

Chapter - 6

**ROLE OF LIBRARIANS IN
LEGAL EDUCATION**

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ROLE OF LIBRARIANS IN LEGAL EDUCATION

6.1 INTRODUCTION

Jesse Shera suggested the definition of librarianship based on the philosophy of work of library professionals. “Librarianship is the art and science of the acquisition, preservation, organization, and retrieval of written and audio-visual records with the aim of assuring a maximum of information access for human community.” (Shera, 1970). The basic philosophy is still same but the format of records has been transformed.

“The basic culture of librarianship is quite distinct from other professionals. This is a service-oriented profession, as librarians are collaborators and helpers making clientele’s problem their own problem. ... He/she is educator, appraiser, mentor, guide, and social worker also. He/she needs to be an expert in library and information sciences, information technology apart from vast knowledge of universe of knowledge, management science, behavioral sciences etc.” (Gupta, 2009).

While explaining the complexity of the law librarian’s role Hutchinson (2014) quoted to Graeme Johanson et.al. Besides expected generic skills in managing library and information services, a law librarian should be able to understand the process of law making, amending, enactment and need to know jurisdiction of courts, judgment reading and legal citation. He must be able to determine the current status of law on a particular issue, locate authoritative sources on all areas of law in print and digital format. He must be knowledgeable to evaluate the sources of law and teach the law library users how to use law library materials.

6.2 PHILOSOPHY OF LAW LIBRARIANSHIP

“Law libraries are admired and respected as institutions dedicated to safeguarding legal education” (Balleste & Kaufman, 2014). Cohen (1971) has attempted to formulate principles of law librarianship as Dr. Ranganathan made five laws of librarianship. These fundamental principles are based on the Philosophy of law librarianship and are applicable to all law libraries and reflects present state of law librarianship.

His six principles for law librarianship are:

- “1. *Law librarians must carry out the policies and purpose of the organisations they serve.*
2. *Law librarians must know those purposes and policies and must also know their readers and the work of their readers.*
3. *Law librarian must be teacher of legal bibliography and of the methods of legal research.*
4. *Law librarian must provide access to materials through whatever administrative or bibliographic techniques are necessary to meet their readers’ need.*
5. *Law librarians have the primary responsibility for developing and organising their libraries’ collection and must make conscientious and informed critical judgments in fulfilling that responsibility.*
6. *Law librarians have a duty to advance their art and their profession in whatever way they can be most effective.”*

6.3 QUALIFICATION FOR LAW LIBRARIANS

American Association of Law Libraries (AALL) recognised in its infancy that education and training of law librarians would be paramount to them in securing positions as professionals (Belniak, 2009). Since the inception of AALL in 1906, the qualification of law librarian has been a topic of debate, whether a degree in law with a degree in library science is necessary or not, for a law librarian. After a century still “educational criteria for law librarians remain undefined” (Caulfield, 2014). Caulfield also highlighted a variety of reasons, why some early law librarians had law degrees.

F. C. Hicks (1930) answers the question of educational qualification for composite law librarian:

“Law librarianship requires: -

A knowledge of the fundamental of library science comparable to that possessed by university, college and public librarian, - to be applied with imagination to law library problems.

A flair for bibliography, legal and general.

The equivalent of a college education, with emphasis on languages and the literature of the social science, including in the latter history, economics, sociology, political science, international relations, and anthropology, and reaching out towards psychology and psychiatry.

Some knowledge of law, or, more accurately, a mind capable of thinking in legal channels.”

The information and communication technology has impacted every field in the society and law libraries are not exceptions.

The digitisation movement has changed the way of law library management. The emergence of specialised areas of law is the basis for specialised sources of law and these sources are available in digital format. The management of these resources is more important rather than knowing them, and it is a new task for contemporary law librarians. (Belniak, 2009). To handle this task law librarians require specialised education and training in law and librarianship.

In India, there is no specialised degree program in law librarianship. The R.T.M. Nagpur University has elective papers for Legal Information Sources, Services, Systems and Network at MLIS level. (RTMNU, 2012). The Tamil Nadu Dr. Ambedkar Law University, Chennai has started Post Graduate Diploma in Law Librarianship (PGDLL) from the academic year 2014-15 under distance education programmes for those having a graduate degree. (TNDALU, 2014). India is far behind in the field of education of law librarianship.

In the U.S., 52 universities offer programmes with law librarianship courses, out of which 13 offer dual-degree program in law and librarianship, and 39 offer three or fewer courses of law librarianship in M.L.S. programme. There is no single absolute programme to qualify for academic law library positions. (Belniak, 2009).

