7-2010

Symposium Introduction - The Law Librarian's Role in the Scholarly Enterprise

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Recommended Citation

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The Law Librarian's Role in the Scholarly Enterprise

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The law library is an essential component of legal education for many reasons relating both to the physical and human resources in the law library. Librarians perform an important function as intermediaries between information and its users, both students and faculty, and they are experts in establishing the authority of legal information.

The legal academic world is becoming more and more interdisciplinary and empirical, and legal scholarship thrives on complex and sophisticated research. Aside from the librarian's role as guardians of knowledge, librarians also need to provide more sophisticated services to faculty members related to their research. Becoming an integral part of the research team with faculty allows librarians to add value to the scholarly enterprise in anticipation of scholarly needs, not merely in response to individual research requests received out of context. The papers in this issue of the *Journal of Law and Education* and the others presented at a conference[1] held in November 2008 explore the law librarian's role in the legal scholarly enterprise.

Professor Stanley Katz of Princeton University delivered the keynote address focusing on the librarian's core intellectual skill of selecting materials and building both digital and print collections to support faculty scholarship. Other presentations focused on the use of bibliographic management software to manage scholarship, the instructional role of librarians in improving information competency in the age of the internet, a call for a formal institutional scholarly role of a "professional

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1. On November 20-21, 2008, the University of South Carolina School of Law and the Coleman Karesh Law Library held a conference entitled "The Law Librarian's Role in the Scholarly Enterprise." Approximately 50 law librarians from around the U.S. attended and discussed how law librarians can improve and support legal scholarship in light of technological advances.

research associate" within law libraries, and a discussion of librarian status within the academy.

Professor Katz in his address laid out the most important issues and trends currently affecting scholarship and libraries. He points out that current law faculty who frequently have advanced degrees in other fields are not invested in the law. They seek to do research in areas related to law and divide their scholarly loyalty between law and other social science disciplines. The emphasis on interdisciplinary research has in some ways made newer faculty less loyal to the law as an academic discipline.

Recognizing that the introduction of technology into libraries and the academe has many benefits, Katz also notes that technology has added to the librarian's work; it has not relieved librarians from any existing duties. Technology has added tasks to the librarian's plate, not taken any away. With these additional burdens, the challenge for librarians is to develop tools that integrate the various forms of information currently available—born digital information, electronic information, web-based video and audio, and the print collection—for use by scholars.

Intellectual property issues have come to dominate scholarship and research libraries as never before. Along with the complexity of the various forms and types of information come more complex intellectual property issues. In the future, the operative principles of copyright law may be determined by the Google Books settlement, a private contract, rather than reference to public law such as the Digital Millennium Copyright Act.

The current trend in education and pedagogy is active learning—the engagement and participation of students in and outside the classroom with the course material. Some of this active learning must include engaging students and scholars in the library. An important curricular role of the librarian is to teach the authority of information as well as how to locate it.

Katz provocatively suggests that we may indeed see the digitization of all human knowledge within a generation—a feat unthinkable just a decade ago. With the increased availability of digital information, digital scholarship[2] becomes more prevalent. In Katz' view, digital scholarship is by definition collaborative and, thus, challenges the notion of the

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2. An example of digital scholarship is *The Valley of the Shadow: Two Communities in the American Civil War*, hosted by the University of Virginia and located here: http://valley.lib.virginia.edu/.

solitary scholar—a long standing tradition of the legal academe. Ideally, the library and the librarians become the interface between the creators and the users of this vast array of information.

Professor Michael Slinger describes the historical background of the involvement of law librarians in the scholarly production of law schools. In his article, Slinger details the development of the law librarian from an *ad hoc,* part-time role to the legal information professional of today with dual graduate degrees in law and library science, responding to the specialized services demanded by faculty and students that require multiple professional librarians to operate and manage the modern academic law library. Based on his experience as a law library director at several law schools, Slinger advocates for librarians to develop a research partnership with faculty in the creation of scholarship.

During the conference, Dean Walter Pratt of the University of South Carolina School of Law provided a dean's perspective on the role of the law librarian in the scholarly enterprise. Dean Pratt stressed that librarians and faculty are colleagues in a common enterprise, a joint effort to produce legal scholarship. At the core of the enterprise are the tenure-track faculty who have the responsibility to produce scholarship. Librarians advise deans on the library's collection and the nature of information. Pratt called for librarians to conduct serious thinking about the nature of the services a library provides and to think about how research is conducted in a digital collection as opposed to a conceptual collection. In his view, the research results and the related research process are very different.

Professor Danielle Holley-Walker spoke more specifically on how librarians can work with faculty in a common enterprise. Providing a faculty member's perspective, she divided her talk into how a librarian can assist new faculty in creating a scholarly agenda, how librarians can assist in the production of scholarship and then how librarians can assist upon the completion of a project. She stressed that new faculty lack knowledge of the library and its services. They tend to be very comfortable with digital information, but need to be educated on the vast array of tools and information available to them. Finally, an effective way to communicate to faculty about the role of librarians is to discuss their collaborative role in a faculty colloquium.

Professor Richard Danner follows up on Katz' provocative statement that digital scholarship is by definition collaborative. Danner agrees with Katz that legal scholarship is increasingly interdisciplinary. He likewise

recognizes how copyright law and the Google Books settlement are affecting the flow of information – a necessary ingredient in the production of scholarship.

In Danner's view, law librarians must master technology that both creates and delivers information. Librarians ideally should work in the collaborative research space where scholars work and provide tailored services to scholars. In order to accomplish this ambitious goal, library directors must hire bright, talented librarians willing to take on this task. I might add that the academe needs to compensate them commensurately for the sophisticated skills they will need to provide these tailored services.

Professor Barbara Bintliff calls for the creation of a legal research professional within the legal academe much like research associates exist in the physical and social science disciplines. Law librarians with J.D. degrees can effectively fulfill and excel in this role.[3] Inspired by Thomas Kuhn's *The Theory of Scientific Revolutions*, Bintliff argues that the law paradigm—the shared understanding of the law, its principles and sources—is harder to identify in this technological era, but it still exists. Law librarians are the marshals of this paradigm and, particularly, of the sophisticated research methods used to explore the paradigm.

During the conference, Dana Neacsu of Columbia University similarly advocated for a role of the law librarian that is "rooted both in our ethic of service and in our professional knowledge of the law and legal taxonomy." Professor Simon Canick of the William Mitchell College of Law and Thomas Mills of Cornell University described specific tools and programs that they have used and created to improve the information literacy of students and faculty.

The intent of the conference was to discuss in a serious manner the role of law librarians in the academy during this time of transition, where copyright law, technology, and the financing of legal education are all changing. The librarians and scholars at the conference consistently called for librarians to proactively work in the collaborative space where scholars work and to tailor sophisticated services to the needs of legal scholars. The selected papers in this issue explore in greater depth this call for proactive collaboration by law librarians in this scholarly enterprise.

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3. *See generally* Barbara Bintliff, *Context and Legal Research*, 99 Law Libr. J. 249 (2007).