E-mail: lpeoples@okcu.edu

<sup>1</sup> Taylor Fitchett et. al., *Law Library Budgets in Hard Times*, 103 Law Libr. J. 91, 94 (2011).

This article will explore the opportunities presented by transitioning academic law library collections from print to electronic formats. As collections shift away from print, librarians are confronted with a number of decisions: what to do with print resources that are no longer needed; what print resources should remain in the collection; and how those resources should be arranged. This article introduces the monetary value of the space occupied by print resources into the decision-making calculus. The concept of placemaking is explored in the context of academic law libraries. Placemaking concepts can be used to integrate print and non-print resources, to showcase subject specific collections, to encourage serendipity and collaborative learning, to build community and connect students to a law school's values and traditions, and achieve other goals.

## I. THE TRANSITION FROM PRINT TO ELECTRONIC COLLECTIONS

The transition from print to electronic collections in academic law libraries has been discussed for several decades. Scholarly discussion of this transition can be traced to an article that appeared in 1999 by Penny Hazelton titled *How Much of Your Print Collection is Really on WESTLAW or LEXIS-NEXIS?*<sup>2</sup> The impetus for the article was a study conducted by Hazelton while planning for what would become one of the premiere law school buildings in the country, William H. Gates Hall at the University of Washington. Hazelton prepared the study to help the building committee understand why the Gallagher Law Library would take up 50% of the proposed new law school building.<sup>3</sup> In the study she found that only 13% of the library's print collection was available in Westlaw or Lexis-Nexis. This finding "pleasantly surprised" Hazelton who expected to find that "about 40% of our collection was available on Westlaw or Lexis-Nexis."<sup>4</sup> She concluded, "books are not dead yet."<sup>5</sup>

Writing in response to Hazelton, Michael Chiorazzi examined the question of how much of a law library's collection is available in online databases

<sup>2</sup> 18 Legal Reference Services Q. 3 (2000). An update to Hazelton's article was published by Elizabeth R. Breakstone, *How Much of Your Print Collection is Really Online? An Analysis of the Overlap of Print and Digital Holdings at the University of Oregon Law Library*, 29 Legal Reference Services Q. 255–275 (2010).

<sup>3</sup> Gordon Russell, *Re-Engineering the Law Library Resources Today for Tomorrow's Users: A Response to "How Much of Your Print Collection is Really on WESTLAW or LEXIS-NEXIS?"* in Michael Chiorazzi & Gordon Russell, *Law Library Collection Development in the Digital Age*, 30 (2002).

<sup>4</sup> Hazelton, *supra* n. 2 at 4.

<sup>5</sup> *Id.* The pleasure Hazelton takes in proving the need for space to house print resources must be understood in the context of the era in which she was writing. At the time the American Bar Association was still collecting volume and title count in their Annual Questionnaire and a large print collection was one measure of a library's quality.

from a use perspective.<sup>6</sup> Chiorazzi identifies a core collection of legal materials available in electronic databases that receive 80–90% of use and account for only a small percentage of an average law library’s annual budget. He names this collection after Vilfredo Pareto’s principle that 80% of use is met by 20% of resources. After tempting readers with this hypothetical digital collection of inexpensive and highly useful resources, Chiorazzi concludes that “the time is not ripe for a move from paper to digital resources.”<sup>7</sup> He thoughtfully lays out the cons of an all-digital law library including the research interests of law faculty which include the 20% of resources not included in the Pareto collection.

An additional response to Hazelton was published by Gordon Russell who predicted that libraries of the future will be digital. Russell describes the digitization of the law library collection and calls on librarians to “stop fixating on the book to the detriment of our constituencies.”<sup>8</sup> Russell urges librarians to reconsider the design of the library and calls for future libraries to be “designed to meet the desired outcomes of our clients and that is not an emphasis on housing and providing access to books.”<sup>9</sup>

### The 95% Digital Law Library

A recently published article by Michael Whiteman continues the discussion over transitioning academic law library collections from print to electronic format. Whiteman makes an argument for transitioning the collections of academic law libraries to 95% digital materials and 5% print.<sup>10</sup> This argument is based on several factors including the availability of legal materials in electronic format, patron preferences for electronic formats, the high cost of maintaining large print collections, and lack of available space to house them. The crux of Whiteman’s proposal is a careful analysis of the American Bar Association Standards and Rules of Procedure for Approved Law Schools (hereinafter Standards) and pending changes to the Standards. The Standards prescribe specific materials that each academic law library must contain including a “core collection” of primary and secondary sources.<sup>11</sup> In recent years the Standards have evolved from requiring a specific collection format

<sup>6</sup> Michael Chiorazzi, *Books, Bytes, Bricks and Bodies: Thinking About Collection Use in Academic Law Libraries* in Michael Chiorazzi & Gordon Russell, *Law Library Collection Development in the Digital Age*, 1 (2002).

<sup>7</sup> *Id.* at 23.

<sup>8</sup> Russell, *supra* n. 3 at 47.

<sup>9</sup> *Id.* at 48.

<sup>10</sup> Michael Whiteman, *Book Burning in the Twenty-first Century: ABA Standard 606 and the Future of Academic Law Libraries as the Smoke Clears*, 106 L. Libr. J. 33 (2014).

<sup>11</sup> American Bar Association Standards and Rules of Procedure for Approval of Law Schools, Standard 606 (2012–13).

toward a focus on what the collection should provide.<sup>12</sup> A currently proposed revision to the Standards would permit law libraries to provide access to the core collection through “ownership or reliable access.”<sup>13</sup> Whiteman contends that this and other changes to the Standards “will go a long way toward allowing law libraries to shift much of their current print collection to the online universe.”<sup>14</sup>

In fleshing out the details of his proposed 95% digital collection, Whiteman explores just how much of a law library’s print collection is duplicated by online sources. He finds that seven out of the eight defined areas of the core collection are available in “multiple online locations, both for a fee and for free.”<sup>15</sup> The seven areas of the core collection duplicated in online sources include case reporters, codes and session laws, published treaties and international agreements, administrative regulations, administrative decisions, U.S. congressional materials, and citators. Widespread electronic duplication of print resources has not yet been achieved in the area of secondary sources. While many secondary sources are available online, Whiteman found that less than 5% of titles in the 2011 edition of *Recommended Publications for Legal Research* were available electronically.<sup>16</sup>

## Collaboration

Drastically reducing the size of a law library’s print collection cannot be accomplished by relying only on electronic resources. Collection sharing

<sup>12</sup> Whiteman, *supra* n. 10 at 34.

<sup>13</sup> Memorandum from Kent D. Syverud, Council Chairperson and Barry A. Currier, Interim Consultant on Legal Education to Interested Persons and Entities (Feb. 22, 2013), [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/20130222\\_notice\\_and\\_comment\\_standards\\_chs\\_6\\_7.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/20130222_notice_and_comment_standards_chs_6_7.authcheckdam.pdf) (last accessed Oct. 8, 2013).

<sup>14</sup> Whiteman, *supra* n. 10 at 26.

<sup>15</sup> Whiteman, *supra* n. 10 at 31. The core collection includes 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; (3) all current published treaties and international agreements of the United States; (4) all current published regulations (codified and uncoded) of the federal government and the codified regulations of the state or U.S. territory in which the law school is located; (5) those federal and state administrative decisions appropriate to the programs of the law school; (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 necessary to identify primary and secondary legal information and update primary legal information. Standards, *supra* n. 11. Whiteman’s analysis is conservative and did not mention resources available through the L.L.M.C. database. Including resources available through L.L.M.C. would increase the amount of core collection materials available electronically.

<sup>16</sup> Whiteman, *supra* n. 10 at 30.

initiatives are an attractive means for law libraries to provide the “reliable access to information resources” required by the Standards. The current version of the Standards does not allow law libraries to provide access to materials in the core collection using an agreement to share information resources.<sup>17</sup> The proposed revised Standards include agreements to share information resources as one method of providing “reliable access to information resources.”<sup>18</sup> Several recently launched print collection sharing initiatives have the potential to alleviate a library’s need to maintain a large print legacy collection of primary and secondary resources.

The PALMPrint project is exactly the kind of collaborative retention and sharing effort that will allow law libraries to discard print materials or move them offsite. The project “asserts that individual law libraries do not need to maintain what are essentially duplicate collections all over the country.”<sup>19</sup> PALMPrint stands for “Preserving America’s Legal Materials in Print” and is a three-year pilot project “aimed at developing a shared, circulating collection of primary U.S. legal materials in print.”<sup>20</sup> The project is currently focused on primary law and not secondary sources. The collection includes “Federal materials – statutes, codes, reports, congressional records, administrative codes and executive orders/presidential papers. State materials – session laws, codes, administrative codes and registers, court reports, national reporters, specialty reporters that are not duplicative, attorneys general reports and opinions.”<sup>21</sup> Participating members may request physical or digital copies of materials stored in PALMPrint’s high-density storage facility in Connecticut. Sixty-nine libraries currently participate in the three-year pilot project.<sup>22</sup>

The Mid America Law Library Consortium (hereinafter MALLCO) has launched several collaborative print collection sharing projects. Under the State Code Sharing Agreement, twenty participating member libraries collectively maintain print subscriptions to the official and annotated codes of all fifty states. Participants provide expedited interlibrary loan and reference services to the codes held in their libraries. The agreement has allowed

<sup>17</sup> Standards, Interpretation 606-3. *supra* n. 11.

<sup>18</sup> Memorandum, *supra* n. 13 at 12.

<sup>19</sup> A document describing the project is available from the NELLCO website, PALMPrint Preserving America’s Legal Materials in Print, [http://c.ymcdn.com/sites/www.nellco.org/resource/resmgr/palmprint/palmprint\\_overview\\_doc.pdf](http://c.ymcdn.com/sites/www.nellco.org/resource/resmgr/palmprint/palmprint_overview_doc.pdf) (last accessed Oct. 8, 2013). The Desert States Consortium is pursuing a similar project to preserve print primary materials and potentially digitize them in the future. Rita Reusch, *By the Book: Thoughts on the Future of Our Print Collections*, 100 Law Libr. J. 555, 561, n. 26 (2008).

