

Law Libraries and Legal Information - Setting the Standard for Future Academic Law Libraries

Physical Space

Context for Current Standards

What Was Proposed in 2023

Memorandum ABA Legal Education and Admissions to the Bar Re: Standards Revisions for Notice and Comment related to Academic Freedom and Freedom of Expression, Learning Outcomes and Assessment, and Library and Information Resources (Aug. 17, 2023).

- “Several substantive changes were made to the Standards in Chapter 6. It is explicitly stated in Standard 601 that **a law library physical plant is not required**, and the part of former Interpretation 606-1 that suggested that a law library collection that consisted of a single format could violate the Standards has been deleted. Former Interpretations 606-3 and 606-4 on off-site storage and cooperative agreements were also eliminated. The purpose of these revisions is to give law libraries flexibility to use space, technology, information resources, and collection formats most appropriate for their law schools.” (p 7)
- Standard 601. GENERAL PROVISIONS. “A law school shall maintain a law library and information resources sufficient to operate in compliance with the Standards and to carry out its program of legal education. **A physical plant is not required.**”

Iantha Haight, *The Powerful Symbolism of the Law Library*, RIPS LAW LIBRARIAN BLOG, (Sept. 8, 2023), <https://ripslawlibrarian.wordpress.com/2023/09/08/the-powerful-symbolism-of-the-law-library/>.

- “By now all academic law librarians are probably aware that [in August 2023] the American Bar Association’s Strategic Review Committee proposed a revision to the Standards and Rules of Procedure for Approval of Law Schools stating that “A physical plant is not required” to meet the standards for academic law libraries. **Although that statement was quickly removed from the proposed revisions, the current version is now silent on the necessity of a “physical plant.”**”

Discussion Questions

The following questions are intended to get us thinking about what, if any, requirements there are for a “law library” to be or include a physical space. What are the implications if there is no requirement that the “law library” include a physical space? If there is a requirement that the “law library” include a physical space, what does this include if physical books are no longer necessary?

1. What are the factors that define what constitutes a “law library” under the standards? What is a “law library”?
 - a. Is a physical space actually required?
 - i. AALS Bylaw Section 6-8 states “Whether **physical or virtual**, the library is central to the law school...”

2. Must the law library director actually manage the physical space or is mere access to a physical library space managed by another entity sufficient?
 - a. AALS Bylaw Section 6-8 states “A member school shall ***maintain access*** to a library...”
 - b. ABA Interpretation 605-1. “While it is preferred that the law school administer the law library, a law library may be administered as part of a university library system if the dean, the law library, and the faculty of the law school are responsible for the determination of law library policies, priorities, personnel matters, and funding requests.”
3. Is there a distinction between a non-physical “law library” and a physical library space?
 - a. Can the law library director oversee a non-physical “law library” that is housed within a physical library that is managed by an entity that is not part of the law school?
4. How does this impact collection of statistics?
 - a. ALLSTAR Question 1: “What was the total square footage of the law library as of the last day of the prior fiscal year? Include all space ***typically recognized as the law library or under the control of the law library.***”
 - b. ALLSTAR Question 12: “Number of support staff positions, excluding student assistants, as of the last day of the prior FY (in FTEs). Support staff/paraprofessional positions are any positions not included in the responses to the prior personnel questions and ***are considered part of the law library staff and overseen by the Law Library Director.***”
 - i. If the law library is housed within a wider physical space that is not managed by the law school or law library, what staff are included in statistical surveys?
5. What, if anything, is required for a “physical space” in a law library? If physical books are no longer required, what is required to be in a law library’s physical space?
 - a. ABA Standard 601. General Provisions. “A law school shall maintain a law library and information resources sufficient to operate in compliance with the Standards, to carry out its program of legal education, and to support scholarship and research.”
 - b. ABA Interpretation 604-1. “The appropriate mixture of collection formats depends on the needs of the law library and the law school; ***it need not entail a mixture that includes physical books.***”
6. What is it about a physical space or physical facilities that makes it a “law library”?
7. What is a “suitable” and “sufficient” physical facility? What factors determine this?
 - a. AALS By-Law. 6-8.2 Planning. “A member school, with the participation of the library director and faculty, should prepare, periodically review, and implement a written plan of library development, identifying in detail steps appropriate and resources sufficient to achieve its objectives, including appropriate growth of the collection, sufficient personnel to provide services, ***suitable physical facilities***, and an effective system for facilitating access to materials.”
 - b. ABA Standard 702. Facilities.” A law school’s facilities shall include: (2) a law library that is ***suitable and sufficient*** in size, location, and design in relation to the law school’s programs and enrollment to accommodate the needs of the law school’s students and faculty and the law library’s services, collections, staff, operations, and equipment needed to access and use all materials in the collection.”