

EDUCATING LAW LIBRARIANS*

A Symposium

Background to Law Library Education

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THE PROBLEM

Formal education has become the life blood of every profession. In fact, the existence of a formal educational process has almost become a criterion of a profession's status. Most modern professions depend upon their graduate schools to train new members and establish standards of practice. The educational institutions of professions like law, medicine and teaching have also become their most important means of recruitment. The development of specialized professional schools has had other advantages, such as adding to the body of knowledge upon which the profession could draw, facilitating the work of independent scholars in the subject fields of the profession and providing forums for professional exchange and centers for continuing education.

A recent study of professional education¹ describes the aims of professional education as (1) "providing

professionally educated entrants to the professions in numbers adequate to society's needs" and (2) maintaining or increasing the quality of entrants to the professions to satisfy society's needs."² The author then divides the second aim into five sets of attributes which the students will be expected to manifest:

- a. Competence to practice his profession, with sufficient knowledge and skill to satisfy its requirements.
- b. Social understanding, with sufficient breadth to place his practice in the context of the society which supports it, and to develop capacity for leadership in public affairs.
- c. Personality characteristics which make possible effective practice.
- d. Zest for continued study which will steadily increase knowledge and skill needed by practice.
- e. Competence in conducting or interpreting research so that he can add to human knowledge either through discovery or application of new truths." (p. 7)

The survival of a profession may depend upon whether it can achieve these aims. Consequently, the ability of its schools to meet society's needs as to the number and quality of new practitioners becomes a matter of urgent professional concern.

This is true of librarianship, as of other professions, and is equally true of law librarianship. Schools of librarianship have not yet achieved

* *Editor's note:* This symposium has been organized and edited primarily by Professor Cohen, Chairman of the AALL Education Committee. To him should go the credit for the selection of the contributors and weaving of their articles into an integrated whole.

¹ McGlothlin, William J.; *Patterns of professional education*; N.Y.; G. Putnam; 1960.

² *Ibid*; pp. 2-4.

the virtual monopoly of professional preparation attained by medical schools and law schools. Because of their failure to provide qualified novices in sufficient number, many library positions are filled by non-professionals. Of course, these shortages are not solely the responsibility of the library schools, which have been trying hard to educate and attract more new librarians of good quality. Recruitment and education are problems for the whole profession but their solution will be achieved largely through the library schools.

Law librarianship, perhaps even more than general librarianship, suffers from educational weaknesses. With the need for both law and library training, we are often unable to supply *qualified* librarians for vacant positions. As in documentation and some other highly specialized fields of librarianship, we see important positions being filled from outside the field. These shortcomings must be corrected by a larger, more regular flow of educated entrants into the field. This is the problem of recruitment and education and it will not be solved merely by adding more degrees to the entrance requirements of the profession. It will require improving the quality and number of recruits, increasing the formal educational opportunities for law librarians and improving the quality of that education, and providing better on-the-job training and continuing professional education.

The level of education throughout the *entire* structure of the profession is the measure of our achievement.

We can look with pride at the highly educated and capable leaders of the profession, but we cannot ignore the hundreds who cannot or do not come to conventions, who have never heard of the *Law Library Journal*, and whose librarianship is neither informed nor intelligent. Our failures are of quantity as well as quality. These pervade all areas of the profession. Shortages of trained personnel affect the law school which cannot find a three-degree librarian. But more often, they affect the many law librarians who cannot find catalogers, reference librarians, or acquisitions librarians with knowledge of legal bibliography or law books. They are reflected in the inability of the bar associations, court or county libraries to find administrators with sufficient law and library training to do a responsible professional job. And they result in the chaos and waste of the many non-professionally administered law firm libraries.

I do not mean to imply that there are not capable and dedicated law librarians without professional training. There are many. I hope that there will always be room in our libraries, and means of access to our profession, for the talented and capable person who lacks formal educational requirements. I have seen and appreciated some of them in action and I know they rank among our best. But this limited and non-replenishing group obviously cannot supply the increasing demands for more law librarians to administer larger collections and provide more specialized services. The future of

law librarianship rests with its professionally educated and its ability to professionally educate others.

