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Looking Beyond the Stacks

The law library as place

By Stephen Young
traditionally, any discussion of the law library as place has begun—and more often than not ended—with the famous quotation from Christopher Columbus Langdell, former dean of the Harvard Law School, in which he analogized the role of the law library in the field of law to the role of a laboratory in the field of science. While certainly encouraging the now tired notion of learning to think like a lawyer, the problem with Langdell’s and much of the traditional treatment of the law library as place is the one-dimensional aspect that this approach creates. We are often left with the impression that the building is created solely for books and not for people. Lord Herbert Samuel summed up this traditional view of libraries in 1947 when he declared, “A library is thought in cold storage.” I propose a more three-dimensional approach to the academic law library as place. The use of the term “place” throughout refers just as much to a place within the lives of the law students as it does to the physical space within the law school walls. After all, it is the law students who view it and use it as more than just a laboratory and more than just cold storage. While this article includes little if any discussion of the library as a place for books, this in no way is meant to imply that books are no longer an integral part of the services a law library provides. Rather, I merely mean to emphasize that they do not necessarily define the role this vital space plays during the three or four years a student spends in law school.

The Third Place
Ray Oldenburg’s 1989 publication *Great Good Place*, in which he first introduced the concept of the third place, has been discussed in great detail in design literature over the past couple of decades and was recently the focus of discussion at a satellite conference of the 2009 World Library and Information Congress in Turin. However, its application to the law library environment has not drawn as much attention as it perhaps it should, although Blair Kauffman did reference this topic in the Spring 2009 *Law Library Journal* article, “The Twenty-First Century Law Library.” On a personal note, my own experience working on the front lines of academic law libraries for the past quarter century has convinced me that Oldenburg’s concept not only can be but should be applied to this environment. But first we must determine what third places are. According to Oldenburg third places typically possess the following characteristics:

- They form neutral gathering places where all people are made to feel included.
- They provide a leveling environment for human contact and conversation.
- They must be accessible while also providing opportunities for reflection, relaxation, and interaction.
- They are inhabited by “regulars” who feel at home in this environment.

Traditionally, third places were cafés, coffee shops, pubs, community centers, general stores, and other meeting areas outside of the home and the work environment, our first and second places respectively. Although Oldenburg does not specifically reference libraries, the concept can very readily be applied to academic libraries, including law school libraries.

In part, this is because law libraries welcome all members of the law school community by fostering an environment that places immense value on the individual. Law libraries not only provide access to information but also offer human contact in a comfortable, safe setting. Additionally, they provide a neutral place, a place where students are safe in the knowledge that they are not going to be judged or graded. When a student walks into the library, the adversarial environment of the classroom or the moot courtroom is replaced by a more supportive, communal environment. These are qualities that law students might feel are sometimes lacking in other aspects of their law school experience.

Just as important as providing an environment for seeing friends and colleagues, these are also places where people come to recognize familiar strangers: people they see regularly but do not know by name. In many ways, these familiar strangers—the faces that occupy the library carrels, or people they walk by on the way to the computer lab—are crucial in the creation of a third place. Just by their presence they lend a sense of community that in turn reinforces a sense of belonging. Third places therefore provide opportunities for the development of “place attachment” or “institutional bonding.”

Monastery versus Marketplace
However, it would be wrong to give the impression that law libraries automatically become this third place status with law students. Law libraries must stay relevant in order to attain this, which requires constant evolution and the eschewal of stasis.

This process, or organic aspect of the library, is very much reflected in recent literature. In 2003 Professor Morell Boone, dean of Eastern Michigan University’s College of Technology, proposed the idea that academic libraries are evolving from a “monastery” full of books and journals for scholars to a marketplace competing for clients. They do this partially by offering an array of in-demand services, some in person, some virtual. This evolution has resulted in the development of, among other things, “cybraries”—places where electronic access to materials is greatly enabled. Libraries therefore acknowledge the marketplace by providing access to information conveniently and efficiently. But it goes beyond this to also providing an environment controlled by the marketplace, which might be referred to as the “Barnes & Noble factor.” Before moving on, let us take a moment to consider cybraries. The emergence of cybraries has led some to argue that the need for the library as a physical place is diminishing. This argument presumes that the only reason for students to visit the library is to retrieve information. Once this information is made available online and hence can be retrieved remotely the reason for visiting the library diminishes.

But it goes beyond this to also providing an increase in attendance in recent years at the same time that they are making more of their collection available online! Some suggest the answer lies not in the traditional resources offered by libraries—the books, the journals, the assistance with reference questions—but in the role the library plays as a place in the lives of law students, as a special environment that serves multiple purposes for the student. Once again, Kauffmann’s recent discussion of the topic in *Law Library Journal* is relevant, particularly his comments on the issue of the “born digital” generation of law students and their voracious appetite for law libraries.

