

1995 Annual Questionnaire—Part III Law Library. Among the concerns are the following:

A. Annual Questionnaire

1. While I view the Annual Questionnaire as tracking the ABA Standards and Interpretations, the continued exclusion from published reports of recognizing computer—technology driven resources enables the ABA to publish in its *Review of Legal Education* and the *AALL Law Library Journal* (Statistics) misleading, inadequate and incomplete data about Law Library operations and their support of academic programs—see questions 8–14 in the Annual Questionnaire. I am in the process of updating my 1991 report on the economic impact of the reported ABA library statistics. See separate report attached. From the Fall 1994 statistics, total expenses in 93/94 of 176 schools are \$282,843,440 (2 schools not reporting) with 99 or 56.3% of the schools (those over 300,000 columns) having 69.2% of total expenses and 61 schools (those with 200,000 to 300,000 volumes) or 34.7% of the schools having 26.2% of the total expenses. This imbalance creates significant problems.

2. There appears to be substantial activities regarding Internet, legal resources and law library activities—see recent article September 95, *ABA Journal*. As best as I can determine, the Annual Questionnaire does not include questions about Internet usage, but does include questions about CD-ROMS. I view the August 1995 Standards and Interpretations as eliminating the warehouse concept and ownership requirements of library resources—see various interpretations under the August 1995 Standards. The Annual Questionnaire, in my view, continues and emphasizes, as the ABA questionnaire has included in the past, the warehouse and ownership requirements of resources. The Standards do not support this.

Because of a variety of changes in how OCLC—RLIN and other bibliographical systems are being used to provide reference assistance, I urge the inclusion of these expenses as part of Collection Development Resources and the elimination of separate lines for the other categories included—Serials, online services, other, binding and preservation. In addition, consideration should be given to including in Collection Development Resources the cost of computers both hardware and software and microform readers and reader printers and cabinets as Collection Development resources. I do not see any difference of including postage and handling, service charges, etc., as part of regular acquisition and excluding the above. Perhaps the inclusion of these costs as Collection Development resources will encourage law libraries to update equipment as part of Collection Development.

Although the Questionnaire asks for LEXIS and WESTLAW usage, there are other usages of computer resources including library networks, law school networks, Internet, CD-ROMS. This usage can be metered and the Questionnaire should reflect this usage.

5. In terms of comparative information, the ABA continues to publish comparative law library information based on JD students only. While there are apparently over 100

schools with graduate programs, graduate students are excluded by the ABA in publishing library statistics. Thus, the information about libraries in terms of usage per student and expenses per student is inaccurate and overstated.

Since the Annual Questionnaire is used as part of the inspection and accreditation process as well as its data being published by the ABA and by other publishers, the questionnaire should collect the appropriate data as reflected by the Standards. I do not think this is the case with the 1995 Questionnaire.

B. Standards

My primary concerns relate to Standards 606 and its Interpretations and to Interpretation of 602. Regarding 606 (a) if followed to its logical sequence, Interpretation 5 of Standards 606(a) relating to sharing information resources completely inhibits and reduces the possibilities of sharing of electronic resources by several libraries thru wide area networks and Internet. At the same time existing resource sharing programs by a state or regional consortium may not be in compliance. Interpretation 5 of 606(a) read in conjunction with interpretation 1 of 606(b) significantly reduces the possibilities of libraries sharing expensive but little used titles. I view the Standards and Interpretations at setting minimum Standards for compliance. To indicate as minimum requirements that all schools have to have all published regulations for the federal government and the reported decisions of the highest appellate court for each state is in my opinion, a substantial addition to earlier ABA Library Standards. I disagree that these are minimum requirements for accreditation purposes. In addition, I do have concern about the requirement of an annotated code from each state. Annotated code is a descriptive word or phrase of paper products. This term could be constructed to include only paper editions while electronic resources can and do include statutory, administrative, and case law. Thus, this term, annotated code, could be interpreted by the ABA to exclude the electronic resources simply because the term, annotated code, is used.

Regarding Interpretation of 602, the operational system for implementation of electronic resources could involve other University components beside the Main Library. The Interpretation is too restrictive and should be expanded to include the supervision of electronic resources as well.

As experience is gained with the new Standards and Interpretations, I will write to keep you informed of my concerns. In the case of the Annual Questionnaire, Fall 1995, time is very important since libraries are presently completing it. This Fall 1995 Data could be used for upcoming Accreditation reports. Regarding the concerns about the Standards and Interpretations, I would request a continuing review. As financial resources for legal education become tight, the Standards and Interpretations must provide great flexibility for law libraries to support their academic programs within the means available. The sharing of resources, including electronic resources, will become

important in the near future. I simply do not view the present Standards and Interpretations as encouraging and supporting this flexibility. In regards to the Questionnaire, I would not publish the number of volumes until the ABA has decided the equivalent for electronic resources.

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
Dean Rudolph Hasl, St. John's
Dean Steven Smith, CSU
Jim White, ABA—Consultant
Dean Dan Morrissey, St. Thomas
Prof. Roy Mersky, Texas
Prof. Pat Kehoe, American University
Prof. Larry Wenger, Virginia
Florida Academic Law Library Directors

St. Thomas University School of Law

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To: Dean Jacqueline Allee

From: Bardie C. Wolfe, Jr.

Re: Economic Impact of Large Schools on National Mean and Median—Law Library Comparative Information Based on the ABA Law Library Statistics.

The ABA collects statistics from all ABA libraries and publishes the data. From this data, national mean and median, such as size of collection, budgets, salaries, etc., are established. The national mean and median of various categories of law library statistics are used for a variety of purposes.

The large schools, that is, schools with a FTE student body above 650 FTE and/or a collection of over 300,000 volumes, have a major and substantial economic impact on driving upward the national mean and median of most, if not all, measurable law library statistical categories. This process would, apparently, be normal and of little concern. However, the magnitude of the differences between the schools at the top and the schools at the bottom is great. The unbalanced differences do impact very significantly the establishment of the national mean and median for all schools.

Of the 176 schools, 109 or 62 percent have a collection of less than 300,000 volumes; of the 109 school, 35 schools or 20 percent of the total 176 schools have a collection of less than 200,000 volumes. The remaining 67 schools or 38 percent of the total have a collection of more than 300,000 volumes. Of the 176 schools, there are 96 schools or 55 percent with a student body of less than 650 FTE, and the remaining 80 schools or 45 percent have a student body of more than 650 FTE.

The duplication of materials, graduate programs and international and foreign law collections are basic factors in many schools. These factors are not measured or taken into account by the existing ABA statistics or identified separately when national mean and median in categories are developed from all the statistics from the 176 schools. The inclusion of the resources in, including staff, salaries, etc., and the economic impact of these resources on the establishment of national mean and median are unknown.