The Bar Council of India (BCI) which is the statutory body empowered to promote and to lay down standards for legal education in India. Under BCI Rules the qualification of law librarian in academic sector is not clearly defined. The rules state

that “the library shall be in the charge of a qualified and trained librarian”. (BCI, 2008). The qualification to work in colleges or universities is defined by the UGC and there is no distinction between the qualification of academic law librarian and other librarians in academic sector. Any degree in law or specialised training in law librarianship is not compulsory requirement to be an academic law librarian in India.

UGC Regulations 2010, which are enforced at present, defines the minimum qualifications for the appointment as a teachers and librarians in universities and colleges. The qualification for Assistant Librarian/College Librarian (entry level position) is Master’s Degree in Library Science / Information Science / Documentation Science or an equivalent professional degree with at least 55% marks and have qualified in the NET/SLET or having a valid Ph.D. (UGC, 2010). The qualification prescribed by the UGC is minimum and the law universities can ask for experience in law libraries or additional law degree under desirable qualification for entry level positions. For the higher positions like deputy librarian and university librarian, in law universities it should be compulsory to have desired experience in academic law libraries.

6.4 COMPETENCIES OF LAW LIBRARIANS

American Association of Law Libraries (AALL) has divided the specialised abilities of what have been identified as core competencies for law librarians into six different “specialized competencies” (Walker D. C., 2013):

- 1) Library management;
- 2) Reference, research, and client services;
- 3) Collection development;
- 4) Cataloguing;
- 5) Information technology; and
- 6) Teaching.

The competencies of law librarian may vary from library to library according to the goals of the parent institution to which a law library is attached.

6.5 ROLE OF LIBRARIANS IN LAW UNIVERSITIES

“Law schools address various societal needs, including educating new lawyers for the profession, researching and critiquing the legal system, and helping to increase the fairness of legal decision-making and the access to justice for all members of society.” (Walker, Durwin, Hwang, Langlais, & Boyd, 2013). As part of professional school, the academic law library’s mission encompasses more than acquiring legal information and assisting library patrons in its retrieval. Law librarians have long responsibility for training law students in the acquisition of some manual library and research skills. (Danner R. A., 1983). Besides the manual skills, Computer Assisted Legal Research (CALR) is equally important.

6.5.1 Law Library Management

“The term ‘Management’ is a complex phenomena and is considered a basic and significant process to guide an organisation to achieve its objectives effectively” (Dilli, 1997). Bose quoted the definition of management given by G. R. Terry, as “a distinct process consisting of planning, organising, actuating, and controlling, performed to determine and accomplish stated objectives with the use of human beings and other resources”. (Bose, 2007). The role of a librarian as an effective manager who manages all the resources – human, financial, informational – becomes more important in the days of globalisation. (Powdwal, 2005).

The library is an organisation within another organisation i.e. parent organisation, the expectation of the head of the parent organisation and the management, other staff members and library users play a very crucial part in the design of the ‘role’ of the librarians. (Powdwal, 2005). The librarians have authority to do right things and take decisions and assign or review the work to subordinate staff. The librarians play their important role to manage the library as an organisation with the assistance of their subordinate staff and are answerable to the higher authority like committee appointed to supervise and advise the librarians in the functioning of library matters.

Besides the managerial role, the librarians are also involved in marketing and promotion of library services. Record management and statistical data plays a crucial role not only in day to day decision making but also to assess the performance of the

library as well as in assessment and accreditation process of the universities. Implementation of Management Information System and Feedback Management System helps to improve the quality of library services.

6.5.2 Publishing of Scholarly Products and Support to E-learning

Librarians assist in the publication and dissemination process of law journals. The librarian involves in checking availability of journal title, framing policies and standards, registration with RNI, obtaining ISSN, assisting editors to verify references and brings the articles into conformity with citation standards, checking of plagiarism, creation of metadata and in case of open access journal contribute its metadata and contents to the Directory of Open Access Journals (DOAJ) and making OAI-PMH compliant, marketing through Web 2.0 tools, felicitating journal inclusion in traditional bibliographical and indexing systems. “In recent years, libraries have also become increasingly engaged in providing platforms through which journals may publish their content through online repositories and publishing systems, such as Digital Commons, Open Journal System, WordPress, Drupal, and DSpace” (Keele & Pearse, 2012).

“With the advent of institutional repositories, librarians became responsible for soliciting new contents, negotiating over copyright, managing rapidly changing software systems, and migrating content between the new systems.” (Witten, Bainbridge, & Nichols, 2010). The ultimate goal of all these activities is to disseminate the scholarly products of the parent institutions to all over the world. At the same time these databases are important for the university or the institution for institutional visibility and prestige, ranking of the institution, and to create e-learning environment. (Gaikwad, 2014). “Librarians play greater role in e-learning by applying their expertise in knowledge organisation and management, user information needs study and planning and delivering information services.” (Dutta, 2010).