<sup>20</sup> NELLCO PALMprint, available at <http://www.nellco.org/?page=palmprint> (last visited April 30, 2014).

<sup>21</sup> PALMPrint Preserving America’s Legal Materials in Print, *supra* n. 19.

<sup>22</sup> E-mail from Tracy L. Thompson, Executive Director, New England Law Library Consortium (NELLCO) (June 27, 2013, 10:20 a.m. EDT) (copy on file with author).

participants to cancel and discard print state codes from their collections. In 2010, only seven member libraries subscribed to fewer than fifty state codes in print. In 2012, after the state code sharing agreement was in effect, the number of libraries reporting subscriptions to fewer than fifty state print codes grew to twelve libraries. Many libraries were able to reduce their print code subscriptions to only a handful of states required by the sharing agreement. Libraries who previously subscribed to a large number of print codes saved close to \$50,000 in annual subscription charges by cancelling codes available from other MALLCO libraries.<sup>23</sup>

Widespread online duplication of secondary sources has not yet been achieved. However, several collaborative print retention and collection sharing projects focused on secondary sources are underway. Three MALLCO member libraries have been dividing responsibility for acquiring and sharing print Practising Law Institute (PLI) course materials among their libraries. Fifteen MALLCO libraries have agreed to collectively maintain print subscriptions to approximately 70 West print treatises with an annual subscription price over \$500 each. Participating libraries can request expedited interlibrary loan and reference services for print West treatises held by other participating libraries. The consortium is working to expand collaborative print treatise retention to PLI, Lexis, and Aspen titles. Academic law libraries located in geographic proximity have begun to explore collaborative print sharing of secondary sources. For example, Duke and the University of Virginia share responsibility for collecting and retaining major serial titles.<sup>24</sup>

The majority of collaborative print retention projects are developing at the local or regional level, with the notable exception of the PALMPrint project. While these projects are an important step toward collaborative print retention, law librarians have yet to take on the project of a nationwide collaborative print retention project. Several variations of this idea have been proposed in recent years. An interesting model was proposed by John Palfrey in *Cornerstones of Law Libraries for Digital Plus*.<sup>25</sup> Palfrey's vision is that in five to ten years law libraries would no longer be collecting or preserving primary authority like legislative materials and case law. Instead, certified digital versions will be deemed official and law school libraries will merely pay for access to these materials through electronic databases.<sup>26</sup>

Law librarians took an important step toward realizing this vision by participating in the creation of the Uniform Electronic Legal Material Act

<sup>23</sup> E-mail from Susan Goldner, Executive Director, Mid America Law Library Consortium (Nov. 9, 2012, 2:17 p.m. CST) (copy on file with author).

<sup>24</sup> Fitchett et. al., *supra* n. 1, at 106.

<sup>25</sup> 102 Law Libr. J. 171 (2010).

<sup>26</sup> *Id.* Palfrey has a similar vision for academic journal articles, forecasting that law libraries will no longer collect or preserve law reviews but instead will pay for access through Hein Online and other databases.

(hereinafter UELMA) and by advocating for its adoption in state legislatures. UELMA ensures “that online state legal materials deemed official will be preserved and will be permanently available to the public in unaltered form.”<sup>27</sup> Eight state legislatures have adopted the UELMA.<sup>28</sup> The adoption of the UELMA by more states may free law libraries to discard print state legislative materials by ensuring that online versions are official and will be permanently preserved.

A recently proposed collaborative project called TALLO (Taking Academic Law Libraries Online) calls on law libraries to “pool resources, through a consortium, to create a centralized collection of legal materials, including copyrighted materials, and to digitize those materials for easy, cost-effective access by all consortium members.”<sup>29</sup> The TALLO consortium would exclude commonly used materials like textbooks and reporters. TALLO would focus instead on collecting, preserving, and digitizing “scholarly materials less in demand (e.g., monographs in “law and” fields, laws in the American colonies, foreign law) but still useful for research.”<sup>30</sup> TALLO’s focus would be useful in addressing the lack of online duplication of secondary sources identified by Whiteman.

Collaborative print retention and sharing projects open up more options to participating libraries. These projects provide libraries the ability to confidently move infrequently used print resources into compact shelving, to offsite storage, or to discard them altogether. Collaborative print retention and sharing projects have greatly expanded in recent years. The PALMPrint project with nearly seventy participants from across the United States and Canada comes close to a national collaborative print repository. Perhaps after the three year pilot project, PALMPrint will expand its membership to include more libraries and expand the scope of the materials it collects to include important secondary sources.

### Decision Making in a Time of Transition

The availability of legal materials from multiple online sources and collaborative print sharing programs has the potential to free law libraries from the burden of housing large, redundant collections of infrequently used materials. Law libraries must make a number of crucial decisions as they transition

<sup>27</sup> Uniform Electronic Legal Materials Act Summary and Frequently Asked Questions, <http://www.aallnet.org/Documents/Government-Relations/UELMA/UELMAFAQs.pdf> (last accessed Oct. 8, 2013).

<sup>28</sup> Uniform Electronic Legal Materials Act—Enactments, <http://www.aallnet.org/Documents/Government-Relations/UELMA/UELMAenactments.pdf> (last accessed Oct. 8, 2013).

<sup>29</sup> Michelle M. Wu, *Building A Collaborative Digital Collection: A Necessary Evolution in Libraries*, 103 Law Libr. J. 527, 529 (2011).

<sup>30</sup> *Id.* at 534.



their collections from print to electronic resources. Which print resources should remain in the library collection? Are there particular resources that should be moved into compact shelving, offsite storage, or discarded? This section will explore the various factors influencing these decisions.

In an ideal world major decisions about a law library's collection would be driven entirely by the unique needs of a particular law school. The considerations are clearly laid out in the proposed language of Standard 606 (a).

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 effective, ethical, and responsible participation in the legal profession.<sup>31</sup>

Ideally, a law library would have the space and resources to purchase and retain resources in the format that most appropriately support the considerations set forth in proposed Standard 606 (a).

But in the real world, budgetary and space limitations are significant factors in collection development and print retention decisions. The decisions of even the most elite and well-funded schools are influenced by these considerations. Harvard Law Library made news in 2010 when it stopped collecting a large number of print resources, including lower federal court and state reporters, most digests, legal encyclopedias, and treatises and practice manuals except for Massachusetts and some superseded content.<sup>32</sup> In a paper released shortly after these cancellations were announced, the then Director of the Harvard Law Library wrote "there is no end in sight to the shrinking of budgets, staff, and space in libraries. No library is immune from these pressures; even in the few cases where library budgets remain stable, the prices for materials continue to rise."<sup>33</sup>

Specific space parameters are often the primary factor driving most collection reorganization or weeding projects in academic law libraries. Many law librarians have been asked to give up 5,000, 10,000, or more square feet of stack space to make way for faculty offices or another law school use. These situations often force librarians to make quick decisions. The proposed 95% digital model presents a unique opportunity to make decisions about large amounts of library space using a careful and strategic

<sup>31</sup> Memorandum, *supra* n. 13 at 10.

<sup>32</sup> Joe Hodincki, *Digital-Only: The Shed West Era Has Been Officially Institutionalized in the Legal Academy*, Law Librarian Blog (Feb. 5, 2010, 2:28 p.m. CST), [http://lawprofessors.typepad.com/law\\_librarian\\_blog/2010/02/the-shed-west-era-has-been-officially-institutionalized-in-the-legal-academy.html](http://lawprofessors.typepad.com/law_librarian_blog/2010/02/the-shed-west-era-has-been-officially-institutionalized-in-the-legal-academy.html)

<sup>33</sup> Palfrey, *supra* n. 25, at 174.

approach. Libraries who adopt this model should consider new and innovative approaches to collection arrangement discussed below.

## II. WHAT TO DO WITH ALL THE PRINT RESOURCES

Law libraries that decide to remove print resources from their regular collections will have to determine what to do with the resources. The options include moving the materials into compact shelving, offsite storage, discarding, or reimagining the location of library stacks and collection arrangement.<sup>34</sup> The availability and attractiveness of these options will vary between schools.

### Compact Shelving

Law libraries have been increasing the amount of their collections located in compact shelving in recent years. At the recently constructed Ray and Kay Eckstein Law Library at Marquette University Law School, the majority of the collection is located in compact shelving.<sup>35</sup> Approximately 90% of the print collection at the recently renovated Daniel F. Cracchiolo Law Library at the University of Arizona James E. Rogers College of Law is located in compact shelving.<sup>36</sup> Compact shelving is also attractive to schools renovating existing space. The Oklahoma City University School of Law's renovation plans for library space in its newly acquired historical building call for 70% of the collection to be located in compact shelving.

Compact shelving's chief advantages are that it allows law libraries to store more material in less space and material in compact shelving is immediately accessible, unlike material stored offsite. Compact shelving has a number of disadvantages including high cost, high floor load requirements limiting the locations where it can be installed, and materials in compact shelving are not easily browsed.<sup>37</sup> Despite these limitations, compact shelving is a viable option for a library that absolutely must retain print resources and have them readily accessible.

### Offsite Storage

Offsite storage of infrequently used materials is becoming more widespread among academic law libraries. The high cost of constructing new library space combined with increasing demand for existing library space makes offsite storage a popular option. The downside of offsite storage is that

<sup>34</sup> Chiorazzi, *supra* n. 6, at 19.

<sup>35</sup> Patricia A. Cervenka, *Library Without Walls – A Year Later*, 21 Trends in Law Library Management and Technology 31 (2011).

<sup>36</sup> Email from Michael Chiorazzi, Associate Dean for Information Services, Professor of Law and Information Resources & Library Science (October 14, 2013, 5:29 p.m. CST) (copy on file with author).

<sup>37</sup> Chiorazzi, *supra* n. 6, at 20.

materials cannot be accessed immediately but must be retrieved from the storage facility, a process that typically takes a few days.<sup>38</sup> Turnaround time may not be relevant if the print materials are duplicated in online sources. If the material is needed immediately, the online source should suffice until the print material can be retrieved.