Our status as a profession will depend in part upon the level of education and personal excellence we can fairly demand from entrants to law librarianship and upon the overall level of education and competence which we can establish as norms for law librarians. It is the need for establishing these standards that brings forth "still another" symposium on education for law librarianship.

An enlightened concern with education goes back to the earliest days of our professional organization. The pages of the *Law Library Journal* are, from the beginning, replete with articles, discussions and convention proceedings on educational problems.³ Articles and surveys of importance have been contributed by such leaders of the profession as Frederick C. Hicks, Arthur S. Beardsley, Miles O. Price, William R. Roalfe and recently by many of our most outstanding law librarians. There is no need for a complete review of the literature here. Many of the problems are the same, but the context changes with gradual progress. It is worth noting that the level of discussion over the years has been high, at least on the same level as the best professional literature in law and librarianship. Of course, we have not neglected the clichés and platitudes of professional rhetoric. But, on the whole, we have analyzed and stated our needs correctly and

clearly. We have understood what had to be done, but we have been slow in achieving these goals.

In reviewing the literature certain themes repeat themselves—many are with us yet today. Debates and pronouncements recur over the necessity for *library* training (pro and con), or *law* training (pro and con), over the relative merits of each, and as to the value of institutes and workshops. Regular references are made to the need for a manual of law library administration for the guidance and instruction of new or untrained librarians, for more courses in law librarianship, for professional internships, and for more educational opportunities for established librarians.

Initially one's reaction on reading the early literature is that we have come a long way. We can derive a certain satisfaction from the general raising of educational standards at the *higher* levels of the profession. A survey made 25 years ago of law school librarians in 1936⁴ found that 23% had only a library degree, 19% had only a law degree, and only 7% had both the law and library science degrees. In a similar survey of law school librarians by Miles O. Price in 1955, 20 years later, he found that 49% had library degrees, 65% had law degrees, and 25% had both degrees.⁵ Although such statistical surveys and the accumulation of degrees itself are not the sole criteria of educational progress, certainly this

³ Major discussions appear in Vols. 5, 7, 19, 23, 28, 30, 40, 44, 47, 50, 52 and 53 *Law Library Journal*.

⁴ Reported in 44 *Law Library Journal* 97.

⁵ 50 *Law Library Journal* 378.

dramatic improvement is significant and reassuring.

Looking over the years from another point of view, however, one can be discouraged at the slow progress and the unfinished business remaining. It took 25 years from John B. Kaiser's recommendation of a formal course in law librarianship⁶ for such a course actually to be established at Columbia in 1937. It took 25 years to establish the certification of law librarians proposed in 1935 by Arthur S. Beardsley⁷ and discussed even earlier by others. It took 15 years for Frederick Hicks' proposal of a combined program of general library service, with specialized courses in law librarianship⁸ to be created at the University of Washington in 1941. Maybe these are relatively short lags, as such things go, but in these days of crash programs, high pressure campaigns and accelerated operations, we seem to have moved slowly.

Many of our worthwhile plans have *never* been achieved. Over 20 years ago a Report of the Special Advisory Committee on Education for Law Librarianship, following even earlier recommendations in 1935, made a strong plea for a law library manual which could be used as the basis for instruction in law librarianship. This report,⁹ made by a distinguished committee consisting of Miles O. Price, Chairman, Arthur S. Beardsley and William R. Roalfe, set forth a ten-point summary of the steps necessary

to accomplish this goal and made four practical recommendations upon which the Association proceeded to act. Now after 20 years we are not much closer to the accomplishment of such a manual than we were in 1939. Nineteen hundred and thirty-five was a vintage year for good ideas—Arthur S. Beardsley also proposed in a report to that year's A.A.L.L. Convention¹⁰ the creation of apprenticeships or internships in larger libraries for trainees of small law libraries and visiting librarianships which would permit established librarians to work in large research libraries for six months of advanced training. Neither of these interesting schemes has ever been put into effect, to the best of my knowledge.

