



Law Cataloging

CARLETON W. KENYON

SINCE THE TURN OF THE CENTURY, law librarians have given increased recognition to the essential function of the law catalog and its makers. The typical nineteenth-century attitude toward both the catalog and cataloger was one of hostility and aloofness. It is not surprising, therefore, that it was common at that time to find large law collections—100,000 volumes and over—completely uncataloged, or only partially cataloged, and the entire bibliographic record carried in the head of the librarian.

Esteem for law catalogers and cataloging techniques has risen gradually for several reasons. One factor is the recently renewed interest in scrutinizing the fundamental purposes which the total bibliographical nexus performs in the law library. Some of this review has naturally been directed at the catalog and its significance. Other causes have developed from changing circumstances: the constant increase in cataloging costs, the critical shortage of qualified personnel, the inability of catalogers to keep pace with acquisitions, and the persistent problems which arise in applying information retrieval methods to legal materials. As law libraries continue to expand in size and scope at an enormous rate, administrators must look to indexing devices in order to make collections usable. At the minimum, administrators must install public catalogs, if only as necessary professional accouterments for display purposes. Fortunately, however, most of the new scrutiny of purpose is a genuine inquiry into the fundamental principles of cataloging and the procedures employed.^{1,2}

Most law librarians consider their present catalogs adequate for their needs. However, a close examination often reveals that they are only patchwork tools. This deficiency is difficult to understand in view of the common assertion that no other science or subject is as completely indexed as law, but it is explainable when one considers the

The author is Law Librarian, California State Library.

Law Cataloging

limited tools and personnel that have been available with which to construct the catalogs in many law libraries.

Law cataloging and the related process of classification have been vilified as too expensive, as illogical, and depending upon the viewpoint of the speaker, as either unnecessarily complicated or oversimplified. The nature of law book publication and indexing is one problem which leads to this dissatisfaction, and the inarticulateness of catalogers is another. As an unusually silent and nonscribacious group of workers, law catalogers occasionally unveil the rudiments of cataloging to non-initiates, but then dismiss the frequent complications which arise in the complex world of legal publication. Rarely is the effectiveness of law library catalogs studied except from impressionistic and isolated viewpoints. Little actual writing on law cataloging confronts one. In over 50 years of publication, only around 30 articles have appeared on the subject in the *Law Library Journal*, the journal of the American Association of Law Libraries (AALL). Unfortunately the majority of these are limited to one-library situations and written by non-catalogers.

As practiced in American law libraries, law cataloging has been a generic process best characterized as uniform only in its diversity. The process covers activities undertaken at different kinds of law libraries—university, court, county, state, governmental units, bar associations, law offices, and other private concerns—which in turn, serve many types of users. Also, it encompasses work done for all sizes of collections, from small holdings to those at such large institutions as the Harvard Law School Library and the Law Library of Congress, each with over 1,000,000 volumes. The difficulties for the researcher arising from these multiform procedures was noted by an able student after he had struggled to compile a union catalog of legal material for preparation of a "Guide to Material on Crime and Criminal Justice," as early as 1929.³ Too often the same problems still exist.

The background and training of law catalogers vary widely. More often than not, the law cataloger is a converted general cataloger who lacks acquaintance with legal materials. This situation creates one of the most serious aspects in the cataloging process and results in an over-cataloging of many items. Consequently, there are unusable catalogs in many law libraries, especially where the cataloging is performed by general catalogers in a central or general library rather than by a cataloger working as part of the law library administration.

Because law cataloging is not offered as a separate course in library schools, would-be law catalogers must take a general course in cataloging. Most of the useful instruction received is learned through practical experience, from institutes and lectures given by chapters of the AALL, from articles which appear in the *Law Library Journal*, and from Elsie Basset's *A Cataloging Manual for Law Libraries*.⁴ Proposals for law cataloging courses as an integral part of a law librarian's degree in established library schools have so far come to nought.

