Assessing Academic Law Libraries' Performance and Implementing Change: The Reorganization of a Law Library

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ASSESSING ACADEMIC LAW LIBRARIES' PERFORMANCE AND IMPLEMENTING CHANGE: THE REORGANIZATION OF A LAW LIBRARY

Linda Kawaguchi*

INTRODUCTION

THE confluence of the crisis in legal education and the evolution of legal information presents the perfect opportunity for law schools to actively decide what the role of the law library should be, and to make considered, deliberate changes based on the best interests of the institution.

The Dale E. Fowler School of Law at Chapman University recognized the opportunity to strengthen the institution by creating, essentially, a brand new law library. When I started at Chapman, I began a comprehensive assessment of law library operations; after six months, I recommended a complete reorganization, including the budget, collection, staff, and services. The reorganization was designed to be budget neutral; it is worth noting that even with hiring additional staff, purchasing new databases, and despite the exorbitant inflation rate for legal materials, our total library expenditures decreased by 16% from fiscal year 2010-11 to 2015-16.

Now, more than three years since completing the reorganization, the transformation is remarkable. The library contributes to the success of the law school in real, tangible ways: students graduate with better research skills (which enhance their employment prospects and make them better attorneys); faculty receive in-depth research support; we assist the work of law school committees and other departments; we provide better access to more resources; and we continue to develop and implement new programs and services. In 2016, the Hugh and Hazel Darling Library Foundation endowed my position and the law library was named to recognize their generous gift.1

The purpose of this article is to provide law school deans with information to help them work with library directors to create the best library possible for their institutions without additional funding. I will explain the importance of conducting

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a comprehensive assessment of law library operations in order to maximize existing resources, clarify common misperceptions about law libraries that impede progress, and describe how libraries can further the mission of their institutions. Using my experience at Chapman, I will outline the assessment process, identify typical obstacles, suggest potential solutions, and discuss ways to successfully implement major changes. Sources of information relevant to assessing law libraries are listed in the appendix.

I. WHY BOTHER WITH LAW LIBRARIES NOW?

The current state of legal education has been documented to the point of nausea. Simply put, "the crisis is twofold: an economic crisis affecting both the job market and the pool of law school applicants, and a crisis of confidence in the ability of law schools and the ABA accreditation process to respond and to meet the needs of lawyers or society at large." In 2015, the ABA Task Force on Financing Legal Education issued a report finding that between the 2009 and 2015 academic years, "30% fewer people entered a private law school; and 18% fewer entered a public law school." The report also found that "[f]or the public law school class of 2013, 63% landed a permanent, full-time, bar passage-required job; for the private law school class of 2013 the figure was 57%.

In response, law schools have been forced to engage in much self-examination. Many have taken drastic steps to stay viable, including reducing

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5. Id. at 7.

enrollment,7 lowering admission standards,8 reducing tuition,9 increasing financial aid,10 and reducing or eliminating merit scholarships.11 Others have merged,12

7. See Ameet Sachdev, Scale Tips Against Students; Law Graduates Face Tough Job Market; Schools Confront Financial Pressures, CTR. TRIB., Dec. 1, 2013, at C1 ("In 2012, {Dean Harold} Krent trimmed IIT Chicago-Kent’s first-year enrollment by 7 percent, from 308 full- and part-time students to 286 .... David Yellen, Loyola’s [Chicago] law dean, said university officials supported his decision to cut the first-year class, agreeing to accept less revenue from the law school .... John Marshall reduced its fall 2013 entering class by 15 percent, to 315."); Karen Sloan, Hastings College Cutbacks a Response to Legal Education’s ‘Crisis’, NAT’L L.J. (Apr. 30, 2012), https://www.law.com/nationallawjournal/almID/1202550750392/ ("The University of California Hastings College of the Law will reduce enrollment by 240 students over the next three years—a 20 percent decrease."); Jason Song, Law Schools Shrink in Soft Market, L.A. TIMES, Aug. 20, 2013, at A1 (noting the decision to enroll fewer students at Loyola Law School Los Angeles); Elizabeth Olson, Minnesota Law School, Facing Waning Interest, Cuts Admissions, N.Y. TIMES: DEALBOOK (May 12, 2016), https://www.nytimes.com/2016/05/13/business/dealbook/minnesota-law-school-facing-waning-interest-cuts-admissions.html (noting the University of Minnesota Law School’s decision “to shrink enrollment, and take in less tuition income, to preserve its national standing as a top law school”).


9. See Olson, supra note 2; Jennifer Smith, Law Schools Boost Enrollment After Price Cuts, WALL ST. J., Sept. 3, 2014, at A2 (noting tuition reductions at the University of Iowa College of Law, Roger Williams University School of Law, La Verne College of Law, Pennsylvania State University Dickinson School of Law, University of Arizona James E. Rogers College of Law, Ohio Northern University Pettit College of Law, and the University of Akron College of Law); James B. Stewart, A Bold Bid to Combat a Crisis in Legal Education, N.Y. TIMES, Apr. 5, 2014, at B1 ("Villanova is offering three years of free tuition for up to 50 applicants with LSAT scores of at least 157 .... and grade point averages of at least 3.6. Penn State said it would offer all Pennsylvania residents a tuition discount of $20,000, regardless of need or academic credentials.").

10. See Olson, supra note 2 (stating that at Northwestern “74 percent of first-year students this academic year got aid, compared with 30 percent in 2009”).

11. See ABA TASK FORCE REPORT, supra note 4, at 24-30; Stewart, supra note 9 (reporting that Brooklyn Law School and the University of La Verne College of Law reduced or eliminated merit aid).

postponed opening new locations,\textsuperscript{13} closed branches,\textsuperscript{14} or reduced staff and faculty through attrition, buyouts, and layoffs.\textsuperscript{15} In a few cases these drastic steps were not enough; since 2016, three law schools have announced plans to close.\textsuperscript{16}

In the midst of these troubles, in 2014, the ABA adopted significant changes requiring law schools to incorporate more experiential courses in the curriculum,\textsuperscript{17}

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\item 14. See Olson, supra note 2 (reporting Cooley’s staff reductions and announcement in Oct. 2014 to close its Ann Arbor campus).
\item 15. See id.; Debra Cassens Weiss, Law School Faculty Numbers Shrink 11 Percent Since 2010; Which Schools Shed the Most Full-Timers?, A.B.A. J. (Dec. 22, 2014, 6:15 AM), http://www.abajournal.com/news/article/law_school_faculty_numbers_shrink_11_percent_since_2010_which_schools_shed (noting a net loss of 965 faculty positions); Eric Russo, Suffolk Layoffs: University Says Cuts Are Disappointing But Necessary, SUFFOLK VOICE (June 13, 2014), http://suffolkvoice.net/2014/06/13/suffolk-layoffs/(noting the elimination of 14 positions; five from IT and the remainder from the law school); Sloan, supra note 7 (reporting on the elimination of 23 full-time positions, the largest cuts were directed at “[t]he law school’s budget office and library”); Ashby Jones & Jennifer Smith, In Rare Step, Law Schools Shrink Faculty, WALL ST. J., July 16, 2013, at B1 (discussing faculty reductions at several law schools); Elizabeth Olson, For-Profit Law School Faces Crisis After Losing Federal Loans, N.Y. TIMES: DEALBOOK (Feb. 7, 2017), https://www.nytimes.com/2017/02/07/business/dealbook/for-profit-charlotte-school-of-law-loans.html (“Charlotte Law recently let go about a dozen professors, including its clinic teachers, some of whom have accused the school of not paying the severance that it owes.”).
\item 17. 2017-2018 ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 16 (AM. BAR ASS’N 2017), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2017-2018ABASTandardsforApprovalofLawSchools/2017_2018_aba_standards_rules_approval_law_schools_final.authcheckdam.pdf (hereinafter ABA STANDARDS). Standard 303(a)(3) requires at least six credit hours of experiential course(s). Id. In 2014, the State Bar of California Board of Trustees adopted implementing regulations that would have required 15 units of practice-based experiential competency training prior to bar admission. See STATE BAR OF CAL., TASK FORCE ON ADMISSIONS REGULATION REFORM PHASE II FINAL REPORT 2-4 (2014), http://board.calbar.ca.gov/docs/agendaiem/Public/agendaiem1000012730.pdf. However, that was met with resistance, and efforts to move forward have stalled. See also Karen Sloan, California's Practical-Skills Plan Alarms Out-of-State Deans, NAT'L L.J. (July 8, 2015), http://www.nationallawjournal.com/id=1202731653066/California's-PracticalSkills-Plan-Alarms-
establish learning outcomes, implement formal assessment plans to measure student learning, and evaluate and improve their curricula when warranted. Every change—from academic requirements, admission policies, faculty hires, to clinic offerings—can affect enrollment, bar passage rates, employment statistics, and funding. In this climate, law schools cannot afford to carry any dead weight.

When searching for ways to reduce expenses, why wouldn’t law schools simply dismantle law libraries and slash their budgets and staff? The most obvious reason is that the ABA requires law schools to maintain libraries that meet specific criteria. Another is that library expenditures are counted as part of the U.S. News formula to determine rankings. The emphasis on faculty scholarship does not seem likely to diminish anytime soon, and most law libraries provide crucial support for faculty research. In addition, there is a strong history of the library as a haven for law students. More importantly, our legal system requires attorneys to be proficient legal researchers. Although calls for legal education reform

OutofState-Deans?sireturn=20150616160036 ("[T]he Association of American Law Schools' Deans Steering Committee warned the proposed rule would stifle curricular experimentation, limit the flexibility students now enjoy in choosing courses, and create a confusing patchwork of differing state requirements."); Memorandum from AALS Deans Steering Comm. to Elizabeth R. Parker, Exec. Dir., State Bar of Cal., Comment on the California Task Force on Admissions Regulation Recommendations (TFARR) Phased and Scaled Recommendation Implementation (June 30, 2016), https://board.calbar.ca.gov/docs/meeting/meeting100015171.pdf; Memorandum from Elizabeth R. Parker, Exec. Dir., State Bar of Cal., to Members, Bd. of Trs., Task Force on Admissions Reg. Reform (TFARR) Competency Training Requirement (Nov. 9, 2016), https://board.calbar.ca.gov/docs/agendaitem/Public/agendaitem1000016404.pdf ("Due to the current crisis in the State Bar’s funding and ongoing concerns regarding the 15 credit unit proposal, staff does not believe it is the right time to advance TFARR’s competency recommendation.").

