March, 2007

One Size Fits All No More: The Impact of Law Specialization on Library Services

Mark P. Bernstein

Available at: https://works.bepress.com/mark_bernstein/4/
One Size Fits All

No More

The impact of law specialization on library services

by Mark P. Bernstein

You may have noticed that law has become increasingly specialized. We see the growth of specialization in the boutique law firm, the number of American Bar Association (ABA) and Association of American Law School (AALS) sections, and the trend by students to specialize in law school, as evidenced by the numerous centers, certificates in specialization, and LLM programs in substantive law for the American-trained lawyer. It makes me wonder how specialization in law school curricula and legal practice impacts reference service in the 21st century.
Along with the factors that signify specialization mentioned in the preceding paragraph are the numerous specialized journals that many law schools publish beyond the singular non-subject-based standard law review or journal. While some of this growth can be explained by law schools providing more writing opportunities and elective courses in their curricula, some of it is also driven by faculty and students turning to areas that go beyond the mere doctrinal nature of the law.

Faculty are doing more interdisciplinary and empirical research, and students are getting joint degrees, such as JD/MBAs or earning their law degree along with a masters degree in another subject area. These changes impact law libraries, particularly for reference and collection development.

As Patrick Wilson writes in "Interdisciplinary Research and Information Overload" (45 Library Trends 192 (1996)), one wants to be able to claim intellectual command of a field, and this requires deep and wide knowledge of what has been done and is being done by others in that particular field or discipline. Specialization in research is partly a response to, and a defense against, overload— one adjusts the size of the field in which one hopes to maintain expertise so that the researcher can keep up with developments in that field.

The 1992 ABA-commissioned MacCrone Report acknowledges the growing phenomenon of specialization. "When asked, the great majority of lawyers now describe themselves as specializing by legal doctrine, lawyering skill, or type of client, " according to the report. "Changing law and new complexities have put an increasing premium on specialization to maintain competence and to keep abreast of subject matter. The process of professional differentiation has accelerated in clients served and kinds of legal work performed."

Another trend reflecting specialization has been the increase in the number of LLM programs offered by law schools across the country. As Dean Jeffrey E. Lewis writes in the 1999 Toledo Law Review, we saw an 82 percent increase in the number of LLM degrees awarded between 1990 and 1999: most of these were in specialized areas of American law, and the students were American lawyers. Lewis postulates that this may be a function of a perceived market for greater specialization in practice.

Yet another example of specialization is represented by the increase in the number of specialized law school centers and certificate programs. Certificate programs have increased in popularity for several reasons. One of the likely reasons is that students are able to specialize without having the added financial burden of another degree. Given the concerns about increasing debt from loans, specialization allows the student to focus on individual goals with less stress, while at the same time enables the school to set itself apart from peer institutions by furthering an identity or niche. Certificate programs are also not currently regulated by an ABA standard, which allows law schools to implement these programs easier and often at a lower cost than a formal LLM program.

The trend to specialize has implications for library services. Reference librarians and collection development librarians will need to adjust some of their traditional roles to serve the specialists’ needs. I will turn to these areas now and offer suggestions of what new models of reference service, staffing, and collection development may look like.

Changes in Hiring Qualifications
What changes are we likely to see in reference service? I believe one will be in the hiring qualifications libraries consider. While some librarians have specialized titles (foreign and international law or computer services), generally most academic institutions require reference librarians to hold an MLS and JD.

In the age of specialization, reference librarians will need to become better versed in an array of subject areas. Practitioners, faculty, and students will utilize reference librarians more than ever. As researchers rely more on electronic resources and delve into more subjects, more bibliographic instruction on using non-law databases will become a critical role for staff.

The credentials for reference librarians will change. The dual-degreed JD/MLS that is required for a reference position in many academic libraries may no longer be the gold standard. The MLS may also fade in importance. Some of this will be caused by changing dynamics in the marketplace. As there are fewer library schools today than in the recent past, and with concern about recruiting the next generation of law librarians an issue facing the profession, law libraries are likely to require librarians (or more likely information specialists) that can assist their primary patron base, be it faculty, student, or practitioner, in their particular specialization. This will likely lead to reference librarians bringing specialized backgrounds to law libraries rather than having the law and library degrees be pro-forma core requirements.