Although law librarians organized an association in 1906, it was not until 1941 that a Committee on Cataloging was formed. This committee was established for the purpose of making recommendations to the American Library Association committee on the proposed revision of the 1908 ALA code. Before the formation of the committee neither the 1908 code nor its revision had received attention from law catalogers, who were unconcerned with problems of conventional cataloging.⁵ The committee was reactivated in 1950, again to consider proposed changes in the ALA code revision.

Law cataloging presents special problems for which general cataloging rules, practices, and subject lists are at times inadequate, incomplete, and conflicting. This difficulty is in part due to the nature of legal materials and the methods of supplementation by pocket parts, loose-leaf pages, semi-loose-leaf supplements, replacement volumes, advance sheets, and other devices. The title page, relied upon for general cataloging purposes, is a will-o'-the-wisp in the case of the supplementary types of publications. Abridgments, digests, and indexes of law reports, to cite common examples of law books published in common law countries for the past 500 years, are frequently initiated by a compiler who in the course of years is succeeded by other compilers, while the continuous work itself becomes known by a non-title popular name. Another ordinary but misleading publication is the legal periodical which is issued in the form of a serial, and titled as such, but which contains law reports as well as material in other fields, often in separately paged sections. Furthermore, the professional terminology required by lawyers and legal researchers is more specific than that offered by general subject heading lists.

For the most part, the basic materials in a law library may be found by means of publishers' indexes and digests. Separate access to them through a catalog, therefore, is unnecessary. Formerly, full cataloging for all material was given in a number of law libraries and the practice continues in a few. Many libraries find that statutes, administrative

Law Cataloging

regulations and decisions, court reports with their auxiliary citators, digests, indexes, encyclopedias, and some periodicals can be adequately covered by short form cards. Topical loose-leaf services which integrate all types of basic materials fall in this group, also. However, treatises, casebooks, government documents, essays and similar collections, bar association reports and other miscellaneous items are not indexed, and must be controlled through cataloging with special emphasis upon subject headings. Nevertheless, a survey of law libraries which William R. Roalfe made for the American Bar Association in 1950 showed that "Of the 115 libraries reporting . . . 43 do not have a catalog or index to the collection in any form. Furthermore, on the question as to the adequacy of the catalog or index, 27 out of 72 libraries with catalogs or indexes regarded them as inadequate."⁶

The past decade shows some progress in both the number of catalogs and their condition. For purposes of this article a questionnaire was sent to sixty law libraries in regard to the cataloging of their collections. All forty-eight libraries that returned the questionnaire maintained catalogs; sixteen libraries considered them adequate. Eight libraries reported complete cataloging of their collections. The prevalent variety is a public card catalog filed in dictionary form, although many law libraries have converted to a divided catalog.^{7,8} Eleven of the 48 libraries which returned the questionnaire use divided catalogs. The general absence of classified collections, along with the fact that the alphabetical system is the recognized arrangement in law books, has deterred development of any genuine classed catalogs. Several of the libraries which do arrange their collections in classified systems make their shelf-lists available to users as rudimentary subject catalogs. Printed book catalogs, common in nineteenth-century law libraries, are again under contemplation in several large law libraries as replacements for the public card catalog. Harvard Law School Library is an example. Some others, *e.g.*, Chicago Law Institute and New York University, have published printed catalogs of their collections arranged by subject.^{9,10} Most law libraries have shelf-lists. A current innovation increasingly employed is the use of visible and rotary files for recording continuations and serials. The files may be either permanent records or temporary postings in conjunction with the shelf-list or main catalog.

As a rule, unit cards are used in law catalogs, but in other cases only the entry card contains a full description, and added cards are made in abbreviated form. Although the common form of card pro-

duction is by typewriter, many libraries are changing to machine duplication when large numbers of cards are needed.