The evolution of the marketplace theory is in no small part due to the increased costs of attending law school. In other words, whether we like it or not we must take some ownership of this development. Law schools and libraries should no longer think in traditional terms of students or patrons, as this creates an inverse relationship where the person who pays is seen as subservient to the person who is paid. However, ahem, adherent to the traditional view of academia, we must now recognize that the students are customers in a market that shapes and reshapes all aspects of the modern law school.
This influence is felt in everything from the courses offered by law schools, where we have seen strong student demand for bar preparation courses as part of the curriculum, to the library, where there now exists an expectation of free wi-fi and in some instances learning cafés within the building. Universities, and in particular law schools, need to come to terms with the reality that the faculty and staff are paid employees, and it is the paying customer who calls the shots. Law schools can no longer charge more than $40,000 per year in tuition and fees and not expect the marketplace to react.

In their 2003 study, “Poised between Two Worlds: The University as Monastery and Marketplace,” in EDUCAUCE Review, Nancy Cantor and Steven Schomberg explore how universities are caught between tradition and marketplace. They highlighted this tension within academic institutions by arguing that “libraries, even academic research libraries, can no longer avoid the noise and turmoil and un-vetted free-for-all of the marketplace.”

“There is little doubt that over the past decade or so academic libraries, including law libraries, have gradually become far more complex, more expansive, and in many ways less recognizable as libraries in the traditional sense. This evolution has not always been well advertised by the libraries to university and law school administrators, and as a result they are still often viewed as one-dimensional warehouses of books. The blame for this falls squarely on the shoulders of the library profession. We as a profession need to do a better job of communicating not just what we do but also what roles we play in our institutions and in the lives of our students—our customers.

Building Social Capital. The bestselling book Bowling Alone by Robert Putnam defined social capital as the “connections among individuals—social networks and the norms of reciprocity and trustworthiness that arise from them.” The benefits of social capital are plenty, including mutual support (a very important commodity for law students), cooperation, volunteerism, and an overall sense of institutional cohesiveness. Social capital is an essential building block in the creation of communities precisely because it allows people to invest in each other. But in order for social capital to exist, the right environment must be supplied.

Libraries form an important component in the creation of social capital in a law school. They achieve this by performing many roles. Among them are the obvious and the traditional: the collection, the preservation, and the dissemination of information. But we must also take note of the less obvious roles, such as providing comfortable and convenient places to study and informal meeting spaces for the community.

The very space facilitates a sense of belonging to a community. Architecture and furnishings also undoubtedly play a strong role in this—without the design of purpose-built community space and the use of appropriate furniture, it is difficult to achieve this creation of social capital. I will discuss design shortly; however, it is important to acknowledge the influence played by the less easily defined aspects of the space and realize that the image of the law library also takes shape from what happens within this space. It is not necessarily the number of seats, the amount of linear shelf space, or even the availability of service points that creates the environment for social capital; it is the intangible qualities supplied by students that make a third place successful.

In other words, the space is just a space until the students—the customers in this market place—inhabit the space and make it their own.

Liquidating Social Capital

But there is of course no value in social capital if it cannot be liquidated into something tangible. In response to this, an argument can be made that the value of social capital built up by law libraries can be very readily converted into monetary capital by law schools. The sense of community that is created translates into current and former students who feel a sense of attachment to the institution and who are often willing to help the school through personal or financial commitments.

Studies, such as “Modeling and Managing Student Loyalty: An Approach Based on the Concept of Relationship Quality,” a 2001 Journal of Service Research article by Thorsten Hennig-Thurau, Markus F. Langer, and Ursula Hansen, have shown that academic staff and the university infrastructure, such as the library, play an important role in the development and fostering of institutional loyalty among students. As evidence of this, many of us have often overheard alumni refer to their desks or their study spots within the library. And while wishing to avoid trivializing the issue, there is little doubt that more than a few law school romances owe their existence in part to the library and the opportunities it afforded students to interact with other students.

Does this mean that administrators are short-sighted if they decide to convert library space into faculty offices, law school classrooms, or space for computer equipment? It is clear that none of the facilities just mentioned are likely to foster the institutional cohesion and loyalty as the third place that is the law library. Alumni have little attachment to classrooms since they are often seated, oftentimes uncomfortably, in multiple classrooms during their three or four years of law school. And they certainly have no attachment to a faculty office or a room that houses computer servers.

By chipping away at library space—the customer’s third place—administrations are in effect chipping away at the students’ memories, their loyalty, and potentially their willingness to donate to the institution. The repurposing of law library space for other law school needs, while perhaps cost-efficient in the short-term, may therefore have long-term consequences that are detrimental to the law school’s bottom line.

