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### Recommended Citation

Taylor Fitchett, James Hambleton, Penny Hazelton & Anne Klinefelter, *Law Library Budgets in Hard Times*, 103 Law Libr. J. 91 (2011).

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## Law Library Budgets in Hard Times\*

Taylor Fitchett,\*\* James Hambleton,\*\*\* Penny Hazelton,†  
Anne Klinefelter,†† and Judith Wright†††

*This article begins by looking at the environment of the academic law library of the twenty-first century, followed by an analysis of the current economic climate and an assessment of how these difficult economic times will affect academic law libraries. The next section discusses strategies a law library director can marshal to manage a multimillion-dollar budget in face of reduced resources. Focusing in on the institution's own budget and accounting framework, creative thinking, and planning for use of resources can have successful and innovative outcomes for law libraries and the schools they support. Finally tools and strategies that can help support budget requests are discussed.*

### Introduction‡

¶1 One of the most challenging tasks for academic law library directors is the planning and management of the law library budget. And because institutions have very different fiscal systems, there is usually a steep learning curve for a new academic director. Given the very difficult economic environment of the past two years, as well as the tremendous changes in the format and cost of legal information, we thought it useful for some experienced law librarians to share their thoughts and ideas about managing law library budgets in this challenging time. In addition to the worst recession many law librarians have ever seen, there are several other factors at work in the academic law library environment that drive the need for academic law library directors who are imaginative, creative, and strategic thinkers, particularly about resources.

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\* This article is an edited version of a panel discussion, "Law Library Budgets in Hard Times: A Workshop for New Academic Law Library Directors," held at the Association of American Law Schools (AALS) Annual Meeting, New Orleans, Louisiana, Jan. 10, 2010.

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¶2 Changes in the practice of law itself are a hot topic of conversation these days. The competition in the legal profession to provide outstanding legal services for the best price, combined with the economic crisis, have reduced the number of law jobs available and are forcing change in the way law firms do business. For example, with job placement for new law graduates about as bad as it has ever been, increasing numbers of recent law graduates are considering solo practice.<sup>1</sup> Even within larger law firms, partnership tracks are being redefined.<sup>2</sup> And law firms are looking at different billing methods, in some cases moving away from the billable hour systems that have been so prevalent in the profession.<sup>3</sup> More attention is being paid by law firms to outstanding customer service, at the same time that they look for efficiencies in the provision of those services. Even more radical ideas have some traction, as evidenced by an article in which the author urges a liberalization of law firm business structures that would permit outside investment in law firms in order to create publicly traded partnerships.<sup>4</sup>

¶3 These changes to the organizational structure, billing systems, and management efficiencies of law firms will be felt in legal education by pushing law schools to graduate more highly skilled, practice-ready students. Thus, many law schools are studying and working on changes to the law school curriculum, adjusting the balance between theory and practice for the twenty-first-century law student. And if lucrative jobs are not readily available so students can pay back their high burden of educational loans, any decline in the number of students attending law school will in turn impact the number of law schools, the resources they have available to run their academic programs, and the tuition they can expect to charge.

¶4 Legal education is being pressured from many sides—changes in the legal profession itself; higher expectations by employers of law school graduates; the high cost of a legal education, which leaves so many graduates with extremely high debt loads; law school rankings that increasingly pressure law school expenditure toward recruitment of the best students and faculty;<sup>5</sup> a recession that has created several years of very poor job markets for law graduates; studies such as the Carnegie Report<sup>6</sup> that highlight the need for a more integrative legal education with skills emphasis; the American Bar Association's (ABA) review of law school accreditation standards;<sup>7</sup> and likely future emphasis on outcomes of the legal education process.

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1. Andy Giegerich, *Lawyers Go Solo*, PORTLAND BUS. J., June 21, 2010, <http://portland.bizjournals.com/portland/stories/2010/06/21/story6.html>.

2. Joan Indiana Rigdon, *Cost and Effect: Financial Outlook Forces Law Firms to Reexamine Billing, Head Counts, and Services*, WASH. LAW., Apr. 2010, at 16, 17.

3. *See Hourly Billing: Get Over It*, LAW OFF. MGMT. & ADMIN. REP., Sept. 2010, 1, 6–7.

4. Erin J. Cox, Comment, *An Economic Crisis Is a Terrible Thing to Waste: Reforming the Business of Law for a Sustainable and Competitive Future*, 57 UCLA L. REV. 511 (2009).

5. Karen Sloan, *Research Documents the "U.S. News" Effect on Law Schools*, LAW.COM (Dec. 3, 2009), <http://www.law.com/jsp/article.jsp?id=1202436019486&src=EMC-Email&et=edi#>.

6. WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007).

7. *See Standards Review Committee*, AM. BAR ASS'N, <http://www.abanet.org/legaled/committees/comstandards.html> (last visited Nov. 8, 2010).

¶5 The potential of new technologies may be the single biggest driver of change in the legal academy. Developments that rely on technological innovation are likely to change the face of legal education forever: the completely online law school,<sup>8</sup> changes in ABA standards that permit more distance-learning courses, the ubiquitous nature of access to legal information, social networking, mobile devices, electronic textbooks that release us from our reliance on the casebook method of teaching,<sup>9</sup> and sophisticated course management systems and technology to deliver information to students both inside and outside the classroom.

¶6 Managing a law library budget in these times of great change and stress is an art form. This article covers four topics related to managing budgets in academic law libraries. It first explores the current economic environment and argues that these difficult economic times are not transitory, and the necessity of living with limited resources is likely to be permanent. The second section describes strategies for managing a multimillion dollar budget in times of reduced resources. The third section addresses creative ways to use library resources within the scheme of the institution's own budget and accounting framework. Finally, the fourth section discusses the best tools available to make your case for the resources needed to provide library services.

¶7 We hope this article can serve to help those dealing with management and administration of academic law libraries during these challenging times. Don't forget—challenging times create opportunities.