Additional Training
In light of the developments mentioned above, librarians will have to continue to be proactive. Librarians may require additional training so that they can meet researchers’ needs in fields that the librarians may not be as familiar with. Reference librarians are likely to expand professional development horizons and attend conferences of associations that are relevant to the research they support.

In some cases these conferences may mean library association meetings, or in other instances they could be meetings of groups such as physicians, psychologists, or
Be Aware, Read the Washington E-Bulletin
AALL's Washington Affairs Office works hard to keep our membership informed of the happenings inside the Beltway. The Washington E-Bulletin is a monthly newsletter that includes updates from the Hill, calls on arms on issues intimately affecting our ability to provide access to government information, and news from chapter Government Relations Committees and the Washington Office.
A link to the most recent E-Bulletin can be found on the Washington Office's Web site, www.aallnet.org/aallwash/index.html. Earlier editions are available by following the “Updates” link.
For one-stop advocacy shopping, join the advocacy online discussion list at www.aallnet.org/aallwash/aalladvocatesubscribe .html. The list will keep you in the know about action alerts and other advocacy opportunities and includes notification of new E-Bulletin issues.
The New Year may be three months old, but it’s never too late to add a new resolution. Become an advocate and help ensure our ability to provide the public with information about and from the government. Last fall’s change in Congressional leadership affected Congress on numerous levels, not the least of which were committee assignments. Get to know your senators and representatives and begin to build a long-term relationship that will allow AALL's legislative agenda to be heard.
Submitted by Kate M. Wilko.

The Scholarship Committee Wants to Give You Money
Don't forget—scholarship applications must be received by April 2.
Need money to support your educational goals? The AALL Scholarships Committee wants to give it to you. Every year AALL awards thousands of dollars in scholarships to law school and library school students and AALL members. The following scholarships are awarded annually:
General Educational Scholarships, supported by AALL and the LexisNexis John R. Johnson Memorial Scholarship Fund:
• Graduate Library School Scholarships for students with JDs and those without JDs
• Law School Scholarships for students with MLS/MLIS degrees and those seeking a dual JD/MLS degree
• Scholarships for Library School Graduates Seeking a Non-Law Degree
• Scholarships for Continuing Education Classes.
Additional scholarship opportunities include:
• AALL/Thomson West George A. Strait Minority Scholarship
• James F. Connolly LexisNexis Academic and Library Solutions Scholarship.
The application deadline for all scholarships is April 2. Visit AALLNET for complete information, instructions, and applications at www.aallnet.org/services/scholarships.asp. Spread the word to anyone who might be interested.
For further information, contact AALL Scholarship Committee Chair Scott Childs at 919/962-1605 or schild@email.unc.edu or AALL Headquarters at 312/203-4764, extension 10, or membership@aall.org.
Submitted by Scott Childs.
Therese A. Clarke, Northern Illinois University College of Law, David C. Shapiro Memorial Law Library, DeKalb, IL 60115 • 815/753-9497 • fax: 815/753-9499 • tclarke@niu.edu.

one size fits all — continued from page 17
special interests and talents improves research efficiency. Faculty will need research assistants with specialized credentials. For example, a student fluent in a foreign language may be assigned to research primary source material for a project involving international law.

The benefits go beyond accruing to the student assistant and faculty member. As part of the library staff, student assistants can receive the further benefit of collaborating with those who work most extensively with legal research—the librarian. Presumably, this will enable the student to gain additional valuable research skills beyond what they learn through the ordinary course of their legal education.

Additionally, reference librarians who are interested in acquiring supervisory responsibility with the goal of someday moving into administrative positions are able to do so even if their specific job titles and official responsibilities otherwise limit their opportunities. Furthermore, the law school benefits by providing more opportunities for students, while the library benefits by acquiring goodwill and improving its service.