18. See ABA STANDARDS, supra note 17, at 15-16.
19. See id. at 23.
20. See id. at 23-24.
21. See id. at 39-42.
22. See Milles, supra note 3, at 516 ("Law libraries have been spared the worst for a long time by the simple fact that the U.S. News & World Report ranking algorithm is driven in part by expenditures per student.") (footnote omitted).
23. See Campos, supra note 2, at 187 (footnote omitted) ("Law schools have greatly increased the size of their faculties to ensure that individual faculty could teach less. And they have likely made this change so that their faculties could publish more law review articles. With regard to this goal, American law schools have enjoyed spectacular success. A survey of the legal academic literature reveals that professors at American law schools published approximately 1,650 law review articles in 1970 and nearly 10,000 in 2010."). See also Milles, supra note 3, at 516 (footnote omitted) ("Given a choice, neither deans nor faculty are going to reduce support for faculty scholarship. The culture of academic status—the ‘economy of prestige’—is too strong.").
24. See Taylor Fitchett et al., Law Library Budgets in Hard Times, 103 LAW LIBR. J. 91, 109-10 (2011) (edited panel discussion from the 2010 American Association of Law Libraries (AALL) Annual Meeting) ("[T]he law library is the ‘safe place’ for law students. It is the place that students consider theirs.").
25. See AM. BAR ASS’N LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP 157-63 (1992) ("In order to conduct legal research effectively, a lawyer should have a working knowledge of the nature of legal rules and legal institutions, the fundamental tools of legal research, and the process of devising and implementing a coherent and effective research design.").
typically do not say much about research skills, employers have long been critical of new attorneys' research abilities. Law librarians not only have the expertise to teach research skills, they are (or should be) willing and able to take on as large a teaching role as their institutions are willing to give them—and "[t]here is no cost for taking advantage of the skills that law librarians positioned in law schools already possess." An added benefit of librarians teaching research courses is that, if designed correctly, they can help fulfill the ABA's experiential learning requirement in Standard 303(a)(3), as well as the learning outcomes requirement in Standard 302. Law libraries have experienced drastic changes over the past few decades. The transformation of legal information—specifically the proliferation of sources, formats, and platforms—significantly altered the research process and the teaching

26. See Genevieve Blake Tung, Academic Law Libraries and the Crisis in Legal Education, 105 LAW LIBR. J. 275, 278, 286 (2013) ("It is a positive sign that some legal academics are publicly exposing inefficiencies and dysfunctions within the current system and devising changes that may preserve and improve legal education ... [l]egal research, however, is often not mentioned as a key skill in need of renewed emphasis or rehabilitation.").

27. See generally ACADEMIC LAW LIBRARIES SPECIAL INTEREST SECTION (ALL-SIS) OF THE AM. ASS'N OF LAW LIBRARIES (AALL) TASK FORCE ON IDENTIFYING SKILLS AND KNOWLEDGE FOR LEGAL PRACTICE, A REPORT OF THE QUALITATIVE RESPONSES FROM THE SURVEY OF PRACTITIONERS ON THE LEGAL RESEARCH PRACTICES AND OPINIONS OF NEW ASSOCIATES' RESEARCH SKILLS (2015), http://www.aallnet.org/sections/all/storage/committees/practicetf/Report-of-Qualitative-Responses-from-Practitioners-2015.pdf; THOMSON WEST, RESEARCH SKILLS FOR LAWYERS AND LAW STUDENTS (2007), http://nsulaw.typepad.com/novalawcity/files/town_hall_legal_research_white_paper1_2.pdf (employers criticizing the research skills of new attorneys); Tung, supra note 26, at 280 ("Firms today 'have less capacity to subsidize the on-the-job training of law graduates that they had been expected to provide, revealing deficiencies in the ability of law schools to adequately prepare a sufficient number of their students to handle legal matters for clients.'") (quoting A. Benjamin Spencer, The Law School Critique in Historical Perspective, 69 WASH. & LEE L. REV. 1949, 1955-56 (2012)).

28. See Campos, supra note 2, at 193 (footnote omitted) (listing teaching legal research as an example of responsibilities that used to belong to tenure-track faculty, and noting that "[t]he number of full-time administrators who also teach—deans, librarians, and other law school personnel—more than tripled from 1998 to 2008, increasing from 528 to 1,659").


31. See generally ACADEMIC LAW LIBRARY DIRECTOR PERSPECTIVES: CASE STUDIES AND INSIGHTS (Michelle M. Wu ed., 2015) [hereinafter ACADEMIC LAW LIBRARY DIRECTOR PERSPECTIVES] (compilation of essays discussing the changes in law libraries over the past few decades). See also Fitchett et al., supra note 24, at 110 ("As our users change their preferences from print to digital materials and as publishers and authors move to create more digital content, libraries need to change as well. Organizational structures, job responsibilities, digital and print collection management, library space—everything is on the table.").
of legal research skills. It also changed the way library collections are managed and accessed and caused a shift in emphasis from building collections to expanding library services, this, in turn, changed how library space is used. In addition, most law libraries have faced ongoing budget cuts for many years. In most cases, libraries changed incrementally in reaction to gradual shifts in circumstances, with varying levels of enthusiasm and success. The Chapman


33. See Julian Aiken, Femi Cadmus & Fred Shapiro, Not Your Parents' Law Library: A Tale of Two Academic Law Libraries, 16 GREEN BAG 2D 13, 14-16 (2012) (discussing collection management issues, and noting that "[t]he challenge libraries face is to serve the increasingly ambitious research needs of faculty and students in the face of flat or sometimes decreasing budgets and rapid changes in publishing, information formats, and patrons' use of research materials").

34. See, e.g., Julian Aiken & Fred Shapiro, The Yale Law Library, On Demand: A Holistic Approach to Library Services, 33 LEGAL REFERENCE SERVS. Q. 226 (2014) (describing On Demand services including scanning, delivering, and collecting materials to meet user needs); Kenneth J. Hirsh, Like Mark Twain: The Death of Academic Law Libraries Is an Exaggeration, 106 LAW LIBR. J. 521, 527 (2014) ("Suggestions for transforming library services include the following: [a]dvancing faculty scholarship efforts through managing repositories, directly conducting research for faculty or managing research assistants, managing the article submission process, and encouraging faculty to publish open access, e-book versions of treatises, practice manuals, and casebooks; [t]aking a greater role in teaching practice skills by expanding the traditional coverage of legal research training and supporting other expansions of skills training in the curriculum; [and] [p]articipating in the academic support programs that are being formalized in many law schools.") (original formatting omitted).

35. See, e.g., Hirsh, supra note 34, at 528.

As law libraries shift more resources into digital form, less space is needed for traditional holdings of reporters and journals. Many law schools have removed their runs of bound journals, and ... canceled their print subscriptions to the West National Reporter Service. More and more, library directors view modern law libraries as hybrids of electronic and print resources, with their key deliverable now being a high level of customized service by staff rather than a collection of legal publishing materials.

It is even more likely that within newer law buildings collaborative workspace and private study space will become more valuable than shelf space.

Id. See, e.g., Lee F. Peoples, Designing a Law Library to Encourage Learning, 63 J. LEGAL EDUC. 612, 626 (2014) ("Collaboration emerged as a significant trend in legal education over the last decade" and identifying "the 'rapidly growing requirements for collaborative learning space' as the 'sleeping giant among the trends driving academic library design.'") (quoting Scott Bennett, The Choice for Learning, 32 J. ACAD. LIBRARIANSHIP 3, 8 (2006)).

36. See, e.g. Fitchett et al., supra note 24, at 93 ("During the 2010 AALS meeting, I asked law library directors if they thought the current tough economic times were permanent. Virtually every law library director with whom I spoke thought they were.").

37. Varied success adapting to change is not unique to law libraries. Referring to libraries in general, John Palfrey states: "Though many libraries are making these changes, too many others are not; moreover, some of these changes are not ambitious enough, or they're poorly coordinated." JOHN PALFREY, BIBLIO TECH: WHY LIBRARIES MATTER MORE THAN EVER IN THE AGE OF GOOGLE 17 (2015). But see Margaret A. Leary, Creating One Library at the University of Michigan Law Library,
reorganization is proof that it is possible for law schools to spend less money and receive more support from their law libraries.

II. THE NEED TO ASSESS LAW LIBRARIES

Hopefully, most libraries are already providing excellent support to their institutions. However, based on my experience and conversations with law librarians all over the country, a significant number are not. The causes are complex and vary by institution—and the solutions are equally unique. In all instances, deans and directors have a responsibility to work together to make good decisions regarding their libraries for the benefit of the entire institution.38

The ABA Standards governing law libraries, revised in 2014, provide the foundation for a common understanding of the role of academic law libraries. All ABA approved law schools are required to maintain law libraries that meet certain standards.39 ABA Standard 601(a) requires law schools to maintain a law library that:

1. provides support through expertise, resources, and services adequate to enable the law school to carry out its program of legal education, accomplish its mission, and support scholarship and research;
2. develops and maintains a direct, informed, and responsive relationship with the faculty, students, and administration of the law school.40

While the Standards offer some guidance, it is left to individual law schools to determine what the ideal law library looks like for their institution, which will differ depending on size, mission, and other factors. Although there is no formula to apply, there are benchmarks that can help identify potential areas of concern.

18 TRENDS L. LIBR. MGMT. & TECH. 7, 8-10 (2008); Kyle K. Courtney, YOLO: The Year of the Learning Organization, AALL SPECTRUM, Dec. 2011, at 20 (describing, respectively, the restructuring of the University of Michigan Law Library, prompted by attrition, and the Harvard Law Library, as part of a university-wide library reorganization).

38. ABA STANDARDS, supra note 17, at 40 (“[Standard 602](b). The director of the law library and the dean, in consultation with the faculty, shall determine library policy. (c) The director of the law library and the dean are responsible for the selection and retention of personnel, the provision of library services, and collection development and maintenance.”). Past efforts to foster productive relationships between deans and library directors include a panel of law school deans (at the 2003 Association of American Law Schools (AALS) Annual Meeting) discussing their expectations for law library directors, documented in several articles published in the Law Library Journal. See generally The Law School Library Director of the Twenty-First Century: What Deans Think, 95 LAW LIBR. J. 419 (2003); AALS WORKSHOP FOR DEANS AND LAW LIBRARIANS: RECONCILING CORE VALUES AND THE BOTTOM LINE (Jan. 6, 2011).