### **Permanent Tough Times and the Impact on Academic Law Libraries\***

¶8 During the 2010 AALS meeting, I asked law library directors if they thought the current tough economic times were permanent. Virtually every law library director with whom I spoke thought they were. Most qualified their remarks by saying they thought that while economic conditions for law schools will improve, those of academic law libraries probably will not. One colleague even said, "All academic law libraries are being dismantled and losing their space."

¶9 In the 1960s, law schools all over the country begin to expand and improve their academic programs and libraries. These changes were the beginning of the "golden age" of academic law libraries:

- Many law schools moved beyond being "black letter" schools, and began hiring new, younger faculty with serious research interests. These new faculty members often were graduates of national law schools and were accustomed to large research libraries. Libraries were commonly referred to as the "laboratory of the law school."<sup>10</sup>

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8. See, e.g., CONCORD LAW SCHOOL, <http://www.concordlawschool.edu> (last visited Nov. 8, 2010).

9. See Ronald K.L. Collins & David Skover, *Paratexts as Praxis*, 37 *NEOHELICON* 33 (2010).

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10. Miles O. Price, *The Place of the Law School Library in Library Administration*, 13 *J. LEGAL EDUC.* 230, 231 (1960).

- The ABA Standards began to require expanded “core collections,”<sup>11</sup> along with faculty status and tenure for the law library director<sup>12</sup> and autonomous status for the law library.<sup>13</sup>
- At many law schools, the law library director had been the only person working in the library who had a law degree except the teaching faculty. Beginning in the early 1970s, more and more law libraries began to require dual degrees, an M.L.S. and a J.D., for their reference librarians, and today it is rare to find a reference librarian without both degrees.<sup>14</sup>

Throughout the next three decades, there was a great expansion in the size of law library collections, with an emphasis on the size of the collection. The number of titles and number of volumes were almost the sole criteria for judging the quality of a library.<sup>15</sup>

¶10 The golden age of the academic law library may now be over. All of us agree that the future of our libraries must be different from the past. Already there have been dramatic changes in many academic law libraries as they have started to adapt to the transition from print to digital collections. We are no longer building print collections, and our users primarily rely upon our electronic collections. User emphasis is on access; few faculty and even fewer students are interested in whether the information that they use is licensed rather than owned by the library. As librarians, we may feel a nostalgic and fiduciary responsibility for our print collections, often carefully developed over decades, but few of our users, including our deans and faculties, share these feelings.

¶11 The general consensus is that the tough times for academic law libraries are permanent and that the law firm changes in the last decade may be a predictor of

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11. The 1968 ABA standards required a minimum collection of 20,000 volumes and noted that “the Council will make available upon request a list of the books recommended as basic . . .” AM. BAR ASS’N, STANDARDS FOR LEGAL EDUCATION AND FOR THE APPROVAL OF LAW SCHOOLS 40 (1968). The 1969 standards included a list of publications that must minimally be in the collection. STANDARDS OF THE AMERICAN BAR ASSOCIATION FOR LEGAL EDUCATION 8–9 (1969).

12. See James F. Bailey & Mathew F. Dee, *Law School Libraries: Survey Relating to Autonomy and Faculty Status*, 67 LAW LIBR. J. 3, 16–17 (1974).

13. James G. Milles, *Leaky Boundaries and the Decline of the Autonomous Law School Library*, 96 LAW LIBR. J. 387, 387, 2004 LAW LIBR. J. 25, ¶ 1.

14. The specialized law librarianship program at the University of Washington (UW) requires a J.D. for admission and has graduated 159 M.L.I.S./J.D. students from its program since 1986. Seventy-one percent had a career in law librarianship or are still working as law librarians. Statistics were compiled from job history data on the UW Law Librarianship Program web site, <http://lib.law.washington.edu/lawlibrarianship/index.asp> (password required for access). A number of other library and information schools have specialized educational and practical programs for people interested in law librarianship. See Am. Ass’n of Law Libraries, Recruitment Committee, *ALA-Accredited Graduate Programs in Library Science with Law Library Classes or Joint MLS/JD Classes*, <http://www.aallnet.org/committee/rllc/resources/lawlib-state.asp> (last updated Nov. 18, 2009).

15. Aside from library expenditures that are included with all other law school expenditures in the *U.S. News & World Report* ranking algorithm for the category “expenditures per student,” the only library information that is part of the rankings calculation is the number of volumes and titles reported by each law school (valued at only .75% of the total score). Robert Morse, *The Law School Rankings Methodology*, U.S. NEWS & WORLD REPORT (Apr. 15, 2010), <http://www.usnews.com/articles/education/best-law-schools/2010/04/15/the-law-school-rankings-methodology.html>.

the future of academic law libraries.<sup>16</sup> There is also a consensus that academic law libraries must find a new model for an expanded role within the law school.

¶12 The pessimism of the law library directors with whom I spoke in January 2010 was not entirely due to the transition from print to digital collections, or even to the economic downturn. For almost a decade, libraries have been increasingly affected by the growing importance of the *U.S. News & World Report* rankings<sup>17</sup> and the resulting competition among law schools. Every law school dean is aware of the ranking of his or her law school compared with the schools regarded as “peer” schools—the schools with whom they must compete for students; faculty; and local, regional, or national standing.

¶13 For the past ten years or more, law library space has been repurposed to meet other law school needs. More than six years ago, the librarians attending the academic director’s breakfast at the AALL Annual Meeting were asked how many were having library space taken for nonlibrary purposes. Over fifty percent of those attending responded affirmatively. I am sure that many more have lost space since then—my own library at the University of Chicago is among them.

¶14 In addition, many deans are looking to library budgets as a source of funds. The *U.S. News* rankings have inspired a stricter scrutiny of law library costs, and the economic crisis has only added fuel to the fire. As we know, admissions and career services statistics count heavily in the rankings.<sup>18</sup> Those activities are greatly expanding, requiring increased financial support. Their staffs have become increasingly professionalized, with the J.D. a routine qualification for many positions. Deans have few options but to support these expanded programs. They cannot touch faculty salaries or law student financial aid. When a dean looks at a law school budget, the biggest expenditure after faculty salaries is the library, and many must now wonder “what are all those people doing with all that money?”

