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Current Trends in Law Libraries

BERNITA J. DAVIES, Issue Editor

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Library Trends

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Current Trends in Law Libraries

BERNITA J. DAVIES, Issue Editor

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Introduction

BERNITA J. DAVIES

THIS ISSUE DEALS with the development of law libraries. Janus-like, many of the articles look two ways: the facets of today’s law library administration necessarily reflect the past just as, at times, they indicate the direction of future growth. As far as possible, however, current trends have been emphasized. Technical aspects of service have been omitted except where germane.

The task assigned each contributor was not an easy one. In some cases diversity seemed to be the only element of similarity in the subjects chosen for discussion. Law libraries are marked by their differences—differences in kind, size, personnel, quarters, and clientele, among other things. All of these dissimilarities contribute to a variation in practice that makes summation of trends difficult. These differences also account for the looks directed askance at certain regulations prevalent in most law libraries. For instance, it is difficult at times to explain the reference nature of the collection which calls for use of books close at hand and, therefore, an unusually strict circulation policy.

Ten years ago a table in William R. Roalfe’s Libraries of the Legal Profession showed that there were 638 law libraries in the United States and Canada, which Mr. Roalfe classified into 12 groups.¹ The current edition of the reference source from which he obtained the data, i.e., Law Libraries in the United States and Canada,² now lists 950 libraries with collections varying from a thousand to over a million volumes. If classified, the types would remain very much the same. No article has been written for this issue that describes the administration and practice in these different types of law libraries although variation is obviously present. There were two reasons for this omission: first, the differentiating factors of each class are adequately discussed as of a decade ago in the Libraries of the Legal

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and second, it was thought that any significant changes or new practices which distinguish one type of law library from another would be dealt with as part of topics included. For example, the article on administration has developed some of the problems presently confronting the law school libraries and those serving federal departments and administrative agencies. It notes also the growth in number, size, and importance of firm libraries. Where ten years ago the law office libraries reported in the list of law libraries numbered 57, less than nine per cent of the total, present figures show 125, or slightly more than 13 per cent. The growth of this type of library not only indicates a trend within a group, but the effect is one which is also noticeable in other areas. The impetus for recruitment and its companions, education and certification, for instance, is due in part to the attractive positions now available in law firm libraries.

This interaction of one trend or of one aspect of library work upon another appears in places throughout the issue. Cataloging and classification cannot be divorced from library service and public relations, while all are affected by the size and nature of the collection. So, too, the assessment of trends in legal literature—the growth in importance of peripheral materials, the need for more scientific, economic and statistical data, added use of government documents, the emphasis upon new forms of publication such as loose-leaf services and microreproduction—raises still another problem in administration for some libraries, that of the question of duplication when the law library is a part of a general system. Marke’s survey of bibliographical aids for selection and acquisition also points encouragingly toward a possible increase in cooperation among libraries. While there has been a noticeable lack of enthusiasm for certain cooperative projects, the publication of catalogs, bulletins, checklists, and like materials by associations, libraries, and individuals is indicative either of a new awareness of the need to work together or increased energy directed toward that end. As described by Mrs. Poe, the assistance given by the state libraries to smaller and less well staffed libraries in their respective jurisdictions is another example of the growth of cooperative effort.

The quality of service given to a library’s clientele is considered by some librarians to be the most important aspect of library work: “Unless success is achieved at this point, all else is in vain.” The amount of growth in this area is difficult to measure. Expansion of
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many collections into new subject fields and the use of fresh media have increased the possibility for service in reference and research. If one adds to this the emphasis upon better trained personnel in the more technical aspects of library work, the result should be service of high calibre. Unfortunately, this calibre of service is not to be found in all libraries, but in some an unusually high standard is the rule. Services, in turn, affect public relations. The auxiliary services discussed by Mr. Heckel are very important in this regard, and it is encouraging to note that many of the new library quarters are planned with added or expanded services and facilities for readers.7-14

It was plain that law cataloging and classification needed to be treated generally here, for a technical discussion of the subjects would soon have been out of bounds. The articles which consider these disciplines indicate an awareness of a need on the part of a number of law librarians to do something about their catalogs and about putting their shelves in order by means of a classification schedule. In the latter case, at times more than a little nudging by the users of the library has strengthened this urge. Although somewhat uninterested in cataloging entries, lawyers, for the most part, welcome the thought of being able to find all material on one subject in one place. It is good to know, therefore, that while law catalogers still struggle with their problems, an advance toward a possible compromise has been made in the area of classification. The problem of choosing from among available schemes or making still another may be solved through the work in progress at the Library of Congress, made possible by a grant from the Council on Library Resources.

Other trends are covered by the remaining articles. The need for foreign law in the United States poses problems of consequence to many law libraries: those in schools with expanding curricula, those serving the profession—state, county, bar association, and law firm, whose patrons have clients doing business in foreign lands—all of these must now assess their foreign sources, be happy if they are adequate, and add to them, if they are not.

Roy Mersky's account of the application of mechanical and electronic devices to legal literature deals with possibilities for the future. Whether welcome or not, it is a contingency of which we must be cognizant. Of more immediate concern is the need for trained personnel. Because the import of adequate education, or the lack of it, is felt in all aspects of library work, the present revival of interest in training for the law library profession has warranted separate treat-
ment, although logically it could have been treated as one of the present objectives of the American Association of Law Libraries in the article which concludes the issue.

There may be some question as to whether an article about a national organization falls within the content scope of a publication devoted to trends. However, it seems evident that the current interests, activities, projects, and aspirations of such an organization mirror those of its members. It is for that reason that the summation of this issue is provided by the story of the American Association of Law Libraries.

References

4. Ibid., p. 36.
Law Library Administration

J. MYRON JACOBSTEIN

Before a discussion of current developments in law library administration, it may be worthwhile to mention that others writing on the subject of library administration have experienced difficulty in delimiting its compass. Rather than indulge in yet another attempt at definition, this article will accept the one that defines library administration as the concern with planning, organization, communication, training, controlling, public relations, and supervision. Inasmuch as a recent issue of Library Trends was devoted to library administration with thorough coverage of the above-mentioned categories, it is suggested that reference be made to it for detailed background information.

With this definition in mind, there indeed may be some who will maintain that the writing of an article on law library administration is superfluous since the same administrative practices are applicable to all types of libraries. The advocates of this theory of administration may be described as “generalists”; the form of reasoning may be described as the “pigs is pigs” theory and proceeds as follows: administration is administration, libraries are libraries, and therefore any administrator can administer any library. It would be tempting to accept this theory and be relieved of the task of writing this article. But to do so would be to ignore reality and succumb to a spurious logic. Although law librarians are concerned with planning, organization, communication, etc., as are other administrators, it cannot be assumed that the results desired are similar in all instances. For however it may be defined and whatever may be its role, administration can be effective only when applied to concrete situations. Law libraries are different from public libraries, college libraries, or church libraries.

Without defining the purposes of other types of libraries, the purpose of a law library, in short, is to aid in the solution of legal problems through law books. It follows that all administrative decisions must be

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judged with that end in mind. One may consider, by way of illustration, two decisions that may be faced by a law library administrator. The first is whether or not to proceed with a much needed recataloging and reclassification project. (The decision on choice of classification will be ignored for the purpose of this example.) The problems of re-remarking books, shifting cards in the card catalog, maintaining the routines for processing new acquisitions, while at the same time continuing library service in reference and circulation all have to be solved. To find proper solutions, the law library administrator may consult library literature and may obtain useful information on how other types of libraries have handled such projects. After some consideration, the law librarian may be able to use and adopt the experience of others in his project. But let us suppose, however, that instead of cataloging, it is a decision on whether or not to change the circulation system. He will, in all probability, find that the literature on Gaylord and Recordak charging machines and the use of machine or hand-sorted punched cards are of no use to him in solving his particular problem of circulation control in the law library.

In both instances, the ultimate decision can be made intelligently only by one who is not only cognizant of the way lawyers use their libraries, but also of the unique organization of legal literature. Thus, although law librarians are concerned with the same administrative problems as other librarians, the conclusion cannot be made that any experienced administrator can successfully apply the same procedures to law libraries that he would use in other types of libraries.

A rationale for law library administration having been established, the remainder of this article will be devoted to a discussion of current trends, without an attempt to restate the fundamental principles which have already been well stated.31.4.5

The most stirring and still unsolved aspect of law library administration in recent years has been the place of the law school library within the general administrative framework of the university.6 Simply stated, the problem is that of whether the law school library should be administered autonomously as part of the law school or centrally administered as part of the university library. This matter has been disputed as far back as 1927 when the Association of American Universities recommended the centralization of all university libraries.7 Taking a contra position, leading legal educators by 1938 were urging the Association of American Law Schools to make autonomy of law school libraries a condition precedent to membership in the Associa-
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tion.9 Discussion on this matter continued over the years, and in 1958 the issue was joined when the Section of Legal Education of the American Bar Association changed its rules for approved law schools to provide for law school autonomy over the law library.10 Further controversy ensued when the Association of American Law Schools proposed a similar change in its standard for law school libraries11 and the Association of College and Research Libraries organized a committee to explore the relationship between law libraries and the general library of a university.12 [Author's Note: At its annual meeting, December 28-30, 1962, the AALS did not adopt the proposed change. Instead, an announcement was made that a special committee is to be appointed to re-study all of the Association's standards on law libraries.]

The proponents of law school library autonomy argue, in essence, that the law library is an integral part of legal education; that its control should be centered in the law school and not with a Director of University Libraries who cannot be familiar with or responsive to the special needs and requirements of the law library; and that in too many instances the integration of the law library within university library administration has resulted in inferior law library service.13 Those in opposition, on the other hand, insist that the real issue is not where the administration of the law library is located, since inferior law library service can occur under either administrative arrangement and that, consequently, the interest of the American Bar Association and the Association of American Law Schools should be focused upon establishing standards of library service and not upon the means of administration used by each university to meet such standards.14,15

And there the matter stands.

One does not have to be a prophet, however, to predict that the final word has not yet been heard. But irrespective of the ultimate solution, and without taking a specific position, one recognizes the dispute as the outgrowth of several symptomatic factors. The fact that legal educators do devote so much of their time and energy to the matter does indicate that the law library is of vital concern to them. It is also apparent that in many instances where the law library has been operated as part of the university library, procedures have been in effect that hinder good law library service and seriously interfere with the dynamic processes of legal education. What must be recognized by both sides is that irrespective of where the law school library
is placed within the university hierarchy, the law librarian must, within reasonable limits, have control of the decision-making processes in the administration of the law library.

Other trends may now be considered. As many of them relate to specific aspects of law library service, such as cataloging and information retrieval, their coverage will be left to the other contributors in this issue.

Perhaps the most important influence in the development of legal education in recent years has been the publication by the Association of American Law Schools of The Anatomy of Modern Legal Education, which has already been mentioned in reference to its recommendations for university-versus-law-school control but the report has other implementations for law library administration. Some of these are its recommendations as to size of staff and collection, book budget, and costs of continuations.

As to staff, in addition to a law librarian, the proposed new standard provides for one full-time assistant law librarian for libraries under fifty thousand volumes and for a minimum of two full-time assistant librarians for those law libraries with larger collections. Because the "one-man law library" is still too prevalent among law schools, the full implementation of this standard will require administrative reorganization in many law libraries, with the increased staff bringing about much-needed changes in law library services.

Another significant aspect of the report is its recommendation that law libraries of member schools move into the research collection category. This, coupled with the previous recommendation, can have far-reaching changes in the administration of many law libraries. Such a change in scope will afford many law librarians the opportunity to utilize, for the first time, new concepts of library administration.

One of the most recurring dilemmas in setting a standard for annual expenditure is the troublesome question of continuations. A large proportion of legal literature is in serial form, and law libraries differ in deciding which acquisitions, for accounting purposes, are continuations. The proposed standard provides for a uniform system of accounting wherein the definition of continuations will be uniform for all schools. With this provision accomplished, a fixed sum will then be specified (varying according to size of collection) to be spent over and above the cost of continuations. The adoption of this proposal will present several problems in accounting, budgeting, and book selection. It may also create serious difficulties in some institutions where accounting records are centralized in the business office.
One further comment must be made about the Association of American Law Schools. As had been noted, it has a real concern for the role of the law school library and has set standards affecting all aspects of its administration. It is surprising, therefore, to note that it has not taken a clear and forthright stand on the status of the law librarian. The present standards make no provisions for faculty rank. The proposed standard, in a hesitant and almost apologetic manner, gives the law librarian the right to attend faculty meetings, but to vote only on those matters that affect the law library. Would it not be proper, in light of this stand, to question whether or not the Association of American Law Schools truly understands the function of the law library in legal education? What decisions, one wonders, does a law faculty make that do not affect the law library? The size and qualifications of the student body? The curriculum? New faculty members? Research projects of the law school?

Although many of the changing developments have been of primary concern to law school libraries, other law libraries have been affected by the expanding discipline of administration. Law librarians in the Federal Civil Service have been perturbed by the failure of the Civil Service Commission to allow substitution of legal education for experience, in the classification of law library positions. There has also been a tendency to equate law library service to that of reference service only and to integrate the law library into the administrative organization of the general library serving the agency. In both instances, the influence of the "generalist" theory of administration can be detected. The Brookings Institution has arranged for a survey of federal libraries, and its recommendations will be watched with interest by all law librarians.

Another interesting trend has been the increasing number of law firm libraries. Not only are more firms developing private libraries, but an increasing number are demanding fully trained librarians to service them. The libraries in some firms are now approaching in size those of the smaller law schools, and many firms are becoming aware that the administration of their libraries can no longer be delegated to a secretary. This development is not only another indication of the increasing scope and complexity of legal literature but is also a commentary on the importance of law libraries to the legal profession. Recognition of the needs of such libraries was given by the creation in 1961 of a Committee on Private Law Libraries by the American Association of Law Libraries. This committee was delegated the responsibility to "... organize and direct a continuing series of..."
programs . . . aimed at representing the special interest of private law libraries throughout the United States and Canada."23 The committee has been active and has already published a manual on private libraries.24

In summary, this brief survey reveals that law librarianship is in the midst of change. The changing structure of the legal profession is causing the organized bar to give greater attention to the quality of students entering law school, to continuing legal education, to the economic status of lawyers, to specialization among lawyers, and to the improvement of judicial administration. All of these factors have ramifications for law libraries, and law librarians will have to examine with care all methods for improvement in the administration of law libraries.

As a corollary to this, a perusal of the literature on law librarianship, with a few notable exceptions, discloses that there has been little consideration given to the theoretical aspects of administration, and it is hoped that this situation will change with the new emphasis upon education for law librarianship.25

References

Law Library Administration


ADDITIONAL REFERENCES

Legal Literature

JULIUS J. MARKE

"The first thing about our legal system that strikes a European or Latin-American lawyer is its sheer bulk."¹ In essence this statement by the late Chief Justice of New Jersey reflects the changing nature of law libraries in the United States. From a mere 5,000 reported English cases around the turn of the seventeenth century the modern lawyer must now contend with millions of judicial opinions alone.² A similar situation prevails in statute law. In 1946-1947, for example, the legislatures of the 48 states and the Congress enacted 56,701 pages of statutes. This huge mass of legislation merely supplemented the existing codes of the federal government and the several states which filled 274 massive books aggregating 267,777 pages by themselves.³ The growth of law library collections in the twentieth century has taken on such proportions that Fremont Rider's piquant deduction that libraries double in size nearly every 16 years is more than substantiated by this evidence.⁴

Law in the books has become a formidable problem for law librarians and others concerned with their maintenance and use. Whereas formerly a law collection was sufficient if it contained a proper representation of judicial decisions, constitutions and statutes, as well as the necessary digests, indexes, encyclopedias, annotated cases, treatises, restatements and citators, today such a collection would be found wanting. To what do we owe this metamorphosis?

First, it should be noted that what was once considered peripheral to the law collection is now treated as significant and important. No law library administration which professes to offer an important research collection would evaluate it as adequately comprehensive by simply stocking all the U.S. jurisdictional reports and statutes and secondary aids to their use, bulky and shelf-consuming as these materials are. Nor for that matter could it act complacent even if it boasted the leading treatises and texts on the law. Today, a library collection keyed to the needs of modern legal researchers must contain

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a wide assortment of literature formerly considered as properly belonging in the general library collection. Biographies, history, source and document books, trials, bibliography, philosophy and jurisprudence, political science, and fiction have now rightfully taken their place on the law library shelves. But even this itemization merely reflects part of the change occurring in the holdings of law libraries.

Over the last 40 years a great mass of literature has gradually assumed importance in legal research. Legal periodicals, government documents, administrative law and regulations, both federal and state, foreign law, international law, topical loose-leaf services, and the literature of the social sciences have not only become indispensable to the legal researcher but have also brought with them attendant problems in their selection and use. These materials are presently adding considerably to the bulk of law library collections as well as in a subtle way compounding the difficulties of legal research.

Pollack and Maitland’s characterization of the law as “a seamless web” has taken on a new connotation in legal research. Today it is recognized that law is so closely interrelated with the social sciences that it can no longer be isolated from them. Justice Holmes stated it well when he predicted early in the century: “For the rational study of the law the black letter man may be the man of the present, but the man of the future is the man of statistics and the master of economics.”

Justice Brandeis probably best exemplified this transition when, as an attorney, he emphasized statistical and economic data to support legal concepts in his arguments. His thought that “out of the facts grows the law” has now been promoted to the status of a legal maxim and legal researchers look to the law collection for related materials in the social sciences.

Today lawyers must be sensitive to the social trends in order to anticipate how the law will respond to social pressures in the future. Only recently a staff member of the law library of New York University was requested by a member of the faculty to locate materials on the economic, psychological, and sociological effects of trusts—especially spendthrift trusts—upon the economy and upon the character of beneficiaries. In areas pertaining to zoning, proportional representation, taxation, or labor and anti-trust litigation, the law librarian must acquire materials in disciplines other than law when such materials are pertinent and interrelated. In fact it is to be noted that there is a growing number of books being written jointly by lawyers and representatives of these other disciplines, such as doctors, econo-
mists, political scientists, anthropologists, sociologists, etc.\textsuperscript{8-10} All this, of course, is being reflected today in the law school curricula, which now include seminars in interdisciplinary areas to meet the new challenges facing society whether it be in space law or food, drug, and cosmetic law.

The increasing use of economic, sociological, psychological, or similar data in legal research presents a new problem to the university law librarian. Should it be his policy to acquire apposite nonlegal materials in the field of social sciences which are available in the general university collection? It is true that recognition of the importance of the social sciences in properly understanding our continually changing concepts of law has already necessitated the acquisition in the law library of selected titles in this area. Now the question arises: Should expensive reference tools in the social sciences be purchased by the law library, such as the \textit{Public Affairs Information Service}, the \textit{International Index}, the \textit{Encyclopedia of the Social Sciences}, and similar tools which are available on the reference shelves of the general library. It is the writer's considered opinion that the answer should be in the affirmative. The scholarly interest of lawyers in the social sciences has become so extensive and research therein has increased to such depth that he believes that duplication of these reference tools is warranted when there is sufficient frequency of demand. This is not to indicate that the law library collection will some day be a counterpart of the campus library, but to suggest the raw challenge to the law librarian in selecting materials of vital use to his patrons.

