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, 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—in 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
one in a position to do so] is interested in pending liti-
gation, the public has every right to assert that the pro-
fession 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 desira-
bility of having such bar libraries, as the expense in-
volved renders such an undertaking altogether imprac-
tical. It goes without saying that there are numerous
communities which contain such a small number of
lawyers that anything beyond the most limited coopera-
tion is impracticable, but many communities, believed
by a substantial number of lawyers to be in this cate-
gory, 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 con-
siderable. 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 com-
unity where such duplication is at all general there
is some other obstacle which is preventing the devel-
oment of such a working law library as should be avail-
able to the bench and bar as a whole, to supplement the
printed materials that every lawyer should have im-
mediately 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 en-
terprises, but by the fact that here and there bar
libraries have been established and successfully main-
tained 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 en-
tirely 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 with-
out 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 help-
ful 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 endeav-
oring 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
Libraries, 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 them-
selves 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 ven-
ture would almost necessarily engender a better pro-
fessional 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 con-
sideration 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 infor-
mation. See Organization and Administration of Bar Association
Libraries. (1936.) 89 LAW LIB. JOUR. 142.