Chapter 4
Evolution and Change in American Legal Education:
Implications for Academic Law Collections

Mark P. Bernstein
Drexel University, USA

John Cannan
Drexel University, USA

ABSTRACT

This chapter examines the changing trends and best practices for collection development in academic law libraries. It begins by examining the historical development of the law school as a professional school, and the need for academic law libraries to become learning laboratories for educating lawyers and providing them with the tools and resources to practice law. It then charts how law school collections evolved in response to the emergence of electronic legal research resources. The increasing use of electronic databases and the subsequent development of the Internet have led libraries to examine what are the best practices in collection development. Along with internal forces, external influences, such as "Educating Lawyers: Preparation for the Profession of Law," a report by the Carnegie Foundation calling for more practice and skills-based training, will require academic law libraries to adapt their collections in light of changing trends in legal education and scholarship (Sullivan, Colby, Wegner, Bond, & Shulman, 2007).

INTRODUCTION

All libraries are being transformed as the result of the impact of digital resources. What makes law libraries different is how their collection development efforts have had to break away from the traditional model created by Christopher C. Langdell, the man who essentially created the academic law school.

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HISTORICAL PATTERNS/ TRADITIONAL COLLECTIONS IN ACADEMIC LAW LIBRARIES

The Law Library as the Laboratory of the Law School

The description of the law library as the laboratory of the law school can be traced in part to Dean Christopher C. Langdell of Harvard. It is Langdell who is most often credited (or maligned) for the development of the law school of the nineteenth and twentieth centuries and for why the model has been so hard to reform. Langdell's vision was that legal education required an academic setting and the intellectual challenge inherent in a university setting. This notion represented a momentous change from the traditional training of lawyers up to that point. Prior to Langdell, lawyers such as John Marshall and Abraham Lincoln apprenticed and then read for the law, a practice that was the precursor to today's licensing exams. Most collections of legal materials that existed were private. Under Langdell and others, law schools developed as professional schools and as part of universities, requiring not only classroom settings for courses, but the research tools of the trade—books in libraries. These books, which Langdell viewed as "the ultimate sources of all legal knowledge" (Ahlers, 2002, p. 11), consisted mainly of legal treatises, multi-volume works on the significant common law topics that the practicing lawyer in any town would need to know—contracts, property, torts, and criminal law. These topics would essentially become the first-year curriculum of most law schools.

As Langdell's views took hold, existing law schools grew, and new ones were founded. Early law school library collections—obtained from private sources—were expanded, and new libraries were created. Collections at top law schools, which were measured in the thousands or tens of thousands of volumes at the beginning of the twentieth century, grew to hundreds of thousands and, in some case, to even over a million volumes over subsequent decades. In fact, the approach toward collections in these years was focused on amassing volumes, a task which (as discussed later in this section) was supported by the standards of accrediting associations. Collection development responsibilities necessarily evolved as collections grew. Early on, faculty might have made the decisions regarding what materials their school's library should acquire. However, this responsibility later shifted to the law library director and then to professional staff—either a collections development officer, a committee, or sometimes both.

American Bar Association Standards on Core Collections

As law schools developed at universities, and collections of the basic treatises were created, the American Bar Association (ABA) began to establish standards for accrediting law schools, including libraries and library collections. These standards set forth minimal requirements for every law school library's core collection. The standard promulgated in 1921 required only an "adequate library" for student use (as cited in Parsons, 1975, p. 142). Fifteen years later, this rather broad directive was made more specific with a minimum number of volumes—7,500 "up-to-date" and "usable volumes owned by the law school" (Ahlers, 2002, p. 21). For the next several decades, the volume count and the collections budget became the primary standards for adequacy. In 1968, the ABA required law schools to hold a minimum of 15,000 volumes. (Ahlers, 2002, p.97). The ABA reported that as of 1968 all approved schools had at least 20,000 volumes (American Bar Association, 1969, p. 7).

In 1969, the ABA finally listed publications that academic law library collections should possess to "achieve the very lowest level of adequacy" (Wilkins, 1970, p. 279). This directive included materials traditionally divided into two