The problem is just as acute with reference to materials in the scientific and technical fields. Law schools, bar associations, industry and government, with foundation support, are now engaged in research projects pertaining to the law of water resources, urban renewal, atomic power, oil and gas (mineral law), space law, food, drug, and cosmetic law, and similar fields. Because of current technological and scientific developments, legal researchers engaged in these projects, must necessarily depend upon the findings of scientists to draw criteria and standards for the law. At what point would a pesticide used on food become harmful to humans? This is a problem lawyers representing the food producers and government must eventually resolve by depending upon scientific data. Lawyers would like to have this scientific information available in the law collection to guide them in legal situations of this sort. A marked flow of such technical and scientific literature into the law library collection can now be noted.\textsuperscript{11}
Legal Literature

The need felt by legal researchers for the materials of administrative law and the recognition of the importance of government documents in the field of legislation have also characteristically affected the changing trend in law library holdings. It has been said that the use of administrative boards in the twentieth century "constitutes one of the most notable trends in public administration and in fact government itself."12

A plethora of administrative rules, regulations, and decisions of these regulatory agencies must be consulted to solve even a minor point of law involving federal government control of a particular industry or public service. The Federal Register, the Code of Federal Regulations, the decisions, annual reports, and press releases of the various agencies, the administrative interpretations, such as those of the Treasury Department on its own rulings on taxation, all create a formidable barrier to the inquiring lawyer. This unhappy situation is aggravated by the lack of primary source material at the state administrative level. The legal researcher must pursue a relentless search for these materials, appearing as they do sporadically and often in processed form. At times almost insurmountable difficulties to their accessibility arise because of the lack of bibliographic control over their output.

Born of necessity, the topical loose-leaf service has taken on stature in the field of administrative law. A reference tool that was practically unknown prior to the 1920's, it has become an integral part of the law collections of the nation. The publishers of loose-leaf reporters have shown initiative and ingenuity in presenting the materials lawyers require in order to solve administrative law problems. The nature of these loose-leaf reporters, which are published either weekly or daily, makes them particularly flexible and adaptable for use in research on current developments in the administrative law field. The loose-leaf services of Commerce Clearing House, Prentice-Hall, Bureau of National Affairs, Matthew Bender and Company, and Pike and Fisher on labor and taxation especially and in other areas affected by administrative law have become indispensable to the lawyer of today.

Government documents are also contributing to the changing nature of law library collections. Although many law libraries today depend upon government depository libraries for these documents, they are also, by necessity, being independently integrated into the law collection. Many of them are actually transcripts of original records and as such are primary sources of information on the activities and policies of the executive, legislative, and judicial branches of
the government. To overlook pertinent government documents may well affect the solution to a vexing legal problem, particularly in the field of legislative histories. Law libraries are now systematically assembling the materials of legislative histories, that is, congressional committee reports, hearings, statements in congress, executive comments, etc., as a specialized type of service. The use of government documents, however, especially those published at the state and local levels, presents great problems for the researcher. Over the years such documents have been arranged and classified in an unusually perplexing pattern.\textsuperscript{13,14} The indexes compiled to help locate them have been quite ineffective.\textsuperscript{15-19} The researcher must depend upon inadequate and confusing indexes up to 1896 and then check the Document Catalogue and the Monthly Catalog issue by issue up to the current period. A ten-year cumulative subject index was finally compiled for the Monthly Catalog for the period from 1941 to 1950. State publications, unless listed in the Monthly Checklist of State Publications, are almost completely lost to the researcher. An excellent paper by Marion H. Hemstreet\textsuperscript{20} on state and local documents as a source of legal research has recently been published and should be carefully read for guidance in this field.

Because government documents are usually printed in limited editions and quickly go out of print, those titles which they need on a regular and continuing basis libraries find it advantageous to place on standing order with certain dealers (e.g., Dennis and Company, Fred B. Rothman and Company, Bernan Associates, to mention a few thus actively engaged). This service insures automatic receipt of government documents without extra charge. There is the added advantage of a single itemized bill to be paid, as well as elimination of the need for preparing subscription lists each year, checking expirations, and initiating individual orders. For example, under Federal Trade Commission, a library can establish a standing order for its Annual Report and Decisions. Under the Judiciary, the Court of Claims Reports, the Supreme Court Reports, the Customs and Patent Cases, the Customs Court Reports, the Tax Court Reports, and the Tax Court Rules of Practice can be similarly ordered. Similarly, under the Internal Revenue Service, the Internal Revenue Cumulative Bulletins are available and so on.

Another comparatively recent development which has made its imprint upon the law library collection has been the marked increase in the number of law reviews and legal periodicals now being pub-

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lished. By contrast to the selected leading law reviews of a relatively short time ago, extensive collections of law reviews can now be found in many law libraries. Law review articles have attained recognition as scholarly and well organized treatments of current developments in the law and are being liberally cited by judges and legal commentators. The Index to Legal Periodicals, a classified index to these reviews, has played an important role in this respect, for its cumulative volumes have given the legal researcher bibliographic control over the contents of the many law reviews. The last cumulative Index to Legal Periodicals, covering the period from August 1958 to August 1961, lists 321 legal periodicals as indexed therein. The significance of legal periodicals is well described by J. Myron Jacobstein in the January 1962 issue of Library Trends.21

Whereas formerly the law librarian had to contend only with the acquisition of British jurisdictional materials apart from American law, the rise of American interest in the diplomatic, commercial, and industrial affairs of foreign countries has been accompanied by the growth of law collections in those fields. Institutes on international relations and on comparative law are springing up, and many law libraries now have extensive collections on foreign and comparative law, as well as on international law.

The world of legal literature has also had to keep pace with the computer and microfacsimile reproduction of books. As contrasted with an increase of almost geometric progression in the total volume of law books, there is an ever-narrowing physical area to house them. This situation has resulted in the era of the “non-book” or the “microform” publication, known commercially as Microfilms, Microcards, Readex Microprint Cards, and Microlex Cards. With some exceptions, the average size of a microcard is approximately three by five inches and is capable of containing as many as 80 pages of material, depending upon the size of the book microcarded. It has been determined that a library or collection of printed material in the form of books, periodicals, records, etc., reproduced on microcard, saves over 95 per cent of the physical space occupied by the material reproduced. Microcards are printed on permanent heavy paper stock, and their legibility lasts indefinitely. Obvious savings occur, too, in the binding and storage costs of periodicals. Microprint is a printing press product rather than a film negative or photographic print which is characteristic of microfilm and other versions of microphotography. It uses carbon ink on the chemical equivalent of rag paper. The
material reproduced is reduced about 400 times and printed on a card six inches by nine. It is claimed that the card has a minimum life of 300 years. By this process 100 pages can be developed on one card. Both microcard and microprint cards can be read by magnifying and projecting them on the screen of a "reader."

The world of law has been more slow to take advantage of this new process than has the world of science, but it has managed gradually to adopt it. At present an impressive mass of microform legal literature is available for purchase, and the holdings of law libraries are beginning to reflect this new medium in areas rarely considered in the past. The Matthew Bender Company is presently making available on microcard the records and briefs of the Supreme Court of the United States and of the Court of Appeals of New York, as well as some of the more important legislative histories of federal acts. In the past many of these documents could not be acquired by many libraries because they were distributed only to certain depository libraries or were published in limited editions. State reports prior to the National Reporter Series and out-of-print issues of law reviews are similarly being reproduced. The Readex Microprint Corporation offers for sale microprint editions of *Hearings of the Senate and House Judiciary Committee*, the *Current Serial Set* (House and Senate documents and reports), the *Congressional Record* with appendix, Senate and House bills, the *Federal Register*, decisions of the more important administrative agencies, and United Nations documents. Oceana Publications offer microcard editions of reports of cases not published in the *English Reports (Full Reprint)* for the period 1220 to 1873. The New York Public Library, in cooperation with the United Nations Library, has undertaken a comprehensive program of collecting and microfilming the official gazettes of many Latin-American countries. The law library of Temple University School of Law is reproducing on microfilm early American reports, long out-of-print and difficult to obtain, as a service to all law libraries. The American Bar Foundation also offers as a service a microfilm copy of many legal materials such as bibliographies, proceedings of the American Bar Association, monographs, law books, reports of international conferences, and reports of state conferences.

The Library of Congress, in cooperation with the University of North Carolina, has published a microfilm edition of all of the earlier legislative, judicial, and executive records of the American states and their various territorial and colonial predecessors representing the equivalent of approximately 8,300 books of 300 pages each. The com-
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completed project consists of 1,700 reels of microfilm of approximately 100 feet each and comprehends as complete a collection as is known today of all legislative records, statutory law, constitutional records, administrative records, executive records, and court records from the earliest origins in this country to 1850. This material is listed in A Guide to the Microfilm Collection of Early State Records, an 800-page catalog published by the Library of Congress. The Guide itself can be used as a checklist because of its complete listings. The Photoduplication Service of the Library of Congress will accept orders for positive copies of any reel of the film at $15 per 100-foot reel, or $22,400 for the entire collection.

All this activity in microform publication has significantly changed the research capabilities of many law libraries. It reflects a trend that will redound eventually to the best interests of legal researchers. Whether vast areas of the reported decisions predating 1939 will meet this fate or be absorbed in an information-retrieval system that will not only research a particular topic but also print out the pertinent material to be read, remains for a future period of the law. Librarians may refer to a Guide to Microforms in Print, 1960 for a listing of all that is available in microform from U.S. commercial publishers. Titles or projects of some noncommercial publishers are also included. Theses and dissertations are not listed.

These vast changes in book selection have been met in the law library field by significant advances in book selection aids. In a sense, the legal bibliography has come of age in the last decade. Just as Marvin and Soule dominated nineteenth-century legal bibliographic America, certain bibliographical tools in the field of law today have become indispensable to the law librarian and legal researcher as selection aids and guides to the literature of law. They are now recognized as significant not only as aids to book selection but also as guides which permit comprehensive legal research on the premises of the library. These bibliographic aids are keys to the collections of other libraries or to organized bibliographic knowledge on the subject concerned, and once known, a book may be borrowed or photocopied to allow the researcher to complete his work without resorting to the use of other libraries.

Writing as recently as 1951, the law librarian of a Southern university law library lamented that the small law school library had great difficulty in developing the library's collection in the basic fields of instruction, for there was "no standard catalog for Law Librarians

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and the diligent librarian [had to] use all the varied tools he [could] manipulate to dig out the bibliography of a specialized field."25 Save for the Harvard University Law Library Catalogue, published in 1909, Miles O. Price's Catalog for a Law Library of 15,000 Volumes, published in 1942, some sundry law library catalogs of ancient vintage, and the special bibliographic features of the Law Library Journal, there really was very little published information for a law librarian seeking guidance in law book selection to consult.

The publication of the classified and annotated catalog of Anglo-American law books of an important law school library marked the first major improvement in this unhappy situation.26 Containing some 45,000 entries and 25,000 annotations, the Catalogue of the Law Collection at New York University features comprehensive subject and author indexes which facilitate reference to the classified arrangement of materials. The NYU Annotated Catalogue has been acknowledged as a valuable source of information for book selection and is also being used as a ready reference tool to the literature of the law.

One of the difficulties confronting law librarians has been the unavailability of complete and accurate bibliographical information about books in print. Law book publishers have aggravated this situation by failing to list all their publications or giving incomplete information about them in their catalogs and in their announcements. General trade bibliographies are notorious for their incomplete coverage of law books. Designed to fill this lacuna, Law Books in Print27 has become the prime reference tool in the field for bibliographic control of current legal literature. It lists books written in English and published in the United States, Canada, and Great Britain. Complete bibliographical information is given, including price. Book entries are listed under subject and author, and all are arranged in one alphabetical listing.

Although Law Books in Print has become a standard reference tool for current texts obviously devoted to law, it does not offer complete bibliographical control over all literature of interest to legal researchers. Books on the periphery of law, such as government and criminology, are selectively listed. Statutes, law reports, digests, citators, government documents, periodicals, and annals are excluded. It is therefore necessary to refer to other bibliographical guides for references to these materials. To ascertain documents on legal subjects published by the federal government, the Monthly Catalog of United States Government Publications must be consulted, and for state government publications, the Monthly Checklist of State Publications. For
books of interest to law in the social and political sciences, the *Subject Guide to Books in Print*, the *Cumulative Book Index*, and the *Public Affairs Information Service* can prove helpful. To supplement *Law Books in Print*, one should refer to *Current Publications in Legal and Related Fields*. Endorsed by the American Association of Law Libraries as a nonprofit service for law libraries, it is published monthly except June, July, and September. It is one of the best acquisition tools which a law library can depend upon for bibliographic control of the most current legal literature. Not only does it list complete bibliographic information about each entry, but it also indicates price and offers additional information about current supplements and continuations to established legal materials.

Beginning in October 1960, the Harvard Law School Library instituted a new bibliographic service entitled *Current Legal Bibliography*, published monthly, nine times a year. A cumulative *Annual Legal Bibliography* incorporates all nine issues. The purpose of the service is to provide a quick survey of the more significant legal writing in all fields of law from all countries of the world. The service is being prepared not only for legal researchers, but also for scholars in the related fields of political science, economics, sociology, and history. The service lists monographs, substantial journal articles, and the contents of collected works of all types currently received by the library, classified by subject and by country.

The *Law Library Journal*, published quarterly by the American Association of Law Libraries, contains many bibliographical features of value to those interested in checking available current legal literature. One of its more important sections is entitled "Current Publications." It is a selection, by subject, of items appearing in the monthly list of *Current Publications in Legal and Related Fields*. The classified arrangement allows for a subject approach to current legal literature, and it therefore corresponds to a supplement to *Law Books in Print*.

The *Law Library Journal* also features a "Checklist of Current State, Federal and Canadian Publications," which is an up-to-the-minute checklist of current American state reports, National Reporter Series, statutes, statutory codifications, session laws, and administrative reports. Similar information is given for United States and Canadian dominion and provincial publications.

There are several other legal periodicals to which librarians can refer for bibliographic help in the field of law. The issues of the *Record of the Association of the Bar of the City of New York* offer subject
bibliographies, which are usually well chosen, on matters of current interest to lawyers. For example, the November 1961 issue contains a selected list of materials on "African Law and Administration," which can be very helpful to the law librarian concerned with building up his collection in this field. The tax specialist should never miss the listing of "Selected Tax Reading" featured in the quarterly issues of the Tax Law Review. In each of its issues the Industrial and Labor Relations Review publishes a good bibliography entitled "Recent Publications," which is classified by various facets of labor relations. The Bulletin of the Copyright Society of the United States contains bibliographical information on copyright law published in the United States and in foreign countries. Trusts and Estates contains a department entitled "Trust and Probate Literature." The American Journal of Comparative Law has a book review section of books on comparative law published in many foreign countries. In this respect the book review sections of the Canadian Bar Review, the Law Quarterly Review, the Scottish Law Review, the University of Toronto Law Journal are all helpful as well. The book review section of the Index to Legal Periodicals indexes checklists and bibliographical articles on specific subjects and also lists all reviews of law books appearing in American and British law reviews. Law reviews themselves are fertile sources of information on the bibliography of law and should be consulted systematically in the book selection process. Another source of new books is the Annual Survey of American Law. The authors of the various articles therein usually indicate new books in the subject area treated.

In addition to these aids, law libraries make use of each other's acquisition lists. New York University Law Library publishes an annotated acquisition list. The Yale list is quite comprehensive, especially in foreign law. The University of Washington offers a classified listing. An index that should not be overlooked is the Index to Periodical Articles Related to Law, which is arranged by subject and contains references to articles concerned with law selected from journals not included in the Index to Legal Periodicals.

While all these aids to acquisition are geared to the needs of the modern legal world, the law librarian to fulfill his obligation to a dynamic profession must also consult the same selection aids in use by general libraries such as Publishers' Weekly, the Library Journal, the catalogs of new and used book dealers, the book review pages of the New York Times and the Times Literary Supplement, the Public
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**Affairs Information Service**, and the **American Book Publishing Record**, to name the obvious. Published by Bowker, ABPR offers a complete and accurate record of American book publication in the four calendar weeks preceding its date of issue. It is classified and presents a good selection of current legal literature and material related to law. Each entry is based upon Library of Congress practice. Descriptive annotations and prices add to its value.


The American Association of Law Libraries is now engaged in publishing a new series which will offer valuable checklists for use of the law librarian. The *Checklists of Basic American Legal Publications*, edited by Meira G. Pimsleur and published for the Association by Fred B. Rothman and Co., will bring up to date the *Massachusetts Handlist of Legislative Sessions and Session Laws, Statutory Revisions, Compilation, Codes, etc. of the U.S. and of the Several States*, the *MacDonald Checklists of Statutes of States of the U.S.A.*, and *Checklists of Session Laws*. Its purpose is not only to present a bibliographical and reference tool but also to serve as a possible substitute for cataloging basic documents. The checklist of state statutes will be followed by checklists of state session laws, judicial council reports, opinions of the attorneys-general, and bar association reports.

For checklists of legal periodicals and American and English law reports, reference can be made to Price and Bitner, *Effective Legal Research*. When completed, a new *Checklist of Anglo-American
Legal Periodicals will offer a description of each Anglo-American legal periodical, with dates of publication, number of issues, pagination, and other pertinent details.

A law library collection, it can be seen, is indeed a reflection of the sophistication and understanding of its staff and clientele. This fact suggests that a primary asset in the growth of law collections is a well informed law librarian together with scholarly readers vitally concerned with the library's development and working as a team. Personal contacts and independently acquired knowledge are as indispensable in book selection and acquisition as are the reference tools and literature which the law librarian must consult.

References

6. See Multer v. Oregon, 208 U.S. 412 (1908), at p. 419, in which Justice Brewer acknowledged the validity of this approach by singling out Brandeis' "very copious collection of all these matters."
7. See also Mr. Chief Justice Warren's controversial footnote 11 in Brown v. Board of Education of Topeka, 347 U.S. 483 (1954, Segregation Case) in which he referred to several books and articles on social psychology. It is interesting to note in this context that Huntington Cairns, writing in 1935 on Law and the Social Sciences (New York, Harcourt Brace & Company, Inc., 1935, p. 5), decided to omit social psychology from his study "because apparently [it had] not reached a stage at which [it had] many material contributions to offer."
12. II Report of the President's Committee on Social Trends 1520 (1933).
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28. *Current Publications in Legal and Related Fields*. Published monthly, except June, July, and September. Correspondence should be addressed to Fred B. Rothman and Company, 57 Lehning Street, South Hackensack, New Jersey.


Foreign Law in American Law Libraries

WILLIAM B. STERN

In the years since World War II, American law libraries have been at new crossroads. There is now a widespread agreement on aims for their holdings in American law and that part of English law which has formed the basis of American law. Publications like those of Hicks, Price and Bitner, and Marke, together with numerous checklists and bibliographies, list many if not most of the desirable or preferred items in these fields of law. With the growth of the country, many law libraries have set themselves goals which previously had been reserved to the largest of them, i.e., to approach desirable levels of completeness along reasonably well defined standards. Within this span of time, a good number of them have approached this level, and even new law libraries, with 100,000 or more volumes on Anglo-American law, have been amassed and organized, so as to form satisfactory collections for instruction and research.