40. ABA STANDARDS, supra note 17, at 39.
The ABA Standards also require law libraries "working with the dean and faculty," to engage “in a regular planning and assessment process, including written assessment of the effectiveness of the library in achieving its mission and realizing its established goals.  

The timing is critical, not solely due to the challenges facing legal education, but also because of the high rate of turnover in both deanships and law library directorships. Chances are that the dean, the library director, or both are fairly new to their positions; in January 2014, 81 deans had been in their positions for two years or less. The most recent data indicates that the median tenure of a serving dean is now 2.82 years. Law library directorships have turned over at an unprecedented rate since 2010. Both positions require a broad range of skills—administering budgets, managing personnel, working with students, faculty, university administrators, and external groups and individuals—and have steep learning curves, depending on the experience of the incumbent.

In the current climate of legal education, new directors face particularly daunting challenges. While new deans and directors may lack institutional knowledge and professional context, they are less likely to be tradition-bound and more open to new ideas. Together, they have the opportunity to make meaningful changes that would have been difficult or impossible in the past.

The danger of inertia is that law schools will continue to fund libraries that offer little value, or conversely, expertise and resources that exist in the library will continue to be underutilized. On the other hand, acting based on incomplete or inaccurate information may eliminate resources and services necessary to support the work of faculty and students, and may cause irreversible damage to libraries and law schools. Both scenarios can have a negative impact not only on the budget, but also faculty productivity, the quality of the legal education provided to students, and U.S. News rankings.

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41. Id. (Standard 601(a)(3)).

42. Jack Crittenden, A Record Year for New Deans, NAT'L JURIST, Mar. 2015, at 5 (“[M]ore law school deans started their jobs in 2014 than in any prior year, according to data from Rosenblatt’s Dean Database, an online source. As of January, 44 deans had been in their positions for less than a year, and an additional 37 deans had been in their position for two years or less. In fact, the median tenure for a law school dean was only 2.78 years.”).


44. Since 2010 approximately 146 directorships have been vacated due to retirements, lateral moves, and other reasons—well over half of all ABA approved law schools. An informal count of the number of directorships filled since 2010 is much greater than previously estimated: 8 in 2010, 17 in 2011, 15 in 2012, 16 in 2013, 20 in 2014, 23 in 2015, 17 in 2016, and 4 in 2017 as of Mar. 31, 2017. Approximately 22 directorships are either currently filled by interim directors or will be open due to pending retirements. (data on file with the author).


46. An explanation of U.S. News ranking methodology relating to law libraries can be found in Gordon Russell, Library Director as Change Agent, in ACADEMIC LAW LIBRARY DIRECTOR PERSPECTIVES, supra note 31, at 269 (“The library budget is considered under “Expenditures per student” and “Library resources.” Expenditures per student is the average expenditures per student for instruction, library and supporting services .... The library resources budget line in the U.S. News
No matter where a library falls on the performance spectrum, conducting a comprehensive assessment is beneficial. In some cases, an objective, external review may be necessary. The assessment process itself helps identify whether the library is meeting student and faculty needs, what the library is doing well, what could be improved, where inefficiencies exist, and if its resources are used wisely. An assessment requires answering crucial questions such as:

- What specific resources and services should a law library provide, and at what cost?
- Is the library purchasing material that does not directly support law school needs?
- Are job responsibilities aligned with established priorities?
- Are employees meeting performance expectations?
- Are some positions no longer needed?

An assessment may conclude that the law library is doing an excellent job helping to further the goals of the law school, supporting faculty teaching and scholarship, and actively participating in teaching students to be better researchers and problem-solvers. Or the assessment could uncover significant problems that call for a complete reorganization. More than likely, it will fall somewhere in between. A thorough assessment helps to determine the scope of changes needed.

III. CLARIFYING COMMON MISPERCEPTIONS ABOUT LAW LIBRARIES

Determining the best course of action requires a flow of communication in both directions, so that directors understand the law school’s mission and how the library can help fulfill it, and deans are aware of the value that the library provides (or should provide) to students and faculty. A productive working relationship requires both parties to embrace change—as a friend told me when I moved to Seattle, “Let the rain caress you, not assault you”—and be willing to lead:

Bureaucrats just want to be in charge. They have no real vision or desire to advance a department .... Consequently, they have little interest in change and are quite

& World measurement is based on the total number of volumes and titles in the school’s law library at the end of the fiscal year.

See also Robert Morse & Kenneth Hines, Methodology: 2018 Best Law Schools Rankings, U.S. News & World Rep. (Mar. 13, 2017, 9:30 PM), http://www.usnews.com/education/best-graduate-schools/articles/law-schools-methodology. However, the rankings do not measure the intangible, but very real, impact a library can have on the quality assessment portion (40% of the U.S. News scores) by boosting faculty scholarship, or placement statistics (20%) by making students proficient legal researchers, and thus more attractive to employers.

47. See AALL Economic Value of Law Libraries Special Committee, The Economic Value of Law Libraries, 8 (2015) [hereinafter AALL Report] (“[A] professional relationship between library directors and stakeholders ... has a positive impact on a stakeholder’s understanding of the activities and value of the law library. The difference between library directors and stakeholders who have a strong interpersonal relationship and those who do not is striking. Those directors who formed a strong working relationship expressed a broader understanding of stakeholder information needs and library value.”).
comfortable with the status quo. True academic leaders, however, are dedicated to productive change. They want their programs to be among the best of their kind. They are not content with simply being in charge.48

Library directors have an obligation to educate the law school community about exactly what the library does and is capable of doing.49 They must also demonstrate an understanding of the challenges facing law schools, and commit to thoroughly evaluating every aspect of library operations, making decisions based on the best interests of the institution.50

Deans have an obligation to understand enough about library operations and the nature of what law libraries are capable of doing now (not what they thought libraries did when they were law students, or even faculty members) to make informed decisions regarding what resources to devote to the library and recognize how those decisions affect students and faculty.51 Deans may decide to meet only the minimum standards; if so, that limits what libraries can provide, and those limitations need to be acknowledged. However, if the goal is to have the best library possible within recognized limitations such as budget and physical space, the administration should support efforts to achieve that vision.

Deans and library directors may need to overcome some barriers to arrive at a shared vision for the role of the law library.52 Common sources of misunderstanding may arise because:

- Library directors may focus on the library to the exclusion of the institution’s broader mission.

49. See AALL DIGITAL WHITE PAPER, DEFINING ROI: LAW LIBRARY BEST PRACTICES 3 (2016) ("Today, information is so ubiquitous and information professionals deliver it so seamlessly that the complexity of balancing the budgets, the workflows, the technologies, the formats, and the user preferences is often invisible to our organizations. Librarians must track and evaluate a flood of emerging technologies and select and configure tools that change workflow and research methods, while also supporting the existing infrastructure.").
50. Id. at 11-12 ("Within the current law school environment, characterized by severe economic constraints and heightened inter-school competition, libraries are experiencing increasing pressure to do more than offer exemplary services, provide access to a staggering array of resources, and participate in classroom instruction. Academic law libraries also must demonstrate compelling evidence that their operations are creating value and making a positive impact on the larger institution."). See also Fitchett et al., supra note 24, at 110 ("[T]he most important lesson of this time is to tie the law library’s purpose closely to the goals and objectives of the law school. All decisions in the law library need to be based on whether the results will move the institution forward within the scope of the school’s vision and mission. Positioning the law library to serve the core mission of the law school is not optional.").
51. See Robert H. Smith, The Librarian’s Risk of Irrelevance (in the Eyes of the Law School Dean), 95 LAW LIBR. J. 421, 423 (2003) (then Dean of Suffolk University Law School, Smith confessed, “Most new deans know very little about law libraries—usually just what they needed to know as a faculty member to support their research—and even less about how the librarian can contribute to the success of the dean”).
52. See AALL REPORT, supra note 47, at 5 ("[S]takeholders and library directors must operate within the same frame, sharing a strategic commitment. If a disconnect exists between stakeholder expectations and what library directors deliver, the value of the library will be called into question.").
Library directors may be slow to adapt to change or reluctant to address problems for a variety of reasons. Deans may suspect that the library is not giving a good return on investment, but do not have enough information to formulate specific questions or desirable outcomes. Deans may not appreciate the complexities involved in running a law library, or the ways in which libraries can contribute to the success of the law school.

The literature on legal education reform highlights misperceptions about law libraries commonly held in legal academia, and is indicative of an institutional history of separation between the law school and the library—most likely originating from a physical separation. The library was the designated quiet place to study and conduct research, so it made sense to create a separate place for those activities. Over time, the physical separation sometimes devolved into an “us versus them” mentality, and grew to encompass not just space, but also budgets, staff responsibilities, and mission. This separation often resulted in differing perspectives that are not conducive to achieving common goals.

Legal education reformers, though reasonably challenging many aspects of traditional academia, seem to hold outdated ideas about law libraries—specifically, that they spend too much money on expensive and unnecessary print collections that take up huge amounts of space. In 2013, a law school dean called for a reevaluation of the role of the law library in light of decreases in enrollment and revenue. Advocating to cut the library budget for print resources, he referenced ABA Standard 606(c) “A law library shall formulate and periodically update a written plan for development of the collection,” stating:

This collection plan has added greatly to the annual expenses of many law school budgets, without truly enhancing the education of the students, or the scholarly productivity of the faculty. In plain terms, we buy or subscribe to a whole bunch of stuff that we will never use. I want to make sure that the students and faculty have the materials they need, when they need them, but I am concerned about purchasing materials to have, just in case someone might need them, but probably won’t.

53. See Smith, supra note 51, at 421 (“Since libraries are often physically isolated from other law school functions, there are likely to be fewer interactions between the dean and library professionals.”).

54. Id. at 422 (advising directors “to become part of the team of senior people who work closely with the dean in advancing the broad agendas of the school, and not be seen as the director of (and narrow advocate for) a relatively isolated, specialized function within the school”).


56. Id.

57. 2013-2014 ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 47 (AM. BAR ASS’N 2013). Standard 606(c) was renumbered as Standard 606(d) beginning with the 2014-2015 standards. For current language, see ABA STANDARDS, supra note 17, at 41-42.
Our collection plans remind me of the common law Rule Against Perpetuities. The plan seems to be based upon the question: "what if the fertile octogenarian comes into the law library wishing to do research on an obscure area of the law?" We have been purchasing resources, in case that happens.58

Similarly, Paul Campos, an advocate for legal education reform, writes:

In addition it seems quite odd to be pumping ever-greater sums into bricks and mortar, given changes in information technology that enable education to take place outside of a $100 million structure. This point applies with special force to law libraries, which grow ever-more pharaonic even as the practice of law becomes less book-based, and as, if my own observations are accurate, law students find it less and less necessary or desirable to use these literary labyrinths even as opulent study spaces.

