

## *Memorandum*

Date: January 7, 2010  
To: Standards Review Committee  
From: Donald Polden, Chair, Library Subcommittee  
Re: Proposed Draft of Standards 601, 602, 604, 605, and 606

At our meeting in November, the Library Subcommittee presented a discussion draft Standard 601 (General Provisions), Standard 602 (Administration), Standard 604 (Personnel), Standard 605 (Services), and Standard 606 (Collection). Based on the Committee discussion at that meeting, the Subcommittee presents this proposed draft of revised standards and interpretations.

Standard 603 is being considered separately by the Security of Position Subcommittee.

The Subcommittee has received and considered several suggestions and critiques on how Chapter 6 should be revised including the proposal of the ABA Committee on Libraries as well as comments and proposals submitted by several Special Interest Sections of the American Association of Law Libraries (AALL) and various individual librarians and deans. I also benefited from comments and suggestions at this morning's breakfast with the law librarians at the AALS annual meeting. While most of the comments we received concerned the work of the Subcommittee addressing security of position issues, there were several helpful comments on the last draft of this Subcommittee's work.

The proposed draft maintains the discussion draft from previous Committee meetings, including the following key points:

- The requirement of a core collection in Standard 606 is retained even though some commentators felt that such a requirement is no longer necessary for contemporary legal education. However, the proposed Standard makes clear the core collection may be made available through "ownership in the law library or reliable access" and the choice of ownership or reliable access "shall effectively support the law school's curricular, scholarly, and service programs and objectives. [language of the ALL-SIS Task Force on ABA Standards Review]
- Language revisions consistent with those proposed by the ABA Committee on Libraries are proposed for Interpretations 606-2 ("A collection that consists of a single format may violate Standard 606") and 606-3, and Interpretations 606-6 and 606-7 are deleted (also consistent with the recommendations of the ABA Committee on Libraries). In addition, Interpretation 606-5(8) is modified slightly.

- New language addressing the mixture of collection formats including attempts to describe the adequacy and sufficiency of such mixtures in Interpretations 606-2 and 606-3.
- Language revisions consistent with those proposed by the ABA Committee on Libraries are proposed for Standard 604.
- Language revisions consistent with those proposed by the ABA Committee on Libraries are proposed for Interpretation 605-1.

***PROPOSED DRAFT (redlined to current Standards)***

Standard 601. GENERAL PROVISIONS

(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.

(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.

(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***

***A library that is an active and responsive force in the educational life of the law school, working together with the dean and faculty, 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

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

(a) The law library shall provide a core collection of essential materials **through ownership in the law library or reliable access. The choice of ownership in the library or a particular means of reliable access for any type of material in the collection, including the core collection, shall effectively support the law school's curricular, scholarly, and service programs and objectives, and the role of the library in preparing students for the effective and responsible participation in the legal profession.**

(b) In addition to the core collection of essential materials, a law library shall also provide 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.

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

(d) 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~~ for the law school's programs.*

*Interpretation 606-2*

*The law school shall provide an appropriate mixture of collection formats, **including the core collection,** ~~depends~~ **depending on the mission of the institution and the needs of the library and its clientele, including the library's role in preparing students for the effective and responsible participation in the legal profession.** A collection that consists of a single format may violate Standard 606.*

*Interpretation 606-3*

*Agreements for the sharing of information resources, except for the core collection, satisfy Standard 606 if:*

- (1) the agreements are in writing; and*
- (2) the agreements provide faculty and students with the ease of access and availability necessary to support the programs of the law school.*
- (1) Reliable access to information resources can be provided through an appropriate mixture of:**
- 1.) databases to which the library or the parent institution subscribe and are likely to continue to subscribe,**
  - 2.) authenticated and credible databases that are available at no charge and are likely to continue to be available to the public at no charge, and**
  - 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.**
- (2) Reliable access requires a sufficient range of information resources and the availability of one or two databases does not provide sufficient access to the core collection.**

*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*

*A law library core collection shall include the following:*

- (1) all reported federal court decisions and reported decisions of the highest appellate court of each state;*
- (2) all federal codes and session laws, and at least one current annotated code for each state;*
- (3) all current published treaties and international agreements of the United States;*
- (4) all current published regulations (codified and uncodified) of the federal government and the codified regulations of the state in which the law school is located;*
- (5) those federal and state administrative decisions appropriate to the programs of the law school;*
- (6) U.S. Congressional materials appropriate to the programs of the law school;*
- (7) significant secondary works necessary to support the programs of the law school, and*
- (8) those tools, ~~such as citators and periodical indexes,~~ necessary to identify primary and secondary legal information and update primary legal information.*

*Interpretation 606-6*

*The dean, faculty, and director of the law library should cooperate in formulation of the collection development plan.*

*Interpretation 606-7*

*This Standard requires the law library to furnish the equipment to print microform and electronic documents and to view and listen to audio-visual materials in the collection.*