Suddenly, with the surge of the international involvement of the United States in world politics and government, the gradual reduction of economic frontiers, migrations, aid to underdeveloped countries, and similar factors, the law of foreign countries is no longer the more or less exclusive preserve of a few outstanding law libraries, but has become a matter of national interest, and many law libraries are faced with the need of supplying the required printed materials. There is, however, no manual which adequately furnishes guidance to the acquisition and library organization of material in the field of foreign law. Hence, the development of foreign law collections has been and is a bewildering task, requiring training and experience in and constant occupation with foreign law.

What is foreign law? It is not a body or system of law; the term "foreign law" is not a term which defines a specific field of learning. Rather, it is understood to be the law of foreign countries and of their subdivisions, present and past, and the law which is identified by legal

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systems rather than by countries. Foreign law is, then, the law which is not American by adoption or origin, and encompasses hundreds of legal systems. The sole unifying factors in foreign law are books which deal with the law of a multitude of countries, and the discipline of comparative law which, as its name indicates, compares phenomena in various legal systems. Occasionally, one may wonder whether some law is foreign or domestic law. Opinions may differ upon the extent to which international law is a part of the domestic law and whether and in what measure international law should be treated as a separate discipline. Nor have law librarians clearly established the extent to which English law forms a genuine part of or a necessary adjunct to an American law collection. Except for legal instruction where jurisdictional differences in the treatment of a subject are of relatively minor importance, English law, past and present, is the law of a foreign country, and has become so more and more in recent years when English and American enactments have widened the gulf between the two legal systems.

Obviously, there are a tremendous number of foreign law books. As in American law, there are treaties, constitutions, the enacted laws and codes, compilations of law by time or subject, administrative regulations, court reports, administrative decisions, encyclopedias and dictionaries, textbooks and treatises, and periodicals. But there is a marked difference in many foreign countries concerning the form, substance, and relative importance of these types of legal materials. Enacted laws may be published in session laws, but more likely are published in official gazettes; and there are a few countries which at certain times have had neither session laws nor official gazettes. The decisions of appellate courts may be published, completely or selectively, in separate collections, official gazettes, or periodicals. Auxiliary materials, such as indexes and digests, may exist or not, and in the latter case their place may be taken by annotated dictionaries, encyclopedias, textbooks, and treatises or periodicals. For some countries, excellent bibliographies and lists of recent publications may be available; for other jurisdictions they are not. Some foreign legal systems have a most prolific and detailed legal literature, and the size of a country may be in spectacular contrast to the multitude of law books published and used therein. Other countries have an extremely meager legal literature. Even if one deducts books of temporary value, popularized statements of the law, and oddities, the overall number of foreign law books is so staggering that at this time there is no library
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in the world which endeavors to collect all the literature. The need for a world law library which would equal in coverage the best of our national libraries for each legal system is apparent, but at this time such a library is a dream for the future.

If complete coverage of foreign law cannot be attempted, selective methods of collecting must be used. Some of these methods are presently employed by all law libraries in which foreign law books are collected, and selected methods of collecting may be divided into those which do not withstand criticism and those which do.

There are law libraries which collect legal publications from any country, provided that they are published in the English language; this method of selection is inadvisable for several reasons. It calls for the acquisition, processing, and housing of materials from relatively unimportant jurisdictions, such as remote islands, to the exclusion of important materials which are originally published in other languages. This selective method provides also for the acquisition of English language books on foreign law and translations of foreign books. Granted, all foreign law libraries lay particular stress upon these types of materials because they furnish a quick approach to foreign legal systems or subjects and because they cover in certain instances a subject of foreign law better than it is covered in the domestic literature of a foreign legal system.

But translations are only those of single works whereas research in foreign law requires a multitude of books which furnish the connecting aspects of the foreign law under investigation and an appraisal of the sources of law. One book taken by itself does not tell the reader the meaning of legal terms, whether or not the written word prevails over customs, practice, or precedent, whether a rule of law stands by itself or must be appraised in connection with other legal factors, and whether or not an enactment or precedent is still in force and effect. Translations of foreign law books differ in quality from being excellent—an attribute which applies to only a few—to being palpably defective. In short, investigations in the field of foreign law are likely to be complicated and to require substantial facility in foreign languages. The extent to which the lack of knowledge of a foreign language can be overcome by the use of available translations or by the employment of translators (who convert one language into another) or interpreters (who supply the meaning conveyed by the foreign language) is primarily one of the ingenuity of the investigator.

A similar method of selectivity is that which excludes law books
written in languages other than Western languages or other than the commonly-used Western languages. Because of the widespread adoption of this method, American collections on Soviet, Asiatic, Mohammedan, and Greek law have suffered greatly. Obviously, persons responsible for the growth of collections lower the standards of legal research and damage national goals when they are influenced by language in the acquisition of books.

In some libraries undue emphasis is given to unsolicited book offers or to the fact that some other library already has the same materials. In this manner, for example, American libraries are well stocked with court reports from India; these mean little without the statutory enactments, which are difficult to collect and are rarely offered by the dealers that supply the court reports. An acquisitions program should be balanced and well rounded. The reputation of a publication is at times greater than it deserves. This evaluation applies particularly to certain serial publications which are easy to acquire and which consume a disproportionate part of the budget but will rarely be used. Serial publications of this nature may not even have been indexed in the past, or the indexes may be so antiquated or faulty as to make them useless. While one realizes that bookdealers are rarely equipped to give proper subject guidance, by habit or imitation, they may be likely to offer something of importance. Similarly, the reputation of a publication may furnish an important criterion in book selection. But book offers and reputation are criteria of limited value, except for new publications which cannot be appraised by their intrinsic merit.

Another method of selectivity is that of omission or lack of emphasis upon materials which are difficult to handle. In this manner, one of our outstanding law libraries has decided not to acquire certain French loose-leaf services because they cause a serious manpower problem in filing. But these services are actually indispensable for research in modern French law. Another law library of note does not collect foreign official gazettes although they may form the sole complete source for enactments, decrees, and regulations. There is nothing more difficult to collect than complete files of official gazettes of certain foreign countries, and librarians all over the world are faced with this situation. At the present time, libraries must endeavor to collect these gazettes as extensively as possible and to utilize all available sources which contain enactments and regulations that are not published separately in original prints or complete reprints. At some time in the future, it is to be hoped that the UNESCO agreement on foreign
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government publications may be broadened and ratified by the United States and that United States agreements with foreign countries for the exchange of government publications will be formulated in such a way as to extend their benefits to research libraries outside of the United States government.

Among the other methods of selective acquisition to be encountered is that which emphasizes primary materials to the neglect of textbooks, treatises, and periodicals. While it is true that exacting foreign law research must be based upon primary authorities, access to the primary materials and their evaluation are frequently provided or facilitated by recourse to explanatory and critical works and studies. At times one objection to foreign textbooks and treatises is that many of them lack a proper bibliographical apparatus and frequently recite the author’s views more than (or to the exclusion of) those which prevail in practice. It may be puzzling to an American lawyer to encounter a commentary on the Swiss Penal Code which hardly ever refers to Swiss court decisions, or a French treatise which, without indicating so, reflects the author’s views of what ought to be the law but is not, or a Mexican treatise which quotes from French, German, Italian, and Spanish writers, yet omits any mention of the persuasive or binding rulings of the Mexican Supreme Court. Fortunately, this type of treatise seems to be vanishing; in any event, commentaries and treatises of this sort reveal much about the local legal thinking, spur the researcher on to verifications in the primary sources, and thus are essential elements of a reasonably complete and usable collection on foreign law.

Another objection to many foreign textbooks, treatises, and periodicals is that they may not be thorough and cognizant of the work of fellow writers. This criticism applies more to the quality of legal research in a foreign country than to the desirability of library acquisitions. When in certain foreign countries legal research is not up to standards which may be customary elsewhere, libraries must be even more sure to provide the most complete coverage for such less articulate legal systems. Moreover, when in some countries writers are wont to expect the reader to be learned and to know or to be able to find the writings of others, librarians cannot boycott the literature of such countries, but must provide the plethora of materials in which all these writings are found.

Contrasted with the preceding methods of selectivity is that of defining the areas of collection along broad geographical distinctions.
Aside from books which deal with the law of a multitude of countries, one may collect books that deal with the law of countries which have been outstandingly influential in the development of modern legal systems. In this manner, some law libraries have concentrated upon the law of France, Germany, Italy, and Spain as having provided the most highly developed law in civil law countries. Other libraries have decided to make a special collection of books on the law of neglected legal systems. This method is fraught with difficulties. One cannot, for instance, collect Latin American law (as if there were a definable Latin American legal system) without also having the continental European legal materials upon which the law of Latin American countries is largely based. Similarly, one should not collect Soviet law without collecting continental European law because although the actual resemblance may be obscure, numerous Soviet legal institutions have been adapted from the latter law. Collecting along geographical distinctions has been found useful in areas in which there is a multitude of law libraries. In such areas, libraries have agreed with each other to divide the acquisition of foreign law materials among themselves by geographical areas for which each participating library is responsible; other libraries have taken the same stand without formal agreements. The division of responsibility for collection and upkeep is highly desirable, except in the largest law libraries, and is likely to work well for seldom-used materials, provided that all participating libraries are well intentioned and have similar standards of work performance and proportionate funds. Frequently-used materials must nevertheless be duplicated, and between materials which are rarely used and those which are commonly resorted to, there is a vast range in which duplication depends upon preference and financial means.

It is to be concluded that selectivity is the only practical, though intrinsically undesirable, method of collecting foreign law. What, then, is the best way of selecting areas of acquisition? The largest law libraries in the country should practice as little selectivity as possible, except to avoid meaningless duplication in their collections and to employ basic qualitative standards. All other law libraries will have collections which are less universal and thorough. Customary devices of library cooperation are essential although it must be admitted that interlibrary loans and photoreproductions are time consuming, frequently expensive, and impractical for probing into the realms of the unknown. Libraries should participate in cooperative acquisition projects which are sponsored by dealers and should engage in similar
projects of their own; projects of the latter kind have been pursued in recent years for materials which are difficult to obtain and have found wide acclaim.

Once a law library has established temporary or permanent aims for its collection, the selective process of acquisitions should be tackled with planning and foresight, to create a useful foreign law collection. Although many items will fall into place by themselves, the planning of the collection is required in order to avoid undesirable purchases and regrettable gaps. The planning is different when one expects to provide for only a limited spectrum of use from when one anticipates unlimited use, as dictated by the present and future needs of the library's clientele. In American law schools, the number of faculty members who teach subjects dealing with foreign law or who have research aims in foreign law has steadily increased during the last three decades and is likely to increase more. One must also expect that certain aspects of foreign law will receive varying degrees of emphasis in the American legal education of the future. In the practice of law, libraries are confronted with an emphasis upon foreign law, as a result of the exigencies of modern times and of the gradual abolition of the procedural presumption that foreign law is the same as domestic law, coupled with a more strict observation of the international conflict of laws rules. Attorneys who previously never expected to give advice on foreign law matters or to present them in court must now familiarize themselves with these issues, and it seems to be a common experience that the preparedness of libraries in the foreign law field increases the foreign law activities of the legal profession. The planning of a foreign law collection is, therefore, not only for the present, but also for the future.

Effective foreign law planning requires the utilization of bibliographies, discussions with experts, reading and listening, visits to outstanding libraries, and at times, the permanent or temporary employment of experts. The smaller the foreign law collection, the greater should be the effort at planning. In large libraries, many unplanned purchases will eventually fall into a pattern, but this tendency cannot be expected in smaller institutions. In all libraries, much of the success of the collection depends upon the skill of the foreign law librarian: his ability to appraise the potential usefulness of the materials and their relative importance and to recognize what auxiliary or complementary materials are needed. He must avoid undue duplication in his collection and give preference to certain subjects which may be separ-
able from others. Some subjects of minor importance may be omitted, and acquisitions in subjects which are in constant flux (e.g., labor law and taxation) may be delayed. But planning is not static and requires constant revision in keeping with the growth of the collection and new legal developments. Two examples may illustrate the latter point. When American investments abroad were less significant than they are now, several American libraries gave little emphasis to materials on foreign taxation; in the meantime these libraries had to fill these gaps. At this time, law schools are greatly interested in foreign law aspects concerning American investments, but at some time in the future, these schools may need to give more emphasis to ideas of the international unification of law and to the foreign law factors which must be considered in unification projects.

Acquisition methods for foreign materials vary according to the countries of origin and the type of materials involved. There are importers of law books who supply foreign materials; some of them charge the equivalent of the local price whereas others demand a substantial bonus for ordinary or extraordinary services. There are also foreign agents with almost worldwide purchasing facilities. Western countries with fully developed economies have excellent dealers in new law books, and the majority of them for secondhand books as well. Large foreign law libraries use a multitude of foreign suppliers who usually also furnish information on available books. However, there are countries that have no law book dealers and here purchases are made from anybody who may be interested in selling law books. In such cases, it is not uncommon to buy from librarians, stationery and department stores, or practically anybody, such as dentists, photographers, etc. Like their American counterparts, general book dealers in foreign countries are frequently not equipped to give good service in the field of law. Some items cannot be purchased and must be requested as gifts or may be acquired on the basis of an actual or fictitious exchange. In the latter case, the transaction is called an exchange, but the supplier neither requests nor receives an equivalent. Purchases may involve the crediting of an account of a third party and exchanges may be triangular affairs. Most Communist countries have inadequate official facilities for the foreign sale of secondhand books. Acquisitions from these countries are routed through either governmental export agencies or intermediaries in the United States and elsewhere. They may be acquired, too, through expensive barter deals which are organized by librarians or bookdealers. In many coun-
tries, official publications may be purchased or requested from government agencies and advance payment is sometimes required; in other countries, governmental agencies show an utter lack of interest in the sale of their publications, may refuse to accept subscriptions, fail to answer letters, or insist upon forbidding payment procedures. Some foreign government agencies altogether lack facilities for the handling of orders and shipping. In underdeveloped and Communist countries, subscriptions must be placed well in advance or may be placed only during certain parts of the year, and the stock is likely to be exhausted immediately after publication. Other problems could be enumerated, but it would be impossible to describe in this brief presentation all the pitfalls associated with the acquisition of foreign law books.

Because library users frequently do not know in advance what foreign law books may serve their purposes, the cataloging and classification of such books deserve particular attention. The statement is frequently encountered that catalogs serve primarily internal staff purposes. However, experience with sound cataloging and classifying has shown that library users readily take to catalogs and the classed arrangement of books. This is particularly true of cataloging in the field of foreign law, where a wholesome mixture of generic and idiomatic subject headings should be used and other well known devices employed, such as added entries for the identification of books by common citation, and corner-marking by subject for lengthy files of cards under corporate headings. The failure of law librarians to agree upon a classification scheme which would be uniformly applied in the United States is indeed regrettable; a multitude of classification and modified notation systems are in use, and at least two new law classification schemes are in the process of development. However, Class K-Law, as developed at the Los Angeles County Law Library along the ordinary lines of Library of Congress classification schedules, has been successfully adopted by more than 25 law libraries and provides convenient guidance for the classification of foreign law books. Class K-Law is primarily based upon geographical rather than jurisdictional divisions and has broad outlines which are suited to small and medium-sized libraries as well as facilities for the detailed analysis of foreign law holdings which may be desired in large law libraries.

It would be wrong to assume that a foreign law librarian merely employs well defined methods of librarianship. He cannot perform his task without being familiar with the sources of foreign law, the legal concepts and language employed therein, and the particular
type of legal logic and its evidence in foreign law. He himself must be a scholar, versed in several foreign legal systems. His overall knowledge of law must be broad, and he must be able to test his knowledge and conclusions in legal research of his own. As long as the foreign law interest is in its initial or transitional phase, a foreign law librarian must provide much more guidance to library patrons than a reference librarian does in the field of Anglo-American law. Frequently, he is called upon to analyze a particular foreign law problem in its relationship to other problems in the same legal system and by contrast with domestic concepts and to point to the applicable law or to unsettled issues in the foreign law. In Europe, much of the research work in foreign law and a great deal of foreign law work for lawyers and courts is performed by foreign law institutes. There are no such institutes in the United States as yet, rather only a few specialized foreign law projects, usually attached to law schools and serving limited purposes. As long as there are no foreign law institutes in the United States, a foreign law librarian has a dual role: that of a librarian and that of a researcher.

Under these circumstances, foreign law librarians must be highly qualified people—qualified in law, librarianship, and languages. Until recently, most if not all foreign law librarians have been foreign born, and even now there are no facilities in this country for the study of foreign law librarianship. An institute for foreign law librarians, for those interested in that field and for other law librarians who wished to obtain a certain familiarity with foreign law librarianship was planned for the summer of 1962, at the Los Angeles County Law Library. Prerequisites of attendance were the customary ones for academic instruction, and prospective participants were scheduled to undergo advance studies so that the instruction at the Institute could be highly concentrated. The initial interest in this Institute was surprisingly great, but untoward circumstances made it impossible to hold the Institute.

Until better educational facilities for foreign law librarianship are furnished, law librarians interested in foreign law must rely upon articles and notes published in the Law Library Journal and other periodicals, papers presented at the annual meetings of the American Association of Law Libraries, basic instruction furnished in Institutes held by this Association, lists of new publications in foreign law, and other occasional publications. Beyond that, the process of education is one of self-education.

Two committees of the American Association of Law Libraries deal with foreign law matters. The Foreign Law Committee, which less
than 20 years ago was slated for abolition because of lack of interest in foreign law, has recently been a gathering point and discussion group for matters of foreign law librarianship. The Committee on Foreign Law Indexing was responsible for the creation in 1960 of the Index to Foreign Legal Periodicals, after a Foundation grant had been obtained. Arrangements were made with the Institute of Advanced Legal Studies at the University of London for publication of the Index. The Index to Foreign Legal Periodicals is a sister publication to the Index to Legal Periodicals and shares basic features with the latter. However, some new features have been introduced in order to facilitate the use of the Index to Foreign Legal Periodicals in foreign countries. In several foreign research institutions, the latter Index is a required tool for researchers.

The activities of foreign law librarians are also likely to be international in other respects. In 1959, the International Association of Law Libraries was established in New York. While American membership is still predominant, it is the aim of the Association to provide for the mutual exchange of ideas and experiences among a growing worldwide membership. The Association publishes an informal Bulletin, promotes the exchange of law librarians and pursues other aims directed at the improvement of law librarianship, particularly foreign law librarianship. One of the long-range aims of the Association is the creation of a World Law Library.

In conclusion, American law librarians are likely to expand their knowledge and work in foreign law, and the present foreign law librarians are in line to become the prototypes of a future generation of foreign law librarians. At the present, some foreign law librarians will face tasks of an unlimited nature, and others will be specialists in certain foreign legal systems. Aims for foreign law collections have been greatly increased within a relatively short period but are likely to become much higher in the future. At this time, a foreign law library of 300,000 to 400,000 volumes may appear superb, a library of 75,000 to 150,000 volumes adequate for a well rounded and astutely selected collection, and a library of fewer volumes sufficient for defined and limited ends. As yet, the extent and growth of the legal literature of the world have not been measured or even estimated. Nevertheless, it is safe to say that the foreign law holdings of American law libraries will—and must—greatly increase in the years to come in order to satisfy the needs of legal research and the practice of law.
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References

Service to Readers

JOHN W. HECKEL

Service to readers in law libraries may be divided into two parts: the assistance given in the use of the library resources and the auxiliary services supplied to facilitate the work of the patron. Formerly marked by its absence, reference service is now as much expected in most law libraries as in other types of libraries. Auxiliary services have developed as libraries have assumed a larger responsibility for furnishing dictation rooms, photocopy machines, and other necessities and conveniences for productive work with law books.