### Discarding or Recycling

Just over a decade ago, discarding print resources duplicated online was dismissed as “risky business.”<sup>39</sup> In 2002 no academic law library had discarded print resources on a major scale and even the most digitally focused law librarian was taking a wait and see approach.<sup>40</sup> However, the trend toward discarding or recycling print resources has grown over the past decade. A survey conducted by the legal publisher and database provider W.S. Hein revealed that over a five-year period more than half of responding libraries had either discarded or were considering discarding print materials that were available in the company’s Hein Online database.<sup>41</sup> According to the study, the number of libraries discarding print materials available online has steadily increased over a multi-year period.<sup>42</sup>

Informal polls demonstrate a growing willingness among academic law libraries to discard or recycle print resources that are available in online databases. A poll conducted in 2011 on the law library director’s listserv found that half of respondents had already discarded or were planning to discard print digests.<sup>43</sup> Approximately one third of respondents had moved print reporters to offsite storage, had discarded them, or were considering discarding them.<sup>44</sup> Seventy-five percent of libraries reported that it was their practice to remove print law reviews from their collections.<sup>45</sup>

Law libraries that have recently remodeled existing space or built new buildings have been willing to discard print resources duplicated in online databases. The University of Baltimore law library provides an interesting example. They recently moved into a new law school building and discarded two-thirds of their print collection in the process. Most of the discards

---

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 21.

<sup>40</sup> *Id.*

<sup>41</sup> W. S. Hein 2009 Bound Volume Survey Results, copy on file with author.

<sup>42</sup> *Id.*

<sup>43</sup> Email from Lee Peoples to Law Library Director’s List (Oct. 5, 2011, 2:10 p.m. CST) (copy on file with author). The results cannot be considered statistically significant because only twenty five out of the approximately two hundred academic law libraries participated in the poll.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* The Penn State Dickenson School of Law, a law school that recently completed an 150 million dollar building project, only retains the past three years of print law reviews available in electronic databases.

were primary source material available in electronic databases.<sup>46</sup> Approximately 20,000 volumes were sent to a recently founded law school located in China.<sup>47</sup> Librarians at Arizona State University College of Law have been recycling numerous print resources including law reviews, state reporters and statutes, and other primary authority in preparation for moving into a new building.<sup>48</sup> Law Library Director Victoria Trotta reported that joining the PALMPrint collaborative print retention project and adding online databases has made the decision to remove and recycle the print volumes easier.<sup>49</sup> Arizona State has recycled approximately 125 tons of print materials as of October, 2013.<sup>50</sup>

### Campus Space as an Asset

In making decisions about our print collections and the space they occupy, librarians should view the physical stack space used to house library materials as an important campus asset. Librarians who have not been involved in a recent building or renovation project might be surprised to learn that the average cost per square foot to construct an academic library building is \$280.<sup>51</sup> Library space planner Scott Bennett advocates viewing all campus spaces as valuable assets.<sup>52</sup> Campus spaces that contribute to the achievement of a law school's mission and goals should be viewed as high-performing assets. Spaces that do not contribute to the achievement of the school's mission and goals should be reexamined.

Devoting campus space to housing a large print collection that is duplicated multiple times over in electronic format is not the "highest and best use" of a valuable asset.<sup>53</sup> Consider the following example. In preparing to move the print collection of the Oklahoma City University Law Library into

<sup>46</sup> Email from Clement Lau, University of Baltimore to alcts (January 14, 2013, 10:21 a.m. CST).

<sup>47</sup> Email from Joanne Colvin, Associate Director, Public Services, University of Baltimore Law Library to Lee Peoples (June 27, 2013, 12:28 p.m. CST) (copy on file with author).

<sup>48</sup> Telephone Interview with Victoria Trotta, Associate Dean for the Ross-Blakley Law Library, Sandra Day O'Connor College of Law (June 26, 2013).

<sup>49</sup> *Id.*

<sup>50</sup> Email from Victoria Trotta, Associate Dean for the Ross-Blakley Law Library, Sandra Day O'Connor College of Law to Lee Peoples (October 22, 2013, 1:08 p.m. CST) (copy on file with author).

<sup>51</sup> Christopher Stewart, *The Academic Library Building in the Digital age: A Study of Construction, Planning, and Design of New Library Space* 35 (2010).

<sup>52</sup> Scott Bennett, *Learning Behaviors and Learning Spaces*, 11 Portal: Libraries and The Academy 765, 786 (2011).

<sup>53</sup> The "highest and best use" is a legal term of art defined "as the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and results in the highest value." Robert D. Feder & William S. Yetke, *Valuing Specific Assets* § 14.07 (2011).

newly renovated, smaller library space, the author began identifying titles that would not be moved to the new location. The categories of materials identified for removal included recently cancelled reporters, digests, state statutes, law reviews, and looseleaves. These publications were evaluated and cancelled with faculty input because they were available online and not needed to support the law school's "curricular, scholarly, and service programs and objectives."<sup>54</sup> The shelving space devoted to these materials was an underperforming asset as it was devoted to housing materials that did not contribute to the achievement of the school's mission and goals.

The total square feet occupied by the shelves and surrounding aisles totaled 3,188.<sup>55</sup> When this figure is multiplied by the \$280 average cost per square feet to construct academic library space the result is an astounding \$892,827. This figure only includes the cost of the raw space and does not include the cost to light, heat, cool, and otherwise maintain the space. This figure does not account for the lost opportunity cost of using the space to contribute to the achievement of the school's mission and goals.

The annual cost of keeping print volumes in open stacks can be determined using a formula developed by Paul N. Courant and Matthew Nielsen. In, *On the Cost of Keeping a Book*, the authors explain how the cost of construction, maintenance, cleaning, electricity, staffing, and circulation combine to cost a library \$4.26 annually per volume kept in open stacks.<sup>56</sup> According to this formula, the author's institution spends nearly \$110,777 per year to keep the material identified for removal in open stacks.<sup>57</sup>

Librarians who refuse to part with large legacy collections of materials duplicated online, preserved via collaborative agreements, and not supporting their school's mission might be suffering from "sunk cost syndrome."<sup>58</sup> Sunk costs are past costs that have been paid and cannot be recovered. Economists warn against letting sunk costs impact a rational decision maker's

<sup>54</sup> Proposed Standard 606 (a). Memorandum, *supra* n. 13 at 6.

<sup>55</sup> Philip D. Leighton & David C. Weber, Planning Academic and Research Library Buildings 758 (2000) provides a formula for determining the amount of square feet required to accommodate double sided shelving and isles. Each 36 inch wide unit of double sided shelving with a 12 inch base and 42 inch isles occupies 20.6 square feet. Each 36 inch wide unit of double sided shelving contains a total of 14 shelves and will hold 42 linear feet of material. The total linear feet and associated growth space occupied by materials identified as candidates for removal at the author's law library totaled 6,501 linear feet.  $6,501/42 = 154.79 \times 20.6 = 3,188$  total square feet required for isles and shelving.

<sup>56</sup> Paul N. Courant & Matthew "Buzzy" Nielsen, On the Cost of Keeping a Book, in *The Idea of Order: Transforming Research Collections for 21st Century Scholarship*, 91 (Council on Library and Information Resources 2010).

<sup>57</sup> Leighton and Weber estimate 1 foot of shelving will hold approximately 4 volumes of law books. *Id.* at 179.  $6,501$  linear feet of material identified for removal  $\times 4 = 26,004$  volumes  $\times \$4.26$  per year = \$110,777 per year.

<sup>58</sup> Shmuel I. Becher, *Behavioral Science and Consumer Standard Form Contracts*, 68 La. L. Rev. 117, 125 (2007).

future choices.<sup>59</sup> It is understandable how a librarian who has spent her professional career building a print collection would be reluctant to remove a major portion of it. It is important to realize that although some might “feel a nostalgic and fiduciary responsibility for our print collections, often carefully developed over decades, few of our users, including our deans and faculties, share these feelings.”<sup>60</sup>

Historically low enrollment, shrinking endowments, and continued cuts to law school and library budgets have created a poor financial outlook at many law schools.<sup>61</sup> Commentators have questioned the continued viability of the current model of legal education.<sup>62</sup> Others have predicted that a certain number of law schools will shut down in the near future.<sup>63</sup> The large amounts of space devoted to housing legacy collections of print materials duplicated online are an untapped resource that should be used to transform a library’s physical presence, meet the needs of current students and faculty, and attract prospective students. The creation of “country club” campuses has been a major trend at colleges and universities over the past fifteen years.<sup>64</sup> Many prospective law students recently graduated from institutions with “climbing walls, swank student unions, and luxury dorms.”<sup>65</sup> These students arrive with an expectation of high-quality library space designed around their needs.

The importance of attractive library space designed around the needs of the user should not be overlooked. A survey conducted by the Law Admissions Council asked law school applicants to rank the influence various kinds of information had on their decisions to apply to a specific school. Students ranked the campus visit as the most influential factor in determining which schools they applied to.<sup>66</sup> The transformation of library space from book warehouse to user-centric space can help a law school attract more applicants in a very competitive admissions market.

Law librarians who have not yet removed large collections of print resources available online should strategically consider their options. Any

<sup>59</sup> *Id.*

<sup>60</sup> Fitchett et. al., *supra* n. 1, at 94.

<sup>61</sup> Lee Peoples, *Designing a Law Library to Encourage Learning*, 63 J. Legal. ed. 612, 637 (2014), [http://works.bepress.com/lee\\_peoples/27/](http://works.bepress.com/lee_peoples/27/).

<sup>62</sup> Richard A. Matasar, *The Viability of the Law Degree: Cost, Value, and Intrinsic Worth*, 96 Iowa L. Rev. 1578 (2011).