Thus part of the rationale for this issue of the *Law Library Journal* lies in the many tasks remaining in the improvement of our educational program. We hope to remind the profession of our unfinished business. Over the years, the context of earlier plans and proposals has changed; some have been achieved and some rendered obsolete. This discussion then will also restate and reformulate our goals and program and, hopefully, seek to rekindle thereby interest in its achievement.

Before the discussion begins, however, it may be helpful to survey the development of formal courses in law librarianship, to review the road we have travelled and to see how far we have come. I have gone into more detail on the early courses, because

⁶ 5 *Law Library Journal* 52.

⁷ 28 *Law Library Journal* 225.

⁸ 19 *Law Library Journal* 66-67.

⁹ 32 *Law Library Journal* 360-364.

¹⁰ 28 *Law Library Journal* 225.

we have had very little information on them until now. The later courses are better known and the two most important, those at Columbia and the University of Washington are described in separate articles herein.

THE PROGRESS TO DATE

The New York State Library School.

The earliest formal course in law librarianship that I have been able to discover consisted of lectures given by Frederick D. Colson at the New York State Library School in Albany between 1910-11 and 1916.¹¹

Frederick Colson, coming from the Cornell Law School faculty, became Law Librarian of the New York State Library on December 1, 1908. He served until April 15, 1915 and died on May 6, 1958. During his tenure as State Law Librarian, he regularly gave lectures in law library work at the State Library School. That school was opened by Melvil Dewey at Columbia in 1887, as the first Library School, and was then moved to Albany by Dewey in 1889 after his conflict with the Trustees of Columbia University. In 1926 the school returned to Columbia University, where it has continued to date as the Columbia University School of Library Service.

The 22nd Annual Report of the School¹² lists two new lectures as part

¹¹ I am indebted to Ernest Breuer, New York State Law Librarian, for invaluable and time consuming research in which he has reconstructed the history of early law library education at the New York State Library School. These notes are based upon his documentation and kind help.

¹² 1908 *N.Y. State Library Bulletin*, p. 7.

of the general course in advance reference work. These early lectures were on the "arrangement and use of law libraries" and "law books for a popular library" and were given by Frank B. Gilbert, who was State Law Librarian between April 1906 and October 1908. Although these lectures are of historical interest, the first *independent* offering would seem to be Frederik Colson's separate lectures on the same subjects in 1910-11¹³ and the first real *course* that offered by Mr. Colson in 1913.¹⁴

The 1910 Annual Report¹⁵ announced a special course in law and legislative reference work with special conferences and practice work in the Law Library and Legislative Reference section. Plans were being perfected to begin the course in the school year 1911-12. Apparently the course did not begin, however, until 1913, when the 27th Annual Report of the School listed *five* lectures on law library work by Mr. Colson, in addition to his other two lectures noted above. Similar lectures were also given by the Legislative Reference Librarian on legislative reference work. This program was described in the N.Y. State Library School, Circular of Information 1913-14 at page 28, as follows:

"Law library and legislative reference work. Elective. Lectures, discussions and problems on the special features of law libraries and legislative and municipal reference departments and

¹³ 24th Annual Report, 1910.

¹⁴ The 1910 lectures are outlined by John B. Kaiser in 5 *Law Library Journal* 52-53 (1912).

¹⁵ *Education Dept. Bull.* no. 484, Dec. 1, 1910, N.Y. State Library School no. 29.

practice in the actual work of the New York State Law Library and the legislative reference section of the State Library. Additional practice will be provided for those who desire it."

This offering was probably the first full academic course in law librarianship.

The 28th Annual Report (1914) indicates that two more lectures were added to the program in 1914 and described the content as "classes of material found in a law library; arrangement and use of law libraries; law library work (7 lectures)."¹⁶ At page 6 of that Report there is a note that "Mr. John T. Fitzpatrick, who succeeded Mr. Clarence B. Lester as Legislative Reference Librarian, assumed that part of the course on law and legislative reference work formerly conducted by Mr. Lester." The "Circular of Information" for 1914-15, referring to the course at page 12, states "The course is intended to be a general introduction to the subject but can be taken to the best advantage only by students with considerable preliminary training in political science, law, economics or sociology."