....

As legal practice continues to move away from requiring lawyers to consult books of any sort, the millions of dollars per year that the typical law school expends on maintaining a comprehensive law library could be reduced to a more rational level of expenditure.59

As part of his argument to allow law schools more flexibility by revising the ABA Standards, Brian Tamanaha recommends, "The entire set of rules relating to the law library must be deleted. These rules require law schools to maintain unnecessarily expensive library collections and a large support staff; the book-on-the-shelf library is virtually obsolete in the electronic information age."60

These comments illustrate the most common misperceptions about academic law libraries that arise from a lack of understanding in three areas: the library's (1) budget; (2) collection; and (3) staff. Typically, the questions posed are:

- Why does the law library need so much money?
- Why are we still buying books when everything is online?
- What do all those people working in the library do?

58. Gershon, supra note 55.
59. Campos, supra note 2, at 194-95, 217. But see Peoples, supra note 35, at 638 ("A recent survey conducted by the Law School Admissions Council asked law school applicants to rank how much influence various kinds of information had on their decisions to apply to a specific school. Applicants ranked the campus visit as the most influential factor in determining which schools they wanted to attend. During a campus visit, a law school with facilities that are in need of improvement will not compare favorably with a law school that has invested in high-quality spaces. Law schools anxious to attract applicants from an increasingly smaller national pool should not ignore the importance of physical facilities."); Aiken, Cadmus & Shapiro, supra note 33, at 18 (footnote omitted) ("Some law libraries are recognizing that the more hospitable and attractive library space is, the more usage occurs. The thinking is that libraries are not just simply print repositories of materials rarely used by patrons. Space usage is gradually changing, with less-used materials moved to high density storage facilities and an increased emphasis on collaborative and even in some instances recreational spaces in the library ....").
60. Tamanaha, supra note 2, at 173.
While these may be valid questions (depending on the library), the answers are nuanced and surprisingly complex. For each, I will provide context by stating the prevailing myth and the relevant ABA Standard before describing the reality, and offering examples of common problems and potential solutions.

A. Library Budgets

Myth: The library takes up a large percentage of the total law school budget. Do you know the percentage of your budget that is devoted to the library? I bet it is lower than you think.

ABA Standard 601(b) requires that “a law school shall provide on a consistent basis sufficient financial resources to the law library to enable it to fulfill its responsibilities of support to the law school and realize its established goals.”

Reality: Over the past twenty-five years, the percentage of the law school budget devoted to the library has decreased, on average, by at least half. Historically, the accepted rule of thumb was that libraries received “more than 20 percent” of law school budgets. That figure was later refined using comprehensive data collected by the ABA, and found “both the average and the median percentage of law school budgets designed for the law school library have been about 18% for at least ten, and perhaps as many as thirty, years[,]” but varied depending on the number of students and the size of the library, measured by volumes. The next ten years saw a slight decrease to approximately 15-17 percent. Since then, it has dropped dramatically. The ABA Take Off Reports compiling data from the Fall 2012 Annual Questionnaire (the last year this statistic was reported) showed that library expenditures as a percentage of the total law school budget averaged 9.1%.

Caveat: There is an inherent conflict represented in this measurement. On one hand, library expenditures are included in both the ABA statistics and the U.S.
News rankings under expenditures per student, creating an incentive for schools to spend (or report spending) more.\textsuperscript{66} On the other hand, when looking for ways to trim the budget, decreasing the percentage of the law school budget devoted to the library can seem like a very attractive option.

Concerns: Most of the library budget is devoted to personnel (compensation) and the collection (acquisitions), both of which will be discussed in detail below. The rest of the library’s operating budget should be reviewed regularly and with great care. Expenses once considered essential may no longer be justified.

For example, I worked in a library that had an electronic braking system for compact shelving—an alarm sounded if the shelves moved while someone was using them—ostensibly to prevent crushing people. We paid an annual service contract and exorbitant maintenance fees (including travel and lodging for the repair person to come from the other side of the state, plus labor and parts) because the alarm was often triggered by sunbeams. I was told that the system was necessary because it was a “liability issue,” but common sense indicated that the chance of injury was extremely remote. The shelving was shorter and lighter than most compact shelves, and moved very slowly—the most likely scenario was that someone would say, “Hey, I’m in here!” or step out if the shelves started moving. After some research, including standing in the compact shelving with the dean to see if the braking system served the intended purpose, we canceled the contract, saving over $7,000 per year.

At Chapman, we paid an outside contractor to file loose-leaf material—severing that contract and absorbing the work in-house saved $16,000 per year. I also canceled the service contract for the security gate (which has never required maintenance), because the cost of the contract was greater than the expected loss from theft.

Suggestion: The library director should review the budget and identify potential sources of savings. An external review by someone who has experience with library budgets may be beneficial. Recommended savings will likely offset a reasonable consultant’s fee.

B. Library Collections

Myth: Libraries purchase too much expensive print material that requires vast amounts of space, and is completely unnecessary in the digital world.

ABA Standard 606(a). Collection requires:

The law library shall provide a core collection of essential materials through ownership or reliable access. The choice of format and of ownership in the library or a particular means of reliable access for any type of material in the collection, including the core collection, shall effectively support the law school’s curricular,

\textsuperscript{66} See Campos, supra note 2, at 196 (“Indeed, the rankings directly reward inefficiency, as the ranking formula treats expenditures per student as proxies for educational quality.”).
Legal education reformers seem to focus on this issue almost exclusively. It is true that in the past, libraries were judged on the size of their collections, and some may still be buying too much print. However, for the most part, this criticism is misguided. The arguments that "[i]n plain terms, we buy or subscribe to a whole bunch of stuff that we will never use," "legal practice continues to move away from requiring lawyers to consult books of any sort," and "the book-on-the-shelf library is virtually obsolete in the electronic information age" are too simplistic by far. Part of the confusion seems to arise from the word "collection," often interpreted to mean a collection of physical (print) items. The actual definition includes not just print, but also other formats, like microforms and DVDs, as well as expensive legal databases.

**Reality:** Most libraries aggressively canceled print subscriptions years ago in favor of electronic resources, and recycled miles of volumes or moved them to offsite storage. But libraries do still have books on the shelves and will for the 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.

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67. ABA STANDARDS, supra note 17, at 41.
68. See Robert C. Berring, Part III: The Cambridge Years, 34 LEGAL REFERENCE SERVS. Q. 105, 107 (2015) (confirming the emphasis on collection size in 1978) ("The library with the highest volume count was by definition the best library. The annual figures produced by the American Bar Association (ABA) would rank the collections of member law schools by volume count. Moving up to the top 10 collections on that list was a thrilling achievement.").
69. Gershon, supra note 55.
70. Campos, supra note 2, at 217.
71. TAMANAH A, supra note 2, at 173.
72. See Aiken, Cadmus & Shapiro, supra note 33, at 15 ("Law school administrators who believe that all information is now freely available on the web need to be educated that this is far from the truth for essential tools and resources of professional and academic research.").
73. Id. at 13-22.
74. Id. at 14-15 ("Yale and Cornell have canceled almost all reporters from the National Reporter System, even such basic titles as the Federal Reporter and the Federal Supplement. These reporters were just too expensive and too little used in print .... Digests and citators and many looseleaf services and supplemented treatises have also landed on the chopping block ... hundreds of United States student-edited law reviews have been canceled; these are not expensive but when the costs of processing and housing these materials are factored in, a different picture emerges.").
75. See Hirsh, supra note 34, at 528 ("As law libraries shift more resources into digital form, less space is needed for traditional holdings of reporters and journals. Many law schools have removed their runs of bound journals ...."); Peoples, supra note 35, at 615 ("Many law libraries have reduced the size of their print collections ... Print materials also available in electronic databases are routinely stored in remote storage facilities, donated or discarded."); Rita Reusch, By the Book: Thoughts on the Future of Our Print Collections, 100 LAW LIBR. J. 555, 560 (2008) ("[A]ll of the discarding of duplicate reporters, bound journals, and other miscellaneous canceled sets has saved us enormously on shelf space. By rights we should have been out of space years ago. We've downsized our print collections to such an extent that we've pulled out stacks to create two lounge areas for casual seating.").
foreseeable future.\textsuperscript{76} Everything is not available online,\textsuperscript{77} and all information is not equal; digital sources are great for some uses but not for others. It would be irresponsible and short-sighted to discard books already purchased and necessary for historical research,\textsuperscript{78} titles that have not been, and will likely never be converted to digital format, such as out of print monographs;\textsuperscript{79} and content that is in demand, and easier to use in print, such as statutory codes, and material that directly supports the curriculum.\textsuperscript{80} Large research libraries have a responsibility as repositories of knowledge, and all academic law libraries are required to select formats that “effectively support the law school’s curricular, scholarly, and service programs.”\textsuperscript{81}

More importantly, this argument ignores the fact that legal databases are extremely expensive. Subscription databases such as Lexis Advance, Westlaw, and others charge an annual fee per FTE (faculty, students, and staff).\textsuperscript{82} If the cost is $100 per FTE, and the average law school has 550 FTEs, the total annual cost is approximately $55,000 per database. Subscribing to basic legal databases costs hundreds of thousands of dollars per year, and those costs are subject to inflation. In addition, electronic resources require different types of tasks; for example, “acquiring packages of journals, negotiating licenses, reflecting the e-serials meaningfully in catalogs, troubleshooting access issues, and training patrons in using the new resources.”\textsuperscript{83}