<sup>63</sup> Debra Cassens Weiss, *Profs Predict Law School Closings as More Grads Earn Less than Break-Even Pay*, ABA J. (Oct. 19, 2010, 6:00 a.m. CST), [http://www.abajournal.com/news/article/profs\\_predict\\_law\\_school\\_closings\\_as\\_more\\_grads\\_earn\\_less\\_than\\_break-even\\_p](http://www.abajournal.com/news/article/profs_predict_law_school_closings_as_more_grads_earn_less_than_break-even_p)

<sup>64</sup> Scott Carlson, *What’s the Payoff for the ‘Country Club’ College*, Chronicle of Higher Education, Jan. 28, 2013, <http://chronicle.com/blogs/buildings/whats-the-payoff-for-the-country-club-college/32477>

<sup>65</sup> *Id.*

<sup>66</sup> Law School Applicant Study, December 2012. Law School Admissions Council.

space created by removing these resources may be quickly “commandeered by law school administrators eager to place non-library functions into library space.”<sup>67</sup> Librarians should carefully craft a plan for the use of this space before resources are removed and the space is repurposed for non-library uses. Librarians should consider arranging the remaining print collection in new and innovative ways and integrating placemaking concepts into library space. These options are discussed at section IV.

### III. IMAGINING THE PRINT COLLECTION OF THE FUTURE

The print collections maintained by academic law libraries are in the process of dramatic change. Huge, redundant collections of resources available online are prime candidates for offsite storage, compact shelving, or discarding all together. Libraries that have not yet faced these decisions will be confronted with them in the near future. The print collections of the future will be leaner and more relevant. These print collections will contain only those materials that “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.”<sup>68</sup> They will be composed of primary and secondary sources from the local, state, and federal jurisdictions where the school is located. The collection will also contain specialized print resources that support the school’s “special teaching, scholarship, research, and service objectives”<sup>69</sup> as well as scholarly monographs and other print resources not available in electronic format. Law librarians will build variations of this collection that best support their institution’s unique “curricular, scholarly, and service programs and objectives.”<sup>70</sup>

The future print collections of academic law libraries will be impacted by curricular reform in the legal academy. Law schools have been criticized over the past several decades for failing to produce graduates with the

---

<sup>67</sup> Peoples, *supra* n. 61, at 615.

<sup>68</sup> Proposed Standard 606 (a). Memorandum, *supra* n. 13 at 6. In Whiteman’s article he proposed a 5% print collection consisting of appellate decisions of the school’s home state; U.S.C.A. or U.S.C.S. and the Statutes at Large; annotated code and session laws for the school’s home state; CFR and administrative code for the school’s home state; significant secondary works needed to support the school’s programs. Whiteman wisely reserves discretion for each law library to include additional print resources that support the “curricular, research, and scholarship needs of each law library’s host school.” Whiteman, *supra* n. 10, at 30.

<sup>69</sup> Proposed Standard 606 (c). Memorandum, *supra* n. 13 at 7.

<sup>70</sup> Proposed Standard 606 (a). Memorandum, *supra* n. 13 at 6.

skills required to successfully practice law.<sup>71</sup> In response, many law schools have revamped their curricula to integrate skills and experiential course offerings and have greatly expanded clinical programs.<sup>72</sup> Several schools have opened non-profit incubator law firms staffed by recent graduates.<sup>73</sup> A “dozen law schools, including City University of New York School of Law and Thomas Jefferson School of Law have set up incubators to train future solo practitioners in their first year out of law school, offering space and mentors.”<sup>74</sup> These law firms will need print and electronic legal research resources, law practice management software, and other resources. Librarians are poised to provide these resources and play an educational role in the non-profit law firms by training students to use the resources.<sup>75</sup>

Law firm libraries have been described as the “canary in the mine” for academic law libraries.<sup>76</sup> Several recent articles have proposed that academic law libraries should consider law firm library collection models when making collection development decisions. A recent study by Leslie Street and Amanda Runyon examined the impact of cancellation decisions of academic and law firm libraries on the academic law library’s role to prepare practice ready lawyers. The authors discovered that “academic libraries may be eliminating some of the print materials that law firms prefer their associates to use. This pattern has the potential to create a gap in the education of law school graduates and affect their preparedness of the practice of law.”<sup>77</sup> Street and Runyon call on academic law library collection decision-makers to “consider law firm collections, which are uniquely purposed for practical needs, when making collection development and management decisions.”<sup>78</sup>

The needs of future, practicing lawyers cannot be the only factor considered by academic law libraries when shaping their collections. The needs of the law faculty must be given considerable weight in the equation. Scholarly resources that support faculty research interests must be retained. Some

<sup>71</sup> Leslie A. Street & Amanda M. Runyon, *Finding the Middle Ground in Collection Development: How Academic Law Libraries Can Shape Their Collections in Response to the Call for More Practice-Oriented Legal Education*, 102 Law Libr. J. 399, 403 (2010).

<sup>72</sup> *Id.* at 406.

<sup>73</sup> Examples include the University of Utah’s University Law Group, Pace Law School’s Community Law Practice, Arizona State University’s Alumni Practice Group, and the University of Memphis’ ESQ.BUILD to name just a few.

<sup>74</sup> Ethan Bronner, *To Place Graduates, Law Schools Are Opening Firms*, N.Y. Times, Mar. 7, 2013, [http://www.nytimes.com/2013/03/08/education/law-schools-look-to-medical-education-model.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/03/08/education/law-schools-look-to-medical-education-model.html?pagewanted=all&_r=0)

<sup>75</sup> Law librarians at Arizona State University are supporting their Alumni Practice Group law firm by providing access to materials in the law library and providing reference and interlibrary loan services on an hourly rate basis. Telephone Interview with Victoria Trotta, *supra* n. 48.

<sup>76</sup> Chiorazzi, *supra* n. 6, at 17.

<sup>77</sup> Street & Runyon, *supra* n. 71, at 428.

<sup>78</sup> *Id.* at 409.



faculty members prize their library's collection of theoretical or historical resources. These materials are often print publications that have not migrated to the electronic environment. Resources that have migrated to the electronic environment may not replicate enough features of the print counterpart to be useful to scholars. For example, precise pagination and charts or graphs found in print resources are not always replicated in electronic versions. Other concerns that have been raised about electronic resources include authenticity, stability, completeness, and the ongoing cost of maintaining electronic subscriptions.<sup>79</sup>

The library collection needs of faculty and students are not mutually exclusive considerations. Some law libraries are serving faculty who have embraced calls to engage in "practical legal scholarship."<sup>80</sup> Print secondary and practitioner based resources can be useful to students and faculty by providing "an overview of existing legal doctrine in a given area of law" and for enabling scholars "to quickly ascertain the existing state of law in a given area."<sup>81</sup>

Victoria Trotta recently proposed an interesting approach for balancing the needs of academic law libraries' primary patrons. Trotta urged academic law librarians to think of their schools as law firms where faculty scholarship interests are treated as practice groups and student needs represent the "general information needs of the firm."<sup>82</sup> Trotta suggests providing access to primary authority electronically, collecting in "print only those sources that reflect local legal research and writing preferences," and "for everything else purchase publications or databases on demand." Publications purchased specifically for a faculty member who has departed should be reviewed, cancelled, and discarded if appropriate. This idea is borrowed from law firm libraries where subscriptions are cancelled and archives are discarded when the practice groups they were purchased to support wind down. Additional suggestions for implementing the law firm model in the academic environment include substituting reliable databases for retrospective print collections, making preservation of print primary authority the responsibility of the law library community as a whole, and liberalizing ABA library standards.<sup>83</sup>

A recently proposed revision to the ABA Standards has the potential to make aspects of the law firm library collection model an imperative for academic law libraries. The proposed revision to Standard 606 (a) would

<sup>79</sup> Michelle Wu, *Why Print and Electronic Resources are Essential to the Academic Law Library* 97, *Law Libr. J.* 233, 236–239 (2010). *See also*, Robert Darnton, *The Case for Books: Past, Present and Future* (2010).

<sup>80</sup> Street & Runyon, *supra* n. 71, at 428.

<sup>81</sup> *Id.* at 409.

<sup>82</sup> Victoria Trotta, *Collection Development in Academic Law Libraries: What Can We Learn from Law Firms?* 17 *AALL Spectrum* 32 (July, 2013).

<sup>83</sup> *Id.*

require law libraries to choose a format or form of ownership for materials that “effectively support[s] the law school’s curricular, scholarly, and service programs and objectives, and the role of the library in preparing students for effective, ethical, and responsible participation in the legal profession.”<sup>84</sup> This proposed change to the standard requires law libraries to provide resources in a format that simultaneously supports the school’s programs and prepares students for the practice of law. To comply with this standard, academic law libraries should be providing resources to students in a format that they will encounter once they are employed.<sup>85</sup> In achieving this goal, academic law libraries should be mindful of the format preferences of practicing lawyers in law firms and at other legal employers. Special attention should be paid to the findings of the Street and Runyon study that academic law libraries are cancelling print resources preferred by law firm associates.

#### IV. ARRANGING THE PRINT COLLECTION OF THE FUTURE

The space created by removing large legacy collections of print resources presents an enormous opportunity for academic law libraries. Traditionally, the print law library collection was housed in large blocks of shelving. The shelving was arranged as contiguously as possible to allow patrons to find resources using call numbers. The stacks were nothing more than a warehouse. Except for occasional browsing of monographs, patrons were not meant to be in the stacks for long.<sup>86</sup> You went in, retrieved the item you were looking for, and went somewhere else. As print collections grow smaller, law librarians should consider new approaches to collection arrangement and should reimagine the traditional location of library stacks.

The following hypothetical will illustrate the benefits of non-traditional collection arrangement. Consider two law schools each with their own special “curricular, scholarly, and service programs.”<sup>87</sup> Law libraries at both schools have revised their collection development policies to support their respective school’s programs. Both libraries spend money to acquire print and electronic resources in support of their school’s programs. They hire

<sup>84</sup> Proposed Standard 606 (a). Memorandum, *supra* n. 13 at 6.

<sup>85</sup> In a recently published paper titled *The ABA Section on Legal Education Revisions of the Law Library Standards: The Good and the Bad*, Professor Gordon Russell expressed doubts about whether this Standard could achieve its stated goal. “It is unclear how the library will demonstrate that the choice of format and means of reliable access supports the role of the library in preparing for effective, ethical and responsible participation in the legal profession.”