¶15 The budget and space reductions many law libraries have faced may have been accelerated by the new economic climate, but I believe it would be happening regardless. Scrutiny of law library budgets will not go away with improved financial stability. Libraries will marginalize themselves and be vulnerable to financial and space reductions if we do not broaden our scope and our value to our law schools. Each of us must be much more creative and align what the library does with the law school’s goals. We must identify local opportunities where the library can make important contributions and actively pursue opportunities to contribute value to our organizations. Where can the library cooperate with colleagues in the law school? We must think of tasks that are traditional for libraries and also of those where libraries can play an important role even though they have not done so in the past. We should be perceived as the “yes” people who are willing, and have the skill,

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16. Over the past twenty years, law firm libraries have lost space, canceled print collections, focused on access rather than ownership, and continually marketed their services as essential to the quality of legal services offered to the firm’s clients. See *The Future of the Law Firm Library*, AALL SPECTRUM, Sept. 1996, at 14 (discussing changes in law firm library services and ways that libraries can market themselves to their firms).

17. The most recent version of the rankings can be found in *Schools of Law, in AMERICA’S BEST GRADUATE SCHOOLS* 28 (2010).

18. Morse, *supra* note 15.

to take on new tasks and projects. Those of us in my generation of law library directors are relying on the new generation of library directors to be creative and find new roles for our libraries.

¶16 The following are some of the trends and indicators that I believe are likely to determine the future of academic law libraries:

- The proposed changes in the ABA Standards will eliminate the core collection requirement. The ABA Annual Questionnaire no longer collects the number of volumes or titles in the library. Without these traditional measures, how can we demonstrate the value of our collections? Should we develop measures that demonstrate the value of our library services? If so, what are these measures?
- As we acquire fewer books, the work of the library staff must change, since we need fewer catalogers and fewer staff to process books. Does this mean that libraries should cut staff, or should we redirect current staff to other tasks? If so, how do we determine what we are not doing that we should be doing?<sup>19</sup>
- Are we committed to a continual study of the ever-changing work habits and research needs of our faculties and students? Are we anticipating and responding to the impact of increasingly multidisciplinary research and to the generational differences of our community? Are we designing new services that focus on the needs of our users? Can we distinguish between what we think our users need and what they think they need? Do we understand how our electronic collections are used? How do we find ways to capture the attention of a complex user community?
- What if the ABA standards require that law schools produce outcome measures?<sup>20</sup> We can be sure that *U.S. News* will watch these measures very carefully. Will these outcome measures result in even more financial resources being diverted from the library to “other law school needs”? Can academic law libraries develop successful outcome measures for themselves? Libraries are now completely marginalized when law schools are “ranked.” Can we avoid this marginalization in outcome measures?
- What will it mean for many law schools and libraries when the ABA approves more distance-learning opportunities for law students? How can the library adapt instruction, services, and resources to make itself indispensable for these distance students? Or will our Information Technology departments assume this indispensable role?
- What if the job market for our graduates does not improve and there are fewer students attending law school? What will a reduction in the size of the student body and a corresponding reduction in tuition income mean for libraries?

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19. See Carl Yirka, *The Yirka Question and Yirka's Answer: What Should Law Libraries Stop Doing in Order to Address Higher Priority Initiatives?*, AALL SPECTRUM, July 2008, at 28.

20. See AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, REPORT OF THE OUTCOME MEASURES COMMITTEE (July 27, 2008), available at <http://www.abanet.org/legaled/committees/subcomm/Outcome%20Measures%20Final%20Report.pdf>.

- Google, Google Book, and Google Scholar are the preferred research starting points for many of our students. What does that mean for us, especially as Google expands its legal content? How can we utilize the power of the Google interface and databases to improve service to our faculty and students?
- If the trend toward open-access law journals continues, what is the law library's role in providing access and in supporting faculty scholarship? Should the law library be actively engaged with student-edited journals as they move toward open access?
- Does the law library have a role in preserving and providing access to unique law school content, such as student journal articles and the diverse content that most law schools now post on the law school's web page? Will those faculty podcasts, blogs, and videos be lost as they age and are removed from the law school web page?
- Law schools will be focusing more resources on career services because law schools that can place their students will thrive, and those who cannot, will not. What can libraries do to help career services and make the students more employable? There has been a strong focus on faculty services in the last five years or so, reflecting the perceived importance of scholarship in the reputation market. The reputation market currency that will really be important in the next five years is how well our alumni do in the job market. Faculty services will continue to be extremely important, but if I were a dean, I would be worrying less about them and more about preparing the students for a really tough job market.

¶17 I am sure that there are other trends that are equally challenging for academic law libraries on a national level and even greater local challenges for most of us. I do have a few suggestions to think about. There are some areas in which academic law libraries need to be more aggressive. For example, cooperation and collaboration are particularly important for academic law libraries.<sup>21</sup> Interlibrary loan is invaluable, but cooperative acquisition has been less successful. We need to be much more proactive as we consider the benefits of a variety of broader cooperative efforts:

- Cooperation among local law libraries that allows reliance on the subject specialties of each library. Work out easy, quick borrowing agreements. Loan, scan, and e-mail anything needed by your colleagues. Create a culture among logical cooperating partner libraries that supports reliance upon shared resources and broad cooperation.
- Cooperation in print and digital preservation projects, with libraries assuming special responsibility for their own jurisdictions.<sup>22</sup> We not only

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21. See generally John Palfrey, *Cornerstones of Law Libraries for an Era of Digital-Plus*, 102 LAW LIBR. J. 171, 2010 LAW LIBR. J. 11 (arguing that as the legal information landscape changes, libraries must cooperate and collaborate to continue to provide their patrons with the best service).

22. The Legal Information Preservation Alliance is a group of law libraries working on various print and digital preservation and access programs. *History of LIPA*, LEGAL INFORMATION PRESERVATION ALLIANCE, <http://www.aallnet.org/committee/lipa/history.asp> (last updated July 30, 2009).



need access to each other's collections, we must work cooperatively to retain regional and national print collections.

- Cooperation on a broader national level to support foreign law scholarship, by utilizing both the expertise of foreign law bibliographers and the acquisition of foreign law collections, in print and digital formats.