\textbf{Concerns}: Your library may still be purchasing too many print resources. Print material is expensive and requires a great deal of staff time to process and maintain. It is also subject to an extremely high annual inflation rate. For example, one annotated version of the United States Code costs over $10,000 per year to maintain. Many national reporters have increased 20% each year, for an overall

\begin{itemize}
\item \textsuperscript{76} See Aiken & Shapiro, supra note 34, at 228 (“[P]rint materials remain very popular at the Lillian Goldman Law Library. Over the past three years since 2010, we have witnessed a 12% growth in checkouts of our own law library materials, as well as huge increases in materials borrowed via unmediated interlibrary loans (221% over the last two years).”).
\item \textsuperscript{77} See Robert Darnton, \textit{5 Myths of the ‘Information Age’}, CHRON. HIGHER EDUC. (Apr. 17, 2011), http://chronicle.com/article/5-Myths-About-the-Information/127105/ (“Google estimates that 129,864,880 different books exist in the world, and it claims to have digitized 15 million of them—or about 12 percent.”).
\item \textsuperscript{78} See Scott Sherman, \textit{The New York Public Library Wars}, CHRON. HIGHER EDUC. (June 24, 2015), http://chronicle.com/article/The-New-York-Public-Library/231127 (“What stands revealed is a library that is abandoning its core mission of research and is losing its way in the digital age.”).
\item \textsuperscript{79} See Aiken & Shapiro, supra note 34, at 228 (footnote omitted) (“An example of the ongoing importance of print can be found in John Hart Ely’s 1980 book \textit{Democracy and Distrust: A Theory of Judicial Review}. It is the most-cited legal monograph of recent decades, cited 18 times by United States Supreme Court cases and thousands of times by law review articles, but is not available online.”).
\item \textsuperscript{80} See Leslie A. Street & Amanda M. Runyon, \textit{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, 428-34 (2010) (discussing the need for academic law library collections to support changing curricular needs).
\item \textsuperscript{81} ABA STANDARDS, supra note 17, at 41 (Standard 606(a)).
\item \textsuperscript{82} Some vendors have begun offering pricing structures not tied to FTEs, likely in response to lower enrollment, and therefore fewer FTEs and less profit.
\item \textsuperscript{83} Aiken, Cadmus & Shapiro, supra note 33, at 15.
\end{itemize}
increase of 147% over a five year period, which often translates to an increase of $500 per volume. Maintaining the same print resources takes up more of the acquisitions budget every year. Traditionally, acquisitions budgets received an annual increase to keep pace with inflation; that is often no longer true. If funding remains stagnant, inflation requires canceling titles every year just to maintain current expenditures.

Suggestions: It takes time to transition from a print-based collection to the ideal mix of formats appropriate for your institution. Collections continually evolve as content is created and new resources become available. Purchasing new databases often depends on canceling print titles to free up money, which becomes more difficult as the print collection grows smaller. Managing a large cancelation project is like turning a big rig around on a narrow winding road. It is a cumbersome process (publishers are better at taking money than giving it back), and savings often do not take effect until the next fiscal year because subscriptions and standing orders are usually paid a year in advance.

Shaping the collection requires specialized expertise and experience—including knowledge of substantive areas of law, how legal information is used and accessed, publisher’s practices, pricing models, and licensing terms. Institutional knowledge, such as familiarity with the existing collection, faculty research interests, the curriculum, clinics, institutes, and LLM programs, is also important. In making decisions to purchase, cancel, retain, supersede, or withdraw material, librarians evaluate resources for content, format, and value. Additional considerations include whether the content is available electronically, if it is duplicative, or outside the scope of the collection. Management skills to coordinate functions of public services and technical services departments, negotiate database licenses with vendors, and supervise the work of library assistants are also essential.

C. Law Library Staff

Myth: Law libraries employ a large staff to collect and process books, perform repetitive clerical tasks, and passively wait for questions.

ABA Standard 604. Personnel states: “The law library shall have a staff sufficient in expertise and number to provide the appropriate library and information resources services to the school.”

The number of library staff (including professional librarians) in ABA approved law schools ranged from 14.6 to 63.6, with a mean of 17.1.

Reality: Staffing and personnel issues are all too frequently avoided—not just in libraries, but many workplaces. Creating an organizational structure that makes

84. ABA STANDARDS, supra note 17, at 40-41 (Interpretation 604-1) (“Factors relevant to the number and expertise of librarians and information resource staff needed to meet this Standard include the number of faculty and students, research programs of faculty and students, whether there is a dual division program in the school, any graduate programs of the school, size and growth rate of the collection, range of services offered by the staff, formal teaching assignments of staff members, and responsibilities for providing information resource services.”).

85. ABA TAKE OFF REPORTS, supra note 65, at Report 5 (Law Library Comprehensive Statistical Table—Data from Fall 2013 Annual Questionnaire).
sense, along with hiring the right people, are the most critical elements in improving a library's performance, as well as the most difficult to implement. It is common for library staff to remain in their jobs for decades, and if they have not developed new skills and adapted to the profound changes in the nature of library work over the last twenty or so years, it is very difficult to catch up. The result is often that libraries are not understaffed, but staffed incorrectly—either in the wrong areas or with the wrong skills.86

Law schools are hierarchical institutions; libraries are less so, but because most people are unfamiliar with what actually happens in libraries, an explanation of the different categories of library staff is necessary:

- Library assistant positions generally perform work that is clerical in nature—usually at the circulation desk or in the technical services department—and do not need special educational qualifications. Print-based collections required many library assistants to order, receive, process, bind, and shelve material. As these tasks decreased, so did the number of these positions.

- Professional librarian positions require at least a bachelor's degree and one advanced degree (in Information or Library Science); many also require a J.D.87 Some librarians have expertise in technology and information systems; those with law degrees may specialize in conducting and teaching legal research and often have experience clerking for judges and practicing law.

Many library directors anticipated the decrease in the number of staff needed to process and maintain physical items and responded by consolidating or merging technical services staff with other departments to do other work.88 Blair Kauffman, Law Librarian and Professor of Law at Yale Law School's Lillian Goldman Law Library from 1994 to 2016, summarized the changes:

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86. See Fitchett et al., supra note 24, at 107 (describing the process of creating a workforce plan at the University of Virginia “based on a firm commitment to research support ... our most valued output is the research assistance offered by librarians.” Through attrition, “most of the workforce savings that have been garnered have come from streamlining processes within the technical services department”).


We have significantly shrunk our technical services operation over my nearly 20 years here. In 1994, we had nearly 40 support staff and 15 professional librarians. Most of the former and many of the latter were concentrated in technical services. Now we have 20 support staff and 20 professional librarians. The workforce is much more focused on the service end of the operation. Backroom functions have been down-sized significantly, but we manage to do a lot more with fewer people, largely due to automation and a more highly skilled group of workers—this is especially true in cataloging, where we now have just two librarians and one support staff, while there were four librarians and six support staff in cataloging when I arrived. We also were able to shrink support staff in serials and binding as a direct result of moving to digital; thus, we have just one serials clerk and one binding clerk, while we used to have two in each section.

Electronic resources require different skills, and the demand for law librarians to teach legal research is increasing. Librarians taught research in the first-year program at 143 schools out of 194 respondents in 2015. The number of law schools offering Advanced Legal Research courses has steadily increased since the 1970s, and is now required by eleven schools.

Concerns: Staffing issues may be caused by a combination of organizational structure and performance problems. If a library’s organizational structure was based on a traditional print collection and has not adapted to changes in legal information, and if positions did not evolve to include new essential functions, the result can be a hodgepodge of confusing procedures, inefficient workflows, and significant gaps in responsibilities. Procedures developed for print collections do not apply to electronic resources. Librarians cannot allow their skills and knowledge to stagnate, because legal information sources, formats, and research techniques are constantly changing. Sometimes the director can be the obstacle to change. A lack of vision and leadership, failure to understand larger institutional goals, reluctance to address problems, fear of confrontation, and resistance to change can be a lethal combination.

89. Posting of Blair Kauffman, blair.kauffman@yale.edu, to lawlibdir@lists.washlaw.edu (Nov. 16, 2011) (on file with author).
90. See Campos, supra note 2, at 193 (“A generation ago, classes in legal research and writing, to the extent that they were taught at all, were typically taught by the tenure-track faculty .... The number of full-time administrators who also teach—deans, librarians, and other law school personnel—more than tripled from 1998 to 2008, increasing from 528 to 1,659.”).
92. Ann Hemmens, Advanced Legal Research Courses: A Survey of ABA-Accredited Law Schools, 94 LAW LIBR. J. 209, 220 (2002) (“[F]rom nine in 1983 (Mills survey), twenty-seven in 1986 (Kauffman survey), fifty-two in 1992 (Hazelton survey), to seventy-two in this survey. This represents a 700% increase since 1983!”). This number increased from seventy-two to seventy-nine counting late responses. Id. at 220 n.65.
93. ASS’N OF LEGAL WRITING DIR.’S/LEGAL WRITING INST., supra note 91, at 25.
If expectations are unclear, employees may lack a common sense of purpose. Passivity can seem the safest course of action and change may be viewed as criticism instead of a necessary and positive part of life. If performance problems are not confronted, apathetic employees realize they get paid the same regardless of productivity. High performers become burnt-out as they are forced to work around unproductive staff and expected to work harder to pick up the slack. This essentially rewards incompetence and punishes initiative, and is reminiscent of the joke about Seattleites at a four way stop, where each driver motions to the next, "you go," "no, you go." No one goes and everyone is frustrated. Ignoring problems affects the morale and productivity of the entire library.

*Suggestions:* Ideally, job descriptions and organizational charts change as the work evolves. Regularly reviewing the distribution of work, assigning new responsibilities, and requiring staff to develop new skills increases productivity and focus. Standards and expectations must be clearly stated and consistently applied. Every employee must be able to perform essential work and meet objective performance standards. Reviews must accurately reflect actual performance.

Changing a dysfunctional work culture is difficult, but not impossible. "Novelty—the perception that current circumstances are truly different from those that previously prevailed—is one of the most potent forces for dislodging routines. To overcome them, leaders must clearly signal that the context has changed." Acknowledging and addressing dysfunction, although difficult and sometimes unpleasant, is almost always worth the risk and effort. Bob Berring relates his experience at Harvard Law Library more than 35 years ago:

If a staff member, professional or support, is not doing his job, he is hurting both the library and his fellows. During my time at the HLL I fired six people. In each case I followed the Harvard Personnel Manual step by step.

The reluctance of many academic administrators to follow this line of action surprised me. No one had wanted to deal with the issues of letting such people go. ... Often the employee will have a file of good evaluations that had been written by supervisors who were unwilling to confront problems.

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94. See Berring, supra note 68, at 114 (describing the situation at the Harvard Law Library in 1978, "The Reference staff was filled with very intelligent individuals ... all of whom avoided any form of confrontation .... Lacking energy and purpose, reference service could grow passive. Reference librarians could sit in an office and wait for patrons to seek them out.").

