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1-16-2006

The Law Library: A Twenty Year Odyssey

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THE LAW LIBRARY: A TWENTY YEAR ODYSSEY.

My wife, Alice, and I stood in front of the Morris Inn awaiting our early dinner appointment with Dean and Barbara Link. I had been to the campus on a previous occasion and, having been offered the position of Director of the Library, we were visiting to determine if we should accept the offer. It was October 4, 1984. The air was crisp, the sky cloudless. Provost O'Meara and President Hesburgh had been more than kind that afternoon describing a premier law school that needed a first class library and suggesting that I was the person to lead the ambitious plan that they and the Dean had in mind. As we waited for the Links, Alice and I discussed the opportunity. Coming from Washington and the Supreme Court Library, we were impressed, but not overwhelmed. The staff was small, the budget smaller. The collection, to be kind, was modest. While a building addition was in the final stages of planning, it would not be realized for another three years. Moreover, when completed, its labyrinthine arrangement would challenge all efforts to provide efficient library services. Could the community, university, and law school strengths overcome the present weaknesses of the library? As the pros and cons swung back and forth in our conversations, we noticed some organized commotion approaching us from the direction of the Dome. It was the marching band. Just as it passed the Law School's St. Thomas More Door, it columned left toward the stadium and struck up the Notre Dame Fight Song. The pendulum of choice stopped and more than two decades on, I am able to record this all too brief odyssey.

Although my appointment date was officially in June, 1985, Mrs. Farmann, the retiring director, generously welcomed my early arrival in April. The next two months under her tutelage provided me with a useful introduction to the law school library, its recent history, and methods of operation. When I assumed the helm, the library crew consisted of three librarians: Granville Cleveland, Jim Gates, and Michael Slinger (now librarian emeritus and directors of the Baseball Hall of Fame Museum Library and Cleveland State University Law Library respectively). Four support staff, among them Carmela Kinslow, who subsequently earned a library degree and assumed her long-time leadership of the circulation department rounded our complement. Although talented and dedicated, this

group was only half the size of my two previous academic appointments and one third the size which complements peer schools.

The collection consisted of 150,000 books. Primary materials were arranged by form, and treatise were arranged alphabetically by author under the titles of the major subjects in the law school curriculum, an arrangement common to small law libraries and one I had seen in my first library directorship twenty-three years earlier. Resources for collection building had historically been extremely modest and it showed. Fundamental primary materials and basic treatises were lacking, and there was almost a total absence of public or private international law materials. A void existed where literature to support scholarship between law and other disciplines should be shelved. But what would we have done with more staff and more books? There was no place to put them. Every available shelf was filled. Some space, technically within the library was occupied by the White Center, NITA, and a scattering of faculty offices. Fortunately, ground breaking for a building addition between the law school and the College of Engineering promised relief in 1987.

We did not, however, sit on our hands for the next two years while the dust and inconvenience of construction swirled around us. Responding to my argument that we needed research librarians to help overcome the meagerness of in-house collections by mining the resources available from other libraries and resources via inter-library loan or direct research, the university substantially expanded our base budget allowing the addition of three librarians (Dwight King, long-time head of the library's research unit among them) and appropriate support staff. It promised, as well, the resources to increase the tempo of acquisitions. Space for new books was found by removing older books from the shelves and sending them to off-site storage. The entire staff was stuffed into what is now known as the "computer lab," a space which, in earlier time, housed the National Reporter System and other items of the core collection. My office, no larger than the private washroom I had at the Court, was defined by unfinished plywood walls open at the ceiling. This tiny space also accommodated Teresa Welty (nee Tincher), the library's new administrative assistant who, twenty years on, manages so much of the library's

operations with unfailing grace. The dust, noise, and, depending on the season, drafts of hot or cold air, were major burdens during the two years of construction.

While the footprint of the new addition and the assignment of spaces were set by the time of my appointment, some changes in the plan were successfully implemented. The anticipated expansion of staff was met by building offices for research librarians in reading room alcoves. The Center for Civil and Human Rights and library technical services spaces were interchanged, thus enabling processing space to expand several times in subsequent years as demanded by the larger staff required to support a more aggressive acquisitions program. My estimates that the planned acquisitions program would exhaust the book storage space of the new addition in less than 10 years led to the installation of substantial compact shelving. This expanded shelving provided room for 70,000 more books and extended the capacity of the stacks to nearly 20 years.

Inauspiciously, during this period, we initiated two small programs that would have pronounced impacts in future years. I authorized purchasing two Apple IIc computers and accepted the university library's offer to collaborate with them on converting the library's historical card catalog records into machine readable formats. At the time, I knew that library catalogs were prime candidates for automation but had only the foggiest vision of how automation of the library's records would transform all aspects of collection management for the benefit of patrons. I had no idea at all of how information retrieval, first in full text databases like Lexis and Westlaw and later via the Internet and Google, would become accessible via the PC. I remember just a bit later being cautioned about cobbling together our first public computer lab on grounds that while we were accomplished librarians, technology management might well be beyond our competence.