Efforts to work cooperatively in forming union lists of holdings have had meager response from law libraries, especially outside the local areas. One reason for this is the emphasis upon reference use of law collections and the resulting aversion to interlibrary loan. Larger law libraries generally forward cards to the National Union Catalog; some libraries, especially those in universities, send cards to their general collections and some contribute them to various state and regional centers. A local endeavor of note is the Chicago Association of Law Libraries' "Union Law Catalog," which includes the holdings of the law libraries of the University of Chicago, Northwestern University, American Bar Association, and the Chicago Law Institute.

The establishment and choice of entry is one of the most technical operations in law cataloging and has brought forth the greatest amount of prose by law librarians writing on the subject of cataloging. Much of the writing is on the proposals to revise the ALA cataloging rules for author and title entries and on the failure of the current rules to meet the needs of cataloging with respect to certain legal items. Some of the most difficult problems of entry are associated with corporate authorship. A vast number of corporate author entries, many with "form" subheadings are required by the nature of legal materials and related documents. From time to time possible solutions to these problems have been suggested,¹¹⁻¹³ but with few results. Law librarians had made no formal recommendations during the drafting of the 1908 rules. The first AALL Committee on Cataloging in 1941 believed that it was a "moment of opportunity, the time for bringing to the attention of the cataloging world the many problems which law librarians have faced in their attempts to adapt law cataloging to general cataloging practice."¹⁴ Accordingly, the Committee proposed that the existing theory of creating uniform entries which would gather together laws, treaties, constitutions, etc., in one place under jurisdiction be extended to cover reports and court rules.^{15,16} The report was sent to the ALA Code Revision Committee, but the suggested changes were not incorporated in the revision. The Committee on Cataloging was reactivated in view of the impending revision of the 1949 rules, and recommendations for choice and form of entry, especially in regard to corporate bodies as authors (Rules 71-90), and proposals for clarification and extended coverage were transmitted to the ALA in 1955.¹⁷ Again the results were not encouraging.

Law Cataloging

Law libraries make considerable use of Library of Congress cards (37 of the 48 libraries replying to the questionnaire reported such use). The libraries, however, resort to various devices in an effort to overcome inconsistencies in filing and to prevent the dispersal of related materials. These devices consist of catchwords, titles, dates, and form words added before and after subheadings.¹⁸ Often added entry cards are also made for series and title. Secondary entries for joint authors, editors, and translators are usually neglected. Another concern to the law librarian is the loss of information in entries for composite publications—institutes, conferences, legislative studies, and the like—which are not analyzed by Library of Congress cards or otherwise indexed. Because attempts to analyze these items by cooperative efforts have not materialized, each library must supply additional analytics or risk losing valuable subject information.^{19,20} This frequent need to incorporate changes and to use added entries and form subheadings—*e.g.*, court rules, law reports, digests, etc.—clearly demonstrates the need for revised rules.

Law librarians have shown only minor concern for descriptive cataloging. Simplicity and practicality reign in this area. Thirty libraries responding to the questionnaire follow Library of Congress rules, but otherwise practices range the spectrum from abbreviated finding lists to full details. Because the majority of legal publications are continuations, “open entry” catalog cards are numerous. Even treatises, with their upkeep service and new editions, are often treated as “open entry” items. It is a common practice, also, to consult checklists, bibliographies, printed catalogs, and other indexes for a record of holdings. The efficiency of this method has been immeasurably aided by publication of checklists designed to be kept current under the supervision of the AALL. Checklists in various forms exist for session laws, statutes and codes, court reports, and periodicals in bibliographies and manuals on legal bibliography. Although no standards have been suggested for cataloging continuations, the common method is to use the open entry card for current publications with references to listings and to use full cataloging when it is time to close the entry. Otherwise, the recording and closing of entries are both made on catalog cards or in a separate file.^{21,22} The questionnaire showed the use of visible or rotary files in 23 of the 48 libraries.