On April 15, 1915, John T. Fitzpatrick was appointed Law Librarian of the State Library, replacing Frederick Colson, and he took over Colson's lectures in the Library School as well. Fitzpatrick served as Law Librarian until May 31, 1930. He died on May 16, 1933 and his Memorial appears in 27 *Law Library Journal* 63.

The 30th to 38th Annual Reports

¹⁶ University of State of N.Y. *Bulletin* no. 587, March 1915, Library School no. 37, p. 7.

of the Library School covering the years 1916 to 1924 indicate the following lectures and lecturers:¹⁷

No. 636, April 1, 1917, Library School No. 40. Thirtieth Annual Report (1916) Lecturers Page 8: Colson is no longer listed. G. G. Champlin, Sublibrarian (reference) gave one lecture on Patents and Fitzpatrick, as Law Librarian, gave two lectures on legislative reference work as did W. E. Hannan, Legislative Reference Librarian, one lecture on legislative reference work.

No. 657, February 15, 1918, Library School No. 41. Thirty-first Annual Report (1917) Pp. 9-11: George G. Champlin, Sublibrarian (reference) one lecture on Patents. Fitzpatrick, Law Librarian, three lectures on law library work and Hannan, Legislative Reference Librarian, one lecture on legislative reference work.

No. 673, October 15, 1918, Library School No. 42. Thirty-second Annual Report (1918) Lecturers Pp. 6-8: George G. Champlin, one lecture on Patents. Fitzpatrick, Law Librarian, four lectures on law library work and Hannan one lecture on legislative reference work.

No. 700, December 15, 1919, Library School No. 44. Thirty-third Annual Report (1919) Lecturers Pp. 7-8: G. G. Champlin one lecture on Patents (Fitzpatrick no longer listed). Frances D. Lyon, Sublibrarian (law) two lectures on law library work and Hannan one lecture on legislative reference work.

No. 719, October 1, 1920, Library School Bulletin No. 46. Thirty-fourth Annual Report (1920) Lecturers Pp. 7-8: Fitzpatrick is listed again as Law Librarian with three lectures on law library work. Hannan one lecture on legislative reference work.

No. 745, November 1, 1921, Library School Bulletin No. 47. Thirty-fifth Annual Report (1921) Lecturers Pp. 7-8: Fitzpatrick, Law Librarian, two lectures on law library work. Hannan one lecture on legislative reference work. Frances D. Lyon, Assistant Law Librarian, one lecture on law books for a popular library.

No. 775, February 1, 1923, Library School Bulletin No. 49. Thirty-sixth Annual Report (1922) Lecturers Pp. 6-7:

¹⁷ The first number in each case refers to the number of the University of the State of N.Y. Bulletin which contains the stated report.

Fitzpatrick, Law Librarian, two lectures on law library work, Hannan one lecture on legislative reference work, and Frances D. Lyon, Assistant Law Librarian, one lecture on law books for a popular library.

No. 792, November 15, 1923, Library School Bulletin No. 51. Thirty-seventh Annual Report (1923) Lecturers Pp. 5-6: Fitzpatrick, Law Librarian, three lectures on law library work, Hannan one lecture on legislative reference work.

No. 813, October 21, 1924, Library School Bulletin No. 52. Thirty-eighth Annual Report (1924) Lecturers Pp. 6-7: Fitzpatrick, Law Librarian, three lectures on law library work. Hannan one lecture on legislative reference work.

The *Circulars of Information* for the years 1923-24, 1924-25, and 1925-26 seemed to establish a prerequisite of legal training for students in this program. The 1923-24 *Circular* stated at page 24:

"Practice work. Elective. 25 to 50 hours in the following: law library practice. Given in the Law Library under the general direction of the Law Librarian. Limited to students who have studied law and who are familiar with legal terms."

In 1926 the school returned to Columbia and unfortunately the course was not continued there. Ten years passed before Miles O. Price began his course in law library administration at Columbia in 1937.