95. David A. Garvin & Michael A. Roberto, Change Through Persuasion, in HBR's 10 MUST READS ON CHANGE MANAGEMENT 29 (2011) ("Dysfunctional routines ... are barriers to action and change ... [and can] manifest themselves in knee-jerk reactions, passivity, unproductive foot-dragging, and, sometimes, active resistance.").

96. See Bourree Lam, Being a Go-Getter Is No Fun, ATLANTIC (May 22, 2015), http://www.theatlantic.com/business/archive/2015/05/being-a-go-getter-is-no-fun/393863/ ("People ask high self-control people to do more ... because they think [they] ... will perform better and accomplish more.... But for the actor, it can feel like a burden. Why should you do more work for the same reward, while your less capable coworker coasts along with lower expectations and work?") (quoting Christy Zhou Koval et al., The Burden of Responsibility: Interpersonal Costs of High Self-Control, 108 J. PERSONALITY & SOC. PSYCHOL. 750, 763 (May 2015)).

97. Garvin & Roberto, supra note 95, at 29.
The staff responded positively to the firings. The individuals that I released had been causing trouble for everyone. But negative actions would never earn loyalty. The next step was hiring new people.98

Library directors must set the tone, as well as the example. Managers have a responsibility to address performance problems as they arise, when they can often be resolved with training and supervision. Dealing with personnel issues requires supervisors to communicate directly and professionally, and overcome any aversion to confrontation. Supervisors must be willing to do what is necessary, including terminating employees when all other efforts have failed. If they are not willing to do so, they should not be in a supervisory role.

If personnel changes are needed, it is important for the dean to support those decisions, and it is crucial for the library director to have tenure or a similarly secure position.99 Careers have been derailed over far less. Taking action should not come with the risk of losing one's job over potentially unpopular decisions.100

IV. THE (CHANGING) ROLE OF THE LAW LIBRARY

ABA Standard 605 Services states: “A law library shall provide the appropriate range and depth of reference, instructional, bibliographic, and other services to meet the needs of the law school’s teaching, scholarship, research, and service programs.”101

Academic law libraries have undergone radical change; they are no longer defined by physical space or a tangible collection, rather they are defined by the services they provide within and beyond the walls of the library:

98. Berring, supra note 68, at 117. See also id. at 111 (“The library was such a mess that it had penetrated to the Dean’s attention. They wanted it fixed. Ambitious fellow that I was, I happily volunteered to try and do so. This part of the job entailed terminating some employees who could not or would not do the job for which they were hired.”).

99. See ABA STANDARDS, supra note 17, at 40 (Standard 603(d): “Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.”).

100. One law school where I was formerly employed solicited anonymous comments from staff as part of the review process for faculty promotions, tenure, and contract renewal decisions. It was not necessary for staff to have actual knowledge of performance (teaching, scholarship, or service), or to have worked with the faculty members in any capacity. In such an environment, it would be foolish to undertake anything approaching a reorganization without the protection of tenure.

101. ABA STANDARDS, supra note 17, at 41.

Factors relevant to determining whether services are appropriate under Standard 605 include the extent to which services enhance the research and bibliographic and information literacy skills of students, provide access (such as indexing, cataloging, and development of search terms and methodologies) to the library’s collection and other information resources, offer interlibrary loan and other forms of document delivery, produce library publications and manage the library’s web site, and create other services to enable the law school to carry out its program of legal education and accomplish its mission.

Id. at Interpretation 605-1.
The library is no longer a “place.” The library is a collection of information across multiple formats, organized and disseminated in a method designed to provide access to high quality resources. Library services reach beyond the mere collection and organization of information. Library professionals provide services that deliver content, as well as providing instruction on accessing that content effectively through training, teaching, and demonstration.102

Librarianship is a service profession with a wide variety of positions and responsibilities. Some librarians specialize in developing and implementing technologies to facilitate access to information that, though widely available online, is often lacking in context, organization, authenticity, and accuracy. They keep abreast of emerging technologies and advances in online legal information, incorporate technology to develop new services, evaluate and recommend new databases and applications, and work with vendors and computer programmers to configure and troubleshoot systems.103

Other law librarians have the knowledge, skills, and expertise to perform complex, in-depth research in substantive areas of law to provide support for faculty scholarship. Many librarians participate in the law school’s mission of legal education through teaching legal research skills in the first year Legal Research & Writing program, Advanced Legal Research to upper-division students, and to other groups and individuals—for example, refresher sessions for graduating students and those with summer jobs; courses with writing requirements; faculty research assistants; and students participating in journals, clinics, and externships.104 As stated earlier, if designed correctly, research courses may help fulfill the ABA requirements for experiential courses and learning outcomes.105

Although a full discussion of teaching methodology is beyond the scope of this article, it is worth noting that, perhaps counter-intuitively, teaching students to be proficient researchers has become much more complicated in the digital age—anyone can find some information, but in the practice of law it is crucial to find exactly the right information. For example, instruction in state and federal statutory research involves explaining the legislative process, the types of documents generated during that process, the concepts and reasons for statutory interpretation and determining legislative intent, and how to locate and update statutes using print and online sources. Online searching in the legal context is not simply a matter of doing a quick Google search. Knowledge of legal databases

102. AALL REPORT, supra note 47, at 1. See also Hirsh, supra note 34, at 527 ("[A]n operation whose mission is to provide both services and resources optimized to meet the research, teaching, and learning needs of the school’s faculty and students. It does not mean merely a place where one goes to find particular books and other printed materials or to study.") (internal quotation marks omitted)).


104. Id. (describing law librarians teaching skills and responsibilities).

105. See Drake, supra note 30 (discussing how legal research courses can fulfill the experiential course requirement).
such as Westlaw, Lexis Advance, Bloomberg Law, HeinOnline, ProQuest’s Congressional and Legislative Insight, as well as official state and federal government websites, is also essential. This is a complex process which requires judgment and critical thinking skills. Stated more eloquently:

Too often, though, legal research is assumed to be something straightforward and nonintellectual that can be easily mastered by new law students thanks to next-generation, web-based search tools. Nonlibrarians may also overestimate the information literacy of incoming law students and assume they need only minimal guidance.

Not only is this an incorrect assumption, it fails to account for the links between research skills and the metacognitive processes used in other lawyering tasks such as factual investigation, development of interdisciplinary expertise, and the management of other document-intensive lawyering processes (such as e-discovery or digital due diligence). Good research habits—developing and documenting a methodical research strategy, paying close attention to detail, evaluating value and reliability, and being efficient with one’s time and resources—carry over into other areas of daily practice.106

The most important and relevant questions in assessing library services are:

- Is the law library actively supporting the information needs of students and faculty?107
- Is the law school using the expertise of law librarians to teach students legal research skills?108
- What is the library currently doing that does not need to be done?
- What new services can the library offer?109

Library services should be continually evaluated and improved to support changes in research, teaching, and technology to provide information services that align with the institution’s mission.110

106. Tung, supra note 26, at 286 (footnotes omitted).
107. See Fitchett et al., supra note 24, at 100 ("It is crucial that we work with our faculty and students to discover what they need and what barriers they face in their research for teaching and scholarship, and then develop solutions to meet those research and instructional needs.").
109. See AALL REPORT, supra note 47, at 7 (“Valuing library services through a stakeholder’s lens can be a powerful means in identifying new opportunities. It also allows for the reevaluation of current services and subsequent adjustments to enhance the library in a manner that provides user support while striving to meet and support organizational goals.").
110. Id. at 21 ([L]ibrary directors must think strategically about their offerings and move beyond the minutia of daily operations. Services should support organizational goals as defined by the leadership. Directors must prioritize operations based upon organizational priorities. In that manner,
V. CONDUCTING A COMPREHENSIVE ASSESSMENT

I became the law library director at Chapman University’s Fowler School of Law on August 1, 2012 with 20 years of experience as a professional law librarian, including positions at the University of Michigan, University of Washington, University of California, Berkeley, and five years as the library director at Gonzaga University.\textsuperscript{111} Counting my experience working as a law student and in library school, I have done almost every task there is to do in a law library—shelving books, filing loose-leaf releases, helping users at the circulation and reference desks, and hiring, training, and supervising student and full-time employees. My position at Berkeley Law was in technical services (which is unusual for directors),\textsuperscript{112} which allowed me to develop technological skills, negotiate with publishers, manage complex projects, and administer large budgets. As a tenured faculty member, I am actively involved in various aspects of law school operations, working with other administrators and serving on faculty committees, which gives me a broader institutional perspective. This wide range of experience, in both the type of work and institutions (large and small, public and private), provided a basis for comparison, an appreciation for the work of all employees and departments, and a deeper understanding of the relationship between law libraries and law schools.

The dean at the time encouraged me to design the best law library possible, given the law school’s goals, by creating an organizational chart and job descriptions completely independent of the existing structure. His direction aligned with Netflix’s hugely influential human resources philosophy,\textsuperscript{113} to hire a great team, managers should imagine the specific results they would like to accomplish, how those differ from what is being done now, and what skills are needed:

Nowhere in the early stages of the process do I advise them to think about the team they already have. Only after they’ve done the work of envisioning the ideal outcome and the skill set necessary to achieve it should they analyze how well their existing team matches what they need.

If you’re in a fast-changing business environment, you’re probably looking at a lot of mismatches. In that case, you need to have honest conversations about letting some

the library is able to understand what the high-value priorities are and adjust operations to deliver services that have positive impact on the overall institution.”).

\textsuperscript{111} I was fortunate to work for some of the best academic law library directors in the country—Margaret Leary at the University of Michigan, Penny Hazelton at the University of Washington (both now retired), and Bob Berring (also retired) and Kathleen Vanden Heuvel at the University of California, Berkeley.

\textsuperscript{112} See Michael J. Slinger & Sarah C. Slinger, The Career Path, Education, and Activities of Academic Law Library Directors Revisited Twenty-Five Years Later, 107 LAW LIBR. J. 175, 185 (2015) (“[I]n 2012 we found that the majority of directors (73%) have continued to come exclusively from a public services background.”).

\textsuperscript{113} Nancy Haas, And the Award for the Next HBO Goes To..., GQ (Jan. 29, 2013), https://www.gq.com/story/netflix-founder-reed-hastings-house-of-cards-arrested-development (“These days Netflix is legendary in Silicon Valley for its so-called Culture Deck, the company’s constitution .... Sheryl Sandberg, COO of Facebook ... says ... ‘[i]t may well be the most important document ever to come out of the Valley.’”“).
team members find a place where their skills are a better fit. You also need to recruit people with the right skills.114

I began by taking a snapshot of library operations as they existed, and gathered information from both internal and external sources. I reviewed job descriptions, performance reviews, pored over the budget, asked to see all invoices and new library material, prowled through the stacks, ran searches in the online catalog, and examined every part of the website. I met with each employee to talk about their jobs, clarify goals and expectations, and ask for their suggestions and ideas. I asked faculty how they used the library, if they were satisfied with the level of support they received, and how we could improve. I met with people from other departments on campus, specifically the main library and human resources.

