



THE LOST LIBRARY

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WHAT IS IN A NAME? Is a library by any other name a lesser thing?¹ And what of the people who work within them? As these words are written, the members of the American Association of Law Libraries (AALL) are voting on whether to change the organization's name from the AALL to the Association for Legal Information (ALI). Voting is open from January 12 to February 10, 2016.²

The change was passed by the AALL Executive Board at its November 2015 meeting and is being presented to the membership as a bylaw amendment, with a vote of the membership to determine the decision. The AALL website contains links to a FAQ, videos of Executive Board members explaining the change, and a bulletin board for discussion. A lively exchange has developed on the bulletin board. As with any such change some have lodged procedural protests about the genesis of the vote. Concern with

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¹ The Oxford English Dictionary defines the word "library" thusly:

A building, room, or set of rooms, containing a collection of books for the use of the public or of some particular portion of it, or of the members of some society or the like; a public institution or establishment, charged with the care of a collection of books, and the duty of rendering the books accessible to those who require to use them.

www.oed.com/view/Entry/107923?rskey=53Np4r&result=1#eid.

² Much information about the proposed name change can be found at www.aallnet.org/. One must be a member to gain access to most of the relevant information.

process is a hallmark of legal thinking. But there are also cries of anguish emanating from those who see the abandonment of the word “library” in association with the group as a mistake of substance; a surrender to the forces of digitization and the commodification of legal information. Is it a tempest in a teapot or an important milestone in the world of libraries and information? No matter how the vote comes out, the idea behind it is worth mulling.

The AALL was founded in 1906.³ The original membership skewed towards subscription libraries and libraries attached to bar associations and courts. As time passed academic librarians took control of the Association. The AALL played an important role working with legal publishers. The Index to Legal Periodicals and the Index to Foreign Legal Periodicals were produced and guided by the AALL. As the role of academic librarians grew in the last third of the 20th century, the AALL worked with the American Bar Association and the Association of American Law Schools on a wide variety of issues.

In the final quarter of the 20th century the number of librarians working in law firms and in county and court libraries grew, and they began to assert their interests. The world of the law librarian who works at a global law firm is quite different from the experience of one who labors in the environs of the Yale Law Library. While both work with legal materials, they come to the table with different agendas, each with its own interests and emphases. At several points in the final decades of the 20th century there was talk of splitting the AALL into two pieces, with one serving the academic law librarians and another for the emerging sectors. Each time partition rose to the fore the whole was judged to be greater than its parts and the AALL stayed together. Even so, everyone knew who everyone else was.

The passage of time accentuated the divide. As law firms grasped at the opportunities to adopt sophisticated tools of digitized information more quickly than the more sclerotic law school libraries, the gulf grew perilously wide. While academic law librarians fought to protect budgets and status, law firm librarians were plunging headlong into a world of technology and

³ See American Association of Law Libraries History in Brief: A Chronology (2015), compiled by Professor Frank Houdek. Professor Houdek is the leading source of historical perspective on the AALL. On the Internet the work can be found at www.aallnet.org/tm/about/aall-chronology.pdf.

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the bottom line. Where once a grand collection of books arrayed on fine wood shelving was a symbol of importance for a law firm, suddenly books and other printed material could not pay for the space they occupied.

As librarianship in general struggled to survive the information revolution, the continuing health of the AALL depended on recruiting librarians in the private sector where much of the job growth was to be found. By emphasizing special interest groups within the larger tent of the law librarianship brand, and rallying around the concept of strength in numbers, the AALL held together. One motivation for cleaving to one another was the incessant assault on librarianship as a profession. As legal information, like all information, moved away from the paradigm of paper and print, librarians faced questions of identity.

THE NAME CHANGE

There was always something odd about the name American Association of Law Libraries. Like the American Library Association, the AALL was named not for its members but instead for the institutions in which its members labored. (The Association of American Law Schools is in the same boat.) A visitor from Mars would assume that the AALL was made up of buildings, not individuals. Worse, the library as a fixture in the intellectual life of the nation has been fading. Where once libraries were concerned with attaining, housing, and making available tangible materials, the advent of the Internet and the rise of social media and streaming have changed the recipe. The book and the library, once central elements in our intellectual and cultural life, are being replaced at the center of discourse and study. For example when I wanted to find the dictionary definition of the word “library,” I once would have traveled to the reading room of the law library to find it. Today I need only tap a few keys on my computer to consult the online version. In the world of Wikipedia and Google Plus, is there a place for the ancient temples of learning? This is a large question that implicates issues about culture and our shared intellectual heritage, but here and now the inquiry is limited to law libraries.