In the near future we will have to cooperate much more successfully than in the past if we hope to meet the research needs of our users, preserve print law books, and ensure that our digital collections are not lost.

¶18 On some campuses the university library will present opportunities for cooperation, especially as interdisciplinary programs become more important. Now is the time to start building bridges and encouraging your university library colleagues to value the law library's collections and subject expertise—interdisciplinarity goes both ways, and on many campuses the law collections are highly valued and used by nonlaw faculty and students.

¶19 Become actively involved in introducing legal research wherever you find a need. For over five years our reference librarians have taught a four-week course to the undergraduate law club. We routinely provide instruction in U.S. congressional research and in legal research for the university librarians and for university students. Many campuses offer "law and" courses. Is there a greater bibliographic instruction role for the law librarians? Until recently it was safe for academic law libraries to rely on law school funding, but that may change in the future, and expanding one's user group may result in greater support for the law collections throughout the campus.

¶20 In addition, if your library has a commitment to print and digital preservation, the university libraries may have technological expertise and funding options that are beyond those possible at most law libraries. Equally important, become informed about the print and digital preservation programs in your state. Assume responsibility, and, even if your library cannot afford to be an active partner, make sure that those making these print and digital preservation decisions locally, state-wide, and regionally understand and include legal publications. Law librarians have a long history of distance from our "other library" colleagues.<sup>23</sup> That attitude is unlikely to benefit law libraries and law schools in the future.

¶21 We must recognize that our patrons now use electronic resources (often almost exclusively). Therefore, we must reorganize our processes around the most effective delivery of electronic resources and make sure that we provide the *best* service for our electronic collections. We must manage electronic collections with the same care that we have managed our print collections. Have all law libraries installed the Google application programming interface (API) to link the library's books to the Google version? Are the library's holdings reflected in a WorldCat search? Does Google Scholar lead the user directly to links to the library's licensed databases? Are the links on the library's web page regularly examined to make sure

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23. See Milles, *supra* note 13, at 392, ¶ 11; Susan Westerberg Prager, *Law Libraries and the Scholarly Mission*, 96 LAW LIBR. J. 513, 523, 2004 LAW LIBR. J. 31, ¶ 27.

they still work? Do the library's online catalog, web pages, and research guides provide easy, efficient access to the library's electronic resources?

¶22 Do our librarians and staff possess the skills they need? Is our aging staff continuing to develop new skills and expand their technological expertise? Are managers identifying and using all possible opportunities to expand and enhance staff skills? What are the training programs on your campus or those offered by your local or state library associations? Do we take full advantage of the online training and webinars many publishers now offer, especially those offered for nonlaw databases? Can our librarians provide the expertise needed by our faculty engaged in multidisciplinary research? Have we built the connections elsewhere on campus for access to data sets and other nonlaw resources? Are we helping our colleagues elsewhere on campus to take a broad view of the services that the library should offer?

¶23 Can we be flexible and open-minded about "library work"? Are there indicators that we are not noticing and new trends that may have library implications or *should* have library implications? What are possible expanded roles for the law library? Some deans might have the idea that the library could supervise all faculty services; at my law school we have a faculty support coordinator—she does almost everything that the librarians do not do, and we still have faculty secretaries. It is possible that the move of some library directors to positions as associate administrative deans may lead to some consolidation—libraries could begin reporting to an administrative dean rather than the Dean, or the library could be asked to assume responsibility for miscellaneous law school tasks.

¶24 We are in a period of rapid change, and we must watch for opportunities and share ideas. The Academic Law Libraries Special Interest Section (ALL-SIS) provides us with a structure to actively exchange good ideas and develop new services. Its Faculty Services and Student Services committees are excellent examples of the value of working together to develop new programs, such as these:

- Librarians worked with a faculty member and his thirty student workers to set up an environmental wiki. The librarians provided training and resource guides. Many of the student workers were not law students, and the law librarians worked with the science librarians to provide the expertise needed to work with the science resources.
- Librarians organized Microsoft Office Word and Excel training for law students.
- Librarians are actively engaged in citation checking of faculty publications.
- Librarians are responsible for posting faculty articles on SSRN and assigning the abstract terms.
- Librarians develop or coordinate a digital repository for the law school.

¶25 As you read this short list, you will probably think of interesting initiatives at your own library. We can all learn from each other if we share ideas for new programs and ideas. Our first reaction might be that a new idea is "interesting, but it could never be done here" or "there is no interest." But situations, deans, faculty, and budgets now change very rapidly. What was unlikely in the past can become essential today.

¶26 It is crucial that we work with our faculty and students to discover what they need and what barriers they face in their research for teaching and scholarship, and then develop solutions to meet those research and instructional needs. We must work together to demonstrate that the services and collections of our libraries are essential to meet the educational goals of the law school. We can articulate why our work is important and our libraries are valuable, but now we have to demonstrate that value to our deans, faculties, and students.

### The Multimillion Dollar Question\*

¶27 In considering the question of how academic law libraries can manage our multimillion dollar budgets in hard times, I've framed my answer as a "top ten" list. All of these strategies have been useful at the University of North Carolina, where the law library has a healthy tradition of being well integrated into the activities of the law school, the campus library system, and the area library consortium. My top ten thoughts incorporate the benefits of collaboration, strategic fund management, nimble planning, and a flexible idea of the library's purpose:

1. *Develop plan A, but also plans B through D, and have them ready in case of mid-year budget reversions or permanent cuts in the budget.* Most funding sources, including private investments and state revenues, are unpredictable in this tough economic climate, so libraries must be able to respond quickly to change, even dramatic change. Rapid decreases (or even increases) in a library's budget are much easier to manage if a plan is already in place. Although our situations vary, most of us have seen or anticipate seeing decreases of ten percent or more, particularly over the course of several years. These cuts are traumatic and vision-changing; planning helps the institution and its employees respond rationally.
2. *If you are fortunate enough to have multiple types of funding sources, spend vulnerable funds first.* This strategy works within a budget season or cycle and also works to protect against ongoing decreases. For example, a library that spends its state funds before private resources might be spared a budget cut if state funding is cut mid-year due to lower-than-expected tax revenues, since the library's state money will have already been spent.
3. *Identify or create one-time expenditures, including paying in advance, to take advantage of short-term opportunities.* While most of us have seventy to eighty percent of our collections budgets in serials, even these costs can be covered with nonrecurring funds in the short term. For example, vacant positions can generate lapsed salaries that can be used to postpone cancellations. If the library expects a future increase in the budget, this strategy can prevent gaps in subscriptions. Even if the budget cuts are more permanent, postponing cancellations using one-time funding can still provide the benefit of extra time to determine the best titles to cancel. Similarly, if one year's budget allows you the opportunity to pay in advance through a

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deposit account or multiyear contract, this can give you some breathing room for the collection development cancellation process in the coming year.

