



AMERICAN UNIVERSITY

W A S H I N G T O N , D C

MEMORANDUM

PENCE LAW LIBRARY

TO: Chair: Donald J. Polden
Dean, Santa Clara University School of Law

FROM: Billie Jo Kaufman, Associate Dean for Library & Information Resources
American University, Washington College of Law, Pence Law Library

DATE: July 12, 2010

RE: Chapter 6 – Law Library Standards – Committee Recommendation

I have attached a copy of the ABA Law Libraries Committee's recommendations for language relating to Chapter 6 – Library and Information Resources. The committee has held many meetings, and solicited input from deans, library directors, librarians, and related professional organizations. The Committee on Libraries reminds the Standards Review Committee of the important role that law librarians and librarians play in the curricular and research life of all law schools and legal education. The committee also recognizes the changing environment of legal education. These recommendations are thorough and contemporary in nature, allowing for a strong foundation but also providing individual law schools the flexibility necessary to maintain personnel, facilities, services, and collections for faculty and students' curricular and research needs.

The Committee would be pleased to engage in any questions regarding these recommendations and are eager to be a part of this very important standards revision process.

Please feel free to contact me for questions or additional needs at bkaufman@wcl.american.edu or 202-274-4374.

Thank you.

cc: Hulett H. (Bucky) Askew
ABA Consultant on Legal Education

Dan J. Frehling
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Assistant Consultant
ABA Committee on Libraries

WASHINGTON COLLEGE OF LAW

ABA STANDARDS CHAPTER 6

REVISIONS PROPOSED BY THE ABA COMMITTEE ON LAW LIBRARIES

Standard 601. General Provisions

601(a) A law school shall maintain a law library that is an active and responsive force in the educational life of the law school. A law library's effective support of the school's teaching, scholarship, research, and service programs requires a direct, continuing, and informed relationship with the faculty, students, and administration of the law school.

601(b) A law library shall have sufficient financial resources to support the law school's teaching, scholarship, research, and service programs. These resources shall be supplied on a consistent basis.

601(c) A law school shall keep its library abreast of contemporary technology and adopt it when appropriate.

Interpretation 601-1 **A library is an active and responsive force if it is relied upon by the faculty, students, and administration to provide expertise, resources, and services appropriate to the mission of the institution.**

Interpretation 601-2 **As part of a library's duty to be an active and responsive force in the educational life of the law school, a library shall demonstrate that it regularly identifies specific goals for supporting the law school's programs, identifies means to achieve the established goals, assesses its success and challenges in realizing the established goals, and periodically re-examines and appropriately revises its established goals.**

Interpretation 601-3 (Formerly Interpretation 601-1) Cooperative agreements may be considered when determining whether faculty and students have efficient and effective access to the resources necessary to meet the law school's educational needs. Standard 601 is not satisfied solely by arranging for students and faculty to have access to other law libraries within the region. ~~or by providing electronic access.~~

Standard 602. Administration

602(a) A law school shall have sufficient administrative autonomy to direct the growth and development of the law library and to control the use of its resources.

602(b) The dean and the director of the law library, in consultation with the faculty of the law school, shall determine library policy.

602(c) The director of the law library and the dean are responsible for the selection and retention of personnel, the provision of library services, and collection development and maintenance.

602(d) The budget for the law library should be determined as part of, and administered in the same manner as, the law school budget.

Interpretation 602-1 This Standard recognizes that substantial operating autonomy rests with the dean, the director of the law library, and the faculty of a law school with regard to the operation of the law school library. The Standards require that decisions that materially affect

the law library be enlightened by the needs of the law school educational program. This envisions law library participation in university library decisions that may affect the law library. While the preferred structure for administration of a law school library is one of law school administration, a law school library may be administered as part of a general university library system if the dean, the director of the law library, and faculty are responsible for the determination of basic law library policies.

Standard 603. Director of the Law Library

603(a) ~~A law library shall be administered by a full-time director whose principal responsibility is the management of the law library~~ **A law school shall have a full-time director of the law library whose principal responsibilities are managing the law library and providing information resources in appropriate formats to faculty and students. This individual shall have a direct, continuing, and informed relationship with the faculty, students, and administration of the law school.**

603(b) The selection and retention of the director of the law library shall be determined by the law school.

603(c) A director of a law library ~~should~~ **shall** have a law degree and a degree in library or information science and shall have a sound knowledge of and experience in library administration, **library finances, human resources, library technology, issues involving legal research and legal education, and other relevant management experience.**

603(d) ~~Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with the security of faculty position~~ **The director of the law library shall have the necessary security of position to fulfill his/her obligations, including, but not limited to, academic freedom in teaching, scholarship, and in developing and maintaining the library's collection in support of the school's program of legal education.**

Interpretation 603-1 The director of the law library is responsible for all aspects of the management of the law library including budgeting, staff, collections, services, and facilities.