Legal information led the way in moving from paper to digital information. The role of Westlaw and Lexis in the life of the American lawyer expanded until it became the reality for new generations of law students and lawyers. When first introduced, these systems pioneered the use of full

text databases and Boolean searching. Watching the arc from lawyers who viewed the online systems as a gimmick and law students who did not know how to type to the smartphone-empowered social media savants of 2016 has been one of the most fascinating aspects of a long career in the field. The revolution is over. Where once a lawyer, judge, or law student physically came to the materials in the library, today Lexis and Westlaw (and other systems) bring the materials to their computer, tablet, or smartphone. Academic law libraries still serve as comfortable study halls for students, but most students sitting in the library space are not using materials held by the library. They are working with a personal portal to needed information. The law student is seated in the law library reading room but could well be sitting up in her bed working on her tablet. In a law firm, the librarian may still direct information flow and work with users, but no longer is the library a communal space for lounging, reading, and conversation.

If the library qua building is being redefined, perhaps it is wise to jettison the word from the name of AALL. A name change might help the profession escape from the stereotypical image of who a librarian actually is, and allow for a redefinition of said professional as an information worker. Perhaps it is time to leave behind any association with a grey stone (or metal and glass) edifice, and perhaps it is also time to leave behind the image of Marian the Librarian working within its bowels. The title “librarian” is tied to those buildings and that image of the woman who cares for books.

PROBLEMS WITH THE CHANGE

There are three problems with the name change. Two are practical, the other emotional.

At a practical level, rechristening the group as the Association for Legal Information effects a change in which the AALL would switch from naming itself after the building in which its members work (libraries) to the raw material that its members handle (legal information). Now the Martian visitor would assume that the ALI was a data set and its supporters. Neither name, neither the AALL nor the ALI, mentions the humans who compose the association. It is as if a step was missed in the renaming process.

There is a second practical problem. The abbreviation of the new name, ALI, already exists in the law. The American Law Institute is the Valhalla

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of legal scholars and academics. Most law professors, judges, and lawyers know those three letters and know what they mean. The American Law Institute name is freighted with the trappings of power and prestige. To roughly paraphrase Rick from the movie *Casablanca*, of all the combinations of all the letters in the world, AALL had to walk into this one. If the AALL seeks a new moniker that will represent it more effectively, it has made an odd choice. Only many years of marketing will change the initial reaction of most legal professionals to the term ALI. At best, the law librarians' Association will be the B deck version of the name ALI, it will be the *other* ALI, the very type of stigma that the AALL wishes to avoid. If the goal is to provide a unique new identity for the association, rechristening it as the second best ALI in the field of law may not be the best choice.

The emotional issues attached to the name change are intangible but run deep. The idea of the library has deep roots. From the library at Alexandria⁴ to clan libraries in ancient China,⁵ the library represented the preservation and protection of information encoded on a three-dimensional medium. Libraries held the intellectual heritage of mankind. Such a mission was not always appreciated. Alexandria was destroyed. Clan libraries were victims in the Cultural Revolution. Forces opposed to the preservation of possibly heterodox information have been a constant through history. T.C. Boyle's story "We are Norsemen," recounts a Viking raid on a monastery through the eyes of a Viking skald.⁶ The Vikings glory in sacking and pillaging but the skald most loves depicting the destruction of the library. Resentment of accumulated learning is not unknown in 2016 either.

For those who love the traditions and honor the travails of libraries and librarians, there is lustre in the word "library" and those who call themselves librarians. Consigning the terms to the hard drive of history carries a bit of pain. Possessing a dollop of self-awareness, I recognize my geezerhood. Graduating from law school in 1974, my research habits and preferences were locked in place long before word processing was a glimmer in An Wang's eye. People can learn new methods of research, but most of us find the most comfort in the systems with which we matured. Ergo I may be

⁴ See Battle, *Library: An Unquiet History* (2003) for a broad ranging history of libraries and those who work within them.

⁵ See Van der Sprenkel, *Legal Institutions in Manchu China* 84 (1962).

⁶ Boyle, *The Descent of Man* (1979).

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the very worst person to make a rational assessment here. If the younger members, the future of the profession, wish to change the name of the professional organization, so be it. But one should take care about abandoning a few millennia of tradition. It is not simply the personal comfort level of those of us on the wrong side of the digital divide that is at stake, it is deeply rooted cultural institutions. Once libraries, and the librarians who work within them, abandon the task of exalting knowledge and working to verify its validity, there will be no going back. Just as the profession of law led the way in digitizing information, it may lead the way in deconstructing the concept of the library.

Perhaps there is something in a name.

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