4. *Prepare talking points about the value of the law library in hard times.* Opportunities to increase or prevent decreases in the library's budget may require a very quick response. Anticipate these scenarios by preparing a simple message of opportunities and vulnerabilities and their impact on services. Busy deans and provosts are more receptive to clear, concrete descriptions of library services that should be supported. This list should be your "elevator talk," or a half-page list of bullet points. Details can go into a follow-up e-mail or into the appendix of a report.
5. *Embrace hard times as a way to make changes based on shifting needs and new technologies.* Funding constraints are a powerful reason for change. Consider reorganization, cancellations of materials, and even reductions in some services to protect those priorities that rise to the top. Practice using such phrases as "doing less with less" and "planned abandonment."<sup>24</sup> These issues are challenging to librarians and staff who have invested their careers in building collections and services that may no longer be priorities due to changes in technology, curriculum, law practice, legal publishing, and of course, the economy. However, these changes can also be invigorating. Librarians at the AALS workshop spoke enthusiastically about the opportunities that forced change can bring; I find that enthusiasm to be inspiring.
6. *Take advantage of this situation to introduce or expand law librarian teaching opportunities in the law school.* Teaching connects the library with the core mission of the school, protecting the positions of law librarians and strengthening the argument for salary increases or teaching stipends in better times. Because research options are increasing and law practice is becoming more complex, legal research instruction requires more attention. Schools are working to improve the employment rates of their graduates, and better research skills can help graduates hit the ground running. Academic law librarians can offer advanced or specialized instruction. In addition, individual librarians may be well positioned to teach other law courses that draw on their unique experiences and expertise. Other services may have to be sacrificed to support new teaching responsibilities, but that trade-off might better connect with and support the law school's goals.
7. *Use this time to introduce or expand research support for law faculty.* Faculty members are important advocates for the law library, and document delivery and supervised research assistants reliably increase the popularity of the library. Again, any new services are likely to mean the loss of something traditional, and these choices can be painful—or exhilarating.
8. *Work with your staff to get ideas for reorganization and budget cutting.* Sometimes directors can't see the trees for the forest. Staff may have excel-

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24. Some might prefer the phrase "strategic prioritization." See also Yirka, *supra* note 19, at 29 (discussing what services librarians might abandon in order to address more urgent priorities).

lent ideas about procedures or even services that are no longer necessary or that can be streamlined. Just bringing the staff together to talk about processes and goals can generate useful solutions. We need to remember to ask, "What are [we] doing . . . that we don't need to do at all?"<sup>25</sup>

9. *Work with other campus or area libraries.* While most directors report to the law school dean, our academic law libraries probably also serve as a part of the overall provision of research services to the campus. Collaboration with campus libraries can yield significant benefits. A unified voice can generate support for funding through end-of-year allocations and grant overhead to prevent cancellations, can produce support for digital repositories and print collection storage, and can help with negotiations with common vendors. Some libraries are also beginning to share staff. If your library is lucky enough to be in a community with other law libraries or other university libraries, collaboration can save funding through collection specialization and shared staffing. For example, the UNC Law Library shares the services of an empirical legal research consultant hired by the Duke Law Library for law faculty support.
10. *Promote the library's value to the larger institution through your web site.* Particularly if you are in a state institution, don't forget to promote your value to the state through web site tools, interlibrary loan, and direct circulation services, and through programs such as outreach legal research instruction to public library librarians. In both state and private institutions, even minimal services to the university and its alumni can protect or generate funds.

### **Creative Use of Your Library's Resources Within Your Institution's Fiscal Framework\***

¶28 Tough economic times offer opportunities to step away from routine tasks to evaluate objectives and the systems employed to reach those objectives. During this process, new perspectives are gained, priorities are set, and innovation is driven. Librarians are extraordinarily creative where budgets are concerned. We have been successful innovators because we do not sacrifice commitment to service on any altar. Whether deciding how to take a budget cut or roll out a new piece of software, librarians focus on the end user.

¶29 In recent years, few libraries have had robust budgets, and yet they continue to improve processes in order to enhance services for patrons. Librarians have a weakness in the use of financial creativity, however. By piecing together budgets to keep operations afloat, they have not been transparent enough about the true cost of information. In our efforts to broaden the scope of its accessibility, we have shielded library users and deans from understanding that as information becomes more accessible it also becomes more expensive, at least in the short term. Recent

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25. Yirka, *supra* note 19, at 29 (quoting longtime law librarian Donald J. Dunn).

\* © Taylor Fitchett, 2011.

cutbacks will promote budgetary transparency if librarians are forced to unveil costs in order to protect funding.

¶30 Before addressing the specific ways that the University of Virginia (UVA) Law Library has responded to the budgetary downturn, two general observations about innovation within libraries should be made. First, when librarians talk about innovation, the conversation quickly turns to technology, a single aspect of innovation, albeit a pervasive one. Innovation also occurs when the library workforce is restructured to better serve the mission of the law school or when a brochure to market library services is produced. Value is being added by a new approach or a new product. Second, innovation is fostered in an environment where risk-taking is acceptable. During rough times, it is not business as usual, and this makes people uncomfortable. Everyone wants to protect the things they know, be they books, jobs, policies, or procedures. This is especially true at UVA, an institution founded by Thomas Jefferson, which has thrived on its rich traditions.