Interpretation 603-2 The dean and faculty of the law school shall select the director of the law library.

Interpretation 603-3 ~~The granting of faculty appointment to the director of the law library under this Standard normally is a tenure or tenure-track appointment. If a director is granted tenure, this tenure is not in the administrative position of director.~~ **The director of the law library shall be given a faculty appointment and have security of position reasonably similar to tenure in order to ensure his/her ability to serve as an advocate for the library and to provide the information resources necessary for the mission of the institution. The director shall have the opportunity to participate in law school activities, including committee appointments, as needed to maintain a direct, continuing, and informed relationship with law school constituencies.**

Security of position reasonably similar to tenure can be achieved by placing the director in a law school faculty tenure track position; creating a separate tenure track position specific to the director; or providing a series of probationary contracts over a period reasonably similar in length to that of a faculty member progressing towards tenure, and leading to presumptively renewable long-term contracts that are at least five years in duration. If given a separate tenure track position, the director, after a probationary period reasonably similar to that for other full-time faculty, may be granted tenure in that position. If a law school provides security of position to the director through a separate tenure track or a series of contracts, it has no obligation to grant his/her request to move into a full-time teaching capacity.

Interpretation 603-4 It is not a violation of Standard 603(a) for the director of the law library also to have other administrative or teaching responsibilities, provided sufficient resources and staff support are available to ensure effective management of library operations.

Standard 604. Personnel

The law library shall have a ~~competent~~ staff, sufficient in **expertise and** number to ~~provide the appropriate library and informational resources services~~ **support the library's informational resources and services.**

Interpretation 604-1 Factors relevant to the number of librarians and informational resource staff needed to meet this Standard include the following: the number of faculty and students, research programs of faculty and students, a dual division program in the school, graduate programs of the school, size and growth rate of the collection, range of services offered by the staff, formal teaching assignments of staff members, and responsibilities for providing informational resource services.

Standard 605. Services

A law library shall provide the appropriate range and depth of reference, instructional, bibliographic, and other services to meet the needs of the law school's teaching, scholarship, research, and service programs.

Interpretation 605-1 **Appropriate services include** ~~having adequate reference services, providing access (such as indexing, cataloging and development of search terms and methodologies) to the library's collection and other information resources, offering interlibrary loan and other forms of document delivery, enhancing the research and bibliographic skills of students, producing library publications, and creating other services to further the law school's mission~~ **reference services and faculty research support, enhancing the research and bibliographic skills of students, providing access (such as indexing, cataloging, and development of search terms and methodologies) to the library's collection and other information resources, offering interlibrary loan and other forms of document delivery, producing library publications and managing the library's web site, and creating other services to further the law school's mission.**

Standard 606. Collection

606(a) Delete current 606(a) and replace with current 606(b): A law library shall make available a collection that, through ownership or reliable access,

1. meets the research needs of the law school's students, satisfies the demands of the law school curriculum, and facilitates the education of its students;
2. supports the teaching, scholarship, research, and service interests of the faculty; and
3. serves the law school's special teaching, scholarship, research, and service objectives.

606(b) A law library shall formulate and periodically update a written plan for development of the collection

606(c) A law library shall provide suitable space and adequate equipment to access and use all information in whatever formats are represented in the collection.

Interpretation 606-1 All materials necessary to the programs of the law school shall be complete and current and in sufficient quantity or with sufficient access to meet faculty and student needs. The library shall ensure continuing access to all information necessary to the law school's programs.

Interpretation 606-2 The appropriate mixture of collection formats depends on the **mission of the institution and the needs of the library and its clientele.** ~~A collection that consists of a single format may violate Standard 606.~~

Interpretation 606-3 **Delete and substitute: Reliable access to information resources can be provided through:**

- 1.) **databases to which the library or the parent institution subscribe and are likely to continue to subscribe,**
- 2.) **databases that are available at no charge and are likely to continue to be available to the public at no charge, or**
- 3.) **participation in a formal resource-sharing arrangement through which materials are made available, via electronic or physical delivery, to users within a reasonable time period.**

Interpretation 606-4 Off-site storage for non-essential material does not violate the Standards so long as the material is organized and readily accessible in a timely manner.

Interpretation 606-5 **Delete**

Interpretation 606-6 **Delete**

Interpretation 606-7 **Delete**