About the same time the third addition of the law school building was dedicated in 1987, the John P. Murphy Foundation, which had some years earlier established the library's foundational endowment, again generously underwrote library development. Pledging a \$500,000 gift in five equal yearly installments, these resources supported collection building at levels that had been impossible a decade earlier. Some of these funds were

used for new publications, but then and now the modest, early development of the library meant that a good percentage of new resources were being used to locate and acquire out-of-print material important to research but not currently available. In 1990, I discovered that the Chicago Bar Association was planning to move its operations and eliminate its century-old law library. Upon further investigation, I determined that the bar might find an offer for the entire collection an attractive alternative to any attempts to sell off the collection in pieces. After examining the collection, I determined that it was worth attempting to acquire the entirety of the approximately 100,000 books in order that we might bring to Notre Dame the volumes that would be unique to our library. I took the suggestion to Dean Link, and he carried the idea to Provost O'Meara. In an example to me of the ability of a great university to nimbly respond to a unique opportunity, within 48 hours I was told "go for it, Roger." Our offer was accepted. In one fell swoop we added 13,000 titles and 35,000 volumes—the equivalent of what today would be three years growth and in 1990 exceeded our acquisitions for the previous 10 years. I later learned that the entire cost of the CBA purchase was generously funded by Jack Sandner, Class of 1968 and Chairman of the Board of the Chicago Mercantile Exchange. This one-time feast had two downsides, one more immediate and one longer term. Immediately, we had the task of processing this gorge of law books while maintaining regular operations—a task that burdened us for a decade. In the longer term, the 20-year life expectancy of the library's book-stack capacity had suddenly been reduced to 16 years. Every bit of shelving would be exhausted, not in 2007, but in 2003. Moreover, since effective capacity of a library is reached when 85% of all shelving is occupied, I began as early as 1991 to urge the consideration of what the law school must do to face the inexorable growth of the collection. The 70,000 books in the CBA purchase that were beyond our needs, equally divided between useable duplicates and terribly deteriorated items, were stored in primitive conditions in a Mishawaka warehouse until a major portion were sent to Notre Dame Australia to help build the library in support of its new law school--the balance were ultimately pulped. We also acquired space to store boxed books in a warehouse operated by the St. Vincent De Paul Society and, when the university library completed renovation of its basement in 2003, Jennifer Younger graciously allowed the Law library to temporarily store 75,000 volumes there.

It is little surprise to librarians that this is not a new phenomenon. Professor Moore, in his A Century of Law at Notre Dame, notes Dean O'Meara's lament that stack space was inadequate "but space has been assigned for our exclusive use in the Memorial Library, and little-used books will be transferred from time to time to this law library segment of the Memorial Library." But even this additional space was soon exhausted "... and in that year [1958] fifteen thousand volumes were put in dead storage in the tower of the law building." Today, as in 1958 and in 1985 when I arrived, the library owns more books than it can store on its available shelving. While this is a temporary inconvenience awaiting the completion of the new law school addition for which ground will be broken in 2007, the school can be pleased at the undeniable research strength available to faculty and students that the past 20 years has developed.

Obviously, the library can hardly exist without books. But a collection of books without services is little more than a specialized warehouse. The law library services have matured over the past two decades. Initially, under the direction of Michael Slinger, until he took the directorship of Suffolk University Law School Library in 1990, and since then led by Dwight King, research librarians have proved invaluable in assisting faculty scholarship and introducing students to the arcane but essential skill of legal research. Frequently recognized in the author's acknowledgements in books or articles or by a special note, the services of research librarians, including, in addition to Michael and Dwight, former librarians David Boeck (1985) and Lucy Payne (1988) and current incumbents Pattie Ogden and Warren Rees continuously received high praise. Their efforts in introducing neophyte lawyers to the world of legal research are equally noteworthy. Many graduates, particularly those in their first years of practice, extol the quality of the preparation provided by their legal research teachers. As the law school's scholarly production increases, the service of these librarians should continue to be a major library asset.

Document delivery, whether from nearby shelves, remote storage, or libraries across a vast national or international interlibrary network, is an essential task of the modern library. No library, regardless of size, is capable of holding every scholarly resource of

interest. Moreover, acquiring over 200,000 volume equivalents in microform often requires copying the information from this disfavored format to a printed or digitally computer-readable form. Insofar as resources allowed, I attempted to encourage the prompt hassle-free document delivery service I had experienced at the Court, at least to faculty. The access services staff, led since 1990 by Carmel Kinslow, has consistently been in the forefront of receiving patrons, responding to their requests or directing them to staff directly responsible for their needs. From my first day with the library until now, the access services department, with its openly inviting circulation desk staff, is perceived by many as THE library.

