

THE INCREASING NEED FOR BAR LIBRARIES IN THE SMALLER CITIES

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ALTHOUGH the legal profession can point with pride to a number of excellent professional libraries,¹ and here and there individual practitioners or small groups of lawyers are alive to the needs of the profession and are eagerly endeavoring to establish adequate libraries in their respective communities, the profession as a whole has remained singularly indifferent in the face of a problem which is becoming increasingly acute with the passing of every year—indifferent at least so far as effective action is concerned. This attitude is particularly noticeable in the smaller cities although it is certainly not true, as is generally supposed, that good working law libraries are not here essential; for, while the number of lawyers concerned, the sums of money involved, and the number of persons affected may be relatively small when comparisons with the metropolitan centers are made, the fact remains that on an average the incomes of the practitioners are smaller and it is far less likely that adequate private libraries will be developed.

But even in such communities as can boast of reasonably adequate private collections the situation is far from satisfactory when viewed from the standpoint of the local bar as a whole, or if the public interest is taken into account. Consider, for example, the younger lawyers, many of whom have been trained to take seriously the statement that "law books are the tools of the profession." Almost without exception they are hard

pressed to make ends meet and have little or no money to invest in law books. They are, therefore, confronted with several altogether unsatisfactory alternatives. They must either impose upon some more firmly established lawyer with a private library, not a pleasant "duty" however willing the lender may be, or they must from time to time go to some distant library, in many instances beyond the confines of the county or perhaps even in another section of the state. What is more natural than that, under such circumstances, some of these younger men will most unwillingly join the ranks of those who "practice by ear" frequently at the expense of their clients and of the public at large as well. Needless to say, where litigation is involved, counsel for the parties litigant will fail dismally in their duty to provide the judge with the information and assistance to which he is entitled. Surely, in this complex age, the administration of justice presents obstacles enough, even when the fullest advantage is taken of the information available in print, however inadequate this may often be.

But it should also be noted that the judges may be confronted with an additional embarrassing situation; for in the absence of a law library available to the bar as a whole, they must frequently either do their official work in the private library of some practitioner or they must borrow his books. Under the best of circumstances such a practice exposes the judge to criticism, however unjustified it may be, and if the lawyer who has extended the courtesy (and perhaps he is the only

1. For a more detailed discussion see Roalfe, *American Lawyers and Their Books*. (1936.) 22 A.B.A. Jour. 241.

one in a position to do so) is interested in pending litigation, the public has every right to assert that the profession has neglected to throw the necessary protections around the administration of justice—protections not only against actual abuse but against the suspicion of abuse as well.

Wherever this library problem arises some lawyers will no doubt be heard to say that no good purpose is served by pointing out either the need for or the desirability of having such bar libraries, as the expense involved renders such an undertaking altogether impractical. It goes without saying that there are numerous communities which contain such a small number of lawyers that anything beyond the most limited cooperation is impracticable, but many communities, believed by a substantial number of lawyers to be in this category, cannot, in fact, be so included. In every small city, and these are scattered all over the country, where the same expensive sets of law books can be found duplicated over and over again, frequently in the same building and sometimes on the same floor, and yet other highly desirable books are not available at all, it is ridiculous to assert that the question of expense is the chief obstacle. Each of such private collections has frequently cost several thousand dollars to assemble, and the annual maintenance bills are necessarily considerable. When to these expenses is added the rent for extra office space there can be little doubt but that the financial burden is usually out of all proportion to the benefits received, even by the few lawyers who are so fortunate as to be able to afford such libraries. Is not the public, which in the final analysis pays the bill, entitled to ask the question: "Is the local bar rendering a service commensurate with the cost?"

Thus it should be perfectly clear that in any community where such duplication is at all general there is some other obstacle which is preventing the development of such a working law library as should be available to the bench and bar as a whole, to supplement the printed materials that every lawyer should have immediately at hand if he can possibly afford them. Upon analysis, the fundamental difficulty will invariably be found to be an almost total lack of capacity for effective cooperation, a typical shortcoming of a profession which has until quite recently been guided by such a highly individualistic tradition that its own development has been seriously impeded, and even perfectly apparent self-interest has been sacrificed for the sake of avoiding any change in customary behavior.

Obviously, such an attitude alone is obstacle enough but that it can be overcome is conclusively demonstrated not only by the actual existence of highly effective cooperation with respect to a diversity of enterprises, but by the fact that here and there bar libraries have been established and successfully maintained in such smaller cities. Because conditions differ the same plan cannot be followed in every instance.

Each group of lawyers must no doubt carefully study local conditions to ascertain the probable sources of revenue, the number of lawyers and public officials who may be interested, and the most practical form of sponsorship. However, no local group need rely entirely upon its own efforts, nor must it altogether depend upon the slow and painful process of trial and error. In the first place, the fullest advantage should be taken of the experiences of lawyers in other similar

communities. By so doing it will, among other things, be found that the gift of a lawyer's private library sometimes provides the nucleus around which such an enterprise is developed, that necessary funds may be derived from membership fees, gifts, contributions from the city, county or state, that it is not an uncommon practice for one of the latter to provide quarters without cost, and that custody of the books and supervision of the library may at the outset at least be provided at nominal cost through the employment of some person with other duties not inconsistent with his or her responsibilities as librarian.

In the second place, an additional source of helpful information should not be overlooked. The very conditions that are making bar libraries necessary have brought into being a highly specialized professional group, the law librarians, a group which is primarily concerned with these problems and is actively endeavoring to solve them. There can be no doubt about the fact that law librarians, both individually and through their national group, the American Association of Law Librarians, are willing to render all possible assistance. The field is obviously new and undeveloped and, hence, the answers to many questions are not yet in hand. Nevertheless, experienced persons are in the field and useful data is beginning to accumulate. It is obviously short sighted not to draw upon these sources of possible helpful information and assistance.²

However, there can be no doubt about the fact that a constructive attitude on the part of the lawyers themselves is a prerequisite to all further action. They must not only clearly see the need and feel a desire to satisfy it but a few at least must be imbued with that degree of enthusiasm that is required to bring to fruition any difficult undertaking. Certainly it is hard to imagine a more ideal objective for leaders of the bar to select for the purpose of bringing the lawyers of a particular community together in the pursuit of a common goal. A bar library is not only very much worth while on its own account, but because of its more or less neutral character, interest in it should allay rather than increase local jealousies and rivalries. Success in such a venture would almost necessarily engender a better professional spirit among the members.

As the younger lawyers, usually without law books of their own, are the most likely to feel the need and because they are generally more receptive to new ideas, the development of a bar library would seem to be peculiarly within the province of the local junior bar association. For the very same reasons the Junior Bar Conference of the American Bar Association and the State Junior Bar Sections might well give serious consideration to the opportunities that lie directly in their paths. Unquestionably the time is ripe for concerted effort. The phenomenal success of the institutes for lawyers, in reality a rather closely related activity, is a present demonstration of what may happen when a widespread but more or less vaguely felt need is met through the development of an effective program under the leadership of a few informed and intelligent persons.

2. Although it is primarily concerned with the larger bar libraries, a recent article by James C. Baxter, Librarian of the Philadelphia Bar Association, contains helpful information. See *Organization and Administration of Bar Association Libraries*. (1936.) 29 LAW LIB. JOUR. 142.