New Collection Philosophies
Another aspect of library services that specialization impacts is collection development. Many law libraries built their collections in part on standards and recommendations that were developed by the ABA, which included data such as number and type of materials to have in an accredited core collection. Each law library, including non-academic ones has to support its parent institution's mission. Beyond the core collection, many libraries developed collection policies that were dependent upon factors such as external funding through endowments, proximity to resources in other libraries, and program support. The question in the era of specialization is how this impacts collection development.

Traditional models for selection and collection building (reviewing vendor slips, selecting profile plans, and browsing publishers' catalogs) will need to adapt in the age of specialization. Many academic law libraries maintained subscriptions to core journals, especially those published by law schools. Some libraries collect any journal published by an accredited U.S. law school. Others use indexes and collect all indexed titles because the index provides those immersed in purely doctrinal research most of the literature they require.

However, law schools and legal scholars are moving toward electronic repositories for their publications. Many scholars publish their work on their own Web pages or through services such as the Social Sciences Research Network. As schools move toward their own electronic repositories, rather than continue to incur the cost of processing, printing, and distributing their own journals, the reliance on indexes for selection of journals will lessen as a useful tool in collection development.

Another method is for selectors to analyze more fully and for libraries to provide to their users appropriate Web sites. As researchers use electronic resources more frequently, standards for selecting electronic resources and linking to Web sites will become increasingly important. Blogging, online discussion lists, and general Internet communications will become more prevalent.

More Library Cooperation
Another impact of specialization is that greater collaboration and cooperation among libraries will occur. This may not just mean that academic libraries partner with other academic libraries in their region or through consortia agreements, but that firms may need to work collaboratively and that academic libraries partner more with libraries in the private sector where their areas of specialization may intersect.

The growth of certificate programs and increasing specialization impact the ability of libraries to support all of these programs. The institution must be prepared to provide the necessary resources to fulfill its mission. Those other resources include the library, both in terms of qualified personnel as well as financial support.

As new programs and/or courses go through an approval process by a curriculum committee and faculty (or comparable institutional process), a library impact statement needs to be part of the process and proposal. A librarian should be a member of any curriculum committee. The librarian has the skills and expertise to deal with the implications of new programs and courses, not only for the collections budget, but also with the skills necessary to provide research support in new areas.

Conclusions and Recommendations
So what conclusions can be drawn and what recommendations need to be made? The traditional model of the JD/MLS reference librarian will diminish with increasing specialization. A school with a specialization certificate, center of excellence, or LLM program in health law will look for reference librarians with science, nursing, or perhaps even medical backgrounds. Foreign language skills will be necessary for some librarians due to the increase in international and comparative work as curricular needs meet the increasing global and transnational connection required in legal practice.

Libraries will look for persons trained in or with a background in empirical research to help support the research being done by faculty and students. This will extend to catalogers, collection development librarians, and all staff. More breadth of experiences will be required to meet the increasing consumer demand in a high cost environment.

In collection development, more collaborative efforts will become necessary. One area of continuing and new partnerships will be with vendors and publishers. User demand will necessitate that databases are provided not just through IP ranges, but anytime, any place usage will become something that the distributors of information will have to provide for the consumer to accept their product. This will lead to more collaborative efforts, not only on a single campus, but also among universities.

What goes around comes around, and the old agreements that were used between geographically-proximate universities for foreign law collections or state administrative codes may be adaptable to electronic resources, as well as print, in areas of specialization. For example, one school will be the health law-focused school and another the school known for intellectual property. Specialization has and will continue to cause these changes. Budget constraints will create the need for further collaboration.

Specialization, while growing, is not necessarily a new phenomenon. What has changed is that the cost of legal education and the ability and comfort of an increasingly mobile society enables consumers to be more informed shoppers and select from a broader range of choices. These savvy consumers will expect no less than high quality service for their increasing dollars. Law libraries within their parent organizations will need to adapt accordingly and meet those needs, or the parent organization itself will walk a perilous tightrope for its future.

Mark P. Bernstein (bernmtn2@slu.edu) is assistant professor of law and director of the Omer Poos Law Library at the Saint Louis University School of Law. In addition to his administrative responsibilities, he teaches advanced legal research and is an active member of AALL.