<sup>86</sup> This echoes back to the tradition of closed stacks. “In many older academic libraries, all seating was in one or more large rooms, where books, except for those shelved around the walls, were brought to those who requested them.” Leighton & Weber, *supra* n. 55, at 220.

<sup>87</sup> Proposed Standard 606 (a). Memorandum, *supra* n. 13 at 6.

JD degreed librarians with specialized expertise and knowledge in the subject areas of their school's programs. Both law libraries recently freed up an ample amount of space by discarding large print collections of law reviews, digests, reporters, and state statutes.

Let us call the first law school, Tradition Law School. Like most law school libraries, Tradition has been short on space for years. As Tradition Law School has added new clinics, programs, and centers over the years, the library has supported these programs with new print resources that have been shelved in Library of Congress call number order with the rest of the collection.

The dean of Tradition Law School happens to be walking through the library shortly after large amounts of the print collection have been discarded. She longingly eyes row after row of now-vacant shelving. The dean informs the law library director that the newly created, vacant library space will be used to build faculty offices.

The second law school in the hypothetical is called Innovation Law School. Innovation, like Tradition, has been short on space for years. Materials purchased in support of Innovation Law's clinics, programs, and, centers have been shelved in Library of Congress call number order with the rest of the collection. The library director at Innovation estimates how much square feet of space will become available when large portions of the print collection are discarded. He prepares a plan to use the vacant space and presents it to his dean before the discarding project begins. The plan calls for print resources supporting the school's clinics to be relocated to shelving located outside of library space but near the entrance to the school's clinics. Several niche spaces will be constructed in space previously used to house the regional reporters and digests. These niches will house print resources supporting Innovation Law's subject specific programs and centers. Several iPads and desktop computers will be located in the niche and loaded with apps and electronic resources that support the school's subject specific programs and centers. The niches will be filled with comfortable soft seating, tables on casters, and other furniture designed to encourage collaboration between students and faculty. When Innovation's dean launched various programs and centers over the years he always regretted not having any dedicated space to devote to these important programs. The programs were successful but the dean always thought their significance was downplayed because the law school was not able to carve out space devoted to their activities. The dean praised the library director for coming up with a creative use of valuable real estate that simultaneously benefited the law school and law library.

Recall from the hypothetical that both libraries spent money to acquire print and electronic resources in support of their school's programs. And both schools hired librarians with specialized expertise and knowledge in the subject areas of their school's programs. The subject specific niches

and location of clinical resources near the relevant clinics demonstrates that Innovation law library has done a superior job of providing access to these resources. Resources that are more visible are clearly more accessible than resources buried in large, warehouse-style shelving. The term “access” is found eleven times in the proposed revision to the Standards related to law libraries.<sup>88</sup> The term is primarily used in the context of providing “reliable access” to electronic or shared resources. But the plain meaning of the term must be considered. Grouping subject specific materials together in niches devoted to supporting a school’s unique programs makes those materials more accessible than warehousing the materials with the rest of the print collection in contiguous shelving.

By showcasing print and electronic resources in support of its school’s clinics, centers, and programs, the Innovation law library is demonstrating compliance with ABA Standard 606 (c) (1–3) which requires law libraries to provide a collection that “(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.”<sup>89</sup> Innovation’s creative use of space demonstrates compliance with the spirit and the letter of the proposed revisions to the Standards. Recent and proposed revisions to the Standards demonstrate a growing flexibility “to allow different academic law libraries to collect and *organize* their information in a way that might vary from collection to collection.”<sup>90</sup>

Removing large amounts of print resources provides law libraries with a rare opportunity to reinvent their space. In the hypothetical described above, Innovation Law moved away from the library as a warehouse model and considered the needs of the user in designing library space. When a library engages in user-centric design, they are beginning to engage in what urban planners and architects call placemaking. The next section will more fully explore how the placemaking concept can be applied in law libraries.

## V. PLACEMAKING IN THE ACADEMIC LAW LIBRARY

The physical arrangement of the law library collection can be used to support the concept of the library as “place.” Placemaking is a concept that traces its roots to William H. Whyte, an American journalist turned urbanist.<sup>91</sup>

<sup>88</sup> Proposed Standards, Chapter 6. Memorandum, *supra* n. 13.

<sup>89</sup> Standards, Interpretation 606 (b), *supra* n. 11.

<sup>90</sup> Whiteman, *supra* n. 10, at 32. (emphasis added).

<sup>91</sup> William H. Whyte, <http://www.pps.org/reference/wwhyte/> (last accessed Oct. 8, 2013, 12:27 p.m.).

Placemaking has been described as “the art and science of crafting spaces in ways that transcend their physical attributes and contributes to the well-being of the occupants.”<sup>92</sup> The Project for Public Spaces has articulated four key qualities of successful public places: “they are *accessible*; people are engaged in *activities* there; the space is *comfortable* and has a good image; and finally it is a *sociable* place.”<sup>93</sup>

Placemaking is an incredibly popular topic in library literature today. As architect Jeffery Scherer put it, “after a generation of intensive work in building the virtual library, often at the expense of maintaining and developing the quality of physical space in the physical library, librarians have reawakened to the place-making role of the library building.”<sup>94</sup> Placemaking as applied in libraries draws on the character of the existing place, integrates both print and non-print resources, “co-locates library and non-library uses,” evolves along with the needs of library patrons, and supports the “serendipitous nature of library use and the range of choices available.”<sup>95</sup> Placemaking can be used to enhance “the patron’s sense of connection with their community and its values and traditions.”<sup>96</sup>

Placemaking in the context of academic law libraries has only been discussed in a handful of articles. Steven Young’s *Looking Beyond the Stacks, The Law Library As Place* applied Ray Oldenburg’s theory of the Third Place to an academic law library.<sup>97</sup> *Designing a Law Library to Encourage Learning* discussed placemaking in the context of encouraging learning through the creation of a learning commons in a law library.<sup>98</sup> The most recent article to discuss placemaking in the context of academic law libraries is Jordan A. Jefferson’s ‘*We’re Going to Make You Popular*’: *Popular Collections in the Modern Academic Law Library*.<sup>99</sup>

Jefferson explores how a popular reading collection can be a useful asset in establishing the law library as a place. Her article describes how a popular reading collection can be used to remake a law library’s image thereby “rejuvenating the law library’s place within the law students’ educational and recreational lives.”<sup>100</sup>

<sup>92</sup> Jeffrey Scherer, Principal, Meyer, Scherer & Rockcastle Architects, American Library Association National Convention: Placemaking: Creating Libraries that Matter Now and in the Future (June 28, 2008), <http://msrlibraryworld.wordpress.com/2009/01/29/library-placemaking/> (last accessed Oct. 8, 2013, 12:27 p.m.).

<sup>93</sup> What Makes a Successful Place, <http://www.pps.org/reference/grplace-feat/> (last accessed Oct. 8, 2013, 12:27 p.m.).

<sup>94</sup> Scherer, *supra* n. 92.

<sup>95</sup> Scherer, *supra* n. 92.

<sup>96</sup> *Id.*

<sup>97</sup> Steven Young, *Looking Beyond the Stacks: The Law Library as Place*, AALL Spectrum 16, 18 (July 2010).

<sup>98</sup> Peoples, *supra* n. 61, at 632 (2014).

<sup>99</sup> 32 Legal Reference Services Q. 78-109 (2013).

<sup>100</sup> *Id.* at 99.

The location of a popular reading collection is a key component in leveraging its placemaking ability. Jefferson argues that the collection should be located in a separate space, distinct from the regular library collection.<sup>101</sup> Reserving a separate space for the popular reading collection will encourage patrons to browse the collection, will make it feel special, and will promote its use.<sup>102</sup> A collection located in a distinct space will give students a place to “escape the rigors of legal education and relax.”<sup>103</sup> The collection will “enhance a library’s standing as a *place* for students to both study and relax, which can promote the use of libraries.”<sup>104</sup>

Jefferson’s article is the first to explore the placemaking opportunities of a specific law library collection. Law librarians eager to apply placemaking concepts should not stop with popular reading collections. Subject-specific collections that support the school’s curricular, scholarly, and service programs and objectives have tremendous placemaking potential.

### The Importance of a Separate Space for Subject-Specific Collections

Academic law libraries have been developing collections of print and electronic resources in support of their schools’ special programs and foci for years. Because of space constraints, many of these collections are physically integrated into the general library stacks. Locating a subject-specific print collection in a defined location, separate and apart from the general collection, is necessary to tap into the collection’s placemaking potential. Law libraries should consider using space freed up by removing print statutes, reporters, and periodicals to create alcoves, nooks, or reading areas devoted to subject-specific collections.

A physical space for a subject-specific collection, separate and apart from the general collection, is an essential placemaking element. One of the key elements to creating a spirit of place in a library is using design to

<sup>101</sup> *Id.* Jefferson’s survey revealed that many academic libraries with popular reading collections housed the materials separately from the primary collection “in their own browsing/reading room or reading nook.”

<sup>102</sup> *Id.*

<sup>103</sup> A small collection of print popular reading materials can be used to provide a needed respite to law students who inhabit a constantly connected world of electronic distractions. See Pauline Dewan, *Why Your Academic Library Needs a Popular Reading Collection Now More Than Ever*, 17 College & Undergraduate Libraries 44, 50 (2010) (discussing students creating “a cognitive style based on quick, superficial multitasking rather than in-depth focus on one task such as reading” (Levine, Waite, and Bowman 2007, 565). This habitual multitasking, argues Wallis, “may condition their brain to an overexcited state, making it difficult to focus even when they want to” (2006, 39)). See also, Emily Marcum, *The Cognitive Disadvantages of E-Books*, 27 AALL Spectrum 26 (2012) (reporting that reading text onscreen takes 20 to thirty percent more time than reading text on paper and causes more stress and exhaustion and requires more effort than paper reading).

