University of Montana Law Library Self Study

American Bar Association Accreditation

SELF-STUDY REPORT: LAW LIBRARY

(11/4/09)

Overview

The University of Montana Law Library is the only academic law library in the State of Montana, serving a student body of about 240 students, 25 faculty and adjuncts, staff, local attorneys, the university community and the public. The Law Library is under the control of the Dean of the Law School. The Law Library is an active and responsive force in the educational life of the law school. Although small in terms of physical size, budget, and personnel, it is quite responsive to our faculty and students and it is very efficient.

The Law Librarys mission is to provide the essential legal research tools for our students, our faculty, and the practicing bar, and to provide instruction, when necessary, on their proper use. It also serves students in the legal assistant program at the UM-Missoula College of Technology, non-law University of Montana students and faculty, and the public at large. The library must confront the impact of new technologies and budget constraints faced by all libraries. We have made significant improvements in the library since the last site inspection in 2002, but the library still faces challenges. Section V of this report details our specific accomplishments since the last site inspection. Section VI discusses challenges facing the library and notes strategies for addressing these challenges.

I. Budget and Funding.

A. State Funds.

It is useful to compare our law library with the state law school libraries of our neighbor states: North Dakota, South Dakota, and Wyoming. These four law schools have among the smallest enrollments of all ABA-accredited law schools. It is, therefore, not unnatural that they are on the lower end of the ABA rankings for law school libraries in terms of total library expenditures and total library acquisitions expenditures. It is useful to treat the three neighbor-state law school libraries as our peers for purposes of comparison in the areas of total library expenditures and acquisition expenditures.

In terms of total library expenditures, provided by the State Legislature and The University of Montana, we have been making substantial progress when compared with our peers. Our stated goal in our 1994 self-study report was to at least reach the average of our peers in terms of total expenditures. In 1994, we were 31 percent below our peers average. In 2000 we were 12.3 percent below our peers average. Our total expenditures for 2000 were $772,944. In 2008 we were 10% below our peers average. Our total expenditures for 2008 were $1,087,764, a 40.7% increase since 2000.

In terms of acquisitions expenditures, in 2000 we were 2.6% percent below our peers average with expenditures of $401,027. By 2008 we were 2.7% below our peers average with expenditures of $575,854, a 39.8% increase over eight years. Acquisitions expenditures are particularly important for a library because of the need to purchase the essential monographs, treatises, periodicals, electronic resources that faculty and students need to conduct quality research. In 2008 we were very close to our peers average in this area, and we have been able, in fact, to buy everything of significance in the legal area. The increased cost of legal materials (the inflation rate for legal materials is usually twice that of the Consumer Price Index), and our comparative rate of expenditures with our peers and with law schools nationally is cause for some concern. Electronic databases are, though, becoming an equalizer for smaller libraries such as ours. HeinOnLine, which we subscribe to, has about 2,000 legal treatises in full-text. Also, Gales *Eighteenth Century Collections Online*, which we also subscribe to, has over 10,000 legal treatises in its law collection and perhaps another 500 in its social science section.. Moreover, we plan on purchasing *The Making of Modern Law* database this academic year which has about 25,000 treatises in its database. The President of the University of Montana did give us a seven percent increase for this fiscal year, meaning that our current acquisitions budget is $668,403.

B. Endowed Library Funds and Library Gift Account.

Past leadership of our law school installed the Jameson Endowed Fund for the library which now stands at $255,655 (as of 6/30/09) compared with $340,784 (as of 6/30/08) with annual income of about $8,000 and with current available income of $55,614. It had been library policy for many years to partially re-invest the annual income into the corpus of the trust, but in the last several years we have (fortunately) simply allowed the available income to accumulate. We may not have this luxury in the future. We may have to spend the income on necessary library acquisitions. In addition, there are planned gifts for the Jameson Fund amounting to $81,025: the Jack and Anne Dietrich Gift Annuity now worth $21,828 and Aleta Husted Gift Annuity now amounting to $59,197. The Dixon Library Endowment Account had a balance of $81,608 (as of 6/30/09) compared with $98,056 (as of 6/30/08) with a current spendable amount of about $30,687. It is unusual for a small law school, such as ours, to have such endowed funds, and we consider ourselves fortunate to have them. The spendable income from them can help tide us over in times of financial distress. We also have in the library gift account about $33,195, which is in an interest-bearing account.