While the practice varies in checking in materials received continuously, as a rule this aspect of cataloging poses no real problems. As long as a sufficient record exists, it makes little difference whether

it is placed on a check-in card, a visible file, or in a checklist. However, the decision as to the descriptive cataloging necessary for the set or original work is of consequence to those using the collection. For example, the use of a series title for the main entry, unless accompanied with sufficient cross references and analytics, may work a serious handicap toward efficient location of materials. The fact that material is acquired on a standing order does not require that it be cataloged as a continuation. Nevertheless, some libraries use their accounting systems as criteria for their cataloging procedures. This course is more likely to be followed in systems where the cataloging for the law library is done by a general cataloging department. The practice is a source of confusion in the law library, especially in one that has an unclassified collection.

The assignment of subject headings is a complex function, but when well done it is of the highest value in law catalogs. The questionnaire revealed that unsatisfactory subject headings and cross references were considered to be the most inadequate features of many catalogs. Good subject headings are needed particularly because of the lack of subject classification in most law libraries and the use instead of a traditional arrangement by form grouping, *e.g.*, statutes, reports, periodicals, treatises, etc. The Library of Congress *Tentative Headings and Cross References for a Subject Catalogue of American and English Law* (1911) was the first generally used subject heading list.²³ Because this list became out-of-date and was not revised, Columbia University published *Subject Headings in Anglo-American and International Law Used in the Dictionary Catalog of the Columbia University Law Library*.²⁴ Another list was brought out in 1956 by McLaury as *List of Subject Headings for Small to Medium-Sized Law Libraries (Mainly Anglo-American)*.²⁵ The Library of Congress *Subject Headings* list is the one most frequently used today because of its scope and currency.²⁶ Few law libraries follow it entirely, however. Modifications are made to fit the type of library and clientele. Omission of such superfluous subjects as *law*, *legal*, and *law and legislation*, use of direct terms, and deletion of geographical subdivisions, or their use in reversed order as main headings, are common instances of adaptation. Not infrequently, the lists mentioned above are used in combination with the topical headings and subdivisions of the American Digest System, local digests, encyclopedias, or a "home-made" list. In order to standardize legal subject headings, the AALL Committee on Cataloging and Classification has launched a program to

Law Cataloging

extract legal subject headings from the Library of Congress *Subject Headings* list. However, as yet no work has been done on formulating rules of practice for their use.

Connective "see" references find general usage. "See also" references are employed sparingly. When they are used, it is a common practice to ignore a descending scale of subject coverage. Libraries which have dispensed with cross references generally maintain their subject heading authority list in proximity to the public catalog. Some libraries have substituted guide cards in place of subject headings typed on the individual subject cards. Since law is based mainly upon political units, subject subdivision under jurisdiction, and the reverse, is common. However, few libraries provide full cross referencing of these headings.

It is difficult to gain a proper perspective on law cataloging practices and operations because of the number and varied types of law libraries, the use of trained and untrained catalogers, and their multifarious practices. Law cataloging is a complex technique which requires a combination of general cataloging principles, intellectual skill, and knowledge of and experience with legal publications. How to obtain and train law catalogers is a critical problem. Until such time as a course for law librarians is established and qualified law catalogers are available, the use of "fill-in" catalogers will produce a mixture of success and failure.

Only a minority of respondents to the questionnaire expressed complete satisfaction with their catalogs. Those reporting inadequacies pointed to the following as desirable improvements: omission of brief cataloging, revision of subject headings, additional cross references, analytics, additional types of catalogs, and general revision.

It is increasingly evident that law library administrators recognize the vital need to establish and improve their catalogs in order fully to exploit their collections. Restudy of library indexes has led to a new view of the catalog's role as more than a finding tool but less than an exhaustive index. Other dominant considerations for future law cataloging practices include the sharing of individual efforts through cooperative undertakings, increased use of business records and machine devices, and a standardization of entries, description, subject headings, and filing through an incorporation of law cataloging practices into codes and rules now oriented toward general libraries. Whether law libraries will continue to rely upon the current codes and rules with some local modifications, will group together to formu-

late a standard law library code, or will await salvation through electronic or other technological developments remains to be seen.