<sup>104</sup> Jefferson, *supra* n. 99, at 87.

articulate difference.<sup>105</sup> According to library architect Jeffrey Scherer, some of the key aspects of placemaking in libraries include a point of departure and return, pronounced borders, and clear spatial definitions.<sup>106</sup>

A special nook or alcove for a subject-specific collection that is distinct from the library's general collection will help establish the "cognitive and social meaning of the collection."<sup>107</sup> A clearly defined space for the collection is important because it blurs social distinctions between faculty and students using the collection.<sup>108</sup> The spatially defined subject-specific alcove can blur social distinctions and achieve the placemaking goal of connecting library patrons with "their community and its values and traditions."<sup>109</sup>

Blurring social distinctions between students and faculty will help a law school integrate more collaborative learning into its culture.<sup>110</sup> The physical environment of a law school is filled with spaces that underscore the authority of the faculty member. The faculty office and the classroom typically "reinforce inequalities of authority in knowing."<sup>111</sup> Most attempts at faculty and student collaboration occur in these spaces. Attempts at collaborative learning might be more successful if they occurred in a place that was not the exclusive domain of one member of the law school community. Library space planner Scott Bennett calls these "domestic spaces" where "people construct knowledge working together in groups, interdependently."<sup>112</sup> The knowledge created in these spaces is not the property of an individual person but of the community that constructed it.<sup>113</sup>

A spatially defined subject-specific alcove filled with furniture designed to encourage collaboration can be a useful tool for encouraging collaborative learning in law schools. Large reading tables, soft-seating areas, and furniture on casters can be used to encourage collaboration.<sup>114</sup> Students and

<sup>105</sup> Scherer, *supra* n. 92.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> This blurring of boundaries is one of the seven guiding principles of placemaking in libraries as articulated by Jeffrey Scherer.

<sup>109</sup> Scherer, *supra* n. 92. One recent example is found at Faulkner University where a special location within newly renovated library space was reserved for a jurisprudence collection developed to support Faulkner's curricular focus in that area. The Acting Director Robb Farmer reported an additional benefit of the collection, the collection has provided the law school with an additional naming opportunity that has the potential to bring in donor revenue. Email on file with author.

<sup>110</sup> Collaborative learning is a significant trend in legal education. Once law students become lawyers they will "find themselves working in increasingly collaborative environments."<sup>110</sup>

<sup>111</sup> Scott Bennett, *Righting the Balance*, in *Library as Place: Rethinking Roles, Rethinking Space* 19 (2005).

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> Peoples, *supra* n. 61, at 627 (2014).

faculty members who visit the alcove can expect it to serve as a leveling environment that provides respite from the hierarchical structures of the legal academy. Alcove visitors are not in the classroom or faculty office which is clearly the domain of the faculty member. They are not at a library table or study carrel, a space where law students study. They have come to the subject alcove because they share a common interest in the subject. In the well-defined space of the alcove, they leave behind inequality and can browse, discover, and discuss, as members of the law school community interested in gaining knowledge and understanding, about the subject the alcove is devoted to. As this hypothetical demonstrates, locating space for collaboration inside a subject-specific alcove can deliver the added place-making benefit of connecting students and faculty with their community and its values and traditions.<sup>115</sup>

### Encouraging Serendipity

Subject-specific collections in academic law libraries can support the place-making goal of encouraging serendipity and the discovery of the range of available library materials. Jefferson's article mentioned the ability of popular-reading collections located apart from the general collection to encourage patrons to browse.<sup>116</sup> Subject-specific collections located apart from the general collection are also valuable because they allow diverse materials to be displayed in a single location. Most law libraries develop rich collections to support their school's unique programs and curriculum. These collections contain various types of materials including DVDs, audio recordings, oversized materials, and charts or maps that are frequently scattered around the library in numerous locations. Dedicating unique space to a subject-specific collection allows these diverse materials to be displayed in a single location and increases the chance that patrons will discover them.

Law librarians serving law schools with cross-disciplinary programs, the "law ands," may find it particularly desirable to designate separate space for subject-specific collections that support these programs. Cross-disciplinary legal scholarship first appeared in the 1960s covering law and society and law and economics. Later scholarship and courses focused on "critical legal studies, feminist legal theory, law and literature, critical race theory[,] and others."<sup>117</sup> Law libraries have developed collections including sources from multiple legal and non-legal subject areas to support these programs. Sources supporting these programs are often shelved in disparate locations according to their Library of Congress classification. Setting aside space for

<sup>115</sup> Scherer, *supra* n. 92.

<sup>116</sup> Jefferson, *supra* n. 99, at 99.

<sup>117</sup> Marc Galanter & Mark Alan Edwards, *The Path of the Law Ands*, 1997 Wis. L. Rev. 375, 376 (1997).



a subject-specific collection allows these related materials to be brought together into a coherent whole. Patrons can browse the subject collection and discover related materials that otherwise might not have been located. Libraries supporting law schools with cross-disciplinary programs should consider designating space for a subject-specific collection to support the placemaking goal of encouraging serendipity and the discovery of the range of available library materials.

### Integrating Print and Non-Print Resources

Subject-specific collection can help law libraries achieve the placemaking goal of integrating print and non-print resources. The physical space set aside for a subject-specific print collection can be used as a springboard to highlight supporting electronic resources. Print resources can be used to direct patrons to electronic sources. Many treatises and looseleaves in the law library collection are available in online resources. Marking the spines of these print titles with an “Available Online” sticker is a useful way to alert patrons that the library provides access to a resource in multiple formats. Labeling print volumes with Quick Response (QR) codes enables patrons to scan the code and access content available in an online database or in ebook format.<sup>118</sup> One library created a physical “zombie library” of book dummies labeled with QR codes linking patrons to ebooks.<sup>119</sup> The Center for Computer Assisted Legal Education (CALI) LibTour project is another exciting development in the use of technology to supplement print resources.<sup>120</sup> CALI provides free printable posters at the LibTour website that can be placed near popular primary and secondary sources found in academic law libraries. Patrons who scan the QR code on the poster can listen to a short, two to three minute audio tutorial about the resource. Law libraries that develop subject-specific collections could create their own, unique LibTour QR code audio guides to introduce patrons to important resources in their subject-specific collection.

Digital signage could be used near or inside a subject-specific print collection to highlight specific resources or provide information about the collection. Rotating digital slides could be developed to showcase new resources. iPads loaded with electronic resources supporting the subject-specific collection could be located inside the collection area. The Oklahoma City University Law Library has two iPads inside its Native American Collection loaded with apps and links to websites useful for Native American legal research.

<sup>118</sup> Jenny Lynne Semenza and Regina Koury, *The Zombie Library: Books Reanimated via QR Codes*, 32 Collection Building 46–50 (2013).

<sup>119</sup> *Id.*

<sup>120</sup> Libtours: An Audio Tour of Law Libraries, <http://libtour.classcaster.net/> (last accessed Oct. 8, 2013, 12:27 p.m.).

## Artwork, Objects, and Other Curiosities

Artwork is a key component of placemaking. Public art installations can achieve the key qualities of placemaking. The most obvious example is public art's ability to improve the comfort and attractiveness of a place. A work of public art that invites the public to interact with it and others can achieve the qualities of engaging people in activities and increasing the sociability of the place.<sup>121</sup> A complete explanation of art's placemaking potential comes from the Project for Public Spaces.

More than ever before, public artworks are stimulating and inviting active dialogue rather than just passive observation, thereby fostering social interaction that can even lead to a sense of social cohesion among the viewers themselves. A good public space, on the other hand, is not only inviting, but builds a place for the community around an artwork, or culture venue, by growing and attracting activities that make it a multi-use destination.<sup>122</sup>

Placemaking initiatives at public libraries frequently capitalize on the placemaking value of including works of art in library space.<sup>123</sup> Academic law libraries should learn from these examples and utilize artwork to help create a sense of place. The Tarlton Law Library at the University of Texas School of Law provides an outstanding case study of the use of art to create a sense of place in an academic law library. Tarlton holds an impressive collection of over 1,000 pieces of artwork, historical objects and artifacts, and rare legal materials. The Hyder Collection of legal-related art and artifacts is particularly impressive. The collection was built by an alumnus who purchased items with an eye towards specific locations within the law school and library during extensive world travels. "The Hyders intended that the

<sup>121</sup> What Makes a Successful Place, *supra* n. 93. The large mirrored sculpture *Cloud Gate* located in Chicago's Millennium Park is an example of artwork's potential to engage people in activities. Visitors to the park walk around the sculpture looking at their own reflection and engage with others when viewing their reflections. See Millennium Park – Art & Architecture, [http://www.cityofchicago.org/city/en/depts/dca/supp\\_info/millennium\\_park\\_artarchitecture.html](http://www.cityofchicago.org/city/en/depts/dca/supp_info/millennium_park_artarchitecture.html) (last accessed Oct. 8, 2013, 12:27 p.m.).

<sup>122</sup> Collaborative, Creative Placemaking: Good Public Art Depends on Good Public Spaces, <http://www.pps.org/reference/collaborative-creative-placemaking-good-public-art-depends-on-good-public-spaces/> (last accessed Oct. 8, 2013, 12:27 p.m.).

<sup>123</sup> See "The People's Place:" How Placemaking Can Build Today's Best Libraries, <http://www.pps.org/blog/the-peoples-place-how-placemaking-can-build-todays-best-libraries/> (last accessed Oct. 8, 2013, 12:27 p.m.) ("Throughout several visioning sessions, community members agreed that public art should be a major component including over 20 pieces of sculpture, woodworking, visual art, textile, poster art, and more, including a mural by Alan Syliboy titled "The Dream Canoe").<sup>1</sup> The Hyder Collection, <http://tarlton.law.utexas.edu/exhibits/hyder/index.html> (last accessed Oct. 8, 2013, 12:27 p.m.).

collection be not merely attractive, but also accessible. Students and visitors are invited to sit on the chairs and settles that decorate the library.”<sup>124</sup>

According to Barbara Bintliff, the Joseph Hutcheson Professor in Law and Director of the Tarlton Law Library, artwork has been grouped thematically and carefully located near the most relevant print resources.<sup>125</sup> Print federal and Texas primary and secondary sources are located on the law library’s main floor. Works of American art, flags, and other relevant memorabilia are located near these materials. Foreign, comparative, and international legal materials are located on the law library’s third floor along with relevant artwork and objects hailing from foreign legal traditions. General U.S. legal materials are located on the third floor and surrounded by a collection of Anglo-American legal art and artifacts.