C. Budgetary Concern.

One major budgetary concern which we are dealing with is the cost we bear of free student copying. Toner and paper now costs us about $10,000 a year. With the help of the Dean and the Director of Information Technology, we are seeking to work out a system where the students would use vend cards for printing with a free cap of a certain number of copies, and above that they would be charged.

II. The Collection.

Collection development has been an important library focus of the last six years, and the faculty has approved our collection development plan (see Appendix A). This plan prioritizes scholarly treatises and materials of particular interest to current faculty. Areas in which the library should not collect are also set; for example, marginal materials mixing law and political or social science, and government documents held by the universitys Mansfield Library.

Our collection now is quite good, and we also have an impressive collection of rare books. For the last 15 years we have purchased all the materials that any good law school library should have. In addition, we have bought all the items that our faculty has recommended to us. In fact, the law faculty and the law students seem satisfied with our collection. We hear no complaints, and we respond positively whenever we receive a request to buy something. The library owns basic materials of every type recommended by the American Association of Law Libraries. The library has the major multi-volume treatise or treatises in nearly every major subject area. Although our collection does not have many looseleaf services, it does have the major looseleaf services in the areas of tax, environmental law, immigration law, estate planning, and social security. The library has the most important law reviews in print, and it subscribes to HeinOnLine, which has almost all law reviews and law journals back to volume one available in PDF.

In the last 14 years, we have systematically bought all important legal monographs from quality university presses such as Harvard, Yale, Michigan, Chicago, and Oxford. We purchase most of our monographs at a discount from Baker and Taylor YBP Library Services (YBP) instead of from individual publishers. When possible, we purchase the paperback version which YBP binds, thus saving additional money (compared to simply buying the hardback volume initially). We also purchase from Barnes & Noble, and for rush items we often use Amazon. In addition, using LoDo Lawbooks, we have added retrospective titles to our collection. We have the major treatises put out by legal publishers in all the major subject areas. The subscription to HeinOnLine has increased our access to legal periodicals, to classic legal treatises, and to the Code of Federal Regulations/Federal Register. HeinOnLine enhances our C.F.R./Federal Register coverage, but we still have the complete print set of the Federal Register and significant C.F.R. print coverage (back to about 1985). The print Federal Register especially is fairly well-used.

In 1994 the law faculty approved the librarys use of a write-for-order plan with respect to our Matthew Bender (now Lexis Publishing) and Clark Boardman Callaghan (now West Group) publications because of their excessive supplementation costs. Many law school libraries have adopted such write-for-order plans. For a significant number of these titles from these two publishers, we no longer have continuing subscriptions. Instead, we order those treatises brand new every three-to-five years thus saving great amounts of money by avoiding the annual supplementation costs. We use the savings to buy a wider variety of legal books and materials. It is important to recognize, too, that the inflation rate for library materials is at least twice that of the CPI inflation rate. The write-for-order plan has helped us stay within our budget. For items published by West Publishing Company which we wish to keep on standing order, we use the West Library Management Account plan which caps the inflation rate of the included materials at three percent. Otherwise, the inflation rate would be a good deal higher.

The UM Law Library is complemented by the State Law Library in Helena. Its mission is to serve attorneys and judges across the state. Accordingly, it is much more involved in photocopying articles and cases and lending books to attorneys and judges within the state than we are, although we also provide quite a lot of direct service for attorneys across the state. We do have a significant relationship with the state bar. It also has a complete brief collection for all cases appealed to the Montana Supreme Court. We have conceded this function to the State Law Library, partly because we do not have space to house the briefs and partly because they are very efficient and can supply briefs to our students and faculty by the next days mail. Also, it has the briefs (1980 to the present) to the Montana Supreme Court available electronically via their homepage. Both the State Law Library and our library have the existing legislative history for Montana legislation, but the the State Law Librarys collection goes back further since they are a depository for the print copy and we have only received the microfiche (which began in 1987) and the CD-ROM (which began in 1997). From 1999 to the present, some legislative history is available on the Internet.

The UM Law Library aspires to be a solid regional law library. Consequently, the library collects extensively in subject areas of particular significance to this region; e.g., water law, environmental law, public land law, federal Indian law, Western legal history, and the like. In all other areas, we purchase the best scholarly materials and the leading treatises in almost every subject area. We also have a basic international law collection and the statutory laws of the major English-speaking foreign countries. We have a Jessup International Law Moot Court Team and courses in International Law and International Trade, and we collect materials that support these endeavors. As of now, there are no real identifiable weaknesses in our collection. Considering the size of the school, the scope of our curriculum, and the research interests of our faculty, it is fair to characterize our collection as strong.