At the very first staff meeting, I communicated my vision for the library. It was important to explicitly discuss expectations and priorities because the directorship had been vacant for over two years, and most of the staff had never worked in another law library, and so lacked a basis for comparison. I spoke about the impact of the economy on legal education, the challenges facing law schools, and what that meant for law libraries.115 I emphasized that the library represented a significant part of the budget and the building; that we were only one department that existed to support the law school; and the importance of making the library relevant and valuable. I asked everyone to think about what they did on an average day and whether law students would appreciate incurring debt to pay for those activities.

Performance reviews were due a month after I started. I used the opportunity to reset expectations for the coming year, and attached a memo to each review stating:

Setting new goals for the library as a whole, as well as for individuals is a collaborative process. After meeting with each staff member, my impression is that we do many things well. It also seems that the library has been somewhat dormant and awaiting direction. Making the transition to a technology driven information environment will require working as a team, taking on new responsibilities, and learning new skills. Some have understandably pursued activities that, while of value, do not directly benefit the library or the law school. These need to be limited or pursued during non-work time. Specifically, all work should directly contribute to or result in a concrete benefit to law students and faculty.116


115. See Aranas et al., supra note 45, at 86 (“While most library staff probably realize that law libraries are undergoing very rapid changes, they may feel that they can ignore what is going on with student loan debt and a tight job market for lawyers as irrelevant to the library and to them personally. But as we see every day, these forces are driving important, impactful decisions in law schools and are completely relevant to every law school employee.”).

Essentially, the assessment process involves examining how the law library’s resources are allocated. That includes evaluating whether acquisitions and compensation expenditures are going towards building a collection and providing library services that suit the needs of the institution.

The 2011 AALL Salary Survey showed that law schools of similar size (number of students and faculty) employed nearly twice as many staff and approximately three more professional librarians than Chapman.117 We had fewer librarians and staff than any other ABA approved law school in California. However, the exercise of creating the ideal organization chart from scratch convinced me that we were not as understaffed as the statistics might indicate, but suffered from a lack of skills and expertise in crucial areas.

Evaluating the library’s collection and acquisitions expenditures, which involved reviewing newly received materials and the budget history, as well as comparing the data on expenditures with other law libraries, clearly showed that we were purchasing too many print resources.118 I canceled almost 700 print titles that were duplicative, widely available electronically, or outside the scope of the collection for a savings of over $600,000 per year—decreasing print serials expenditures by 41% and overall acquisitions expenditures by 33% from fiscal year 2012-13 to 2015-16.

The following table illustrates the change in Chapman’s expenditures on print serials and databases (as a percentage of the total acquisitions budget) from 2011 (the most recent data available at the time of the assessment) to 2016, and where we ranked in comparison to other law libraries. In 2011, we were on the extreme end of the spectrum in purchasing print serials (7th out of 200 libraries) and lagged behind on databases (194th out of 200).119 The 2016 figures reflect a more balanced collection after canceling print titles and purchasing new databases.120

<table>
<thead>
<tr>
<th>Chapman University Law Library’s Acquisitions Expenditures</th>
<th>2011</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of Acquisitions Budget</td>
<td>Rank</td>
<td>% of Acquisitions Budget</td>
</tr>
<tr>
<td><strong>Print Serials</strong></td>
<td>81.4%</td>
<td>7</td>
</tr>
<tr>
<td><strong>Databases</strong></td>
<td>10.6%</td>
<td>194</td>
</tr>
</tbody>
</table>


118. Because loose-leaf materials in particular are extremely expensive, I asked for a report on the number of current loose-leaf subscriptions. The answer—533 titles—was stunning.

119. ABA TAKE OFF REPORTS, supra note 65, at Report 10 (Law Library Comprehensive Statistical Table—Data from Fall 2010 Annual Questionnaire).

120. Id. (Custom Report executed Mar. 23, 2017) (on file with the author). For a discussion of available library statistics, see the appendix infra.
The assessment concluded that the problem was not a lack of resources, but how existing resources were allocated. To make the transition to a service-based model, canceling some titles and tinkering around the edges of job descriptions was not enough. Fundamental changes to the organizational structure, collection, and budget were required to make legal information and library resources accessible and easy to use; for the library to become a welcoming, pleasant place for students; and for faculty to receive meaningful support from the library.

VI. DESIGNING AND IMPLEMENTING A REORGANIZATION PLAN

A reorganization, by definition, involves major changes and the scope will vary depending on institutional needs. Chapman’s reorganization encompassed all aspects of library operations; staffing, collection, and budget. One critical parameter was that it had to be entirely budget-neutral. My reorganization proposal contained three recommendations:

1. Create a new organizational structure with positions that reflect the work that actually needs to be done.
2. Create two additional librarian positions. Two new professional positions are necessary to take on additional teaching responsibilities, support faculty research and scholarship, and implement technological improvements to make our resources accessible.
3. Permanently reallocate funds from acquisitions to compensation. Reduce the library’s acquisitions budget by as much as 30% by canceling print titles identified as duplicative, available electronically, and/or outside the scope of the collection. The reallocated funds will go towards salaries, benefits, hiring, and training for the new positions.

The proposed organizational chart and job descriptions bore little resemblance to the ones in place. The number of professional librarians increased from 5.75 to 8 FTEs; the total number of staff (including librarians) increased from 10.75 to 13 FTEs. The structure was designed to facilitate collaboration across departments on complex activities needing a wide range of skills and expertise. Each librarian position required specialized education and experience and benefited from a wide applicant pool and national advertisement.

A. Communicating and Generating Support for Change

In communicating the reorganization proposal for approval (to the Dean, Human Resources, the Chief Operating Officer, and the Provost), my goal was to provide sufficient context and documentation to support the plan. I created binders (after all, I am a librarian) with the assessment and proposal; existing and proposed organizational chart and job descriptions; statistical information comparing

121. This article does not address issues that may be present at other institutions, such as unions and academic status of librarians.
Chapman’s staffing, collection, and budget to other academic law libraries; and spreadsheets showing proposed budget allocations, projected costs, and savings. I also asked the law library directors at the University of Michigan, UCLA, University of Washington, and Yale to review the reorganization plan, and included their comments.

To gain support from critical constituencies, I met with the law school’s faculty Library Committee and individual faculty members. Although a faculty vote was not necessary, I presented the plan at a faculty meeting. I acknowledged that the law library was not providing the value that they should expect from the level of funding it received, described my vision, explained why the reorganization was necessary, and how it would benefit them as well as the law school. Much to my delight, the faculty uniformly supported the reorganization plan.

Ideally, the reasons for change should be clear and nothing should come as a surprise to the staff potentially affected by the reorganization. The idea that change was necessary was introduced in the first staff meeting after I started, and reinforced during the performance review process by setting new goals and expectations. The second staff meeting was devoted to identifying work that needed to be done but was not currently assigned to anyone, and generating ideas to address those gaps. During the reorganization process, I tried to keep the staff informed and involved. I distributed the proposal for discussion and received some thoughtful responses to my request for written comments and suggestions.

B. Successfully Implementing Change

The assessment and reorganization process took almost two years to the day—I started at Chapman on August 1, 2012, and the final two new librarians began working on July 31, 2014. The dean’s support and encouragement during every step of the process was vital. University administrators were also uniformly supportive.

Once the plan was approved, I divided the hiring into two phases. One concern was that posting so many positions at once would dilute the quality of the applicant pool. But the primary concern was coordinating the logistics involved in juggling so many open positions at the same time. Having served on many

122. See Aranas et al., supra note 45, at 99 ("Inform the staff you will be making changes, and tell them why. Seek input and advice, consult, but don’t be ruled by the responses. If you seek consensus, there will be no change.").

123. See Fitchett et al., supra note 24, at 106-07 ("Institutional buy-in is imperative when job descriptions are radically changed or positions are eliminated .... [T]here are opportunities to revisit priorities, to project future needs, and to outsource, streamline, and realign talent.").

124. I worked closely with HR on the organizational changes, job descriptions, and compensation budget.

125. There were a total of nine—seven professional librarians and two library assistants. I posted the two entirely new lines funded by print cancelations (the Associate Director and Systems/Technology Librarian) first and had them on board before implementing the final phase of the reorganization.

126. After finalizing the job descriptions and salary ranges, each position required a Personnel Request Form (PRF) that needed the approval of the Dean, the Provost, the Executive Vice President, and the President. HR posted the jobs and screened the applications. We reviewed them, conducted
search committees, I knew that filling even one position requiring advanced degrees and specialized experience is time-consuming. It would have been a nightmare to fill seven positions if I had to work with a formal hiring committee.127

The success of the reorganization depended on hiring great people. Luckily, the field of law librarianship is a very small world, and I relied on professional contacts during every phase. In total, we received over 150 applications and conducted approximately forty preliminary interviews (some via Skype) to select finalists. Ten candidates were brought to campus for extensive interviews, which included presentations to staff and faculty, meeting with other departments in the law school and main campus, etc. It took an average of three months from posting a position to the start date of the hired candidate.

I love interviewing (on both sides)—it is always interesting to speak with others in the field, and the possibilities created by the reorganization were especially exciting. In each interview, I described the goals of the reorganization (because most applicants were very curious about what was happening), the work environment I wanted to cultivate, and the expectations for the position. I expressed my preferences in collaboration and communication styles, and what I viewed as my obligations to them, including encouraging and supporting professional growth. I noted their responses to interview questions—whether they asked for clarification when necessary or tried to respond without fully understanding the question; if they addressed each part of multi-part questions; and if they were enthusiastic about the position as well as the profession. The importance of experience varied—essential for some jobs, but for others a relatively inexperienced candidate with great potential warranted taking a chance. I called references provided by the candidates as well as anyone I knew that they had not listed. I also invited the finalists to speak with people I had worked with in the past. In each case, feedback on the candidates following the interviews from staff and faculty was consistent with the final hiring decisions.

