

questionnaire and statistics. The reliance and dependence on volume counts as the only measuring device in the statistics have to be eliminated. Some means have to be established to eliminate the wrong or incorrect information in the statistics. As an example, in the recently produced comprehensive tables, Column 65c-3, several schools provided information that they are open more hours than there are hours in a seven day week; for some schools, information in column 44 and 46 appears to be crossed and included in the wrong column. There are probably others errors.

The continued use of gross information for volume added counts requires a revisit. A total revamp is required for the use of this information in statistical analysis. I have read speeches that have provided statistical comparison using the gross volumes added without indicating that the net is what produces the collection growth. This net information is provided to the ABA, but the statistics specifically exclude the information in volumes added columns.

Information relating to technology-driven formats, such as on-line, CD-ROM, INTERNET, etc., has to be developed to a greater extent for the annual questionnaire and statistics. As examples, equipment and other costs directly associated with technology-driven formats should be, I contend, part of the total acquisition expenses, just as postage and handling and insurance charges (of 8 to 20% for many titles) are added to serials and book or other information expenses reported. Users can not obtain access and use these sources without the proper equipment. At present, expenses for LEXIS and WESTLAW are considered part of acquisitions and information expenses per student, column 14-6 of the tables. I further contend that costs associated with bibliographical systems or in-house computerized public catalogs should be a basic and integral part of information expenses to reflect that these resources are part of the information resources provided to students and faculty.

With electronic resources increasing in importance in all libraries, the existing Standards, the proposed Standards, the annual and on-site questionnaire, and library statistics need to reflect an "open environment" and atmosphere for libraries to respond to their direct goal of supporting the law school education program, including the training of students in a number of different research skills. I view the proposed Standards, the annual and on-site questionnaires and the statistics as major hurdles, which are preventing libraries from maximizing the use of technology for the benefit of faculty and students as part of the education program. I can not see or determine any difference in using OCLC or other systems to locate title information for a variety of purposes and using CD-ROM or WESTLAW to locate title information for ordering purposes, verification or ILL. In one case, expenses are part of information resources, and in the other case, expenses are excluded from information resources and treated in a totally different manner.

This area must be revisited by the ABA. The Standards, the annual and on-site

questionnaires, and library statistics must represent the present and future aspirations and goals of legal education. In several instances, at least through the January 1995 revision of the Standards (Note, I have not seen or assessed the June 1995 revision), several of the Standards and Interpretations clearly represent the mandated requirements of hard copy holdings from a limited number of publishers, even though the same basic legal information (excluding copyright material) is available through electronic sources at less cost in many instances than the hard copy costs. The basic difference is that a different publisher or vendor provides the electronic sources. On this ground, I register a protest and complaint that the proposed Standards do not comply with the DOE regulations of documentation justifying the mandated accreditation requirements, and specifically contend that the proposed Standards have not satisfied the requirements of the *Final Judgment* of June 27, 1995, for Council action for a final recommendation for action by the 1995 August ABA House of Delegates.

I am aware of the salary collection issues being discussed on INTERNET. As I read the June 27, 1995, *Final Judgment* in U.S. vs. ABA, the ABA, including the accreditation committee and Council (and I would also include the on-site inspectors), is prohibited from any consideration of salary or other compensation as a fact or factor in the accreditation or review of any law school program. This would preclude and prohibit the inclusion of this information as part of any accreditation or review process, even to discussions with on-site inspectors of any comparative salary information regardless of source used to obtain the comparative information. At least for the period of time in which the *Final Judgment* remains in place or is modified, salary issues are not an issue upon which the ABA can report. The language of the *Final Judgment* is absolutely clear in this matter. I would further contend that libraries, groups of libraries, and any association not involved in accreditation, and private vendors could collect the salary and compensation statistics, assuming the school's policy would permit the disclosure. Since salary is not an accreditation issue under the *Final Judgment*, many schools may prohibit or limit the release of salary information. The salary statistics collection issue is not part of the Standards or proposed Standards and must not detract from the issues and problems with the proposed Standards, and annual and on-site questionnaires and statistics.

There are several other problems and issues within the proposed Standards, the 2 questionnaires and statistics to be addressed. For one, I seriously question the process of including interpretations of the proposed Standards along with the Standards for Council action for the ABA House of Delegates action. If approved in this format, the interpretations will take the form of Standards that will require a more complex procedure to change or amend rather than the less cumbersome procedure for adopting interpretations. The *Final Judgment* makes changes in the procedure for this matter. I oppose this part of the approach by the

Standards Review Committee. In some instances, the interpretations limit and completely restrict choices of libraries to do things differently, especially with the changes technology has brought and will bring to library operations. In some instances, the interpretations appear to be new statements, not even interpreting the existing Standards. On this ground, I register a protest and complaint that the proposed Standards and Interpretations do not comply with the DOE regulations of documentation justifying the mandated accreditation requirements, and specifically contend that the proposed Standards and Interpretations have not satisfied the requirements of the *Final Judgment* of June 27, 1995, for Council action for a final recommendation for action by the 1995 August ABA House of Delegates.

The "rush to judgment" to seek approval of the proposed Standards and Interpretations within the next 30 days or less flies directly in the face of the requirements of the *Final Judgment* of the U.S. v. ABA of June 27, 1995. I contend much more has to be done before approval is sought. I am aware of Internet comments regarding the upcoming Pittsburgh meeting on the Standards and Interpretations to the effect that there is an appearance and perception of a "farce" regarding the meeting and comments made. I sincerely hope this is not the case, and that the report has not yet been written for Council's action.

I have attempted to provide some information on some issues I am concerned with as these relate to the Standards, the proposed Standards and Interpretations, the questionnaires and statistics. I regret very much not being able to attend the AALL meeting in Pittsburgh for the comment portion. However, I do look forward to receiving any information about the meeting and comments made. As soon as I am back to work in a couple of weeks, I hope to be able to address and assess the June 1995 proposed Standards and Interpretations.

Roger, I would appreciate this document being added to the comments for the AALL Pittsburgh meeting. Thanks.

Sincerely yours,
Prof. Bardie C. Wolfe, Jr.,
Professor of Law and Law Library Director.

cc: Anne Bingaman, Dept. of Justice
Darryl Depriest, General Counsel—ABA
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St. Thomas University School of Law
July 7, 1995.

Roger Jacobs,
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Dear Roger: I write to inform you of several concerns I have with the ABA Library Standards as adopted in August 1995, including the Interpretations. In addition, I also write about concern with current Fall