John T. Fitzpatrick made a rather discouraging report to the 24th Annual Convention of the A.A.L.L. (1929) on his experience in teaching this course, which also reflected on the state of the profession in New York at that time.¹⁸ He said:

"For the past 14 years I have given courses in law librarianship at the New York State Library School. I felt very sorry for the class. They had no

interest. It was only occasionally that anyone took a law library position. I felt it was a waste of time to give the course. It was compulsory. That does not look very good for the lecturer or the course. Law students in our local law school take the legal bibliography course eagerly. The library students gave no evidence of interest in it at all. It was required in the second year of the three year course. The course consisted of five lectures. I gave cataloging and shelf arrangement, and legal bibliography was the basis of it. I duplicated the legal bibliography lectures at the law school in great part. Nobody voluntarily became a law librarian by reason of that course. In a few cases where they could not get a position elsewhere they would take a position in a law library because the salary was a little higher."

Maybe this deprecation is due to an excess of modesty on Mr. Fitzpatrick's part. Certainly some of his statements are not supported by other reports and information. But happily, in any case, his conclusions are not applicable to subsequent courses in law librarianship.

Columbia University School of Library Service:

The second course in law library administration, but the first to cover in depth the problems of legal bibliography and research, was that established at Columbia in the Summer Session of 1937 under Miles O. Price, then Law Librarian of Columbia Law School. This course, covering three semester hours of instruction, was a far more substantial and scientific approach to instruction in law library administration than the lectures formerly given at Albany. A detailed announcement of its inception and intent appears in a report by C. C.

¹⁸ 23 *Law Library Journal* 56.

Williamson, then Dean of the Columbia Library School, to the 32nd Annual Meeting of the A.A.L.L. in 1937.¹⁹

The course was taught by Dr. Price in alternate summers until the last offering in 1961 when he retired from the Columbia staff. Although given in the Graduate Library School, it did not require prior law training and, in some exceptional cases, even admitted qualified law librarians without a college degree. During its 25 years under Miles Price, the course became the acknowledged center of law library education, created very high standards of professional practice for law librarianship, established its teacher as the profession's outstanding educator, and created, as a by-product, an invaluable literature of instruction. Probably its most important contribution, however, was that it trained, on a high level, an unusually large proportion of law librarians during that time, including many of the present leaders of the profession.

Since Dr. Price has contributed to this issue his own description of the course, we need not go into greater detail now. But we can note that, by the excellence and number of its graduates, the course set a new tone throughout the library profession. From the dog days described by John Fitzpatrick, law librarianship was becoming, in every respect, the leading field of librarianship. The course will be continued by Columbia.

University of Washington School of Librarianship:

¹⁹ 30 *Law Library Journal* 261-264.

In 1939, the University of Washington School of Librarianship announced a new graduate program leading to the degree of Bachelor of Arts in Law Librarianship.²⁰ The course was a cooperative project with the University of Washington Law School and required a law degree for admission. The leading force in the establishment of the course and during its early years was Arthur S. Beardsley, who was Law Librarian of the University of Washington Law School from 1922 to 1944. His article in the May, 1936 issue of the *Bulletin of the American Library Association* is one of the best surveys of the subject.

Its main teacher and director, since 1944, has been Mrs. Marian G. Gallagher, now Professor of Law and Law Librarian at the University of Washington. Because she has written separately about the course for this symposium, there is no need to discuss it further here, but clearly its main contribution to the profession has occurred during the recent years of Mrs. Gallagher's leadership. Its graduates, although fewer in number, are no less distinguished than those of the Columbia course.

The course is a continuing one and is being given at the University in Seattle, Washington.

U.S. Department of Agriculture Graduate School:

Since 1954 a course in law librarianship has been sponsored by the Law Librarians' Society of Washington, D.C., as part of the curriculum

²⁰ 32 *Law Library Journal* 430.

of the Department of Agriculture's Graduate School in Washington, D.C. It has been given in alternate years since 1954, as a two hour, two semester course, and covers both legal bibliography and research and law library administration.

In 1954-5 it was taught by Ralph H. Sullivan, a Washington attorney and government librarian. In 1956-57, it was given by Harry Bitner, then Librarian of the Dept. of Justice and now Law Librarian of Yale University. That year there were between 15 and 20 students each semester. The course was taught in 1958-59 by Miss Bertha M. Rothe, Law Librarian of George Washington University and in 1960-61 by Marvin Hogan, Librarian of the Department of Justice. In 1960-1, the last time it was given, there were approximately 30 registrants, about one-third of whom finished the course.