As mentioned previously, the organization of the collection and the reliance on the card catalog, methods of a bygone library era, ultimately gave way in time to a machine readable electronic catalog and the use of the standard classification schemes for academic libraries developed by the Library of Congress for law in 1967. Collaborating with the university library, Jim Gates (1981) supported and followed by Nan Moegerle (1986) saw that some 28,000 title records were converted to machine readable form and treatise were classed and arranged by L.C. Classification. We also decided to follow the university's lead in using NOTIS automated library system. Unfortunately, while the price was right, being paid for by a grant received by the university library, and the system offered a catalog that satisfied most of our needs, its functionality in handling serial records was essentially deficient. That deficiency was so telling in a library where 70% of all receipts were serials (law reports, statutory or regulatory releases, loose leaf services, periodicals, pocket parts, etc.). We needed another product to meet our requirements. By the time we were making this decision in 1991, Janis Johnston had joined the staff to head up technical services. With substantial experience in law libraries, most recently at the University of Illinois, she spearheaded an effort to find and acquire the best system for controlling legal serials. This search soon led to Innovative Interfaces Inc. which more than a decade earlier created a serial system to satisfy Boalt Hall's law library needs. With grant funds in hand, we undertook a multi-year effort to merge the NOTIS catalog with the III serial control system. While the merger worked, it was not without continuing friction.

When in 1992 the university library decided to abandon the aging NOTIS for a new integrated library system, untested in the United States with no guarantees that the new system would ameliorate the limitations of NOTIS for the law library, we decided to invest some windfall resources and completely automate our processing efforts with the Innovative Interfaces. The conversion effort was a major challenge, but by the time Joe Thomas succeeded Janis Johnston (who in 1999 became director of the University of Illinois Law Library) as the head of library technical services and with the support of Sandra Klein, Nancy Poehlmann, and Laurel Cochrane, librarians responsible respectively for acquisitions, cataloging and inventory control, we had a superior library system that enabled electronic management of ordering, cataloging, serials, binding, routing, circulation, financial records, and a myriad of other inter-related services. These tools, by enabling us to make decisions on the basis of data unavailable in the manual paper regime, increased library effectiveness by making library resources more accessible to all our patrons.

The implementation of these electronic technologies to library services was certainly important, but library attention to technology paled with the more comprehensive technology requirements of the entire law school. As the unit in the school that first became involved in technology in a major way and responsible for introducing services, both hardware and software applications, it seemed natural to call upon the library to extend its support of IT applications far beyond the library and the small computer lab designed to support Computer Assisted Legal Instruction. For the better part of the past decade, responsibility for all law school information technology has slowly accreted to a growing IT department under my general direction. The trend began in 1991 when it became clear to me that the campus-wide plan to widely distribute hardware to faculty and staff and license software to support office productivity over a campus local area network would demand more resources and expertise than available from library staff. I decided to slowly build up an IT staff that would ultimately assume responsibility for law school IT.

The first person engaged to devote all his energies to supporting law school staff and faculty IT was Jeff Morgan who, while remaining a member of the University's Office of Information Technology, was detailed to the law library four days a week. In 1995, Jeff's efforts were substantially augmented by a director of law school IT hired to develop and manage law school technology on a scale appropriate to a premier law school. Since 1998, Dan Manier, Director of Law School Computing, has led this effort as the department, growing to a staff of 5.5 FTE, assumed responsibilities for networking, law school web management, class room technologies that support the faculty's growing interest, two student computer labs, and parallel service to the growing cohort of students who require lap top support. Most recently, in addition to serving the specialized computing needs of the admissions, career services, and clinic offices, the IT department has been a major player in implementing exam software that allows students to provide printed exams taken in a secure environment. When these particular demands are aggregated with the service requirements of approximately 200 established faculty, staff, and student workstations, and constant close liaison with the university's office of information technology, it is no wonder that technology has evolved into a major area of responsibility that I never imagined 20 years ago.

The growth of collections, services, technology, and their attendant staffs during my tenure at Notre Dame have been pronounced. Its 137,000 volume/32,000 title collection has grown to 635,000 volume and volume equivalents in microform and 99,000 titles held. In 1985, it kept up to date by receiving 3,329 serial titles, 1,045 new book titles, and 4,304 books. Last year the library subscribed to 6,700 serial titles, added 4,300 new titles and 16,302 book and book equivalents to the collection. Its library faculty has doubled and the entire staff has grown at least three fold. Its comparative position among all the nation's law schools has increased dramatically. It stands strong among national peers. Faculty and student evaluation of library services in a recent national survey indicated immense satisfaction with every aspect of the library, save the physical environment. The university and the law school can be proud of its strength and growing national reputation. This achievement has been the product of the immense support of a host of individuals. While there are too many to name individually, justice demands that

I call attention to several without whose encouragement or contribution we could not have climbed so high. I owe a huge debt to Dean David Link. Dave sold me on the special quality of this place and gave me the opportunity to build a law library responsive to his irrepressible optimism and love of Notre Dame. Dean Patricia O'Hara honored me with continuing votes of confidence that the library's efforts were meeting her high standards. The faculty of the law school encouraged our efforts, patiently accepting the fact that building a research library would take time. The funds provided by the University officers and those many extraordinary benefactors identified by the development office provided the financial resources essential to our growth. The library staff who accepted my leadership and whose work, both inspired and mundane, were essential to all of our achievements. Alice Jacobs stood beside me outside the Morris Inn in 1984, and together we decided to come to Notre Dame. I pray as we walk away together that she is still pleased with the decision.

Roger F. Jacobs

Notre Dame Indiana,

January 16, 2006