American Bar Association
Section of Legal Education and Admissions to the Bar
Standards Review Committee

Chapter 6 - LIBRARY AND INFORMATION RESOURCES

REDLINED -- DRAFT after July 2011 Meeting

Strike-outs and underlines show changes from the 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 library expertise, resources, and services adequate to enable the law school to carry out its educational program and accomplish its the mission.

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 library responsibilities and goals relating to the educational missions of the law school and for supporting the law school's programs. The law library identifies means to achieve the established goals, assesses its success and challenges in realizing the established goals, and regularly re-examines and appropriately revises its established goals. Such goals should be integrated into law school strategic planning documents as well as stated in library policy documents.

~~Interpretation 601-1~~ (see 606-5)
~~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 shall ~~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's 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, priorities and funding ~~levels~~ requests.

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 and expertise 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, whether there is a dual division program in the school, any 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 and information literacy 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 enable the law school to carry out its educational program and accomplish its mission.

Standard 606. COLLECTION

(a) The law library shall provide a core collection of essential materials ~~accessible in the law library~~ through ownership in the law library or reliable access. The choice of format and 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) ~~*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 and U.S. territory;

(2) all federal codes and session laws, and at least one current annotated code for each state and U.S. territory;

(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 or U.S. territory 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.

(c)~~(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.**

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

(e)~~(d)~~ A law library shall provide suitable space and adequate equipment to enable authorized users ~~patrons~~ 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 in the core collection, ~~depends~~ that supports ~~on~~ the mission of the institution, the school's curriculum, 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
Reliable access to information resources can be provided through an appropriate mixture of:

> *(a) databases to which the library or the parent institution subscribe or own and are likely to continue to subscribe and provide access,*
>
> *(b) authenticated and credible databases that are available to the public at no charge and are likely to continue to be available to the public at no charge, and*

(c) 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 *(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 enable ~~meet~~ the law ~~school's educational needs~~ school to carry out its educational program and accomplish its mission. 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.~~

~~***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.*~~

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(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 library expertise, resources, and services adequate to enable the law school to carry out its educational program and accomplish its the mission.

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 library responsibilities and goals relating to the educational missions of the law school and for supporting the law school's programs. The law library identifies means to achieve the established goals, assesses its success and challenges in realizing the established goals, and regularly re-examines and appropriately revises its established goals. Such goals should be integrated into law school strategic planning documents as well as stated in library policy documents.

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 shall 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's 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, priorities and funding requests.

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

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Factors relevant to the number and expertise 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, whether there is a dual division program in the school, any 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 reference services and faculty research support, enhancing the research and bibliographic and information literacy 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 enable the law school to carry out its educational program and accomplish its 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 format and 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) 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 and U.S. territory;
(2) all federal codes and session laws, and at least one current annotated code for each state and U.S. territory;
(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 or U.S. territory 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 necessary to identify primary and secondary legal information and update primary legal information.

(c) 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.

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

(e) A law library shall provide suitable space and adequate equipment to enable authorized users 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 in the core collection, that supports the mission of the institution, the school's curriculum, 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
Reliable access to information resources can be provided through an appropriate mixture of:

> *(a) databases to which the library or the parent institution subscribe or own and are likely to continue to subscribe and provide access,*
>
> *(b) authenticated and credible databases that are available to the public at no charge and are likely to continue to be available to the public at no charge, and*
>
> *(c) 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
Cooperative agreements may be considered when determining whether faculty and students have efficient and effective access to the resources necessary to enable the law school to carry out its educational program and accomplish its mission. Standard 601 is not satisfied solely by arranging for students and faculty to have access to other law libraries within the region.

Reporter's Notes

[N.B. These Notes reflect the SRC discussion through July 2011.]

Standard 601*General Provisions* is unchanged although the SRC recommends changes in the accompanying Interpretations. The Committee recommends eliminating current Interpretation 601-1, which addressed cooperative agreements, and replacing it with new Interpretations 601-1 and 601-2. The issue of cooperative agreements is contained in a discussion of access in Standards 606 and in Interpretation 606-6.