Although the course has been open to all, it seems to attract mostly government librarians, many of whom are not already in law libraries. It is uncertain as to whether the course will be given again this year.

University of North Carolina School of Library Science:

In 1958, the Library School of the University of North Carolina at Chapel Hill instituted a one year program which included work both at the Library School and the University of North Carolina Law School. The curriculum combines courses in general librarianship from the Library School's regular offering with Legal Bibliography I, Legal Method,

and a selection of Law School courses including: Agency, Contracts, Criminal Law and Procedure, Real Property I and Torts. Mary Oliver, Professor of Law and Law Librarian of the University of North Carolina, teaches the Legal Bibliography course and expects to add to the program in the coming year a Seminar on Law Library Administration. In addition, Legal History is being added to the substantive law courses from which the student can choose.

The catalog entries for the two major law courses read as follows:

LEGAL METHOD (2). Materials and methods of law study; the reading of a case; the study of law via the study of decisions; the authoritative hierarchy of tribunals; the interpretation of statutes. Two hours a week, fall semester. Pollitt, Phillips.

LEGAL BIBLIOGRAPHY I (2). Training, including research problems, in the use of law books and legal materials. One hour a week, spring semester. Oliver.

Although only one student has completed the whole course so far, it is an operating and in fact expanding program which will undoubtedly be a valuable offering, particularly for people in that part of the country.

Western Reserve University School of Library Science:

1958 also marked the establishment of a three credit course in Law Library Administration at Western Reserve under Evelyn G. DeWitt. Miss DeWitt, who is librarian of the Cleveland law firm of Baker, Hostetler & Patterson, first gave it as an evening Summer Session course in 1958 and it will be given again in the Summer of 1962. It is intended to be given every

other summer. The School's Announcement for 1962 describes it thus:

"Law Library Administration (3)

A survey and evaluation of library resources in the field of law, with emphasis upon bibliographical sources, methods of legal research, acquisition program, cataloging and classification, and use of related materials."

The course grew out of a successful lecture on law librarianship given by Miss DeWitt in Rose Vormelker's course in Special Libraries at that school. Dean Jesse Shera and the late Associate Dean, Margaret Egan, aided in its development and it was originally designed to include a law orientation for library students and a library introduction for those with prior graduate work only in law. There was some discussion of using law school faculty members for some lectures. At one time consideration was given to the possible expansion of the course to equal that at the University of Washington, but so far it is still a three-credit one session course similar to the Price course at Columbia.

In 1958, it had 10 students, all of whom subsequently worked in law libraries. They used the research facilities of the Western Reserve Law School library and had field trips to other law libraries. Each student was assigned a term project, in addition to his other work, on a legal topic of current interest which required the student to collect legal material of all kinds on that topic.

The course is an active one, incorporating new ideas, under an enthusiastic teacher. It is a valuable contribution with a promising future.

Drexel Institute of Technology Graduate Library School:

The most recent addition to the growing list of Library School courses in law librarianship was that given this Spring at Drexel Institute. The course was given for the first time by Professor Erwin Surrency, Law Librarian of Temple University. It consisted of eight sessions of three hours each, six of the sessions being devoted to legal bibliography. Two sessions were devoted to technical problems of law librarianship, including cataloging, administration and book selection. A final examination was planned.

Professor Surrency has informally described his intent as follows:

"Since the majority of students are library school students and not law librarians, I am trying to make this material as comprehensive as possible. For this reason, I stress what, for the lack of a better name, I term the 'political science' aspect of law. For example, I give a great deal of attention to organization of the courts, and the details of the passage of a bill through legislature."

The students use Professor Surrency's book *A Guide to Legal Research* as their text, as well as supplementary mimeographed materials and selected readings from the *Law Library Journal*.

The Dean of the Library School has indicated an interest in offering the course every two years, but its future plans have not yet been finally determined.

Having reviewed the development of formal courses in law librarianship, we now proceed to our contributors and their discussion of various aspects of this general problem.