The Library Classroom

One challenge alluded to earlier is how to understand the role of the classroom in the library. Does the creation of classroom space within the library undermine or somehow weaken the library as place or does it strengthen it by providing an additional space for learning? Certainly, the use of classrooms in libraries is nothing new but in recent years we have seen more and more law schools view library space as potential classroom space.

Does a dilution of the third place occur anytime we introduce elements of the second place—the work environment—into the equation? Classrooms by their very nature form part of a student’s second place, and thus, by including them in a library, we are taking away from the distinct environment that a library can offer the student. While classrooms clearly constitute learning environments, as we have seen so far, the library is far more than just a place where students learn. Even the placement of computer labs in the library, while perfectly understandable and often convenient even for the librarians, does little to enhance the true “library experience” for the student.

The Role of Library Design

Few would argue that law library design has become increasingly more complex. This reflects in part the struggles encountered by law libraries wanting to remain true to their traditional services while at the same time trying to adapt to the afore-mentioned market-driven changes within the law school.

What role does design play in this attainment of a third place within the lives of law students? As indicated earlier, libraries do not automatically become third places; they must include the requisite characteristics and design to allow for their acceptance as third places. In “University Libraries as Third Places,” a paper presented at the World Library and Information Congress, coauthors Jim Banning, Stephanie Clemons, David
McKelfresh, and Lisa Waxman suggest that these design characteristics include:

- Informal gathering places created by purpose-built spaces that encourage sociability
- A homey, almost cozy feeling created by the right use of lighting, colors, and furniture
- Identifiable markings or branding to create a sense of institutional belonging

Design must allow for two competing traits: one creating a space for interacting with fellow students and the other creating a space that students consider “their space” within the institution, a place where they can feel anchored or sheltered. The monastery/marketplace duality therefore creates conflicts in library design, which is perhaps best exemplified by the idea of the learning café.

A café located within a law library can offer much of what Oldenburg identifies in a third place but is also at odds with the monastic environment in which research and study has traditionally been done. A too large or too prominent social area might flood the study space nooks and crannies of the library with noise and distractions. Equally, if no space is clearly demarcated as social space or group study space, students may be reluctant to engage in peer-to-peer learning sessions for fear of annoying their fellow law students.

This balance of public/private space is a delicate one, but getting it right is an essential ingredient in creating a recognizable third place for law students. If cafés or other social spaces are to be introduced into the law library environment, they must be done so as to minimize the friction between these two worlds. At their best, the introduction of purpose-built social spaces in the law library allows students to move seamlessly between knowledge acquisition and learning interaction, all within a sociable, communal environment. At their worst, they facilitate friction between two communities within the walls of the library: those seeking a place to learn and those seeking a place to socialize.

A recent example of how law library design has tried to integrate the two environments into one space is very much on display at the Wolf Law Library at William & Mary Law School in Williamsburg, Virginia. When it opened in 2007, the library featured a number of social areas that directly targeted the students’ need for a third place. Jim Heller, professor of law and director of the library, notes the use of several lounge areas throughout the library; ping-pong, pool, and chess tables for student recreation; and the availability of large-screen televisions for both informational and recreational purposes.
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Looking to the future, this is clearly a developing trend. Oklahoma City University is currently in negotiations to turn a historic building in downtown Oklahoma City into the new home for its law school and law library. Lee Peoples, law library director at Oklahoma City University School of Law, plans to embrace the concept of the library as “third place” in the renovations. He notes, “many of our students spend their entire day at the law school. We want the library to be a place where they come to get serious about their studies, develop personal connections with their classmates, and begin to establish their professional identity. There will be space for quiet contemplation, space for group study, and space for spontaneous meetings with faculty and other students.”

**A Note on the ABA’s Standards**

How does the American Bar Association (ABA) address all of this in its Standards and Rules of Procedure for Approval of Law Schools? It doesn’t. The most applicable standard is 702, which states: “The Physical facilities for the law library shall be sufficient in size, location, and design in relation to the law school’s programs and enrollment to accommodate the law school’s students and faculty and the law library’s services, collections, staff operations, and equipment.”

While one could argue that the standard does refer to a “design” that can accommodate the law school’s students, this in no way reflects the role played by the library as a space within the lives of the law students. Understandably, it is easier to apply standards to concrete issues such as the number of chairs that a law library needs to provide for its student body, but this is no excuse for ignoring this issue. It is certainly possible that in the future the ABA will forge new standards that recognize the law library as a place and not just a location for books, furniture, and services, but until then the standards will lack this added dimension.

**The Essence of a Good Library**

As a profession we cannot ignore the realities of increased demand for office and classroom space but we must also be sensitive to the less obvious and equally essential need for a place where law students can learn, socialize, build attachments, and reflect either together or as individuals. The essence of a good library is therefore much more than just the collection and services it provides, as important as these are. Rather, the essence of a good library is reflected in the role that it plays as a place within the lives of the students who use it—the greater the role, the greater the library.

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