¶31 Over the past decade, the UVA Law Library had only small increases for inflation to its budget. The process of cancellation, largely of big-ticket print subscriptions, was begun years ago. In 2009, with a flat budget and little hope that prospects would change in the near future, it was time to do more than continue hacking at the print collection. The librarians needed to rethink collection development from the bottom up in order to create new ways to maximize the use of resources. We also needed to take a new look at library policies and procedures and develop fresh perspectives on the workforce.

¶32 Early in the process of reconsideration, it was reaffirmed that the library's primary goal of providing excellent customer service to faculty, students, and other libraries could not be compromised. Rather than reacting to the budget woes by reducing library hours or eliminating any valued service, the librarians decided to use the unfavorable economic situation as an opportunity to expand services. Online surveys and focus groups were employed to discover the aspects of the library that people most valued. As a result, a few services were dropped, but a very successful new service was created, Student Document Delivery (SDS).

¶33 Law students had long wanted the same on-grounds document delivery service that was available to the faculty. Hesitant to offer it to 1200 students for fear that the system would be overwhelmed, their request had been previously rejected. Within a few weeks of the program's inception, though, it was clear that with the establishment of a few guidelines the service could be expanded to students without adding additional personnel.

¶34 The students had also been clamoring for additional group study rooms, especially around exam time. Needless to say, there was little money for construction-related activity when this request was taken under consideration. It took a couple of years, but eight group study spaces were either carved out of existing library space or negotiated away from other law school functions. The SDS and the study rooms are classic examples of a little bit of investment in the right place going a very long way.

¶35 Our second reaffirmation was to the workforce. It was critical to morale that people be reassured that cuts would not come from personnel lines. Classified staff members have not had raises for three years, but they still have jobs. This secu-

rity was helpful during a time when many changes were being made, and it was given up front by our university president, who declared that there would be no layoffs. The student wage budget was even protected, because it was understood that in this economy students need jobs more than ever. Maybe the library could do without student workers, but in Charlottesville students could not do without on-campus employment.

¶36 With a renewed commitment to service and the workforce intact, discussions were opened on ways to use the economic situation as an opportunity. Efforts were directed toward three main initiatives:

1. rethinking collection development;
2. developing partnerships with other institutions to maximize resources; and
3. reevaluating jobs to eliminate library procedures for which there is little return on investment in order to free employees to do new tasks that yield a higher return.

### Collections

¶37 The first venture was aimed at collections, especially the quick fixes that could be realized during the 2009 fiscal year. It was a perfect opportunity to eliminate many materials that were financed because UVA is a major research library and not because they were critical to the research of UVA scholars. However, the mere thought that they would no longer have a place in the collection was heresy to some. For the UVA Law Library this was a sea change—more titles were eliminated in a single year than had ever been canceled in the history of the library. Approval plan selections were tailored more specifically to current areas of faculty research. Further, it was decided that most approval titles should be ordered in softcover to save a few more dollars.

¶38 Electronic information has been under the same scrutiny for retention as print materials. Statistics on database usage are employed to guide license continuance decisions, and databases are now reviewed on an annual schedule. Stringent evaluation is made prior to purchase, and contract bargaining with vendors is no longer a passive activity. Several years ago, UVA hired a special advisor to the University Librarian and liaison to the General Counsel, an attorney who assists libraries with contract negotiations. As a result, many thousands of dollars have been saved in both the costs of license agreements and in the time librarians would have spent dealing with vendors.

¶39 Existing library holdings, which are never fully utilized, can be maximized if they are easier to find in both the physical and virtual realms. Over the course of the year, directional signage to collections throughout the library was enhanced. At the same time, the web presence committee worked to improve its approach to presenting online information. Ongoing collaboration with the main campus library to develop OneSearch, a federated search engine that allows simultaneous searching of many law-related databases, holds the promise that it will unlock information that is already available campuswide. Within the UVA library system, an increasing number of resources are being diverted from the purchase of materi-

als to initiatives that explore ways to identify and locate information that is obscured in the databases owned or licensed by the university.

¶40 Another way to maximize the use of existing resources is to teach people how to do effective legal research. Reference librarians commonly do this when assisting students, but a larger impact can be made in the classroom. The number of advanced legal research sections that law librarians teach was doubled, allowing more students to have exposure to sources that would otherwise be little used, especially print materials.

¶41 As a result of the collection evaluation brought about by the budget decrease, librarians are more engaged in acquisition decisions today than ever before. Better aware of collection content themselves, they are more likely to promote relevant materials to researchers. Faculty members who have been interviewed concerning their research and instructional needs and who frequently suggest titles for purchase are likewise integrated into the collection development process. They learn about the real cost of information from librarians and have consistently been supportive of decisions not to purchase outrageously expensive items. The secondary benefit of this collaborative approach to collection development is the additional rapport it has fostered between librarians and faculty.

¶42 The most profound financial outcome for those who were a part of reexamining the collection development process was that somewhere along the way their strategy changed from that of managing a materials budget to that of managing a highly complex research budget, where the absolute value of the information to the researcher, rather than its potential value, is paramount. As research interests evolve, the collections will transform, so flexibility must be built into budgets. Ongoing collection evaluation will assure that funds can be held in reserve for new information tools as they emerge.

### Partnerships

¶43 Not anticipating a generous budget in future years, we asked what else might be done to ensure that faculty and students retain access to scholarly sources. A far-reaching response to the current budget situation is the strategic partnering that libraries are doing within their own institutions and with external groups. Many institutions, including the UVA Law Library, are gearing up for partnering in the open-access environment. Economic uncertainty in higher education will encourage them to accelerate in this direction. Still, it will be a few years and take a fair number of resources before all of the major academic institutions are fully committed to this agenda.

¶44 When considering what new partnerships might be formed, we recalled that the New England Law Library Consortium (NELLCO) had successfully negotiated significant savings for the consortium in their vendor negotiations. Many of the NELLCO libraries hold major research collections that would have complemented our own. It was not possible, however, to become a member of NELLCO, as they are only accepting affiliate members, so the search for a partner turned back to the southeast and to a school with a research mission similar to UVA's. That school was Duke, which has one of the most comprehensive research collections in



the region. The Duke Law Library had a significant budget reduction in 2009; they were open to cooperative collection building.