Reference service in law libraries may be distinguished from that offered in public libraries, university libraries, or special libraries because of the literature, the clientele, and the type of service required. Public libraries supply general literature to a public with a wide social and economic background. University libraries serve the teaching and research needs of an educated segment of the population. Special libraries are devoted to a distinctive subject literature and a subject oriented clientele. Law libraries resemble special libraries more than they resemble either public or university libraries in that they are comprised of a special subject collection and devoted to a limited clientele. Indeed, they may be considered a particular kind of special library and are sometimes classed in that category. In spite of the differences mentioned, the aim of reference service in all libraries is the same—to assist the patron to find the books that will supply the information he desires.

Legal literature, the material with which the reference librarian in a law library ordinarily deals, falls into several classes. Statutes, court reports, and administrative reports and regulations are the chief sources of primary authority. Augmenting these are textbooks, encyclopedias, citators, digests, periodicals, loose-leaf services, and other secondary sources.

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Briefly described, statutes are the laws enacted by state legislatures and Congress. They are compiled into codes which contain the legislative enactments arranged by subject. Because no general indexes to state laws exist at present, each individual code index must be searched for the laws on a particular subject. Many codes are annotated to include digests of cases which interpret the laws as well as a legislative history which indicates the date of enactment and of revision. Court reports contain the decisions of supreme or appellate courts of particular jurisdictions and are bound by date without regard to subject matter. Their use is greatly facilitated by the use of digests, which consist of summaries of the decisions organized into a subject classification. Citators are publications which list references showing where particular decisions or statutes are cited in other decisions. They are valuable reference sources because they provide a means of tracing the subsequent history of a case, by noting whether it has been followed, criticized, distinguished, or overruled. Administrative reports contain the decisions of governmental agencies. Because of the complexity of economic and social activity, legislatures are unable to cope with numerous problems and delegate the power and authority to issue regulations and make decisions to commissions and boards, which act in the place of the legislature and have an important place in our legal structure. Annotated series of court reports compare and contrast cases or collect all the cases on a particular point of law.

Encyclopedias, such as Corpus Juris or American Jurisprudence, discuss important cases in a text-like treatment of the whole body of the law. Legal periodicals print criticisms and comments by professors, law students, and attorneys on particular reports or statutes as well as articles on certain aspects of the law. Many of these periodicals offer sections devoted to review of legal publications. Treatises, which vary in scope from one to 15 or more volumes and deal with either general or specific legal subjects, also form a substantial part of the collection of most law libraries. Loose-leaf services, one of the more recent developments in legal literature, contain statutes, case reports, and administrative regulations in addition to textual comment. They are well indexed and are in a form that can be kept current by reprinting pages and inserting them to replace earlier out-of-date information. Subjects covered by this form of publication include taxation, labor law, securities regulation, and corporations, among many others. Text books such as Mertens on Federal Income Taxation and Collier on Bankruptcy are now also issued in loose-leaf form. This
urgency for current supplements is a distinguishing characteristic of legal literature.

Beyond the basic collection, a large legal research library will acquire many editions of texts and other peripheral material dealing with the social sciences, biography, jurisprudence, criminology, medical jurisprudence, and international and foreign law. All of these in addition to the primary and secondary authorities comprise the tools of the reference librarian doing legal research.

The type of reference service given by a law library varies with the type of library, the training and experience of the staff, the hours of operation, and the clientele served. Several degrees of reference service are generally offered: directional, informational, and educational. These degrees correspond to the general library concept of conservative, moderate, or liberal service, or as described by one authority, minimum, middling, or maximum. To these must be added the more extensive aspect of legal research which is also part of the reference librarian’s work.

Classed under directional service come such requests as “Where is the Harvard Law Review shelved?” and “Where do I pay my taxes?” The provision of signs giving directions would also be included in this kind of service.

Answers to such factual questions as “What is the statute of limitations on an oral contract in Nevada?” or “What do you have on mutual investment clubs?” are given at the informational level. A source readily known to the librarian but unknown to the patron characterizes this type of service.

Closely related to the informational service is the educational function, which not only serves to answer a question but also educates the patron in the use of indexes, catalogs, loose-leaf services and similar materials which require some skill in use to achieve maximum results. A ready answer without instruction does little to make the patron able to serve himself in the future.

The research aspect of reference service may involve locating obscure or complicated types of material, translations of yearbooks, or texts in foreign languages. It may involve finding a particular case in point from a fact situation; it may mean the compilation of statistics or locating unusual sources of information and assisting the patron when he lacks knowledge of sources known to the librarian.

Fully to understand legal reference work one should be acquainted with the various types of law libraries. They may be divided broadly
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into two categories: those serving educational institutions—law
schools—and those serving practitioners. Although both types offer
some of each kind of the services mentioned, the emphasis differs to
some extent because of the difference in clientele.

A law school library may be attached to a large national institution
such as Harvard, Yale, or Columbia, with extensive research facilities,
or it may be a local school such as the University of New Mexico or
Villanova University where the emphasis is upon local law. The
amount and kind of reference works called for depends upon the
curriculum and the size of the collection. The Association of American
Law Schools and the American Bar Association have set up minimum
standards for the library collection of member or accredited schools.
Other less fortunate schools often have very meager collections.
Because the law library is thought of as the laboratory of the law
school, the educational function of its reference service is important.
It is frequently achieved through the auspices of the law librarian,
who, in many schools, teaches courses on legal bibliography, methods
of research, or legal writing. The main educational purpose, of course,
is to prepare the student for the legal research he will be called upon
to do during the time he is in school as well as after he begins his
practice.

Among the most recent developments in effective teaching of the
use of legal materials is the program of Ohio State University Law
School, in which television is used for tours of the library and to
examine books on the shelves. This facility overcomes the problem of
trying to exhibit books to a large class which is often not satisfactorily
accomplished on the usual library tour.

Besides educating in the class room, individual instruction occurs
when students have problems related to class work, law review writ-
ing, or moot court argument. This aspect of education lies in the
province of the reference librarian. Good library policy aims at assist-
ing the student but never at doing research which deprives him of
learning through experience. The faculty of a law school, particularly
a large national school, also makes demands upon the time of the
reference staff for supportive research, bibliographies, citation check-
ing, and literature searches.

By contrast with law school libraries which are concerned primarily
with education, practitioners’ libraries serve a different function in
the practical day-to-day operations of the law. They may be sub-
divided into public law libraries and private law libraries. The former,
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which are supported by taxes and fees, include the county, court, and government libraries as well as state law libraries. Ohio, California, Florida, and several other states have local public law libraries, usually on a county basis, which are supported by filing fees or the assignment of a portion of court costs. The Law Library of Congress is an example of a practitioners' library nationally supported. Private law libraries include bar libraries such as the library of the Association of the Bar of the City of New York or the Baltimore Bar Library, where both membership in an association and a fee are required for the use of the facilities. Also, firm libraries should be considered in this category. They have a selected collection organized for the use of one group of lawyers and are thus suited to the needs of the practice.

None of the distinctions are exclusive in the type of clientele served. Law school libraries are often used by attorneys and judges in the absence of an adequate public law or bar library. Moreover, practitioners' libraries at times serve students and laymen, particularly in large metropolitan areas where some law schools have inadequate budgets and consequently, small collections.

The emphasis upon service in a practitioners' library is not an emphasis upon education in the use of books, but upon the answer to the question: "What is the law?" Most reference service includes suggestions concerning sources of information for the attorney who is endeavoring to find a case or statute which supports his client's position in a controversy. The reference librarian in a practitioners' library does not attempt to interpret or state the law for the attorney, nor does he undertake to do legal research for him. Individual needs vary, and some attorneys still need instruction in the use of books. It is encouraging to note, however, that many of the younger attorneys who have had the training offered in law schools or have done law review work now come to a practitioners' library with an appreciation of the card catalog and of reference tools, such as the Index to Legal Periodicals and the Monthly Catalog and also with the ability to use them.

The layman who appears in person to ask a question or who writes or telephones about one is a problem in both law school and practitioners' libraries. He may have a legitimate interest in knowing the law for himself, or he may be a litigious person who has some axe to grind and hopes to use the courts to do it. Often he feels that if he pays taxes, he is entitled to free legal advice or information. While he would hesitate to ask a medical library staff to diagnose a rash and fever, he does not hesitate to seek advice from the staff of a law library when
the landlord threatens eviction. Such inquiries must be handled with tact and assistance in finding the desired information without actually interpreting the law. A reference librarian in a law library runs the danger of being accused of unlawful practice of the law or violation of professional ethics. Each librarian must have a concept of what constitutes the division between advice on the law, which is the province of the attorney, and assistance in securing information, which is the duty of the librarian. Librarians who are lawyers must also follow this concept or invoke the disapproval of the practicing attorneys of the community.

The confidential nature of the relationship between the patron and the librarian is an element of service which is distinctive in the law library. While that relationship is sometimes present in a law school library, it is more frequently met when practitioners are the patrons. Often two attorneys representing the opposing sides of an action will present themselves at the reference desk seeking similar information. They must receive equal treatment with care that the nature of one's inquiry is not divulged to the other.

Service by telephone, not unique in law libraries, has developed as cities have grown and as the problems of traffic and parking have increased. Mail requests for service are also frequent. Speed is an element particularly important in many inquiries. On a recess from court or in an emergency an attorney may require some overlooked information or citation. The reference librarian often meets the severest tests of his skill and ingenuity in such situations, since accurate answers must be produced rapidly under pressure.

Accuracy, important in answering all reference questions, is especially important in the law library. Money, time, human lives, and other relationships can depend upon the latest amendment of a statute or a precedent-changing case. A failure on the part of a reference librarian to follow routine steps in checking pocket parts and advance sheets can bring about a serious error which may have a direct bearing upon the outcome of a case.

As in many other libraries, law libraries make an effort to record the search and answer to questions frequently asked. Such a ready reference file facilitates service and saves time in answering questions. Each library has its favorite tools for reference, e.g., clipping files, indexes to local periodicals, and current information on state legislation, as well as its own rules on the methods to be used to expedite research.

Auxiliary or extension services form the second major aspect of
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law library service to readers. In some law schools this type of service may be limited to providing rooms for typing and photocopying materials to assist in classroom preparation, moot court, and law review work. Other schools are able to give students the services which are more traditionally offered only in practitioners' libraries. These include dictating and conference rooms, use of typewriters, stenographic service, and telephone paging service. All of these facilitate and expedite work.

Supplying microfacsimiles falls into this class of services. To reduce the size of bulky, infrequently used series, and to provide rare or unique materials, microcards and microfilms have been developed in recent years. The Federal Register and the New York Law Journal are available on microcards, as are many government documents. Early records of the Supreme Court have been microfilmed, and the briefs are available to all libraries on microfilm or microcard. Machines have been developed to make instant enlarged prints of microfilm. For maximum use, reading machines and special rooms are provided by law libraries.

Loaning books is usually one of the basic activities of a library. However, most law libraries do not circulate their materials, or if they do so, it is on a very limited basis. The whole collection is viewed as a reference unit, not to be divided by borrowing. In law school libraries, an exception is made for faculty members or graduate students when their research makes borrowing a necessity. Except for treatises not on reserve for particular courses, loans to students are made on an overnight basis or during the time that the library is closed. In practitioners' libraries, loans are made for a few hours when original authority must be presented in evidence to the court. An exception to the rule of no circulation has developed in recent years; some law libraries, wanting to be as liberal as possible, will loan duplicate copies and certain types of material which has infrequent use. The latter is generally loaned with a proviso that the book will be returned immediately if needed. This aspect of service facilitates the work of the profession and is usually appreciated. Some state and county law libraries serve the profession by mailing books throughout the state. For example, at Los Angeles County Law Library, books are loaned through the facilities of the United Parcel System. At the cost of 30 cents for the first volume and ten cents for each additional volume, books called for before 1:30 p.m. one day are delivered some time the next day. Pick up for return can be
arranged in the same manner. In addition, the large city commercial messenger services also pick up books for return to the library.

In recent years the auxiliary services have been expanded by aids such as periodical lists and bibliographies. The University of Washington School of Law Library issues a weekly *Current Index to Legal Periodicals* to supplement the monthly issues of the *Index to Legal Periodicals*. The Harvard University Law Library's *Annual Legal Bibliography*, cumulated from the monthly *Current Legal Bibliography*, is a selective compilation of titles of books and periodicals, international in scope and topically organized. Yale Law Library compiles a *Selected Index to Periodical Articles* and a *List of Accessions*. These and a number of others are useful to other libraries as well as to patrons.

Bulletins are a feature of service in some libraries. Santa Clara College of Law circulates a faculty bulletin. Law firms, among them O'Melveny and Myers in Los Angeles and Winthrop, Stimson, Putnam, and Roberts in New York City, compile bulletins which list acquisitions, periodical articles, firm memoranda filed during the week, reports on the status of legislation, and other items of interest to members of the firm. Book notes and book reviews from the librarian often appear regularly in bar journals and law reviews, such as *Journal of the Kansas Bar Association*, *Alabama Law Review*, and *Utah Law Review*. More nearly unique is the *Reading Guide* of the University of Virginia. It is published six times a year by the Publications Society for the Law Library. Its contents comprise reviews of books on economic, social, and political questions of interest to both law students and practitioners. Bibliographies also are a valuable form of service to readers. For new and developing fields of law, such as products liability, condominium, and international trade, they are important sources of information. The library of the Association of the Bar of the City of New York regularly issues a bibliography of current interest in *The Record of the Association of the Bar of the City of New York*. The California State Library and the Los Angeles County Law Library issue mimeographed bibliographies, some with annotations.

No doubt service to readers in law libraries will undergo even more changes in the next few years. In 1765, the whole of common law could be encompassed by Blackstone in the four volumes of his *Commentaries on the Laws of England*. Today, countless volumes are the repositories of the law. In the near future it is predicted that information retrieval, through the use of computers and other mech-
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anical means, will make a point of law accessible in microseconds or milliseconds. Until that time comes, the human thinking machine, the brain, and its use by well trained, imaginative librarians is the best key for access to legal literature.

References


ADDITIONAL REFERENCE

American Bar Foundation. Current State Legislation Index. Indianapolis, Bobbs-Merrill Co., Inc., 1962-. This new project, only national service of its type, will provide a running index, electronically produced, of all major legislation passed by all state legislatures. Two-year subscriptions, to be billed annually at $96 per year, can be obtained from the printer and distributor, Bobbs-Merrill Co., Inc., 4300 West 62nd Street, Indianapolis, 6, Indiana.
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

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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. 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*.

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. 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
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.”

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. 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. 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, 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." 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. 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. Again the results were not encouraging.
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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. 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. 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. 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. 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. Another list was brought out in 1956 by McLaury as List of Subject Headings for Small to Medium-Sized Law Libraries (Mainly Anglo-American). The Library of Congress Subject Headings list is the one most frequently used today because of its scope and currency. 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
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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

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Classification of Legal Materials

EARL C. BORGESON

From all appearances it is safe to say that the last decade has seen more progress in matters of classification of legal materials than has any previous period. The obvious question to ask is, Why was there so little progress in the past? We can only speculate about the past because there is no clear record of the various factors involved. The fact that we have to resort to speculation may itself suggest an answer. Communications between those concerned with development of a law classification—general librarians, law librarians, and members of the legal profession—were ineffective. Today, however, while there is no single schedule which is generally accepted, there is evidence of an effective exchange of thoughts and experiences that promises to result in agreement in matters of classification of legal materials.

Recent trends in law classification might be approached from several points of view. One might review the theoretical or jurisprudential attempts of the legal scholar to organize the discipline of law. People with greater qualifications than the present author have dealt with this, but without arriving at conclusions which secure general agreement. One might analyze and compare the details of schedules presently available. Such a discussion would necessarily be technical and complex and is more properly within the scope of professional meetings. The point of view reflected in these remarks is that of evaluating the progress made in the resolution of problems of law classification.

Surrounding law librarianship there is a wealth of experience gained from a multitude of proposed classification schemes for concepts of law. There has been a wealth of intellectual talent at work within the legal profession itself, planning, testing and debating the ordering of legal concepts. The inherent difficulties have long been recognized by legal scholars:

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As the conceptions of law change, the derived ideas of legal duty and right, as well as to some extent most of the elementary notions with which the law deals . . . undergo parallel transformations. . . . Moreover, all these changes are in the course of a process of gradual development. There is no chasm between our own law and the rule and undifferentiated usages of a horde of savages. The one shades off into the other through innumerable small gradations; nor has the process of development gone on at all times and places in the same order.

It is apparent, therefore, that any one who seeks a definition of law will have to frame it according to the purpose for which he wants to use it . . . . Nor can any definition be made that shall cover exactly the ground intended without some arbitrariness in the use of the words employed, since the subject-matter itself does not present clear lines of demarcation.¹

The law librarian can be likened to the pedestrian at a railroad crossing, who is admonished by the signs to stop, look, and listen. Stop, he did; look, he did; listen, he did. From one direction he saw legal research staffs wrestle with the problem of scheduling the law for the purposes of a particular project; he saw legal publications, from the single monograph to the complex digest systems, elaborate on classification problems. From that same direction he heard the scholars talk about the classification of law, not for library purposes, but for teaching purposes, research purposes, or the needs of the practicing lawyer. He was to be directed by such statements as the following:

In making an arrangement of the whole body of the law the first and most important principle to be borne in mind is that the end in view is a purely practical one. It is not symmetry, elegantia or logical order for its own sake, or for the sake of the intellectual or aesthetic gratification to be derived from the contemplation of a code having such qualities, that would make it wise to enter upon the vast labor of codification and submit to the great, though temporary, inconvenience and increase of costly litigation that would result from the dislocation of established associations, the introduction of new technical terms, the failure to always express the intended meaning in unambiguous language, and the inevitable blunders, omissions and misconceptions which, even though the work of codification were entrusted to the best men obtainable, must attend the work of recasting into a better form the immense mass of shapeless and crude material found in our law. What is wanted is . . . . to so arrange the

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whole as to make it as easy as possible for persons who have occasion to do so to find out what the law is upon any given point. . . . Whatever arrangement best promotes these ends is the best, whether it is 'philosophical' or not. To prefer any other to it on any grounds of a priori theory is to play the doctrinaire or pedantic.

From the other direction the law librarian saw classification at work in his town library, in his school and college library, in his state and national libraries; he saw national and international conferences at work on schedules intended to resolve conflicts and to provide universality in this area of bibliographic controls. From this direction he heard talk of classification, but little, if any, mention of his problems with the law. The law librarian reacted as one would expect—he stopped, looked, listened. He also wailed a bit and waited to build up the courage necessary to take action. It took a long while for the law librarian to mature, to reach a level of sophistication that provided the necessary courage to devise a workable classification scheme for his library.