Consistent with eliminating current Interpretation 601-1, the recommended Interpretation 601-1, more fully defines what constitutes an "active and responsive force." A law library must provide adequate services to faculty, students, and staff to enable them to carry out the school's educational program and accomplish the school's mission. This language regarding educational program and mission, then, is consistent with other recommendations throughout the recommended Standards.

Interpretation 601-2 addresses the planning function for and the planning process of a law library. A law library will be an "active and responsive force" when it works with the dean and faculty in regularly identifying and then applying specific library responsibilities and goals that relate to a school's program and educational mission. This recommended Interpretation indicates that the library must establish goals, assess its success and challenges in achieving those goals, and regularly review, re-examine and revise them as appropriate. The library's goals, then, should be integrated into a law school's strategic planning documents as well in its own library policy documents.

Standard 602 *Administration* and Interpretation 602-1 remain unchanged.

Standard 603 *Director of the Law Library* remains to be discussed by SRC as part of its broader discussion of security of position.

The SRC recommends a language modification to Standard 604 *Personnel* and Interpretation 604-1. The current Standard 601 refers to a "competent" staff. The recommendation is to refer to "expertise . . . to support the library's informational resources and services." Similarly, Interpretation 604-1 also refers to "expertise."

The SRC recommends no changes to Standard 605 *Services*. The Committee, however, does recommend language changes in Interpretation 605-1. The current Interpretation lists the appropriate services that a law library should provide. In addition to those services listed, recommended Interpretation 605-1 adds that reference services should include faculty research support, should enhance the research and bibliographic skills of students, and should manage the library's website.

Standard 606 *Collection* and its Interpretations are changed in few respects. Technological advances in the delivery of information and in electronic resources raise issues of ownership and access. Recommended Standard 606 (a) addresses these issues

by stating that the law library shall provide a core collection either by ownership or "reliable access." Additionally, choices regarding format, ownership, or access for all library materials, including the core collection, shall be made so that they "effectively support the law school's curriculum, scholarly, and service programs and objectives." Further, the recommendation recognizes that the law library plays a role in "preparing students for the effective and responsible participation in the legal profession."

Standard 606(b) is former Interpretation 606-5, which has been moved into the Standard. The language is slightly modified to indicate that a library core collection shall also include materials that cover United States territories.

Former Standards 606 (b) and 606 (c) are renumbered as (c) and (d) but remain unchanged. The language in former Standard 606 (d), now 606(e), is modified slightly to indicate that library resources should be available to "enable patrons" to use their services and collections.

A grammar modification is recommended for Interpretation 606-1.

The SRC recommends a language change to Interpretation 606-2 linking library service to supporting the law school's mission and curriculum. In addition, law library services should include preparing students for the "effective and responsible participation in the legal profession."

The SRC recommends a modification of current Interpretation 606-3 addressing sharing agreements for library information. The Committee recommends deleting references to sharing agreements. Instead, recommended Interpretation 606-3 provides a list of examples of what constitutes an appropriate mixture of library resources constituting reliable access. The mixture may include; (a) databases which the library or parent institution own or are likely to continue to subscribe; (b) databases that are available to the public at no charge and are likely continue to be available at no charge; and, (c) participation in a formal resource-sharing agreement either through electronic or physical delivery within reasonable time period.

No change is recommended for Interpretation 606-4.

The Committee proposes new Interpretation 606-5 addressing cooperative agreements. This Interpretation revises current Interpretation 601-1 and connects cooperative agreements to a library’s obligation to carry out a law school's educational program and assist the law school in accomplishing its mission.

The Committee also recommends eliminating current Interpretations 606-6 and 606-7. Current Interpretation 606-6 regarding the role of the dean, faculty, and law library director in formulating a collection development plan is addressed in Interpretation 601-2. The Committee was of the opinion that current Interpretation 606-7 addressing equipment to print microform and electronic documents and to view and listen

to audiovisual materials in the collection was adequately covered by the general requirements regarding access to library services and materials.