¶45 The partnership with Duke is new, and there are many details to be worked through. But even now the two libraries have saved thousands of dollars at the same time as access to information for each institution has been expanded. So far, it has been resolved to divide collection responsibilities for some major serial sets, including retention and storage responsibilities. Costs on other publications will be split, and, where possible, same-day access to materials in each collection will be granted. Discussions have begun on how simultaneous searching of both online catalogs might be achieved. In the future, reference librarians will spend time in the partner library so that research agendas specific to the other school can be better understood.

¶46 The UVA Law Library has also stepped up resource sharing efforts with other campus libraries. If there is a way to save money without compromising service, it is explored. It was cheaper to farm out interlibrary loan, so the main library has taken over that responsibility from the law library. The law library has a two-hour rush document delivery system of its own, but for twenty-four-hour turnaround on deliveries of on-grounds materials, it is cheaper to participate in the campuswide document delivery program. The law library relies on the main library's programmers and many of their software applications, their digital text center and repository, their training programs, and their databases. It remains an autonomous library and reimburses the main library, through an annual invoice, for most of the costs of their assistance.

¶47 The greatest dollar amount paid to the main library by the law library is for access to electronic information. It was more cost-effective for us to pay a percentage of the total expenditure for databases on campus than to negotiate each contract independently. Before coming to this agreement, the main library and the law library shared costs of individual databases, such as JSTOR and CIS, where there was a clear link to legal research. But it soon became difficult to support the contention that the legal community did not have a stake in the complete pool of digital information on campus. The law library wanted a seat at the table when it came to database subscription and cancellation decisions. As it turned out, that seat was very important, because we had a voice in the recent round of database cancellations brought about by the main library's significant budget shortfall.

### Reevaluation of Jobs

¶48 Jobs at UVA have been protected during the current downturn, but this may not always be the case. Over the years, and especially when money is tight, more than one dean or faculty member has been heard to say that there seem to be a lot of people in the library. With two-thirds of our budget going to salaries, it was prudent to better articulate a workforce plan. It takes a while to devise and implement plans that involve making changes to human resources. Institutional buy-in is imperative when job descriptions are radically changed or positions are eliminated. Many libraries are restructuring in significant ways due to technological change as well as a change of focus toward expanded research and teaching. A workforce plan may not save money during the current year, but it will guide per-

sonnel expenditures in the future. During its creation there are opportunities to revisit priorities, to project future needs, and to outsource, streamline, and realign talent.

¶49 The law library's workforce plan is based on a firm commitment to research support. Both practical experience and survey results have indicated that our most valued output is the research assistance offered by librarians. Accordingly, much of our planning has focused on how to develop the research staff. At present, all but two librarians have at least a fifty percent research component in their job descriptions; in the future, all professional staff will be directly involved in research.

¶50 The increased emphasis within our curriculum on corporate law and the growing demand among our faculty for assistance with empirical research suggests that more skills are required in those areas. A year ago, a business librarian was added to the research team, and he was immediately inundated with requests for research assistance. Consequently, when our special collections librarian accepted another position, her job description was rewritten for a second business librarian with empirical research experience. It was wonderful to have someone on the staff who handled rare books, archives, and manuscripts, but there are fewer customers who need specialized assistance with these materials than there are those who need help with large data sets.

¶51 Likewise, when the government documents position and later the cataloger position were vacated, similar decisions were made. Most documents that legal researchers require are readily available online, so it made sense to replace that position with someone who had a broader scope of legal research skills. The cataloger was replaced with an emerging technologies librarian, and now the small amount of original cataloging is outsourced. Looking at future needs of the library, a historian and additional staff who have expertise working with digital text would create team enhancements. Through attrition within the workforce, new position descriptions will be created to fulfill these needs. Each time a position becomes open, it offers a chance to see if duties can be eliminated or reassigned to another position, and it is an opportunity to bring in outside talent or advance an existing employee.

¶52 Once the fundamental employment needs of the library were determined, the staff focused attention on the specific tasks in each job description, asking which tasks could reasonably be eliminated in order to free up staff hours in preparation for alternate job assignments. This came at a good time, because the new head of human resources was implementing changes in the university's personnel system, and there was much duplication of purpose. To date, most of the workforce savings that have been garnered have come from streamlining processes within the technical services department. There are updated procedures for ordering, and fewer materials are checked in, routed, or filed. A smaller number of materials are bound, and once the journal negotiations with Duke are completed, even fewer journals will be bound. Little shelf-reading is done anymore; books are used less, so there are fewer shelving errors. When a book is missing, it can usually be purchased cheaply and quickly enough from Amazon to satisfy user needs. Revised gift guidelines have reduced the number of collections that must be processed. Staff time has been freed for new tasks, including digital projects, a review of materials in offsite storage, and preservation work.

¶53 The direction for our personnel development over the next several years fits well into the mission of the law school. By no means has this process created gloom and doom among the staff. Instead, the changes have been energizing. The staff, who have had a voice in workforce redesign, have assumed tasks more relevant to the library's research mission and have had additional job training to help them succeed in their new challenges. National polls show that for the past two decades there has been a general decline in worker satisfaction.<sup>26</sup> Perhaps the fact that many workers feel less relevant to their work contributes to the mood. Most of us want to feel anchored, to have a professional purpose. People understand that they need to acquire new skills to continue to be valued in the workplace, but they need to have a presence in the process that alters their profession.

¶54 In summary, libraries need a functional collection development plan that reflects the research and instructional mission of their institution. They need to look at partnering in new ways, remembering that tighter collaboration among libraries is not optional. Workforce plans should be well articulated to clarify personnel goals and to justify expenditures on the workforce. Bad times push innovation, but they also encourage rash decisions. The challenges to libraries are understood. Now is the time to think about possibilities and to innovate our way into new strategies for doing business. We cannot allow faltering budgets to drive us to retreat from the very ventures that will lead to our future success.