On November 10-11, 1961, a Conference on Classification in Law was held at the University of Chicago, under the auspices of the Chicago Chapter of the American Association of Law Libraries. Here gathered an array of speakers who explained and advocated the recognition of the merits of their particular schemes. The current status of classification of law was reviewed; philosophies and schedules were surveyed. Discussion of the “K” schedule of the University of Chicago Law Library, the Los Angeles County Law Library “K,” the New York University scheme, and a report upon the schedule being developed at the Harvard Law School Library was followed by the announcement that the Library of Congress is proceeding to complete its version of “K” for American legal materials. However, the fact that such a conference took place, that it was so well and enthusiastically attended, and that it produced the probing exchange of viewpoints so vital to progress, is of even greater significance. This meeting clearly demonstrated the growing maturity of law librarianship and predicted the achievement of its desired goal in matters of the classification of legal materials.

Of course, there are obstacles to be overcome. Some law librarians still seem unwilling to distinguish between the philosophical classification of legal concepts and the practical classification of legal material. There is little possibility, based upon past experience, that the legal profession will clarify this problem for its librarians. Therefore, rather
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than become enwined in a complex matter that they are unable to resolve for lack of qualification, law librarians must seek to organize and control the order of law books on shelves rather than attempt to establish an order for legal concepts.

This they can accomplish readily, for, as a practical matter, large parts of all law libraries are already classified. The basis is not necessarily subject but is, rather, jurisdiction and form, with the alphabet providing the subcategory pattern. Since, as is frequently quoted, upward of 70 per cent of a law library’s collection is serial in nature and reflects the law of a particular jurisdiction, these bases are certainly adequate for a systematic arrangement. They are, in fact, self-classifying materials. What remains, then, is the problem area. Monographs, textbooks, or treatises are less than 30 per cent of any law library collection; there may well be no need to call classification a problem for such a relatively small number of books. Be that as it may, it has been the heart of the classification problem for decades. Once it has been decided that these materials call for classification, the next inquiry should be, Shall the classification be according to a detailed, close, theoretical schedule or a simple, broad, practical schedule?

Once again the nature of the materials and the needs of the library users dictate the reasonable course to follow. As noted above, the characteristics of legal materials—jurisdiction, form, and date—if allowed to control a law collection, do so even without a notation device. A lawyer would not, or should not, be lost in a strange law library if he is intent upon utilizing its primary source materials—the laws and judicial decisions. However, when he is interested in locating treatises on a specific subject, he may become confused. More often than not he is confronted with an alphabetical arrangement according to author. The relationship of Smith, C., to Smith, L., to Smith, W., is useless to him. The relationship of three books, respectively, on the Uniform Commercial Code, negotiable instruments, and warehouse receipts is much more meaningful. As long as related materials are brought into proximity with each other, the assignment of close numbers to books is of little consequence. By guiding the user to the proper section of subject-related treatises, classification has accomplished its purpose.

Another feature to be sought in any scheme to be developed is flexibility and adaptability. On the one hand, the schedule ought to be applicable to the legal materials of all jurisdictions. On the other hand, it ought to be able to accomplish national uniformity while it
remains flexible enough to allow local deviations. It should be possible for a library arranging its books by subject-form-jurisdiction to utilize the same notation designators as the library utilizing a jurisdiction-form-subject arrangement in different sequence.

The determination of costs of application of a scheme to a collection is a local question. However, the relationship of classification to the potentials of bibliographic service need further exploration.

Is law librarianship attaining a professional maturity of the horse-and-buggy vintage in the space age? The self-classifying literature of the law has been magnificently ordered for centuries; it has developed access devices so effective and so tremendous that the indexes themselves now need multiple-volume indexes. Other disciplines are turning to machines for the type of access the lawyer can no longer afford to maintain as books on his shelves. Is the law librarian not well advised to touch base on matters of classification of treatises forthwith, to acknowledge that he has been stumbling while the rest of the library world has organized its books, to label two or three schemes as generally acceptable and workable if anyone wants to and can afford to adopt them, and to proceed to develop a greater knowledge and skill in the manipulation of existing devices for finding the law? He can then assume a much-needed leadership in experimentation in matters of machine information storage and retrieval. The skills recently acquired in matters of classification will not be wasted; they may be happily wed to existing skills in legal research for the ultimate realization of effective programs of a new dimension in library service for the legal profession. Roscoe Pound summarizes the matter thus: "Classification is not an end. Legal precepts are classified in order to make the materials of the legal system effective for the ends of the law. A classification is scientific, not because it has an appearance of universality, but to the extent that it organizes in a logically coherent scheme of exposition, the best that we know and think about those materials."

References

2. Ibid., p. 607.
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ADDITIONAL REFERENCES


Application of Mechanical and Electronic Devices to Legal Literature

ROY M. MERSKY

While the development of electronic computers has resulted in closer collaboration between lawyers and scientists during the past ten years, it is interesting to note that this concept is not alien to the area of law, but one that has been sought after for many years prior to this current venture. Judge John R. Brown, in an article in the *Yale Law Journal*, quite aptly quoted Cardozo's opening lines from *The Paradoxes of Legal Science*:

'They do things better with logarithms.' The wail escapes me now and again when after putting forth the best that is in me, I look upon the finished product, and cannot say that it is good. In these moments of disquietude, I figure to myself the peace of mind that must come, let us say, to the designer of a mighty bridge. The finished product of his work is there before his eyes with all the beauty and simplicity and inevitableness of truth. He is not harrowed by misgivings whether the towers and piers and cables will stand the stress and strain. His business is to know. If his bridge were to fall, he would go down with it in disgrace and ruin. Yet withal, he has never a fear. No mere experiment has he wrought, but a highway to carry men and women from shore to shore, to carry them secure and unafraid, though the floods rage and boil below.

So I cry out at times in rebellion, 'why cannot I do as much, or at least something measurably as much, to bridge with my rules of law the torrents of life? . . . Code and commentary . . . treatise and law-report, reveal the processes of trial and error by which they struggled to attain the truth, . . . All these memorials are mine; yet unwritten is my table of logarithms, the index of the power to which a precedent must be raised to produce the formula of justice. My bridges are experiments. I cannot span the tiniest stream in a region unexplored by judges or lawgivers before me, and go to rest in the secure belief that the span is wisely laid.'

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Application of Mechanical and Electronic Devices

Within the last several years some of the leading members of the legal profession have suddenly become aware of the existence of the computer and the possibility of automating some of the various aspects of legal research. There has been increasing interest among members of the legal profession in technology and tools used in the operation of legal research. The American Bar Association, at its last three annual meetings, has had exhibits demonstrating the use of computers and has established a special committee to investigate the application of electronic legal research, which has resulted in a serial publication entitled MULL (Modern Uses of Logic in Law).

The American Law Institute, in conjunction with the American Bar Association and the joint Committee on Continuing Legal Education, has had three annual conferences on Legal and Practical Problems Involved in the Use of Electronic Data Processing in Business, Industry, and Law. The University of California, Los Angeles, Law School, in conjunction with the Systems Development Corporation, has sponsored two national interdisciplinary conferences on law and electronics. For several years now the American Association of Law Librarians has had a Committee on the Application of Mechanical and Scientific Devices to the Law. Both the New York State Bar Association and the New Jersey State Bar Association have committees on electronic data processing and the law, and many more state and local bar associations are creating such committees. There has also been an increasing amount of writing on this subject in the various legal periodicals.

A considerable number of lawyers, judges, and law professors are becoming confident that electronic brains will eventually relieve lawyers of the tremendous amount of tedious and painstaking research on statutes and precedents. They are confident that these machines will be able to perform routine research more accurately and in a fraction of the time that the lawyers can perform it themselves.

Electronic legal retrieval is increasing in importance because the greatest problem facing lawyers today is that of finding the law. The economics of practicing law can no longer allow lawyers the luxury of the time-consuming tasks of finding books, statutes, periodical articles, opinions of cases, and other legal materials which contain information that will be useful to them. The library of legal literature has been increasing at a most formidable rate, until there are close to 3,000,000 reported opinions in the United States today, and this number will be increased at the rate of 3,000 a year. There are more than 900 volumes of existing statutes, and new statutes will be enacted at a rate approaching 35,000 per legislative biennium.
In addition to this tremendous bulk of case law and statutes, there has been a steady increase of social science literature related to law. The increasing complexity of society has created whole new bodies of law in such fields as taxation and administrative regulations. The subjects of conflicts of law and patent law have taken on an even more significant role with the advent of the space age. These developments have confronted the lawyer with a research task of alarming proportions in the daily practice of advising clients and litigating cases. The volume and diversity of legal source material have reached such immense proportions that lawyers cannot hope to be sure that they have cited all the pertinent legal materials. They can only hope that their efforts have been more exhaustive than those of their opponents. As our country grows and the complexity of government bodies increases, it becomes more difficult for a lawyer to render adequate service to his clients. It becomes quite obvious that if the lawyer is to continue to render the high standard of professional performance necessary to advise his clients, there is a need for automatic devices to handle this great corpus of legal literature. Abraham Lincoln is credited with having said, "A lawyer's time is his stock in trade." The more time the lawyer can spend using his experience and judgment and the less spent in searching, the more effective he becomes. Ready access to source materials is essential to informed legal practices. It is to this problem that various groups throughout the country are directing their efforts to help eliminate the laborious process of finding the law and to enable the lawyer to devote more of his time to the analysis, judgment, and interpretation for which he has been trained. Recent developments in electronic legal retrieval demonstrate what the future can hold for the profession.

One of the most successful projects in this area has been conducted at the University of Pittsburgh’s Health Law Center. John F. Horty, director of the program, has concerned himself with the electronic indexing, storage, and retrieval of statutory law, administrative regulations, and attorney general’s opinions. The complete text of all statutory law of the state of Pennsylvania and about 20 per cent of the statutes of Arizona, California, Florida, Illinois, Maryland, New York, North Dakota, Ohio, South Carolina, Washington, and of the United States are stored on magnetic tape. These statutes were “memorized” by recording them verbatim on a magnetic tape computer, and this “memory” used to look up statutes pertinent to given questions. Also available for searching are the Constitution, Court Rules, and Rules
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of Evidence of the state of New Jersey, as well as those opinions of the Attorney General of Pennsylvania which are pertinent to education. New Jersey statutes are in the process of preparation at the present time.

The late Robert T. Morgan, Professor of Business Law at Oklahoma University, had all the federal gift and tax regulations, plus a body of related court decisions, recorded on magnetic tape and fed into a computer. The computer was then given key phrases pinpointing the issues in a specific case involving the highly technical question of whether the administrators of a trust fund for minor children were entitled to annual gift tax exclusions. The computer proceeded to “read out” the pertinent regulations and precedents, which made clear that the answer to the question was in the negative. The computer took just two minutes to dig up this relevant material. It would have taken a lawyer at least one to two days to do a similar job.

In Texas, the Southwestern Legal Institute, under Professor Robert Wilson, has a program for the electronic indexing, storage, and retrieval of case law in the field of arbitration. Cases in the field of arbitration law for five states are stored verbatim on magnetic tape and assigned document numbers by the IBM 1401. Each significant word in the text of any case will also be assigned a number called the “route index number.” These numbers are electronically collated with the document numbers to permit retrieval of the stored case as well as any other case relevant to a particular search. Search requests consist of one or more key words which characterize the significant aspect of the searcher’s problem. The machine produces citations to those document numbers in which all the desired search terms occur. If desired, the full text of the case can then be printed out at a high speed.

Reed C. Lawlor, a patent attorney in Los Angeles, has developed a mathematical theory of stare decisis (using Boolean algebra) in formulating a program concerned with the electronic prediction of the United States Supreme Court decisions. The theory and the program have been tested ex post facto on the IBM 7090 data processing system, utilizing the “right to counsel” cases of the United States Supreme Court.

Also in Los Angeles, a committee of seven judges under the chairmanship of Judge Richard F. D. Hayden and in association with Professor Edgar A. Jones of the UCLA Law School, and a computer expert, Eldridge Adams of Systems Development Corporation (a nonprofit research company), are studying the legal interpretations of
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the 120-judge Los Angeles Superior Court; the interpretations are to be put into "language" a computer can handle. This committee is called the Special Committee on Automation of the Los Angeles Superior Court.

The Graduate School of Public Law at George Washington University, Washington, D.C., in collaboration with Datatrol Corporation of Silverspring, Maryland, has developed a pilot project for the electronic indexing, storage and retrieval of public law. This test project uses an IBM 1401 to determine the feasibility of using computers as legal research systems in the field of federal public law. Simulating manual searching techniques, the indexing system includes courts of law, ideas, fact patterns, statutes, commodities jurisdictions, judges' names, etc. The search technique, which makes use of association factors and relevancy numbers, offers the flexibility of searching by analogy; that is, an automatic extension of the inquiry includes not only the terms specified, but also other related search terms even though not specified. The product of the search is a full citation plus from 15 to 75 descriptive terms and a summary index. The effect of this technique is the production of a "machine thesaurus."

Carl Paffendorf, a Long Island attorney and president of Computer Planning and Assistance Corporation (COPAC), has devised a program utilizing the IBM 1401 to process the client's estate through a detailed hypothetical probate. This is devised so that the lawyer, working with an estate-planning problem, can delegate the very complicated figuring to a high-speed machine and make it possible to consider a larger number of variations of plans than the lawyer could possibly do by using the customary procedure.

The American Bar Foundation has a project concerned with legal research methods and materials, the basic objective of which is the advancement of law and legal scholarship through improvement of methodology in the development of tools for legal research. This project has developed a system using electronic computers with the IBM Keyword-in-Context (KWIC) system to index current legislative bills in the 50 states by prepared titles. Beginning with the legislative sessions of 1963, the Bar Foundation will offer a computer-produced index service to subscribers. This electronic technique makes it possible to create an up-to-the-minute index every two weeks.

The Foundation has also published an index to legal theses and research projects. It is the first publication in which the methods of electronic data processing have been used to sort and index volumi-
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ous amounts of legal materials. The process has effected significant time-saving both in the compilation of the index and in the time it will take a reader to find information. The index also uses the KWIC system. Under this system a computer alphabetically lists every significant word in the title of each research project mentioned in the book. This has the advantage of particularizing the area of research. The reader need not look under "criminal law" to find research projects concerning arrests; he may go directly to the word "arrest."

At the Center for Documentation and Communication Research at Western Reserve University a pilot project was conducted recently by Professor Bensing of the School of Law and Jessica Melton of the Center to determine the feasibility of searching statutes using a form of key words. The work was done with the Sales Section of the Uniform Commercial Code. To minimize the production of irrelevant information, or "false drops," the device of "role indicators" was adopted to preserve some of the syntax of the original text.18

In addition to the various studies relating to the electronic applications to the research of law, there have been several projects concerned with semiautomatic methods. One of these is Project Lawsearch, under William H. B. Thomas of Washington, D.C. Project Lawsearch has been engaged in the development of a simple, manual, mechanical search system for the law. Three law publishers, the Michie Company, of Charlottesville, Virginia; The Bureau of National Affairs, Inc., Washington, D.C.; and Matthew Bender and Company, Inc., New York City, have concerned themselves with indexing the decisions of motor carriers and claims for personal injury. The Jonkers Business Machine, Inc., Gaithsburg, Maryland, under the auspices of a contract with the Council on Library Resources has handled the equipment development. The American Association of Law Libraries has been acting as consultant to this project. The system is specifically designed for law office or law library use by the individual searcher. It is primarily a card index, the distinguishing feature being the capability of combining several cards at one time to pinpoint the details of the search question ("Peek-a-Boo" system).

Basically the Lawsearch system consists of four elements. The first is a list of index terms resembling rather closely the familiar descriptive word index. It contains terms of fact and of law, with appropriate cross references and other aids to the user. The second is a series of cards capable of being drilled or punched with holes in specific, numbered positions throughout the body of the card. The cards have a
vertical scale along one margin and a horizontal scale on the adjacent margin, each containing one hundred numbers from 00 to 99 and providing thereby the coordinates of 10,000 specific, numbered hole positions. Each card represents an individual index term from the list of index terms; each hole in a card stands for a document indexed, which might be a judicial decision, for example, in which the index term represented by the card is found. Thus, each card can refer to 10,000 documents indexed by the same term. The third element is a read-out or scanning device containing a light source behind a translucent plate, against which the cards may be placed singly or in combination. This illuminates the position of holes coincident with or common to all the cards. Identification of the number of any given hole, and hence of a document, is accomplished by reading the coordinates of the hole’s position from the numbered scales on the edges of the card, as one would read “x-y” coordinates on a graph. Lastly, there is a table of cases or other materials indexed and arranged serially in the order of their document numbers. Reference to this table by document numbers obtained from the cards provides the name and citation of materials found in the search. By way of illustration, if it were desired to locate all cases in California involving an intersection collision when the highway is icy, one would refer to the list of terms, select the terms “California,” “intersection,” “collision,” and “highways-icy,” remove these term cards from the file, and superimpose them on the read-out device. The coordinates of any holes through which light appeared would determine the number of the particular holes and hence the pertinent cases.

Another coordinate indexing system is the IBM Port-a-Punch Card which is designed to provide lawyers with a simple, inexpensive system of recording notes, reminders, research memos, and briefs which have future value. Prescored Port-a-Punch index cards usually provide for 480 positions in which a set of references numbered from 1 to 480 may be recorded. If the desired number exceeds the capacity of 480, additional sets of cards may be used. Documents may be indexed by the use of key words or subject headings. A card is made for each key word or subject heading, and the document numbers which contain these words or headings are recorded by using a pencil to make a hole at the corresponding position. The documents themselves may be filed separately in serial number sequence or entries made in a separate notebook. Items are retrieved by selecting and superimposing cards with desired key words or subject headings and then noting which
holes in the cards match up. The numbers of these holes are document numbers which may contain the information sought.

Another application of modern techniques to legal research has been the use of microfilm techniques. Research and Documentation Company of Long Island, New York, has developed a collection of legal materials utilizing microphotography to collect, organize, and utilize research and documentary information in the handling of a client's problems in a law practice. The material documented will be law review articles, abstracts of monographs, prospectuses, proxy statements, and similar documents not readily available but valuable as research or precedents in orienting the lawyer and his client in the practical problems involved and how others have solved them. The fields to be covered are those of intellectual property; SEC Prospectuses; mergers, acquisitions, and sale of businesses refinancing, recapitalizations, and other corporate changes; pension, profit sharing, stock option, stock purchase, deferred compensation, insurance, health protection, and other employee benefit plans.

The application of electronic techniques to law provides an opportunity for the reform of law. Professor Bayless Manning of the Yale University Law School recently stated that "There can be no doubt that law will change." He stated further that "Our system of law has become unknowingly obsolete and . . . there is an intellectual crisis in the legal profession. The legal system is applicable to the Greek City State or rural England, not the organized America of today and tomorrow. We live with an elaborate apparatus of the case system that died twenty-five years ago."6

If our legal system is to progress, then members of the profession should strongly urge the establishment of a law research institute to make appropriate studies, determine where the computer can and should be used, and outline necessary controls to prevent political control of the system and to educate the lawyers and judges of the nation to its use. The possibility of such an institution is realized in the creation of the Walter E. Meyer Institute of Law at Yale University. The purpose of this Institute is "through investigation, research and study and through the publication of the results . . . to throw light on matters which will be of aid in securing to humanity a greater degree of justice whether through the law as administered by the courts, through legislation, through government, local, national or international, or through a better understanding only of human relations." The possibility of Meyer Institute's entering into this area of
legal research has been proposed in a recent publication by Layman Allen, Robin Brooks, and Patricia A. James.1

To conclude, a statement made recently by Martin Kalikow, Consultant to General Electric Company, seems apropos:

The time for making the requisite analysis and for planning the main outlines of large searching centers has also arrived. Most professions, whether technical, legal or medical, have now been alerted to the acute problems inherent in the engulfing volume of published material, and the imagination of the public as to the potentials of mechanized information data processing is being captured. Money in fairly large quantities is being proffered by both public and private sources and will be forthcoming in even larger quantities as programs are tendered having promise of long-range success.2

The future is indeed encouraging.