A description on Tarleton’s website explains to students how artwork from the collection “complements your classroom study by illustrating the development of the law; it provides a magnificent backdrop for your educational pursuits.”<sup>126</sup> Tarlton librarians have developed an impressive web presence showcasing items from the collection. Work is underway to develop audio tours explaining the significance of items in the collection. Specific audio tours are being developed focusing on artwork related to specific areas of law including contracts and torts. Tarlton’s careful integration of art and artifacts with relevant print resources and use of artwork to demonstrate the development of law to students are examples of the placemaking power of artwork in academic law libraries.

The law school’s student lounge was intentionally filled with works of contemporary art. This choice serves to differentiate the lounge from the rest of the library where historical artwork, some of it dating back over 1,000 years, is displayed. The modern pieces signal to the students that the lounge is a space to shift into a different mindset.<sup>127</sup> The lounge is a place for casual interaction with colleagues, rest, and relaxation. The more traditional and formal artwork displayed in the library signals to the students that they have entered a place for serious study and quiet contemplation. This design choice exemplifies a key tenant of placemaking in libraries, the use of design to articulate difference.<sup>128</sup>

Tarlton’s collections also appeal to faculty members. Faculty members have conducted research using items in the collections and produced scholarship citing collection items.<sup>129</sup> When faculty members who previously taught

<sup>124</sup> *Id.*

<sup>125</sup> Telephone Interview with Barbara Bintliff, Joseph C. Hutcheson Professor in Law; Director, Tarlton Law Library/Jamail Center for Legal Research, The University of Texas at Austin School of Law (Sept. 26, 2013).

<sup>126</sup> *Id.*

<sup>127</sup> *Id.*

<sup>128</sup> Scherer, *supra* n. 92.

<sup>129</sup> Zipporah Batshaw Wiseman, *Foreword*, 12 Tex. J. Women & L. 193, n. 13 (2003).

at the University of Texas return to visit they often inquire about the current location of their favorite pieces in the collection. This continued interest in the collection demonstrates the role of art in placemaking to “enhance a patron’s sense of connection with their community and its values and traditions.”<sup>130</sup> Departed faculty members’ nostalgia for Tarlton’s art collection exemplifies the ability of well-designed spaces to create social capital in those who use the spaces.<sup>131</sup> The affection felt by these faculty members toward a particular piece of art has created an attachment with the Tarlton law library.<sup>132</sup>

The Tarlton Law Library’s use of its collections provides many helpful examples of artwork’s ability to create a sense of place in an academic law library. Most academic law libraries do not hold extensive collections of art and artifacts. Fortunately, an extensive art collection is not required to tap into art’s placemaking value in an academic law library.

The legal profession is steeped in history and tradition. A law library can tap into the past by displaying photographs of alumni who played an important role in the local legal profession or images of the school’s first graduating classes. Physical objects like barristers’ wigs and judicial robes can provide a three-dimensional element. Photographs of alumni who have achieved success in particular legal specialties can be displayed in subject-specific alcoves devoted to those subject areas. These photographs and objects can be used to achieve the placemaking goal of connecting students with their community and its values and traditions.<sup>133</sup>

Inexpensive items can be useful for creating a sense of place in subject-specific alcoves. An alcove devoted to a legal subject area dominated by complex, statutory regimes like taxation or bankruptcy could be decorated with a visual representation of the relevant codes.<sup>134</sup> Reproductions of newspaper articles and advertisements related to historically significant cases in the development of particular bodies of law could be displayed in subject-specific alcoves. For example, reproductions of historical newspaper articles and illustrated advertisements relevant to the well-known contract’s case of *Carlill v. Carbolic Smoke Ball Co.* are easily obtainable.<sup>135</sup> Many law school libraries have collected the bobbleheads of Supreme Court Justices produced

<sup>130</sup> Scherer, *supra* n. 92.

<sup>131</sup> Young, *supra* n. 97. Peoples, *supra* n. 61, at 638. “Law schools who invest in high-quality library spaces can enjoy returns on their investment by liquidating the social capital created by these spaces.”

<sup>132</sup> *Id.*

<sup>133</sup> Scherer, *supra* n. 92.

<sup>134</sup> The Tax Map, <http://www.taxmap.org/> (last accessed Oct. 8, 2013, 12:27 p.m.).

<sup>135</sup> Telephone Interview with Barbara Bintliff, *supra* n. 125. The *Carlill* has been studied by first year American law students for centuries. See A.W.B. Simpson, *Quackery and Contract Law: The Case of the Carbolic Smoke Ball*, 14 J. Legal Stud. 345 (1985).

by The Green Bag.<sup>136</sup> These objects would make a fitting addition to an appellate advocacy clinic or could be appropriately placed near a legal history collection or Supreme Court reporters.

### Co-Location of Library and Non-Library Uses

Another key concept of placemaking in libraries is the co-location of library and non-library uses. Several academic law libraries have created subject-specific collections to support what are traditionally considered non-library activities or uses. It is important to note that what is traditionally considered a non-library activity or use is changing. Innovative librarians are exploring ways to more fully integrate themselves and their libraries into the life of the law school.<sup>137</sup> Librarians performing “non-library activities” or using library space for a traditionally “non-library use” is an extension of this trend.

One law school has created a subject-specific collection of guide books to the local community. The collection gives students who are not from the area an introduction to the community and has helped them make contacts with the local alumni network. The collection includes general resources on the area, hiking guides, and restaurant guides.<sup>138</sup> This collection also serves the placemaking function of connecting library patrons with their community and its values and traditions.

Collections of practical, legal career planning materials are typically maintained by either a law school career services office or a law library. The University of Georgia has created a special location for job-finding resources.<sup>139</sup> The collection is called the CPR Collection (Career and Professional Resources collection). It includes law career guides, job searching tips, resume writing books, interview questions to expect, etc. The collection is prominently located near a high-traffic area in the law library. Signs promoting the law school’s training sessions on job searching are displayed near the collection. The print collection is supported with a libguide for legal career services.<sup>140</sup> This collection provides a good example of how a subject-specific

<sup>136</sup> Green Bag Bobbleheads, <http://www.greenbag.org/bobbleheads/bobbleheads.html> (last accessed Oct. 8, 2013, 12:27 p.m.). Adam Liptak, *Relax, Legal Scholars: Bobbleheads are Safe at Yale*, N.Y. Times, Mar. 17, 2010, [http://www.nytimes.com/2010/03/18/us/18bobble.html?\\_r=0](http://www.nytimes.com/2010/03/18/us/18bobble.html?_r=0). Although technically free for some lucky *Greenbag* subscribers and friends, Bobbleheads definitely have value. The complete set sells on ebay for \$10,000 and individual bobbleheads can go for \$1,000.

<sup>137</sup> For an example see Leah Sandwell\_Weiss’ article *The Evolution of Law Library Support to Law School Administrative and Staff Offices*, in Barbara Bintliff & Lee F. Peoples, eds., *Public Services in Law Libraries: Evolution and Innovation in the 21st Century* 233 (2007).

<sup>138</sup> Email on file with author. Sender of email asked that her school not be identified.

<sup>139</sup> Email from Carol A. Watson, Director of the Alexander Campbell King Law Library, University of Georgia School of Law (June 18, 2013, 2:35 p.m. EST) (email on file with author).

<sup>140</sup> Career Resources from the Library, accessible at <http://libguides.law.uga.edu/careers> (last accessed Oct. 8, 2013, 12:27 p.m.).

collection can achieve the placemaking goal of supporting what is traditionally thought of as a non-library use. Additionally, this collection demonstrates the entrepreneurial spirit of the University of Georgia law librarians in working to assist law students as they enter a difficult legal job market.<sup>141</sup>

Several academic law libraries have integrated classrooms into library space in recent years. These classrooms provide an example of placemaking in libraries by co-locating library and non-library uses.<sup>142</sup> Examples include the five classrooms included in the recently renovated Daniel F. Cracchiolo Law Library at the University of Arizona James E. Rogers College of Law, the hi-tech classroom planned for the Learning Commons inside the Florida State College of Law Research Center, and the open concept collaborative classroom planned for the Oklahoma City University School of Law Library.<sup>143</sup>

It is important to note that these classrooms are not the traditional type that are exclusively the domain of the faculty member that can hinder efforts at collaborative learning that placemaking attempts to encourage.<sup>144</sup> These classrooms are technology rich spaces with modular furniture designed to be quickly re-arranged to facilitate collaboration. Another non-traditional component used in some of these classrooms is glass walls.<sup>145</sup> Glass has not been traditionally selected for law classroom walls but has been embraced in the design of some classrooms located inside library space. The glass walls of these classrooms make the research instruction and other collaborative activities taking place inside highly visible to others and invites participation.<sup>146</sup>

### Subject-Specific Collections Outside of the Law Library

A subject-specific alcove does not necessarily need to be located inside the walls of a law library. Over the past several decades, law firm libraries have been decentralizing their print collections by placing subject-specific resources in or near the offices of attorneys or practice groups who frequently

<sup>141</sup> Law School Grads Face Worst Job Market Yet – Less Than Half Find Jobs in Private Practice, <http://www.nalp.org/2011selectedfindingsrelease> (last accessed Oct. 8, 2013, 12:27 p.m.).

<sup>142</sup> The classroom is a non-library function in a historical sense. The teaching role of librarians has increased dramatically in recent years and in the near future the classroom may cease to be thought of as a “non-library use.”

<sup>143</sup> Email from Michael Chiorazzi, Associate Dean for Information Services, Professor of Law and Information Resources & Library Science to Lee Peoples (October 14, 2013, 4:29 p.m.) (copy on file with author). Telephone interview with Florida State College of Law Library Associate Director Elizabeth Farrell (December 3, 2012).