### **Making the Case for the Law Library's Budget\***

¶55 After the library has considered ways to either curtail or refocus its budget, it must still have that budget approved by the law school administration. In order to make a case for the law library's budget, it is important to put the budget in context. Look at the library's budget first in relation to the budgets of other law school departments, and second in relation to the law library budgets of peer schools.

¶56 Law school budgets are generally divided into two major categories: operating expenditures and personnel expenditures. Total operating expenditures are divided among the law school's different departments to fund the activities in that department. Compare the law library's operating expenditures as a percentage of total expenditures with the percentage of total expenditures for all other law school departments. It is especially important to do this over a span of years to see whether the percentage of total operating expenditures for the law library is decreasing or increasing. This will indicate whether support for the law library is holding steady, increasing, or eroding.

¶57 For comparing the law library's budget with those of other law school departments, the ABA's annual questionnaire provides a good source of data.<sup>27</sup> The

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26. *Survey: More Americans Unhappy at Work*, CBS NEWS (Jan. 5, 2010), <http://www.cbsnews.com/stories/2010/01/05/national/main6056611.shtml>.

\* © James Hambleton, 2011.

27. The annual questionnaire is available at *Questionnaires*, AM. BAR ASS'N, <http://www.abanet.org/legaled/questionnaire/questionnairedocuments.html> (last visited Nov. 9, 2010).

annual questionnaire summarizes the library's operational expenditures as well as all other law school operating expenditures.

¶58 Another source of data for a department-to-department comparison would be the internal accounting system used by the law school. Most law schools have a fiscal or budget officer who is responsible for drawing up its operating budget. The numbers for the operating budget of the law library and for the operating budgets of other law departments are likely available from this person.

¶59 Second, to help make your case, compare the law library's budget with those of libraries at peer schools. All law schools have other schools with which they compete for students. In fact, the Law School Admission Council can provide reports to admissions departments listing how many students who have applied to a school have also applied to specific other schools. This report even lists to which schools applicants have paid seat deposits. This "overlap" in applications and seat deposits can pinpoint which schools students are considering before making a final selection. It is important to see how a law library stacks up compared with the law libraries in overlap schools.

¶60 The ABA again provides useful data for this school-to-school comparison. Each year the data reported in the ABA annual questionnaire are recompiled by topic in "take-offs." Most law schools subscribe to these take-offs, which are released a few months after the annual survey due date. The take-offs compile law library data, including actual operational expenditures. The data are arranged in a table, with schools listed alphabetically by state, and then by name within each state. The amount spent on the operation of a law library can thus easily be compared to the amounts spent on law libraries of competitor, or overlap, schools. This provides a snapshot of comparative support. It is important, though, to make sure these overlap schools have a comparable number of students.

¶61 In planning the law library budget request, you should not overreach. That is, try to keep budget requests for increases in line with the overall spending increases for the law school, or in line with the historical increases that law libraries in peer or overlap schools have received. If other law school departments are being limited to a five percent increase in operating budgets, it is hard to argue the law library should receive a ten percent increase in its operating budget. Keeping costs down, though, is always a challenge, because so much of library expenditure is non-discretionary. Exploring other options for providing materials, such as cooperative arrangements, may help minimize the amount of any budget increase requested.

¶62 Making a case for the law library's budget is important, but just as important is making a case for the law library's physical space. Many law schools are not only trimming law library budgets, they are also "reclaiming" law library space for other functions. Some in the law school may argue that, without as many print materials, the law library no longer needs the physical space originally allocated to it.

¶63 This trend is based on the mistaken premise that the law library is a mere warehouse for books. The law library serves two other important, but often overlooked, functions. First, the law library is the "safe place" for law students. It is the place that students consider theirs. Often, when designing and building law schools, student space is the first to be reduced to accommodate other law school functions. The law library is not just a place for books and computers, it is a reading area, it is

a refuge, it is a place to meet with a study group, and it is a place to relax from the hubbub of the classroom. These important roles that the law library plays in students' lives should not be undervalued.

¶64 Second, the law library can play an important role in admissions and marketing. Competition for students is increasing, and prospective students have become discriminating consumers. Prospective law students know they will be spending a good portion of their time in the law school building, and they want a comfortable place to go between classes or to study. The law library is often the "living room" of the law school. An inviting space can help in attracting new students. When prospective students tour a law school facility, it is hard to impress them with a classroom. Most classrooms look pretty much the same. What can get prospective students' attention is a law library with a warm and inviting atmosphere, comfortable seating, and a friendly staff.

¶65 Making your case for the law library budget, then, first consists of compiling empirical data on how the library's expenditures compare with expenditures for other law school departments. Second, compare law library expenditures with the law library expenditures of peer or competitor schools. And last, make a case for retaining physical library space by emphasizing that, although the content of the law library may change, its function of providing important space for student interaction and study remains.

## Conclusion

¶66 Several points should be clear from this article. First, the recession and consequent reduction of law library budgets provides us with the opportunity to rethink the traditional framework of our libraries. Whatever we have done well in the past is no guarantee of our future success.<sup>28</sup> As our users change their preferences from print to digital materials and as publishers and authors move to create more digital content, libraries need to change as well. Organizational structures, job responsibilities, digital and print collection management, library space—everything is on the table.

¶67 Second, the most important lesson of this time is to tie the law library's purpose closely to the goals and objectives of the law school. All decisions in the law library need to be based on whether the results will move the institution forward within the scope of the school's vision and mission. Positioning the law library to serve the core mission of the law school is not optional.

¶68 And finally, the need to create webs of collaboration and partnership is a pervasive theme. We cannot expect to solve the enormous problems associated with our ever-changing world without working with others—other law libraries, other types of libraries, and other organizations. The key to progress in the explod-

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28. One of my very favorite futurists, Joel Barker, uses a phrase similar to this in his classic video, *The Business of Paradigms*. The examples in his video are extremely relevant today, as he describes how paradigms frame our world and make it nearly impossible for those of us working within our own law library paradigms to make the discoveries and changes the rest of the world requires. JOEL BARKER, *THE BUSINESS OF PARADIGMS* (1990).

ing world of information today is to work with others to enhance preservation and access to the legal information that is at the core of the legal profession and a core function of every law school.