III. Physical Facilities.

Located within the Law Building, the Law Library is convenient to students and faculty. The library serves as an additional point of contact between law students and faculty in a law school noted for ease of interaction between faculty and students. The major construction project has added a commons area in the building for students so that first-year students have a place to relax, and socialize in, outside the library. Second- and third-year students have dedicated study and storage spaces outside the library, but 25 have assigned study carrels on the mezzanine of the library. With the addition of other study space in the building, the library has become a quiet study area.

The collection is primarily housed on one main floor and a mezzanine of 20,060 square feet. The perimeter walls of the Castles Center on the ground floor beneath the library contain shelving which holds the librarys British material. In a room next to the Castles Center, approximately 28 feet square, is high-density shelving which houses duplicative and older, rarely used materials. The library has gained an additional 2,826 linear feet of mobile shelving space, which will be used to shelve law reviews, from the renovation project.

Although relatively small, the library has adequate shelf space to provide for many years of growth. Because HeinOnLine provides almost all law review/law journals in PDF from volume one, we decided to discard most of our print volumes of the reviews and journals up to 1990. (We also have the discarded volumes in microfiche.) This freed up a substantial amount of shelf space. Since we have Westlaw and Lexis for all out law students and law faculty and since we have public-access Westlaw for all library users, we have discarded second copies of print reporters without inconveniencing any of our users.

The library and the downstairs Castles Center, which can be counted as part of the library for seating purposes (and it does have some library shelving), have a total of about 200 seats. This amounts to over 80 percent of the current student body.

The library houses a small computer lab (six computers). The library workroom houses the main law school copier/scanner and a fax machine for the library. It no longer also serves as office space for two library staff members. Each library staff member and librarian now has his or her own office. The library is wireless so students may access the Internet from anywhere with the library. Study carrels and tables are wired with electricity.

We have made a concerted effort to improve the lighting in the library. The overhead lights and the stack lights were all replaced with a brighter, more energy efficient, type of lighting with motion detectors. We also equipped the study carrels with neon florescent lighting to minimize the shadow effect.

IV. Administration.

A. Personnel.

The UM Law Library has a very competent and very experienced staff. Because there are only seven library staff members, there is no rigid demarcation of responsibilities, even though this section might imply otherwise. When any staff member is sick or out of the office, or needs help, the other staff members do that persons work, too. Four staff members serve at the Reference Desk/Circulation Desk each day.

Our staff consists of the following:

Fritz Snyder: Library Director.

Stacey Gordon: Associate Librarian for Public Services; Research Librarian.

Phil Cousineau: Associate Librarian for Technical Services; also in charge of reserve materials, circulation, cataloging, processing, and budgeting..

James Cramer: Director of Information Technology (for the law school and law library).

Diane Bailey: Accounting Technician (ordering and budgeting).

Bob Peck: Library Technician (Blackboard classroom support; interlibrary loan; serials check-in; library reference).

Ed Wrzesien: Computer Support/Classroom Technology.

The staff, with one exception, does not appear to be overworked; morale is good; and turnover is very low. The Library Director plays an active role in the management of the library and also is in charge of library acquisitions. He also sits at the reference/circulation desk for three hours each weekday. The Associate Director for Public Services also staffs the desk for three hours each weekday. Both have law degrees and teach the required two-credit first-year Legal Research course in the fall semester. Both also teach an Advanced Legal Research elective in the spring. This Associate Director for Public Services also teaches additional one-credit courses in the winter, spring and summer (Indian Law Legal Research, International Law Research, Animal Law, and Environmental Law Research) as well as many hourly classes for classes on campus as well as off. The Associate Librarian for Technical Services handles all the cataloging and processing of new materials, the reserve materials, and is in charge of the student library assistants who staff the desk at night and on weekends. The library works: students are served, new books come in and are quickly processed, the law faculty is happy. Both the Associate Directors are on annual contracts, and both also have academic rank: Adjunct Professor of Law Librarianship (Stacey Gordon) and Adjunct Associate Professor of Law Librarianship (Phil Cousineau). Unlike the situation noted in the 2002 ABA Report, none of the three librarians on the staff now has split duties. All are full-time in the library.

It is important to note, however, that our two IT people (James Cramer and Ed Wrzesien) spend very little of their time on library technology concerns. Most of their time is spent helping faculty and students with IT problems.