References


2. The proceedings for the 1960 meeting were published by the Bureau of National Affairs, Inc., Washington 7, D.C., as a separate pamphlet entitled Applications of Electronic Data Processing Systems to Legal Research. The proceedings of the 1961 meeting were published in the March 1962 issue of MULL, pp. 44-46. The proceedings for the 1962 meeting have not yet been made available.

3. MULL is the newsletter of the American Bar Association Special Committee on Electronic Data Retrieval and is published quarterly in March, June, September, and December in collaboration with the Yale Law School. Copyright 1962 by the American Bar Association. Publication and Subscription Office is MULL, American Bar Center, 1155 East 60th St., Chicago 37, Illinois. Subscription rates are $4 for one year.

4. These conferences have resulted in the publication of three separate volumes of proceedings, which can be obtained from the American Law Institute, 133 South 36th St., Philadelphia, Pennsylvania.

5. The proceedings of these conferences, which were held October 21-23, 1960, and May 28-28, 1962, at Lake Arrowhead, California, will be published by Matthew Bender and Company, Albany, New York.


Application of Mechanical and Electronic Devices

Education for Law Librarianship

MORRIS L. COHEN

EDUCATION FOR LAW LIBRARIANSHIP has been deeply influenced by the often conflicting interests and demands of law and librarianship. The reconciliation of subject specialization in law with general training for library work has at once been the source of perplexing problems and imposing accomplishments. No other field of specialized librarianship has achieved as high an educational level and none has struggled as hard to define and establish educational requirements.

During the last fifty years, law librarians, acting independently and through the American Association of Law Libraries, have developed a varied and lively educational apparatus. Its formal offerings include special library school courses, participation in law school courses, local association institutes and workshops, national summer institutes, and annual convention programs. Publications include regular educational features in the Law Library Journal (itself a substantial professional quarterly, now in its 55th year of publication), a successful series of AALL publications, five of which have been issued to date, and many scholarly, bibliographic guides and manuals. Despite these achievements, there is a growing realization today that not enough law librarians are being adequately educated.

For the higher positions in law librarianship, the ideal education is clear. Law librarians are by and large agreed that an optimum educational background for the important administrative positions in law school libraries and in all other large research law libraries consists of a broadly based liberal education, evidenced by a bachelor's degree; a full law school program, leading to an LL.B. or J.D. degree; and a master's degree in library science.\(^1\) The nature of a desirable undergraduate education has never been the subject of controversy. Those college courses which are considered desirable for law and library training

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could be recommended—English, social sciences, constitutional history, and in view of the growing importance of foreign and international law collections, foreign languages. Although in the past many law librarians have doubted the value of graduate library education, today most accept it as at least part of a desirable preparation for law library work. Law librarians have come to realize that many of their problems of administration are basically the same as those of other librarians. Budgeting, circulation, and technical services raise problems of general import. Reference, cataloging, and even acquisitions, however, seem to be distinctive areas which require special emphases, although most law librarians would agree now on the desirability of at least preliminary general library training in these areas. Special courses in the law library aspects of these subjects would be of interest on the advanced level and have been instituted at the University of Washington and contemplated at other library schools.

It was in the area of legal bibliography, which required intensive subject specialization, that law librarianship established itself as a truly dual profession. The complexity of legal literature and its bibliographic equipment and the centrality of the law library in the legal profession created an early demand for the lawyer-librarian. Legal publishing underwent the explosion of print earlier than any other subject field. It created highly successful indexes, digest systems, and citators for information retrieval long before modern documentation was born. In the administration of this huge literature, the law librarian par excellence became a lawyer. He shared the jargon, the education, the community of interest and understanding of his patrons. The law librarian more and more became the legal profession's authoritative voice in problems of research and bibliography. Magnificent bibliographic manuals were written, which educated not only law librarians but law students and lawyers as well, and established new standards of research and bibliography throughout the legal system. These developments increased the demand for specialists to administer the law libraries, and educational requirements were broadened.

For these reasons, many law librarians have undertaken full academic programs in both law and library service, achieving three degrees (B.A., LL.B., and M.L.S.). Most, however, complete the last leg of the program on a part-time basis, while working in a law library. Liberal matriculation requirements in many library schools have encouraged this practice. For obvious reasons, head librarians of law school libraries have generally been the best educated group among

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law librarians and, either as cause or effect, many have achieved faculty status and title. In the law school library more than in any other library, the justification for the librarian fully trained in law is clear. That preparation, with the insights and the status it affords, permits the librarian to perform direct and significant teaching functions in legal research. Although this three-degree standard is still far from universal, its acceptance as a desirable prerequisite for the important positions in law school and other large libraries is almost unanimous and its attainment in such libraries is likely within the next ten years.

In recent years, however, concern with law library education has shifted away from emphasis upon training for the highest positions in the profession. More attention is now being given to the educational needs of the largest group of law librarians, those in medium-sized and smaller libraries and in the lower staff positions. Among these groups many positions are still held by nonprofessionals, and many vacancies are being filled by professionals without any introduction to the special problems of law librarianship. There is some disagreement on the matter of proper training for these positions, which constitute the numerical bulk of the profession. A few still argue for law training alone; many others hold that graduate library school education is a sufficient base; but most seek some combination of law and library training, short of the four years of postgraduate courses required by a full law school and library school program. This more pragmatic approach to the educational problem resulted in part from a more realistic appraisal of library needs, and in part from the anomaly of requiring, in a highly competitive market, the same training for top administrators of large collections receiving salaries up to $15,000, as for catalogers or acquisitions and reference librarians with considerably narrower responsibility and receiving half as much compensation.

Various educational formulae have been put forward to achieve the proper balance of law and library science. The columns of the Law Library Journal contain many discussions and arguments on one or another “definitive” solution. Law library courses offered at the University of Washington, Columbia University, and the University of North Carolina (each of which is discussed below) represent three different approaches to this problem. These and others are described at considerably greater length in a recent symposium in the Law Library Journal, devoted to education for law librarianship.5 One of
the most controversial attempts to resolve this dichotomy was proposed by Dean Lester E. Asheim of the University of Chicago Graduate Library School at a workshop of the Chicago Association of Law Libraries in 1953. Dean Asheim hopefully suggested a combined program, wherein the first year would be spent in library school, the second in law school, and the third year in both schools taking courses on an elective basis. His proposal was roundly criticized by several leaders of the law library profession at that same meeting and died aborning. Today, such a program seems more appropriate for law library needs than it apparently did ten years ago. Assuming that the top administrators of the larger libraries will continue to seek complete law and library training, what of the others who do not need or want the more demanding legal education? It now appears that compromises such as Dean Asheim's might afford desirable training for the many librarians needed in smaller law libraries and in the essential staff positions of the larger libraries. Whatever its solution (or solutions), this is a basic problem of law library education.

In order for one better to understand the present situation, it is desirable to review the educational pattern which has developed in law librarianship. Formal education in law librarianship probably began at the New York State Library School in Albany in 1910-11. Lectures on “the arrangement and use of law libraries” and “law books for a popular library” had been given at the school as early as 1906, but a regular program in law librarianship was instituted at the later date under Frederick D. Colson, who was then New York State Law Librarian. The lectures varied in number and content from year to year and were continued by Mr. Colson and his successors until 1926, when the school left Albany and returned to its original home at Columbia University. The Albany program involved practice work in the State Law Library and the Legislative Reference Section of the State Library. Between 1923 and 1925, it was “limited to students who have studied law and who are familiar with legal terms,” indicating that subject specialization was apparently an early feature of education for law librarianship.

In 1937, Miles O. Price introduced at Columbia the first modern course in law librarianship, emphasizing the problems of legal bibliography and research. Given for three course credit hours in the Summer Session of the Columbia School of Library Service, it was offered every other summer thereafter until Mr. Price's retirement in 1961. The course was part of the regular library school curriculum, but was
taught in the Columbia Law Library for ease of access to the subject materials. At least three-quarters of the curriculum was devoted to legal bibliography. As Mr. Price has written, "The emphasis, over the years, has been placed, more and more, upon preparing the students to do reference work in a law library, which is, after all, the ultimate function of the law library." The course did not require prior law training. During the 25 years that it was given by Mr. Price, this course was the educational center of law librarianship. It trained an unusually large proportion of the law librarians practicing today, created very high standards of professional practice, particularly in reference and bibliography, and gave rise to a literature of instruction, including manuals of bibliography, cataloging, and order work. Mr. Price and Dean Jack Dalton of the Columbia School of Library Service have both expressed the hope that the Columbia library school program in law librarianship would be expanded in the near future, with the offering of additional courses on other phases of law library administration. In cooperation with the Education Committee of the American Association of Law Libraries, a draft curriculum has been outlined and preliminary discussions have been held toward that end.

The next important development in the educational program occurred in 1939 at the University of Washington, under Arthur S. Beardsley, then Librarian of its law school. Mr. Beardsley, who was one of the early leaders of the profession, established a new graduate program in law and librarianship. Initially, it required a law degree for admission and offered several courses specifically in law librarianship, along with a general library science curriculum. More than the shorter Columbia course, the Washington curriculum deals in detail with the peculiar problems of law library administration, in addition to legal bibliography. Although offered in the University of Washington School of Librarianship, it was given cooperatively with the Law School and led at first to the degree of Bachelor of Arts in Law Librarianship. Since 1944, the course has been under the direction of Mrs. Marian G. Gallagher, now Law Librarian and Professor of Law at the University of Washington. Its requirement of a law degree has been made more flexible and the course now leads to a master's degree. Under Mrs. Gallagher, this program has become an important force in law librarianship and its graduates administer many large law libraries.

In 1954 the Law Librarians' Society of Washington, D.C. sponsored a two-credit, two-semester course in legal research and law library
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administration at the Graduate School of the U.S. Department of Agriculture in Washington, D.C. In 1954-55 it was taught by Ralph H. Sullivan, a Washington attorney and government librarian; in 1956-57 by Harry Bitner, then Librarian of the Justice Department and now Law Librarian of Yale University; in 1958-59 by Miss Berthe M. Rothe, then Law Librarian of George Washington University; and in 1960-61, by Marvin Hogan, Librarian of the Justice Department. It attracted primarily government librarians, many of whom were not in law libraries. It is uncertain whether or not the course will be given again, although its last enrollment was thirty students.

The library school of the University of North Carolina instituted in 1958 a special combined master's program in law librarianship, whose curriculum draws from both library school and law school offerings. These include regular library school courses, plus legal bibliography, legal method, and a selection of other law school courses. Mary Oliver, Professor of Law and Law Librarian, teaches the legal bibliography course and hopes to add a seminar in law library administration this year. Although still in its infancy (only one student having completed the whole course so far), it offers another interesting formula for joining subject specialty and general skills in a one-year program.

Western Reserve University's School of Library Science offered in 1958, and again in 1962, a three-credit summer session course under Miss Evelyn G. DeWitt, who is Librarian of the Cleveland law firm of Baker, Hostetler, and Patterson. It emphasizes legal bibliography, but also covers law acquisitions, cataloging and classification, and the use of related materials. The course content incorporates several new approaches and employs extensive project work and practice.

A one or one-half unit course similar in content scope to that given at Western Reserve University also has been available annually at the University of Illinois Graduate School of Library Science for a number of years. It is taught by Bernita Davies, the Librarian of the University's College of Law.

In 1962 the Drexel Institute Graduate School of Library Science established the most recent course in law librarianship, which was taught initially by Professor Erwin Surrency, Law Librarian of Temple University. This course also concentrates upon legal bibliography, but two of its eight sessions are devoted to technical problems of law librarianship. Although future plans have not been determined, the school hopes to offer the course every two years.

Thus, there are six library schools, with good geographical distribut-
tion, offering or planning to offer courses in law library work. It is hoped that another of them, possibly Columbia, will expand to a fuller program offering a wider selection of courses in law librarianship. An increase in the number of three-credit courses being offered in law librarianship also seems likely. Sufficient interest for at least biennial courses probably exists in California, the Boston area, and Florida or Louisiana. Although the curriculum emphasis will undoubtedly continue to be upon problems of legal bibliography and research (since the other aspects of law library work are more closely approached in general library courses), there does seem to be growing interest in law acquisitions, law cataloging, and law library administration. This trend will be enhanced by the increasing specialization of legal publishing, the growth of foreign and international law collections, and the continued independent development of a law library profession.

In addition to these relatively permanent graduate school programs, there are regularly given local workshops and institutes, sponsored by the various local chapters of the American Association of Law Libraries. In some cases, these are intensive two-day sessions for which full proceedings are published. Almost every one of the ten local chapters of the AALL holds at least one such educational program every year. However, the meetings of those groups which meet only once a year for all purposes are undoubtedly distracted by necessary socializing and informal professional exchanges. During the past year, particularly noteworthy two-day institutes were presented in Chicago (on "Classification in Law Libraries") and in New York (on "Official Documents—International, Federal, State and Local"). Although these conferences do perform an important professional and educational function which often transcends their local origin, there is some feeling that the local units might also offer less glamorous, but possibly more needed, basic instruction in library skills for novices and the numerous nonprofessionals and semiprofessionals of law librarianship.

As noted above, there are also national educational institutes held every other summer under the auspices of the American Association of Law Libraries. These programs usually deal with one topic and extend over five days, just prior to the AALL Convention. An extensive scholarship program has been developed which makes the institutes available to younger members of the profession. The last institute was held in 1961 at the Harvard Law School Library on "Literature of the Law: Techniques of Access." Its proceedings were subsequently
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published as an AALL Publication. A recent development which may modify the past pattern of these institutes is the proposal within the American Association of Law Libraries for a rotating series of five summer institutes, each introducing a different aspect of law librarianship, as part of an intensive core curriculum for those lacking prior specialized training in this field. Outlines for several of these basic courses have been drafted and tentative plans call for the first of them to be offered in the summer of 1964.

Two final aspects of the educational process in law librarianship are on-the-job training and job-generated educational opportunities. Although the training is not publicized and usually informal in nature, many of the larger law libraries do offer considerable opportunity for on-the-job training for advanced positions. Formal programs of this kind do not, however, appear to exist, probably because very few law library staffs are large enough to warrant them. Several of the larger law school libraries, particularly those associated with universities having library schools, offer tuition-free or reduced tuition library school matriculation for qualified staff members. Other law school libraries, more often in the smaller or medium-sized schools, afford similar opportunities for law school matriculation. In either case, the staff member must first meet the entrance requirements of the particular library school or law school. These courses ordinarily must be taken on the staff member's time, rather than on library time.

It seems likely that education for law librarianship, as a special and distinctive branch of library education, will continue to grow. Therefore, it may be in point to indicate who will do this educating and where it will be done. In view of the complexity of legal literature and the special techniques often required for its administration, it seems natural that the teachers of law librarianship will continue to come from the ranks of practicing law librarians. Law librarian-teachers have generally met the pedagogical standards of the library school faculties on which they have served. Many have had teaching experience with legal bibliography courses in their law schools. In addition, the standards of professional practice maintained in law libraries would seem to be on as high a level as those in libraries generally. Certainly the quality of librarianship prevalent in the law libraries from which these teachers will be drawn is on a par with the best of general libraries. Furthermore, the level of professional thinking in the forums and literature of law librarianship evidences a professional maturity adequate to produce a corps of professional teachers.
It seems probable that the library schools will remain the centers of formal training. They have made their curricula and facilities available to law librarians, and even made special exceptions in admissions requirements and arranged special programs of matriculation. On the other hand, the law schools and the legal profession generally have been uninterested in the training and education of law librarians. Although they have sought the best of librarians to build the best of libraries, they have never concerned themselves with how or where good librarians were produced. This unfortunate situation is not likely to change in the near future. It is therefore to be hoped that the law librarians will strengthen their ties with library educators and that with the resulting interchange of the best thinking in both groups, formal education in law librarianship can be improved and advanced, in and out of the library schools.

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7. For further information, see New York State Library School, *Annual Reports* and *Circulars of Information*, between 1908 and 1925.
Assistance from State Law Libraries

ELIZABETH HOLT POE

In 1956 Tonopah, Nevada, had two attorneys, one of whom was the Judge of the District Court, and the other the District Attorney. Tonopah is rather isolated, being in the mountains approximately midway between Nevada's two principal cities, Reno and Las Vegas, which are 450 miles apart. Cases heard in the court required someone from outside the town to appear, and the Judge and the District Attorney found themselves competing with the "big city" attorneys.

Their library comprised about 5,000 volumes and included a good representation of current material. Space for the collection had become a problem on many occasions, and as the library grew, the Judge and the District Attorney had expanded the library quarters from the original room into their own offices. Later it extended into two other rooms and, finally, into book cases on the rear wall of the court room itself.

At the point of a new space crisis, the District Attorney sent for the Nevada State Law Librarian for help in weeding their collection and putting it in better order within the quarters available. The Law Librarian spent two days working with the District Attorney and two county workers. Old, worthless books were discarded, and books were shifted to put sets together. The main library reading room became the repository for the current textbooks and other sets which were used most frequently. At the end of the two days the library rooms were rearranged and expansion space had been provided at the end of each of the sets which would continue to grow.

In 1960 the Carbon County Law Library at Jim Thorpe, Pennsylvania, acquired a new law librarian. Because the librarian had no library experience and the space allotted to growing sets had been filled, the Law Library Committee decided it expedient to obtain some professional assistance. Although Carbon County is a coal mining

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ELIZABETH HOLT POE

area which has been relatively depressed, the lawyers and the Judge of the County Court were determined to keep their library up to date. In answer to the Committee's request, the Law Librarian of the Pennsylvania State Library conferred with members of the Committee, with the Judge, and with the Librarian. A complete listing of the holdings was made, and a training session was held with the Law Librarian. In addition to points to be considered in a review of the library's operation, recommendations were submitted to the Chairman of the Committee advising how a buying program should be developed to fit both the law library's needs and its budget. Lists of books to be discarded were supplied, and a schedule for the rearrangement of the collection was presented. The County Law Librarian was given additional instruction when he visited the State Law Library, and since that time he has been carrying out the recommended changes in the library.

These two instances illustrate the need of many local law libraries for professional guidance. Frequently the law library at the county level operates without a law librarian, or the person doing the work is one of the local attorneys, the clerk of the court, or the judge's secretary. If there is a librarian, the individual filling the position may have no background for the work and may not understand what is needed or what is expected of him.