<sup>144</sup> See discussion *supra* at n. 110 to 115.

<sup>145</sup> Glass is not traditionally chosen for law classrooms because it might allow students to become distracted. Classrooms located inside the Oklahoma City University School of Law Library and Florida State College of Law Research Center feature glass walls.

<sup>146</sup> Peoples, *supra* n. 61, at 635.

use them.<sup>147</sup> One recent example was reported by librarian LaJean Humphries whose law firm decided to eliminate their print library and rely entirely on online resources. According to Humphries, even though the decision had been made to move entirely online, “management decided that there would be shelving for a few books on each floor.”<sup>148</sup> Small print collections in the subject areas of maritime, employment, intellectual property, tax, and corporate law were located near practice group attorney offices. Academic law libraries should take a cue from law firm libraries and explore the possibility of placing print resources where they will be most frequently used, even if that means placing the resources outside of the library walls.

Locating a subject-specific collection of resources outside of the traditional walls of an academic law library presents numerous opportunities for academic law libraries. Clinical and experiential offerings at law schools have increased exponentially in recent years at law schools in response to pressure from the academy, the practicing bar, and the ABA.<sup>149</sup> Law school clinics need their own small libraries of legal materials relevant to the work of the clinic.<sup>150</sup> Ninety-five percent of academic law libraries at institutions with legal clinics are already collecting print materials in subject areas covered by their school’s clinic.<sup>151</sup> Some law libraries have located print collections of supporting resources inside their law school’s clinics.<sup>152</sup> The opening of non-profit incubator law firms at law schools presents an opportunity for libraries to locate practitioner resources inside the law firm.

Libraries that adopt this approach will not only be providing useful resources to the clinic or center they are supporting. Providing the materials in the manner that the students will encounter on the job fulfills the additional requirement of the proposed revision to Standard 606 (a) that libraries

<sup>147</sup> LaJean Humphries, *Cheaper Online? Our Firm Library's Gradual Move to All Electronic*, 17 AALL Spectrum 18 (2013).

<sup>148</sup> *Id.*

<sup>149</sup> Carnegie Foundation’s *Educating Lawyers* report released in 2007 criticized law schools for their lack of experiential and skills based learning. William M. Sullivan, et al., *Educating Lawyers: Preparation for the Profession of Law* (2007). A currently proposed change to the ABA Standards would require law students to complete six credit hours of experiential coursework before receiving the JD degree. Memorandum from The Hon. Solomon Oliver, Jr., Council Chairperson and Barry A. Currier, Interim Consultant on Legal Education to Interested Persons and Entities (Sept. 6, 2013), [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/20130906\\_notice\\_comment\\_chs\\_1\\_3\\_4\\_s203\\_b\\_s603d.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/20130906_notice_comment_chs_1_3_4_s203_b_s603d.authcheckdam.pdf) (last accessed Oct. 8, 2013, 12:27 p.m.).

<sup>150</sup> Philip G. Schrag, *Constructing a Clinic*, 3 Clinical L. Rev. 175, 222 (1996–97).

<sup>151</sup> Street & Runyon, *supra* n. 71, at 425.

<sup>152</sup> E-mail from Caroline Osborne, Director of the Law Library and Professor of Legal Research Washington & Lee University School of Law (July 1, 2013, 8:34 a.m. CST) (copy on file with author). Email from Michelle Wu, Director, Law Library, Professor of Law, Georgetown Law (June 20, 2013, 9:45 a.m. CST) (copy on file with author).

provide materials in a format that prepares “students for effective, ethical, and responsible participation in the legal profession.”<sup>153</sup>

Several law libraries have adopted the “library without walls” concept and placed print resources at various locations around their law school. The Georgetown Law Library has developed a collection of alumni publications that is located in their alumni office and a faculty collection that will be located in a space that is highly accessible to faculty.<sup>154</sup> The Oklahoma City University School of Law Library is planning to embrace the library without walls concept in plans for the law school’s new location in a renovated building in downtown Oklahoma City. Print collections supporting the career services office, clinical skills suite, and Native American Legal Resource Center will be located in shelves lining the walls leading to those respective places in the new building. Resources frequently used by students including nutshells, hornbooks, and study aids will be placed near the learning commons. A casual reading collection will be located inside the building’s full service café.

Placing library resources in a law school clinic, center, or other student service point achieves multiple placemaking goals at once. The very act of locating library resources in these spaces will achieve the goal of “drawing on the character of the existing place.” Locating library resources in these spaces demonstrates a commitment to the placemaking goal of “evolving with the needs of the library patrons” by providing resources to patrons at the point where they are needed. Law students who discover library resources placed in a clinic, center, or other service point will likely experience the placemaking goal of serendipity by noticing library resources they might not have been aware of. Law libraries should not hesitate to explore the placemaking potential of specialized collections located outside of the traditional confines of the library walls.

### The Tradition of Subject-Specific Collections

Creating subject-specific collections in academic libraries is not a new concept. Leighton and Weber discuss the “divisional subject plans” of the 1940s and 1950s in their seminal work, *Planning Academic and Research Library Buildings*. The treatise notes that “large academic libraries often had separate reading rooms, reference services, and shelf areas for the humanities, the social sciences, and the sciences.”<sup>155</sup> The divisional subject plan discussed by Leighton and Weber would divide a library’s entire collection into different

<sup>153</sup> Proposed Standard 606 (a). Memorandum, *supra* n. 13 at 6.

<sup>154</sup> Email from Michelle Wu, *supra* n. 152.

<sup>155</sup> Leighton & Weber, *supra* n. 55, at 61.



divisions of the building. This approach is best implemented before a library building is constructed or during a comprehensive renovation because it affects the space plan of the entire library building.

It is important to distinguish Leighton and Weber's divisional subject plan from the smaller, subject-specific collection proposed in this article. The smaller, subject-specific plan does not involve arranging the entire law library collection into subject-specific alcoves. The majority of the collection would remain in standard shelving.

Subject-specific print collections are not new to law libraries. Writing in 1992, Carol Roehrenbeck and Gail Levin-Richmond surveyed academic law libraries to determine how many had subject-specific alcoves.<sup>156</sup> The most popular alcove was devoted to the subject of taxation. Fifty-five of the 143 law libraries who responded to the survey reported having a tax alcove.<sup>157</sup> Law libraries reported having alcoves devoted to seventy-one subjects other than taxation.<sup>158</sup>

The number of subject-specific print alcoves in academic law libraries has likely declined since the Roehrenbeck and Levin-Richmond survey was conducted. The most likely cause for their disappearance is lack of space combined with a desire to transition collections from print to electronic format. The University of Baltimore law library provides an interesting example. They recently moved into a new law school building and discarded two-thirds of their print collection.<sup>159</sup> In their previous location space was devoted to subject specific alcoves for tax, intellectual property, and Maryland secondary materials. The design of the new building and lack of shelving space caused them to reintegrate most of their subject-specific collections into a single classified collection. The decision was driven by the design of the building and by the realities of the reduced shelving capacity. Associate Director for Public Services Joanne Colvin commented that in a perfect world they would have kept the subject-specific arrangement because it would "lead students with similar concentrations to gather in the same part of the library and get some synergy going."<sup>160</sup>

### The Costs of Creating Subject-Specific Collections

The University of Baltimore's experience illustrates that space may be the biggest cost associated with subject-specific print collections. This is

<sup>156</sup> Carol A. Roehrenbeck & Gail Levin Richmond, *Three Researchers in Search of an Alcove: A Play in Six Acts* 94 Law Libr. J. 13 (1992).

<sup>157</sup> *Id.* at 27.

<sup>158</sup> *Id.*

<sup>159</sup> Email from Joanne Colvin, *supra* n. 47.

<sup>160</sup> *Id.*

confirmed by the 1994 survey of special collections in academic law libraries by Deborah Mayo-Jefferies finding that the majority of libraries housed their special collections wherever they could find space.<sup>161</sup> As law libraries discard large, legacy print collections they should plan to allocate some space for subject-specific print collections that support their school's special programs and objectives. Alcoves for subject-specific collections can be designed to showcase a library's print and electronic resources while and simultaneously satisfying other space needs. Subject-specific alcoves can be filled with comfortable soft seating or furniture on casters to encourage collaborative learning. Print resources relevant to the alcove's subject can be shelved along the walls of the alcove. This solution provides attractive space for collaboration while showcasing print library resources.

Potential costs associated with locating library resources outside of library space include additional security gates, self-checkout stations, and the cost of locating embedded librarians in these remote locations. The use of security gates to prevent book theft at academic law libraries seem to be declining. Two recent informal surveys conducted on the law library directors list revealed that the vast majority of responding libraries had not renewed service contracts on security gates, had gates that were not operable, or simply no longer used security gates.<sup>162</sup> Libraries who quit using security gates reported low rates of book theft. Decisions about the security of remotely located library resources should be made on a case-by-case basis at each law library. Security gates, self-checkout stations, and library personnel can be added if needed.

## VI. CONCLUSION

Space will become available as our libraries transition away from large print collections. Librarians should consider allocating some space to small, subject-specific print collections. A carefully crafted, small space devoted to print and electronic resources supporting a school's major programs or curricular foci can yield significant returns. Strategically placing furniture that encourages collaboration in these spaces can help law schools achieve collaborative-learning objectives. Space devoted to subject-specific collections can help create a sense of place which has numerous benefits

---

<sup>161</sup> Deborah Mayo-Jefferies, *Special Collections in Law School Libraries*, 86 Law Libr. J. 503, 506 (1994).

<sup>162</sup> Email from Michelle Wu to Law Library Director's List (June 25, 2013, 12:29 p.m. CST) (copy on file with author).

including connecting students and faculty with their community and its values and traditions.

#### ACKNOWLEDGEMENTS

For Emma and Amelia. The author would like to thank Kyle Domnick (Oklahoma City University School of Law, JD expected 2015) for his careful editing of this article. Any errors or omissions are entirely the author's fault.