B. Cataloging.

All patron and bibliographic records for the Jameson Law Library and the University of Montana and affiliated campuses are maintained, backed up, and administered by Mansfield Library system administrators. The system is Ex Libris Voyager and the law library currently uses the cataloging, circulation and acquisitions modules.

The Associate Director for Technical Services catalogs all library materials and maintains holdings records for OCLC and the local public access catalog (PAC). Local holdings are designated by various collections, the largest and most important of which are the treatise and the reference collections. 100% of the treatise collection (approximately 27,000 items and 17,000 titles are cataloged and the holdings are reflected in both OCLC and the local PAC. The treatise section is completely barcoded and is the only portion of the print collection that circulates through the Ex Libris Voyager circulation system. The treatise section is classified and organized using the Library of Congress classification system.

The reference collection is divided into several subgroups, the most important of which are the classified portion, the unclassified portion and the microfiche portion. Together these sections of the reference collection comprise approximately 100,000 volumes and volume equivalents. Approximately 97% of these titles are reflected in OCLC holdings and in the local PAC. Most of the classified portion of the reference collection is barcoded, but relatively few of the unclassified section and none of the microfiche is barcoded. The reference collection does not circulate through the Ex Libris Voyager circulation module.

The majority of the unclassed print portion of the reference collection consists of reporters and are organized geographically. Most of our microfiche collection consists of pre-national reporter system reports and state session laws, both of which are geographically and then chronologically arranged. We also maintain complete CFRs and Federal Registers to 2003 on microfiche.

The Jameson Law Library is a member of the statewide OCLC Group Services contract and gains online access to OCLC records and maintains holdings through this membership. The Jameson Law library maintains a less than full access membership to OCLC that allows online downloading of bibliographic records, holdings maintenance, and interlibrary loan functions but does not allow original cataloging to be added to the OCLC database. Very few items receive original cataloging at the Jameson Law Library.

C. Circulation/ Interlibrary loan/Serials Acquisitions/Class Reserves.

Circulation of all treatises and audiovisual materials occurs through the Ex Libris Voyager automated circulation module. These materials are circulated to all University of Montana students, staff and faculty as well as to members of the (statewide) legal community. Circulation of reference and other materials to law school students, staff and faculty is accomplished by a simple sign out notebook that relies on the honor system. Law reviews bound since 2001 can checked out to law students, faculty and staff using either the honor system or the Ex Libris Voyager circulation module.

The Jameson Law Library does not currently use a library book security or detection system. A November 2007 inventory indicated the library suffers a loss rate of less than 1%. Between 7/1/06 and 6/30/08 the Jameson Law Library circulated  3521 items with 1459 renewals.

Interlibrary loan functions are accomplished through our membership on the statewide OCLC group services contract. Interlibrary loan services are offered to law school students, faculty and staff. The Jameson Law library also loans materials to Montana attorneys statewide.

All new and serial acquisitions are tracked through the Voyager acquisitions module. Purchase orders are generated for each new title, publications patterns are generated for each new serial, invoices are generated for each payment, and each serial is checked in at the item level.

Class reserve of owned library material is accomplished through the Voyager circulation module. Materials are placed on reserve for a given class at the instructors request and removed from reserves at the end of the class. Items circulate to students for two hours. Materials that are not owned by the library are made available to students through BlackBoard, a class reserve software system that allows particular students to access specific materials for a limited time period.

D. Technology.

The Jameson Law Library is supported by several technologies. In 2005 the library purchased a Minolta MS6000MKII microfiche/film viewer and scanner. The MS 6000 offers film or fiche printing or electronic scans can be made from fiche and immediately be emailed as a PDF file to any web location. Emailing PDF files requires a data line, Adobe Acrobat, and a dedicated desktop computer.

The law library is also supported by two hard wired staff computers at the circulation desk and four hard wired public access computers that print to a common printer behind the circulation desk. In the library staff workroom each library staff member has his or her own desktop computer. Wireless internet is available to the entire law school, including the library (see section 5 on law school technology). Access to the University of Montanas wireless technology is available only to UM students, staff and faculty.

Public access computers in the library provide access to the internet, the PAC, and several databases that are available only to UM campus IP addresses including HeinOnLine, and BNAs Tax Management Portfolios.

E. Online Catalog.

The Jameson Law Library is a member of a ten-library consortium that shares a common patron and bibliographic database. The consortium uses Ex Libris Voyager software to perform all circulation, acquisitions, cataloging, and PAC functions. Patrons can execute a variety of bibliographic searches through the PAC including title, author, subject and a variety of boolean searches. Patrons can also explore the holdings of all ten consortium members or limit their search results to just the UM campus or even a single library. Searches can also be limited by format, date, language and other parameters. In addition, patrons may place holds on materials, renew material and initiate a recall of checked out material through the PAC.