Few counties are fortunate enough to have available either the resources or the professional service which is offered by the Los Angeles County Law Library or the Association of the Bar of the City of New York. Places such as Tonopah, Nevada, with a population of 2,216 people, or of Jim Thorpe, Pennsylvania, with 5,945 people, cannot be compared with Los Angeles or New York City. Yet attorneys in the smaller communities require law libraries, too, and it is the state law library or the Supreme Court library which must supply assistance to the county law library or the other local library in order that attorneys in smaller communities may have access to an adequate library of legal materials.

The size of the local law library collection is not always the key to the need for assistance, for often a small law library may have a very generous budget. Furthermore, with an interested, intelligent person in charge, the library can occasionally present a comprehensive collection in a usable condition. In some libraries the problem is financial because the fee system which supports the library produces insufficient revenue for this purpose. These libraries can—and do—
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benefit from resources at the state law library, including advice on purchasing a well-rounded collection and suggestions on how to approach the county officials for additional funds. Many law libraries require a guiding hand in more efficiently arranging their collections and their quarters. The attorney in charge of the library may need guidance in discarding superseded material, or the librarian may require help in preparing a catalog.

Whatever the problem, there should be some place from which adequate help may be obtained, and the state law library is the most logical source. In those states which do not have state law libraries, the Supreme Court libraries may assume this responsibility.

Apparently advisory service for other law libraries is not commonly recognized as a function of the state library. Requests for information on their advisory work were sent to the state libraries of all fifty states. Of the 38 which answered only 20 offer such assistance. These are the Alabama Supreme Court Library, Arizona State Library, California State Library, Connecticut State Library, Florida Supreme Court Library, Georgia Supreme Court Library, Maryland State Library, Michigan State Library, Minnesota State Library, Nevada State Library, New Hampshire State Library, New Jersey State Library, New York State Library, North Carolina Supreme Court Library, Oklahoma State Library, Oregon Supreme Court Library, Pennsylvania State Library, Washington Supreme Court Library, Wisconsin State Library, and the Wyoming State Library. Wyoming State Library is prepared to give help although to date no requests for assistance have been received. The Alaska Court System Library and the New Hampshire State Library are the only law libraries in those states. In North Dakota there are only the Supreme Court Law Library and the University of North Dakota School of Law Library.

Correspondence is the principal means by which help is extended in all 20 states and, of these, 14 report that field trips are made to the county or other local law libraries. The ability to permit professional staff members to perform such travel is dependent upon several factors. Funds must be available, and the state library staff must be large enough to accommodate the law librarian’s absences. Lack of staff may not always be a deterrent, however. For example, the Nevada State Library sent its Law Librarian all over the state at a time when there was only part-time assistance. A sign was placed in the law library advising patrons that help was available in the general library. Another important factor which must be considered is the volume of
business transacted in the state law library. A very busy library is usually less able to release its law librarian for such extracurricular activities.

Review of the program and the operation of the county or other law library is the second most common form of advice given. Many of the local law libraries obtain a great advantage from this service because they lack the guiding hand of a person with law library training or experience. To these people advice concerning what can be done to improve their collections and to increase the use of their libraries can be most beneficial. The Connecticut State Library evaluates the program of the various county law libraries by reviewing their financial statements, although such a review is not mandatory. Twelve other state law libraries advise on program and the operation of the libraries.3

The most frequent form of guidance offered is in answer to questions from the local law libraries as to what should be added to the collections and what should be discarded or removed. In answer to these queries 16 states will recommend specific items which should be added to the collection,4 but only 13 recommend what should be withdrawn.5 Either form of recommendation can be made more easily if the local law library has been visited and its collection examined. It is then possible for the state law librarian to specify particular items. If the local library is not visited, advice on purchases and discards can be made on the basis of general principles.

Reference assistance is granted by 14 states, although the size of the staff in many instances limits the amount of help offered. It would appear that reference in this instance would be defined as help in obtaining the proper source of information. In most states answers to questions are not given, but books which contain a discussion of the problem are supplied, although some libraries do supply answers. States which do reference work for the local law libraries are Alabama, Arizona, California, Connecticut, Florida, Maryland, Michigan, Minnesota, Nevada, New Jersey, New York, Pennsylvania, Washington, and Wyoming. Florida and Maryland do a limited amount of reference.

The problem of acquiring a listing of their holdings is experienced by many of the local law libraries. Some county law libraries have no records of their holdings or, at most, may have only what constitutes an acquisitions book. Without some outside help, it is difficult for the library to acquire a listing or a catalog, and the state law library is the logical source for such assistance. Alabama, New Jersey, Pennsylvania,
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and Washington do assist in preparing holdings lists or catalogs. The North Carolina Supreme Court Library offers limited advice on such matters. The Law Division of the Pennsylvania State Library and the Washington Supreme Court Library prepare actual listings for local libraries, and the Law Division of the California State Library is prepared to make either a listing or a catalog although it has not provided any to date.

With inexperienced staff or part-time help the training of personnel becomes important and necessarily falls upon whoever is available. Five states make their staffs available for such work, and each of them approaches the work in a slightly different way. The North Carolina Supreme Court Library gives general suggestions. The Michigan State Law Library offers training through visits to its own library and a thorough discussion of how it operates. The Pennsylvania State Library's Law Division conducts training sessions during visits by its Law Librarian to the local county libraries and through training sessions at the State Law Library. A visit by the local law librarian to the State Law Library, the Justice Library, and the County Law Library in Harrisburg is always suggested whenever recommendations are made to a county law library. The Washington Supreme Court Library gives individual training to local law librarians in its own library, and its staff conducted its first annual institute for law librarians at the Supreme Court Library in November, 1962. The California State Law Library offers law librarians an internship at the State Law Library. The New York State Law Library does no individual training of staff members from other law libraries, but it does hold workshops through the annual meetings of the Association of Law Libraries of Upstate New York.

The law libraries of five states—California, Nevada, New York, Pennsylvania and Washington—prepare bibliographies on subjects as requested by the local law libraries. Four of these state libraries issue bibliographies on subjects selected by them, and Pennsylvania has just started to issue information bulletins which present bibliographies on subjects chosen by the state library.

Upon occasion acquiring information pertaining to available equipment and furniture, along with evaluation of the items and the vendors, becomes a problem for local law libraries, and the mere comparing of notes with another law librarian can be helpful. Twelve states offer advice on equipment and furniture which is adaptable to library use. Florida limits its advice to information based upon its
own experience, whereas Pennsylvania supplies data on sources available in Pennsylvania and adjacent states.

Planning for expanded quarters or for totally new ones is a major project for any library, and it is the logical point for shifting the collection into a more usable arrangement. Because the experienced librarian spends many hours planning for such a move, it follows that the inexperienced librarian finds it an awesome task. California, Connecticut, Maryland, Michigan, New Jersey, North Carolina, Oklahoma, Pennsylvania, and Washington have had occasion to be of assistance to county and other law libraries in such instances.

It is logical to expect that the state law libraries or the Supreme Court libraries would be resource centers for other law libraries and that consequently they would convey information on their holdings and the services available at their libraries. Few law libraries are so close together or are so well known that some type of advertising does not have to be done. Delaware is one of the exceptions in that there are only three law libraries in the state and the distances between them are small. In those 10 states which do not have state law libraries, the Supreme Court is less likely to assume a responsibility to other law libraries. Notable exceptions to the rule are found in Alabama, Florida, Georgia, North Carolina, and Washington, all of which are generous in sharing their resources and the talents of their law librarians. Of the state libraries, twelve supply some form of listing of available materials. California issues a quarterly annotated list of recent acquisitions; Connecticut prepares a quarterly selected list of acquisitions; and Kansas prepares a quarterly list of acquisitions. Wisconsin issues a typed, semi-annual list of acquisitions; Massachusetts has bi-monthly mimeographed bulletins; and Washington provides a monthly report on new books. New York uses printed, processed, or typed bibliographies. Nevada circulates a newsletter at irregular periods, and New Hampshire avails itself of the New Hampshire Bar Journal. Maryland publishes a catalog with supplements every two years, and New Jersey supplies information upon demand. Pennsylvania includes broad groupings of holdings in the recommendations to the county law libraries, and includes information on holdings in all initial correspondence with the libraries.

Information about services available at the state library or the Supreme Court library is circulated by most of the libraries through personal contacts with other law librarians. Alabama, California, Georgia, Michigan, New York, Pennsylvania, and Wisconsin offer in-
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struction concerning their services through correspondence, and New Jersey answers all requests for such information. Minnesota presents information on its services at Bar Association meetings and in the *Minnesota Bar Journal*. California distributes leaflets and a directory of services and publishes articles on its work. Connecticut distributes a descriptive leaflet on services. Washington avails itself of library bulletins, newspaper releases, and public speeches. Pennsylvania sends its Law Librarian to the Pennsylvania Bar Association meetings to explain its services and includes such information in all recommendations submitted to the county law libraries after visits to the local libraries. Michigan reaches all of the attorneys through the advance sheets of the *Michigan Supreme Court Reports*.

The majority of state libraries offer advisory service to other law libraries as a part of their function as state libraries or as Supreme Court libraries and without a specific grant of the authority from the legislature. Michigan, California, Nevada, and Pennsylvania have the clearest authority for their advisory work; *e.g.*, the Michigan State Library Board “(a) shall have general control and supervision of the state library . . . (f) may give advice and counsel to any public, school, state institutional, or other library within the state . . . (i) may supply further advice and information to libraries in the state through field visits, conferences . . . and do any and all of the things it may reasonably be able to do to promote and advance library service in the state of Michigan.”

In California “The State Librarian shall administer the State Library in accordance with law and such regulations as may be adopted by the State Board of Education, which board shall determine all policies for the conduct of the State Library,” and the Department of Education has the power to “(j) Give advisory, consultive, and technical assistance with respect to public libraries to librarians and library authorities, and assist all other authorities, state and local, in assuming their full responsibility for library services.” Nevada’s State Librarian has the power and the duty “(a) To administer the state library, including the law and government library and the public and other departments, in accordance with law and good library practice. . . . (f) To enter into agreements with other libraries in the state for the improvement of library service. . . . (i) To render, in his discretion, technical assistance to any library seeking such assistance.”

Pennsylvania gives the Department of Public Instruction the power “(1) To appoint a suitably qualified State Librarian . . . (3) To
maintain, as part of the State Library, a law library. . . . (10) To pro-
mote and demonstrate library service throughout the state.”

Fifteen states give advisory service with or without specific legis-
slative authority, namely Alabama, Arizona, California, Connecti-
cut, Michigan, Minnesota, Nevada, New Jersey, New York, Oklahoma,
Oregon, Pennsylvania, Washington, Wisconsin, and Wyoming. Wash-
ington is the only library which has supervisory authority, and this
is limited to the Attorney General’s Library.

A few states have been real pioneers in their advisory work. On
August 17, 1959, Edwin C. Jensen, State Law Librarian of Wisconsin,
participated in a discussion of County Law Libraries at the Wisconsin
Clerks of Court Institute in La Crosse. As part of his contribution to
the conference, he distributed a manual, *Elements of Law Book Cata-
logging*. On March 11, 1961, additional copies were distributed at the
Legal Secretaries’ Institute I which was held at Milwaukee. The preface
to the manual is descriptive of its purpose:

This little pamphlet is intended to be an aid to Clerks of court and
others charged with the duty of caring for a small law library. Special

care has been taken to make it as simple as possible without the sacri-
fice of fundamentals.

It is divided into two parts. The first part is a very concise descrip-
tion of the type of material which may be found in a law library. The
second part is an attempt to describe simple law library cataloging in
such a manner that a person with absolutely no experience, can more
or less successfully catalog a law book.

This pamphlet is not for publication, sale or public distribution.12

The pamphlet consists of 41 pages and is a handbook which includes
numerous helpful suggestions for Wisconsin law librarians as is il-
lustrated by this statement regarding Session Laws: “A complete set
should be kept, even if in the basement.”13 The second part of the
manual deals with cataloging, and it is well illustrated with sample
cards.

California provides the unique feature of awarding internships to
librarians to spend short periods at the State Law Library. It also
issues a minimum holdings list for law libraries and contemplates
compiling suggestions for minimum space, staff, and salary. Advisory
services extend beyond the local law libraries to include college law
libraries, prison libraries, and other public libraries. Non-law libraries
have been advised concerning basic materials for their collections.

The Michigan Law Librarian has worked with an area of the state
Assistance from State Law Libraries

to consider organizing a regional law library. This consideration involved conferences with the judges and lawyers of the area, discussion with them of the advisability of such a library, and the methods of organizing it. Some years ago the Michigan Supreme Court agreed to deposit a set of its records and briefs in each of two county law libraries on condition that these materials would be bound and thereby preserved. Because no one in these two libraries was skilled in the physical preparation of the material for binding, the Michigan State Library stepped in and now prepares the papers for binding. When they are finished, they are shipped to the county law library, and the binding costs are paid from the county law library fund.

Since September 1959 the Washington Supreme Court Law Librarian has been acting as a consultant to all county law libraries in assisting them to prepare basic minimum legal collections, as well as in aiding them with the routine task of weeding the collections and purchasing books. Oral suggestions have been offered during visits to the county law libraries and have then been followed up by written recommendations.

Pennsylvania State Library's Law Division has a basic pattern for its advisory work of visiting the county law library and conferring with the Law Library Committee of the local Bar Association, the judges of the local court, and the librarian or the individual who does the work in the law library. The collection is checked and listed, the operational procedures are examined, and if necessary a training session is held with the librarian. In light of the existing goals of the library, what the leaders of the Bar Association would like the library to be, and good law library policies, recommendations are then made upon the general operation of the library, upon the maintenance of the collection, and upon the expansion of the collection. Copies of the recommendations which are keyed to the library in question and cover the specific problems which exist, are sent to all interested parties. If a collection needs to be shifted and no one is available to plan the move, actual charts are supplied for the rearrangement.

The appreciation expressed by local law libraries for such services from the state or the supreme court library of their states is typified by the following letter of the Carbon County Law Librarian to the Law Librarian of the Pennsylvania State Library: "We of the Carbon County Library would like to thank you once more for coming here and helping to solve our library problems and for the splendid report you sent to us. Judge Heimbach [President Judge, Fifty-Sixth Judicial
ELIZABETH HOLT POE

District, Jim Thorpe, Pa.] remarked that it was a piece of work ably done and the rest of us were amazed at how you gathered so much information in such a short time.”

References

1. Libraries which reported but which do not offer advisory service are Arkansas Supreme Court Library, Colorado Supreme Court Library, Delaware State Law Library in Kent County, Idaho State Law Library, Indiana Supreme Court Law Library, Iowa State Law Library, Kansas State Library, Massachusetts State Library, Missouri Supreme Court Library, Montana State Law Library, Ohio Supreme Court Law Library, South Carolina State Library, Tennessee State Library, Vermont State Library, and Virginia State Law Library.


9. Ibid., § 27051.


13. Ibid., p. 5.

The American Association of Law Libraries

J. S. ELLENBERGER

This year, the American Association of Law Libraries is 57 years old. In light of this fact, if age alone could be used as a criterion for durability and accomplishment, then the AALL holds a seniority among the major professional library associations in this country, second only to that of the American Library Association from which it originally emerged. That the AALL has been durable is the object of this writing. With its accomplishments to date for both law librarianship and lawyers, there is no sign that it is growing old.

Sometime prior to the 1906 annual conference of the American Library Association, a small group of men trained chiefly as lawyers and managing the libraries of a variety of political units decided among themselves that their work in a highly specialized research discipline called for the formation of an association which could more effectively represent their problems and the solutions to them than could a general library organization concerned primarily with public library administration. More practically speaking, there was also the matter of a needed compilation similar to the Jones Index to Legal Periodical Literature, which had last been supplemented in 1899. In addition, although there had been law libraries since the time that a collection of books could call itself that, there was nothing in print concerning their organization or management, nor was there any means of regularly exchanging the lessons of personal experience or training. In each instance, the AALL was to stimulate a solution to these problems, first with the start of publication in 1908 of the Index to Legal Periodicals and the Law Library Journal. Within the next few years, a noteworthy amount of writing by various members of the Association was to be done in an attempt to come to terms with the problems of organization and management.

Thus, the American Association of Law Libraries was given life in
1906, and its 24 subscribing founders chose A. J. Small, then Iowa State Law Librarian, as their first president—a man who was to remain active in the association for over 30 years. In adopting a constitution for the Association, these men had the object of creating an association of educational and scientific nature, which was to be conducted to promote librarianship, to develop and increase the usefulness of law libraries, to cultivate the science of law librarianship, and to foster a spirit of cooperation among its members. Although few of these founders were to live to see their Association approach its total present membership of nearly 1,000 law librarians in the United States and abroad, they were to remain the principal source of its accomplishments well into the third decade of this century.

Two elements essential to the continued existence of any professional organization are those of leadership and cooperation. The AALL has been richly endowed with both since its inception. Historically speaking, the development of the Association falls more or less into three distinct periods, each marked by the tangible accomplishments of men and women who have reached high office in it because they were unselfishly devoted to an ideal of working together to provide better libraries and library facilities for the lawyers and law students working in them. Each of these periods of growth will be examined along with the landmark achievements which have contributed to the development of the AALL.

I

The beginning years, spanning approximately the period from 1906 to 1929, were characterized by an attempt to solve the practical problems of law librarianship which had moved the founders to organization. As a primary accomplishment, the Law Library Journal and the Index to Legal Periodicals began their careers in 1908 as official organs of the AALL. This latter publication remained and still remains probably the most important single contribution which the Association has made to legal scholarship and legal research. Originally and until 1936, for obvious reasons of economy these two publications appeared together in various sequences. Printed continuously by the H. W. Wilson Company from 1912 to the present, the Index to Legal Periodicals has enjoyed gifted editorial work from members of the Association who have given it untold hours of energy and attention to keep it alive. At first receiving its direction from the Executive Board of the Association, in 1917 the Index was finally given a standing committee
of its own under the chairmanship of Franklin O. Poole, Librarian of the Association of the Bar of the City of New York, who remained until his death in 1943 the constant champion and genius of its success. Over the years, Mr. Poole made the Index a self-supporting publication, which was eventually able to bring its index coverage of 39 periodicals in 1908 to its present treatment of over 200 law reviews and related serial publications.

Of substantial importance to the early development of the Index was the decision by the Harvard Law School in 1925 to make an annual contribution from a special fund for compensating indexing personnel as well as to furnish quarters in which the indexing could be done. This generous and fortunate arrangement continued for many years, largely as the result of the inspired editorship of Eldon R. James, at that time law librarian for the Harvard Law School. To Mr. James are owed many of the important cumulations made of the Index during its formative years.

This era of initial growth for the Index was not without interest in terms of professional representation for the Association as a whole. In 1921, after some 13 years of publication, it was learned that the American Bar Association was unaware of the existence of the Index, probably because it was produced as an appendix to the Law Library Journal. A conference with the American Bar Association resulted in an offer from that organization to acquire the rights to publish the Index as a part of the American Bar Association Journal, with the added stipulation that the AALL affiliate with ABA rather than the American Library Association. Although the ABA's offer was declined, down to the present this issue of representation and professional direction continues to assume some importance at every annual meeting chiefly in relation to a national headquarters, but it is interesting to note that the Index was the first major accomplishment of the AALL to draw the attention of the organized bar to its importance as a viable force in the practice of law today.