References

1. "Bibliographic Organization in Law Libraries: A Panel," *Law Library Journal*, 51:338-355, Nov. 1958.
2. Merryman, John H. "A Primer on Bibliographic Organization," *Law Library Journal*, 54:108-124, May 1961.
3. Kuhlman, Augustus F. "Problems in Library Cataloging and Classification As Encountered by a Research Student," *Law Library Journal*, 22:119, Oct. 1929.
4. Basset, Elsie L. *A Cataloging Manual for Law Libraries*. New York, H. W. Wilson Company, 1942.
5. Stern, William B. "History of Law Library Cataloging," *Law Library Journal*, 43:272-276, Nov. 1950.
6. Roalfe, William R. *The Libraries of the Legal Profession*. St. Paul, West Publishing Company, 1953, p. 192.
7. Marke, Julius J. "The Divided Catalog As a Time Saver at New York University Law Library," *Law Library Journal*, 43:186-189, Nov. 1950.
8. Schwartz, Mortimer. "Dividing and Conquering the Card Catalog at Oklahoma," *Law Library Journal*, 50:129-135, May 1957.
9. Chicago Law Institute, Library. *Subject Index, Jan. 1, 1902-Dec. 31, 1943*. Chicago, The Law Institute, 1943.
10. Marke, Julius J., comp. and ed. *A Catalogue of the Law Collection at New York University, with Selected Annotations*. New York, Law Center of New York University, 1953.
11. Ellinger, Werner B. "Relation of Form Entries to Corporate Headings," *Law Library Journal*, 43:279-289, Nov. 1950.
12. Ellinger, Werner B. "Non-author Headings," *Journal of Cataloging and Classification*, 10:61-73, April 1954.
13. Lubetzky, Seymour. "Non-author Headings: A Negative Theory," *Journal of Cataloging and Classification*, 10:147-154, July 1954.
14. Keller, Lena. "What Changes Shall Be Proposed to the ALA Committee Pending Publication of the Catalog Rules in Final Form?" *Law Library Journal*, 35:165, May 1942.
15. "Report of the Cataloging Committee," *Law Library Journal*, 35:267-269, Sept. 1942.
16. Stern, William B. "The New Cataloging Rules and Their Importance for Law Libraries," *Library Quarterly*, 15:143-147, April 1945.
17. "Revision of the ALA Cataloging Rules of Entry for Legal Materials and Related Rules," *Law Library Journal*, 48:3-39, Feb. 1955.
18. Dabagh, Thomas S. "The Law Library Catalog: Systematizing Entries Where Standard Headings Are Inadequate," *Law Library Journal*, 23:27-29, Jan. 1930.
19. Snook, Helen A. "Cooperative Effort in Cataloging," *Law Library Journal*, 53:115-117, May 1960.

Law Cataloging

20. "Cooperative Effort in Cataloging," *Law Library Journal*, 53:312-326, Nov. 1960.
21. Lindquist, Raymond C. "Saving Time in Recording Statutes and Session Laws," *Law Library Journal*, 35:21-23, Jan. 1942.
22. Benyon, Elizabeth V. "Simplified Cataloging," *Law Library Journal*, 45:316-322, Nov. 1952.
23. Library of Congress. *Tentative Headings and Cross-References for a Subject Catalogue of American and English Law*. Washington, D.C., U.S. Government Printing Office, 1911.
24. *Subject Headings in Anglo-American and International Law Used in the Dictionary Catalog of the Columbia University Law Library*. New York, Columbia University School of Library Service, 1939.
25. McLaury, Helen, comp. *List of Subject Headings for Small to Medium Sized Law Libraries (Mainly Anglo-American)*. Chicago, Northwestern University, Elbert H. Gary Library, 1956.
26. Library of Congress. *Subject Headings Used in the Dictionary Catalogs of the Library of Congress*. 6th ed. Washington, D.C., Library of Congress, 1957.