F. Financial and Copy Center.

The library maintains two photocopy machines: one for the public and students and another for student groups and the faculty. The public copier is located in the library and copies are ten cents each. The public photocopier is administered by the library accounting technician. The faculty copier is located in the library workroom. Because this copier is connected to the law school network and faculty server it can function as a remote printer, scanner, and photocopier. The faculty copier is administered primarily by the library accounting technician.

G. Public Services.

Four of our staff members provide reference assistance and serve at the reference desk. There are two J.D. librarians. A high percentage of the students responding to a survey agreed that the library reference services are satisfactory and that the library staff is courteous, prompt and helpful in responding to requests for assistance.

Librarians have provided the following one-hour classes, most of which are given every year:

Internet Resources

Online Fact Investigation Research

Legislative History

Environmental Legal Research

Federal Research

Administrative Law Research

International Law Research

Municipal Law Research

Indian Law Research

Case Finding and Law Review Articles (high school class)

Other public services of the Law Library include:

Research assistance to faculty, students and general public

Reference service for attorneys and the public

Continuing Legal Education presentations of legal research

Subject research guides

Online legal research portal

Our law library makes it a point of emphasis to provide excellent service to our law faculty. Almost without exception, we purchase any book that any faculty member wants within a few days of the request and route it to the requester. We distribute a list of our new acquisitions to the faculty every few weeks and offer to them any of the books they would like on the list. We also have tailored the University of Washington Law Librarys Current Index to Legal Periodicals to each faculty members areas of interest, which is automatically emailed to the faculty on a weekly basis.

H. Library Staff Use of Technology.

The technology for our staff is quite good. All library staff have email accounts, and all use the internet occasionally in assisting patrons. The staff have the current software needed to do their jobs.

There are six staff computers, and an additional computer at the Reference Desk. Email, internet, and Lexis, Westlaw, Montlaw, and Loislaw, as well as a CD-Rom drive, are available on all staff computers. Three online catalog (Griznet) terminals are located in the Reading Room.

V. Accomplishments.

During the last six years, the following are worthy of note (some of which are noted elsewhere in this report):

A. Acquisitions.

We now have an automated acquisition system involving EDI claims for serials and invoices.

We have greatly increased our purchasing of scholarly monographs.

HeinOnLine gives us access to almost all law reviews and law journals.

We now have many more CD titles, audio cassettes, video cassettes, and DVDs.

We have a write-for-order plan with respect to Lexis and WestGroup treatises, thus allowing acquisition money to be spent in better ways.

We purchase most of our monographs at a discount from Yankee Book Pedlar instead of from individual publishers. For rush orders, we use Amazon.com.

We have purchased, and are purchasing, important library databases.

B. Services.

We have two J.D. librarians working at the circulation/reference desk six hours a day.

We have almost all our reserve material available electronically via the Blackboard classroom support system.

We have a computerized check-out system as well as a computerized serials check-in system.

Our law students have 24/7 access to the law library.

We have public-access Westlaw with two passwords, which allows all users, including lawyers, to access Westlaw.

We hosted the WestPac Library Conference (some 44 librarians from 8 states and British Columbia) in Bozeman in September 2008.

A greater percentage of our collection is now cataloged and available through the public access catalog.

We have expanded our ILL services. We are now listed in OCLC as a vendor which has caused a dramatic increase in ILL business.

Our AV abilities and services have dramatically increased in the past six years.

C. Physical Plant.

We have an additional 2,826 square feet of shelf space with which we can accommodate our growing treatise collection.

We renovated our circulation/reference desk to better serve our students and faculty.

The ceiling lighting of the library has been much improved.

VII. Challenges and Goals.

Resources are our biggest challenge particularly with respect to our acquisitions. Our acquisitions budget has increased seven percent in each of the last two years. However, our budget is not impressive when compared to our peers budgets, let alone other ABA accredited law school libraries. Our goal is to match the average acquisitions expenditures of our peers, although we recognize that the current economic climate in the state will make this very difficult to do.

Our goal is for the library to remain the vibrant research center for the law school. The library needs to remain a place where students, faculty, and lawyers can easily get the materials they need to do their work, their writing, and their scholarship. With support and understanding, the library will continue to play a vital role in the success of the law school. In the next year, we will be engaging in strategic planning for both the law library and the IT Department.