In 1961, principally because of the difficulty of maintaining a continuity of editorial quality, the Association voted to sell the publishing rights of the Index to the H. W. Wilson Company, which had been its printer and business manager for many years. However, the Association retained a voice in the editorial policy of the Index amounting generally to a control over its contents, format, indexing technique, and other matters related to its future development.

Another product of the early years was the Law Library Journal,
now in its 55th year as a quarterly publication of the Association. To see a full run of the Journal in those few law libraries in this country which have it, is a telling barometer of the financial, if not the spiritual, health of a voluntary association as it moves from one stage of its development into another. Because the first concern of the Association was directed toward the production of an index to legal periodicals, the Journal remained for almost 25 years of its life as little more than an adjunct to the Index, which shared its publication. At the mercy of an ever-changing editorial direction as well as a subscription list chiefly dependent upon the existence of the Index, the Journal could not in any way be considered an important forum for law librarianship until Helen Newman, presently Librarian of the Supreme Court of the United States, became its editor in 1934. Realizing that the continued existence of the Journal was dependent upon its work as a bibliographic aid to the law librarian, Miss Newman introduced most of the important departments which it contains today: “Questions and Answers,” a type of clearing-house for questions involving law library administration; “Current Legal Publications,” a regular cumulation by subject of new law books in print; and the useful “Check List of Statutes and Reports,” listing twice-yearly such official publications of the various federal and state courts and political agencies.

Today the Law Library Journal is managed by an editor responsible to a committee which determines its content and policy. In turn, each of its departments is written by members who contribute the material for its regular features. Except for the November issue, which reports the proceedings of the Association’s annual conference, the opening pages of the Journal are usually occupied by a leading article of special concern to the profession. Most recently, these have often taken the form of a symposium discussing an issue of general importance such as professional certification by the Association, recruitment of law librarians, or as contained in the issue of last August, a series of articles by members on the problem of education for law librarianship entailing all of the complexities of identifying the law librarian and defining a curriculum for his training.

Aside from its annual conventions, which have been held regularly in almost every part of this country since 1906, there is certainly no other more effective means of publicizing the work of the Association or its membership than through the cohesive influence of the Law Library Journal. Although it remains today essentially a spokesman for and to the law librarian, it is now beginning to achieve recognition
among other librarians and members of the legal profession, whose own interests are often reflected in the official viewpoints of the AALL.

As a conclusion to these notes on the formative years of the AALL, it is proper to mention the development of its relationship with various other professional groups which have contributed to its evolution.

By the very nature of its representation, and in the combined interests of those who go to make it up, the American Association of Law Libraries stands squarely between the larger American Library Association and the American Bar Association, and in fact was born from the former group. The relationship with these two groups would in itself compose a long history, but it is sufficient to say here that it has been continuous and generally cordial. Not infrequently, the relationship has come close to alliance from the viewpoint of one organization or the other, but this issue now chiefly relates to the still unsolved problem of establishing a national executive headquarters for the AALL. The logical place for such a headquarters would be Chicago where both ALA and ABA are located, but so far the financial problems involved with such a plan have not been overcome by AALL.

Prior to 1937, the AALL frequently held its annual meetings in conjunction with the ALA, but the expanding size of the latter group has militated against such an arrangement since then. However, cooperation with the ALA has still remained at a high level through the non-voting representation of AALL on its Council. This representation has been enhanced and complemented by the numerous joint ALA-AALL committees on such matters as government publications, cataloging, completion of a union list of serials, and more recently on combined activity concerning the general problem of library work as a career, fair use of photocopying as related to the revision of the Copyright Law, and the development of standards for state library services, which often use large collections of legal materials. In connection with this last, the AALL has also enjoyed a long history of cooperation with the National Association of State Libraries, and some of the Association's earliest members, who were at one time state librarians and later law librarians, came from the NASL.

From its primary place in this discussion, it can be seen that the inter-associational relationships of the AALL have been largely library oriented. This orientation is reasonable because from its beginning, the Association was concerned first with problems peculiar to all library work, and even though its membership included many persons trained both as librarians and lawyers, they learned, in practice, that

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their first obligation to an employer was in the capacity of a librarian. For these reasons, until a few years ago, the Association's relationship with the American Bar Association was less close and less effective than with national library associations. A singular example of this former lack of concern by ABA for mutual problems has already been mentioned in relation to the early history of the *Index to Legal Periodicals*. However, since the recent establishment of the excellent Cromwell Law Library in the American Bar Foundation, the ABA has seen that law library problems can frequently involve its own destiny and that of the majority of lawyers in this country whom it represents.

Tangible results of this overdue recognition have now taken the form of combined activity on such projects as the ABA "Package Plan" and the newly organized ABA-AALL Joint Committee on Electronic Data Retrieval, which is presently surveying the manifold complexities of this newest development in legal research. The ABA "Package Plan" was originally an idea of the AALL whereby all ABA publications could be made systematically available to law libraries on the basis of an annual subscription payment. The concept of a law library acting as a local depository of ABA publications was one slow to mature, with the ABA, but it has today furnished a means of preserving the valuable data annually produced in large quantities by that Association.

Although joint AALL-ABA participation on mutual problems has had a relatively brief history, the AALL has for many years cooperated with the national organization most concerned with the training of lawyers: the Association of American Law Schools. Again, a principal interest is involved since many of the members of AALL are associated with law school libraries, and as members of the faculties of these schools, they have good reason to participate in the work of AALS. This happy union of interests has produced important results in the name of the AALL; foremost among them is the standardization of law school library contents and the requirement that the administration of the law library be in the hands of a qualified librarian.

In recent years, the inter-associational representation of the AALL has taken on an international dimension through its activities in the International Association of Law Libraries and the International Federation of Library Associations. Organized in 1959, the IALL is chiefly concerned with attaining greater control over the growing output of legal publishing across the world, and in this context it held its first international meeting in conjunction with the AALL annual confer-
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ence in Boston in 1961. The role of the AALL in the affairs of the International Federation of Library Associations is so far embryonic, but the first two reports of its representative to the Federation indicate that it may be instrumental in conducting international exchange programs for library school professors and students concerned with the development of law libraries abroad, standardization of teaching methods, and arrangements for scholarship study in this country for persons whose interests specifically relate to law libraries.

All of this new activity in AALL seems to be a good example of its concern for problems affecting law libraries wherever they may be and denotes an awareness of its responsibility to the common law practitioner as he attempts to resolve questions involving international law, the European Common Market, and international organization in general.

II

Presaging the end of what may be called the beginning years of the AALL, President Hicks in 1921 sounded the call for future development when he recommended that the membership of the Association be increased by dividing the country into districts with a district chairman over each, that the Association take an active interest in the training of law librarians, and that it check any tendencies toward withdrawal into a splendid, specialized isolation.

Although it was to be some time before these proposals achieved the status of a plan of action, by 1930 they had found a champion in William R. Roalfe, presently Law Librarian for the Northwestern University School of Law. Known as the "Roalfe Plan," a concerted effort was made by the Association to increase its membership and broaden its professional horizons at a time when similar organizations were, if anything, considering a reduction in professional activity. Working with Mr. Hicks and others, Mr. Roalfe proposed the establishment of a national executive headquarters, enlargement of the Law Library Journal, increased coverage of current legal bibliography through the various publishing media of the Association, expansion of membership, and a plan for seeking financial assistance for these objectives from a philanthropic foundation.

With the exception of the first item, which has not yet been achieved, all of these proposals can be cited as accomplishments by the Association during its middle, and in many respects, its most difficult years.

Specifically, in 1935, attendant with various tax benefits, the Asso-
ciation was incorporated in the District of Columbia. Probably as a result of this move and certainly as a result of the Roalfe Plan the last of the proposals (and at the time certainly the one which seemed most remote from success) came to fruition when the Carnegie Corporation of New York appropriated $5,000 to the Association in 1937 to sustain its program. This grant enabled the partial realization of the second and third of Mr. Roalfe's proposals—the expansion of the Journal by its separation from the Index to Legal Periodicals and its inclusion of the type of material which would allow the Journal to become a useful tool in the management of legal bibliography by the law librarian.

Essentially, the work of the special committee appointed to administer the development of the Roalfe Plan from 1932 to 1937 was culminated by receipt of the Carnegie Foundation grant. However, the plan continued as the inspiration for a number of other accomplishments which were to have a long-range permanent effect upon the growth of the AALL. Two of these achievements relate again to the efforts of the Association to concern itself intimately with the literature of its field and that of the profession it serves.

The first was the establishment of a book exchange in 1937. This work is still actively carried on by a standing committee of the Association which regularly issues, for a small fee, lists of materials available for exchange among law libraries. The second development concerned the microfilming of records and briefs of cases brought before the Supreme Court of the United States. Beginning with the 1938 term, the records of the High Court were filmed for general distribution by the University of Chicago, with the advisory assistance of the AALL, and this arrangement continued until 1950, when Matthew Bender and Company started producing a microcard edition of these records.

Thus, the AALL was one of the first major national associations to devote its attention to the microcopying of library material, and it has remained a leader in this respect. Today, a variety of Association committees are charged with keeping a watch on developments occurring constantly in the allied fields of microprinting, audio-visual aids, and the scientific and mechanical retrieval of the vast amount of law now in print. Notable here has been its recent supervisory role in the development of "Project Law Search," made possible by a grant from the Council on Library Resources and discussed at length elsewhere in this issue of Library Trends. Also, for the past seven years
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the Association has sponsored the microfilming of federal legislative histories contained, for the most part, in the offices of members working in the Washington, D.C., area. This service is produced and sold by the Matthew Bender Company and has enabled law libraries, wherever located, to collect these valuable materials for research in problems concerning statutory interpretation and legislative intent.

Finally, among the most important continuing results of the Roalfe Plan was the growth in the membership of the Association during the 1930's and 1940's. The two most important factors in this growth were the establishment of institutional memberships and the organization of local chapters of the Association.

Based upon the number of persons doing full-time work of a professional nature in large law libraries, such as those belonging to law schools, bar associations, and state governments, the institutional membership plan extended the advantages of active membership in the AALL to subordinate staff personnel working in these libraries without charging them personally for its cost. Under this plan, the institutional employer is billed for the number of active memberships he designates, through the supervising librarian, who then remits payment up to a maximum amount fixed in the by laws of the Association. When it was established, this arrangement incidentally worked a considerable benefit to the treasury of the Association at a time when it was most in need of it.

In 1939, when the recommendations of the Committee on the Roalfe Plan were adopted by the Association, its by laws were amended to provide for the chartered organization of local chapters by ten or more Association members. Chiefly aimed at stimulating interest in law librarianship among those persons who, for various reasons, were remote from the national activities of the Association, this device furnished a means for dealing with local problems and coincidentally allowing for organizational continuity from one annual meeting to the next.

In 1942, again largely through the efforts of Miss Helen Newman, the Law Librarians' Society of Washington, D.C., was chartered as the first local affiliate of the national Association, and within ten years, four other local groups in Chicago, New England, New York City, and Southern California were accorded chapter status. More recently, chapters in the southeast, southwest, New York State, and Minnesota have successfully achieved national recognition from the AALL. A Canadian chapter is now in the process of formation. Although many
of these chapters have existed in an informal way for several years before being chartered, the national affiliation has served to emphasize local problems and at the same time to supply grass-roots interest in the work of the AALL for law librarians unable to attend its annual meetings.

Among the most important of the Association's projects have been the various educational institutes conducted by the chapter affiliates, as, for example, the conference on classification and cataloging recently sponsored by the Chicago chapter and the several professional workshops held by the Law Library Association of Greater New York over the past five years. Soon after it was chartered the Chicago chapter made a successful effort to compile a *Union Law Catalog* for its area. The Washington, D.C., chapter has likewise gained renown for its *Union List of Legislative Histories* in the Washington, D.C., area. In addition, the chapters have promoted accredited course work in legal bibliography at local schools or as extensions of regular college-level programs. Foremost, in this respect, is the course in law librarianship which has been given successfully for a number of years as a part of the night-school extension program at the U.S. Department of Agriculture in Washington, D.C.

Even though the American Association of Law Libraries was able to effect changes in its size and structure during these middle years, there was still much to be done in shaping the character of the profession it represented to both the legal and library world which surrounded it. However, important first steps were taken in this direction as long ago as 1936, when the Association of American Law Schools Special Committee to Cooperate with the AALL recommended that each member school have "... a librarian whose major interest is the library itself and whose principal activities are devoted to management and operation of the law library." The AALS adopted this recommendation as part of its Articles of Association, which also outlined other requirements for the libraries of member schools. Furthermore, in 1939 the AALS at its annual meeting in Chicago recommended that the assistance of AALL be accepted for inspecting libraries of prospective members as well as in lending assistance to member schools concerning their library problems. This was an important point in the growth of the professional influence of the AALL, and it has continued to play some part, down to the present, in developing high standards for legal education in this country.
Just as the beginning years of the AALL were chiefly devoted to the solution of crucial problems of practical significance to the founders and the middle years devoted to internal reorganization, survival and growth, the most recent history of the Association since World War II has been marked by an outward extension of its influence upon education for law librarianship and certification by the Association for those intending to work as law librarians. As an important development incidental to both of these concerns, a start has finally been made toward recruiting law librarians for the profession at large. In addition, the Association enlarged its reputation as a publisher in 1960, when it produced the first volume of the greatly needed Index to Foreign Legal Periodicals—a current listing of articles covering every aspect of law, both private and public, which appear in the legal periodicals of countries outside the common law jurisdictions. Made possible almost entirely through the receipt of a sizeable grant from the Ford Foundation, this publication is now in its fourth year as a cooperative effort of the Institute of Advanced Legal Studies, University of London, and the AALL through its Committee on Foreign Law Indexing.

Also in 1960 the AALL Publications series made its debut. Written by members of the Association and published for it by the Fred B. Rothman Company, these monographs treat a variety of special problems which have arisen in law libraries. The authorship is often cooperative. A recent example is the fifth of this series, which is devoted to the special problems of a specialty within a specialty: Manual of Procedure for Private Law Libraries. It is written chiefly for those law libraries maintained throughout this country by private law firms, banks, and large corporations.

In the diverse but professionally related areas of education for librarianship, recruitment of able people into the specialty, and their certification when employed by a law library, the AALL has had an abiding influence over the past 25 years. There is every reason to believe that it will continue to sponsor important changes in these fields and it may, indeed, eventually set the standards. It is too early to talk of standards, however, since the Association itself is still in many respects divided on the correct approach to their establishment.

With regard to education for law librarianship, there was little concerted effort by the Association until the mid 1930's, when the need
for special programs became apparent. In 1937, the first all-day institute on law library administration was held as an adjunct to the annual conference in New York City. Something has already been said of the special programs and institutes sponsored by the chapters on a local level, and the Association has for a number of years sponsored biennial week-long institutes devoted to major problems in legal bibliography and law library administration. The most recent of these institutes was held at Harvard Law School before the 1961 Association conference in Boston.

However, by no means have these scattered efforts really solved the problem of educating law librarians even though the Association has been actively interested in the problem for some time. Since another section of this issue is devoted to education, there is no need for further detail, but it is important to recognize it as a problem for the Association in its efforts to become a certifying authority for law librarianship and a center for recruiting students to work in the profession.

At this writing, the AALL has just approached the issue of certifying its members for work in law libraries. The first interim report of the recently established AALL Committee on Certification, reflects the outcome of two discussions on the subject during the 1959 and 1960 annual conferences, preceded by years of informal debate, and even yet the response by the membership to a suggested plan is anything but encouraging. There is good reason for this hesitancy because there lurks behind any plan the vastly complicated problems of what constitutes a law librarian (the definition is constantly variable), how he should be trained once the job is defined, and what if any standards can be used by the Certification or Placement Committees of the Association to determine whether a certain job rates the Class A, Class B, or Class C law librarian it is looking for.

However, the Association now has before its Certification Committee a plan scheduled to begin in 1965 whereby a member, upon application, will be given a number of points based upon experience, education, or both according to a graduated table of professional standards attained. It is then assumed that the member will be eligible for placement in any position calling for the points he holds in regard to his training, and AALL will be prepared to certify that he is able to do the job. For members in good standing prior to the beginning of this program, a “grandfather clause” is available under which a certification statement attests to the professional competence of the member, simply stating that he is qualified in the eyes of the Association as
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a law librarian by virtue of his past training and/or experience, whatever these may be.

Regardless of present feeling about this plan, a more crucial issue now faces the Association, and it alone will determine the success or failure of certification by AALL: Whence will come the members to be certified? The issue is one of recruitment, and it affects every aspect of work in the library profession, no matter how general or special it may be.

In this respect, it can only be said that the AALL has entered last into the field of recruiting, now so generally well explored by every other major library association in this country. Inertia is not the sole reason for this late entry, because the issue has consumed some time at every meeting of the Association over the past twenty years. However, it should be remembered that the beginnings of the AALL were found in law libraries with political sponsorship. The founders worked hard to remove the law librarian from the "spoils system" and succeeded in many cases through the efforts of their Association. This being accomplished, it is well to point out further that the growth of law libraries remained at a fairly constant low level from 1910 to 1940, achieving its present giddy pace only within the last twenty years. At the end of a national depression and upon the completion of World War II, the demand for qualified lawyers, increased litigation in the courts, and the rapidly developing specialties of law practice brought upon the law libraries of this country a requirement for service and a need for trained personnel such as they had never before experienced. The somewhat insular character of the AALL did not allow it to prepare for a "crash" recruiting program; nor is it yet prepared for one in spite of the various educational programs recently undertaken. Potential trainees simply are not there even though the crisis has been reached, and the end of the shortage is not in sight.

However, in 1961 under the administration of Miss Elizabeth Finley, Law Librarian for Covington and Burling in Washington, D.C., the AALL launched a two-phase recruitment program. The first phase, now accomplished, was to produce a recruitment brochure for the Association and as much information about the prospects and requirements for entering this profession as could be contained in a recruitment "package." The second phase of the recruitment plan involves the distribution of this new literature primarily to library school administrators since the greatest need is for the person trained as a librarian regardless of his past or future grounding in law. Al-

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though the Association has made a late start in attracting new talent to its cause, the importance of getting its message to all potential law librarians cannot be overestimated. Certainly, one of the first things it must do is to dispel the impression that law librarianship is a vastly complicated specialty requiring years of training and unrelenting enterprise before success in it can be achieved.

The Association's work today is firmly based upon the idea that action speaks louder than words, even in its relations with a profession where words count for much. The momentum generated 57 years ago by the founders of AALL can be continued only by rededicating its membership and its potential membership to the constant ideal of providing the highest quality of library service to the legal profession. To attain this ideal implies no lofty concept but simply means that, more than ever before, the problems of both the lawyer and the law librarian must be the problems of the AALL. Within this unity of purpose lies the future of the American Association of Law Libraries.

References


4. “Librarian” was changed to “qualified librarian” by the AALS Executive Committee and so passed by the Association. Ibid., p. 224.


9. This information can be obtained from the Secretary of the Association, Mrs. Goldie Alperin, Chicago Bar Association, 29 South La Salle St., Chicago 3, Illinois.
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July, 1963, Current Trends in Public Library Service to Children. Editor: Winifred C. Ladley, Associate Professor of Library Science, University of Illinois Graduate School of Library Science.

October, 1963, Education for Librarianship Abroad. Editor: Harold Lancour, Dean, University of Pittsburgh Graduate Library School.