Only after the hiring process ended did I discover Netflix’s human resources philosophy, which holds:

The best thing you can do for employees ... is hire only ‘A’ players to work alongside them. Excellent colleagues trump everything else ....

Skype interviews as needed, scheduled on-campus interviews, decided on presentation topics, made airfare and hotel reservations, set meetings with individuals and groups within the library, law school, and other departments on campus, and arranged lunches, dinners, and tours. After the interviews, we collected feedback, met as needed, called references, and decided whether to make an offer. Making an offer required justifying salary and other terms for HR’s approval, extending the offer, and negotiating terms with the candidates. If accepted, HR conducted a background check and sent an offer letter while we completed the hiring paperwork and began the new employee “onboarding” process.

127. The Law Library Business Coordinator/Administrative Assistant was invaluable in making sure that everything ran as smoothly as possible. Hiring the Associate Director first meant that the two of us were essentially the hiring committee for all subsequent positions. These were not faculty positions; had they been, the process would have been much more cumbersome. Faculty and law school staff were invited to participate in the interview process by attending presentations and meals; taking the candidates on building and campus tours, and meeting in small groups.
If you’re careful to hire people who will put the company’s interests first, who understand and support the desire for a high-performance workplace, 97% of your employees will do the right thing. Most companies spend endless time and money writing and enforcing HR policies to deal with problems the other 3% might cause. Instead, we tried really hard to not hire those people, and we let them go if it turned out we’d made a hiring mistake.\textsuperscript{128}

Many of the desired traits in the Netflix “Culture Deck”\textsuperscript{129} articulate the qualities crucial for building a great team:

Judgment
- You think strategically, and can articulate what you are, \textit{and are not}, trying to do
- You smartly separate what must be done well now, and what can be improved later

Communication
- You listen well, instead of reacting fast, so you can better understand
- You are concise and articulate in speech and writing
- You treat people with respect independent of their status or disagreement with you

Impact
- You accomplish amazing amounts of important work
- You demonstrate consistently strong performance so colleagues can rely upon you

Curiosity & Innovation
- You learn rapidly and eagerly
- You create new ideas that prove useful

Honesty & Selflessness
- You are known for candor and directness
- You share information openly and proactively

Stating these traits explicitly helps to communicate and establish shared values, standards, and expectations. Unlike mission statements, which focus on institutional goals, these describe specific individual behaviors, that collectively, create a work environment where great things are possible.

\textsuperscript{128} McCord, \textit{supra} note 114, at 72.

VII. RESULTS

Now, more than three years since completing the reorganization, the transformation is astounding. Out of seven professional librarians and six staff members (two part-time), all but one were hired as part of, or after, the reorganization. The library's collection is much more balanced in terms of format—we have incorporated new technologies to make our resources more accessible, and we are able to provide services to faculty and students that we could not have dreamed of providing before.

At the beginning, we focused on outreach to students, faculty, and the law school community, to make them aware of the resources and services we offered. Some changes were as simple as changing the orientation of the Research Help Desk so that librarians face the entrance to the library. My first year here, the law library did not participate in Orientation at all. We now teach a substantive session on “Sources of American Law” for new 1Ls, offer a Legal Research Boot Camp after finals for new graduates and students with summer jobs, and present short weekly sessions called “Legal Bites” throughout the year that cover a wide range of practical topics such as competitive intelligence strategies, Bluebook citation format, and database searching. Librarians work with the Legal Research, Analysis, and Writing faculty to teach research sessions, and take turns teaching an Advanced Legal Research course to upper-division students. Library staff established relationships with other law school departments, and have worked on projects with Student Affairs, Career Services, Marketing, and Development. The law library now hosts “Book Talks” each semester to highlight recent scholarship by law faculty. Law librarians were granted faculty status within the University, and now serve on faculty committees.

The most immediate and visible transformation was in the area of faculty services. Prior to the reorganization, most faculty limited their requests to interlibrary loans, and more than a few expressed concern with the quality and level of service they received from the law library. After the reorganization, we made a concerted effort to repair relationships and establish credibility. Our Faculty Services Librarian earned their trust and respect by responding to each request with not only accurate and thorough answers to the questions posed, but consistently providing suggestions for additional support and other research paths. Our research services are now in such high demand that we receive over 450 requests a year, representing over 1300 hours of work.

CONCLUSION

Reorganizing a law library is not something to undertake lightly. Change is a positive, necessary, and natural part of life; it is also a lot of work even under the best conditions. To overcome resistance to change and establish a high-functioning work culture, the right circumstances need to converge:
• An external incentive, either positive or negative (e.g., the legal education crisis), which establishes a sense of urgency and purpose.\textsuperscript{130}

• Someone to articulate the difference between the way things are and how they could be—both conceptually and specifically—to convince others that change is necessary.\textsuperscript{131}

• Institutional support from the law school administration and other constituencies.\textsuperscript{132}

• The authority to remove obstacles to the new vision without fear of reprisal.\textsuperscript{133}

I am an unapologetic skeptic. I do not believe that things happen for a reason. I roll my eyes when people talk about their “soul mates.” But the experience of reorganizing a law library has given me pause. I thought that I would recognize and hire the right people because they would find the possibilities and challenges as compelling and irresistible as I did, and would want to be a part of this unique opportunity—and that turned out to be true. Highly motivated, productive people are self-selecting, and seek out environments where they can make a difference. Each member of the new team is, without exception, self-motivated and intellectually curious, with good judgment and high standards. They volunteer for new responsibilities and come up with creative ideas. They derive satisfaction from doing their jobs well and truly enjoy working with each other. They do indeed accomplish amazing amounts of meaningful work.

Each staff member understands that the library is not a separate entity but part of the law school. Our public service points are busy because library staff are approachable and provide exceptional service; we are involved in law school activities because they take the initiative to engage with students, faculty, and staff. Student evaluations for Advanced Legal Research include comments like, “This is the most useful class I’ve taken in law school.” Faculty stop me in the hall to praise the new librarians, write effusive emails about their work, and even bring us flowers. Faculty members with no obligation to publish have done so, because they can count on receiving excellent support. Other members of the law school community (who I know thought I was crazy during the most tumultuous times of the reorganization) remark on what a great team we have. Some days I walk into the library and feel like saying, “I love you” to the first people I see.


\textsuperscript{131} \textit{Id.} at 62 (advising that efforts to change succeed “when about 75% of a company’s management is honestly convinced that business as usual is totally unacceptable”).

\textsuperscript{132} \textit{Id.} (“It is often said that major change is impossible unless the head of the organization is an active supporter.”).

\textsuperscript{133} \textit{Id.} at 64-65 (“Sometimes the obstacle is the organizational structure .... In the first half of a transformation, no organization has the momentum, power, or time to get rid of all obstacles. But the big ones must be confronted and removed.”).
The crisis in legal education prompted law schools to examine all aspects of their programs, and most have made significant changes. Still, law libraries are either lost in the shuffle, or targeted as a source of vague dissatisfaction and potential cost-cutting. It is easier to either ignore the law library or to use a cleaver when a scalpel is called for. But both of those approaches miss the opportunity to create a stronger, more supportive library with a mission aligned with that of the institution. Engaging in a thorough assessment and making thoughtful, strategic decisions insures a better use of existing resources and benefits the entire law school community. My hope is that I have provided a starting point for deans and library directors to work together to achieve exactly that.
APPENDIX

For an excellent overview of library data sources and their uses, see Darin K. Fox, Libraries and Data, in ACADEMIC LAW LIBRARY DIRECTOR PERSPECTIVES (Michelle M. Wu ed., 2015).

Internal Sources of Information

- ABA Annual Questionnaire Responses, Self-Studies, Site Visit Reports
- Staff organizational chart, job descriptions, performance reviews, employee contracts
- Library Policy and Procedure Manuals
- Library Budget—Current and historical, including allocations and expenditures, with acquisitions broken down by format
- Law School and University Handbooks, Human Resources policies

External Sources of Information

- American Association of Law Libraries (AALL) Salary Survey
- AALL Professional Competencies
- Association of Research Libraries (ARL) Academic Law Library Statistics
- ABA Statistics—As of 2017, the ABA Annual Questionnaire no longer collects library information separately. However, data remains available for prior years from the Take Off Reports (2006–2014) and Custom Reports (2013–2016).
- ABA Take Off Reports
  - Reports 4 and 5 provide statistics on the number of professional librarians and library staff, where libraries rank among other ABA approved law schools with similar enrollment and faculty, and the

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135. Competencies of Law Librarianship, AM. ASS'N OF LAW LIBRARIES, supra note 103.
136. ARL member schools complete annual questionnaires; the results are compiled and published online. Some reports are available to the public. They are not extremely current; as of March 2017, the most recent reports available were from 2013–2014. Academic Law Library Statistics, ARL STATISTICS, http://www.arlstatistics.org/about/series/law (last visited Mar. 15, 2017).
137. Memorandum from Pamela Lysaght, Chair, Standards Review Comm., to Greg Murphy, Chair, Council of the Section of Legal Educ. & Admissions to the Bar 2 (May 18, 2017), http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/Questionnaires/2017QuestionnaireTraining/2017_ag_overview.docx (noting that the 2017 Annual Questionnaire “eliminated current Part III, which covers detailed questions about the library”).
138. ABA TAKE OFF REPORTS, supra note 65.
mean and median for libraries based on expenditures. Unfortunately, information on salary expenditures was eliminated in 2014.

- Report 10 shows expenditures for the previous fiscal year in dollars, as a percentage of total expenditures for library materials, and as a percentage of total library expenditures for “current serial subscriptions (including microforms and CD-ROMs),” and “online legal and non-legal databases.” It also indicates where libraries rank among other ABA approved law school libraries.

- ALLStAR Benchmarking (Academic Law Libraries: Statistics, Analytics and Reports)\(^{139}\) —Launched in 2016, ALLStAR is a data collection and analytical tool for academic law libraries. It will eventually include data from ARL, U.S. News, IPEDS (the Integrated Post-Secondary Education Data System) and ten years of ABA statistics.

When reviewing statistics for acquisitions expenditures, keep in mind:

- Database expenditures do not include those purchased by university libraries that are available to the law school community.

- Database expenditures may fluctuate from year to year because of differences in pricing models. Some databases, like Lexis Advance and Westlaw, charge a certain amount each year, so the annual cost remains high. Other databases (from vendors like ProQuest and Gale), require large one-time purchases, but annual access fees are inexpensive.

- Comparisons with peer schools or schools of similar size instead of all ABA approved law schools may be of more value.