6.5.3 PUBLISHING OF INFORMATION PRODUCTS

Libraries produce information products or help the parent organisation in production of information products. “When information is packaged they become marketable commodities” (Kundu, 2010). Here is a list of some common information products:

- » Catalogue of Publications
- » Bibliographic Databases
- » Directories
- » Index to periodicals
- » Journals (print/electronic)
- » Manuals
- » Newsletter/Magazine
- » Pathfinders

The law library generally maintains article indexing system which contains bibliographical details of articles published in journals acquired by the library. This kind of in-house database is very useful for researchers. The records of articles from open access journals can also be added to this database. Some libraries publish this kind of information in the form of indexing periodicals which can be acquired or accessed by other libraries and it may be source of revenue for publisher libraries or institute. “Index to Indian Legal Periodicals” is published by the Indian Law Institute, New Delhi. National Law University, Delhi also publishes “Index to Indian and Foreign Legal Articles”. Online Index of articles from the current journals being received by the Sri Narayana Rao Memorial National Law Library, NLSIU Bangalore is available at <https://www.nls.ac.in/lib/articles/index.html>.

6.5.4 Collection Development

“One of the intellectual challenges of a law librarian includes collection development. Collection development varies from library to library” (Smith-Butler, 2007). Collection development in academic law libraries is one of the important tasks before the law librarians. “The collection is built up first around the courses offered; second, by the law-related subjects; and, third, by the areas of research interest of the faculty. Selection and acquisition are done by the head law librarian, with responsibilities shared often by the assistant or associate law librarian, along with faculty and other clientele who suggest or recommend titles for their courses, research, or related reading needs.” (Bikshapathi, 1972). “The law library should provide a core collection of primary sources of law, indexing and finding aids, updating tools, secondary sources, treatises, and monographs to support the law

school's curriculum and the faculty's research and scholarship needs" (Smith-Butler, 2007).

"Collection development includes a group of activities such as assessing user needs, evaluating the present collection, determining selection policies, coordinating selection, re-evaluating and storing parts of the collection, and planning for resource sharing" (Kumar, Hussain, & Singh, 2008). A written collection development policy is "a strategic document which enables the library to obtain and manage resources in line with its immediate goals, as well as reflecting wider institutional objectives and priorities" (Hollingum, 2013). The collection development policy must be periodically reviewed and updated. Collection retention policy is also extremely useful. Weeding is essential and it is imperative that a library decide what will be kept and what will later be discarded because libraries have limited shelf space. (Smith-Butler, 2007).

In recent years, information and communication technology have advanced the library services. Availability of information products in digital format and Internet has impacted on library collection development policies. It is different and challenging for librarians to deal with the distributed electronic resources in addition to print-on-paper world. (Amudhavalli, 1997). "Collection development librarians are now called upon to negotiate licenses, facilitate electronic access, participate in digitization projects, and help capture and promote scholarly communication" (Lenz & Wohl, 2008). The new practice of weaving e-books in library collection by adding e-books and URLs of free e-resources to the online catalogue has been started in India which felicitates the users in finding their desired book and in anticipation to increase the use of e-resources. (Rai, Bakhshi, & Singh, 2016). "Law librarians should continue to identify the most authoritative and the best Internet resources for patrons and add these resource locations to the online catalog" (Edmonds, 2002). They should also "include appropriate open access resources in pathfinders and research guides" (Schmidt, Sennyey, & Carstens, 2005).

"Law library collection development policy should be written by the head of the library after due consultation with library staff. The input of faculty members who may be members of the Library Committee may be very relevant. It is critical and important to have the input of library staff as they are ones dealing directly with

library users and will have an idea of the usage of library materials.” (Dina, 2015). A well organized collection development policy helps librarians to take decisions quickly and supports the parent organization to achieve its goals.

6.5.5 Management of E-resources

“Once purchased, print materials belong to a library, which then has access to the material in perpetuity. On the other side of the spectrum, many electronic products are licensed. A library has access to licensed contents only so long as it maintains and pays for a subscription.” (Wu, 2005). Therefore, to get access to e-resources the librarian has to execute an agreement with publisher or an agency providing access to the e-resources. The access may be through ID/password, IP based or both. The librarian plays very important role in negotiation for seeking maximum benefits for the parent institution and users as well. On behalf of the organisation, it becomes the librarian’s responsibility to implement the terms and conditions of the license. “Every vendor of electronic information has different licensing terms, and frequently the same vendor has different terms for its various publications. The resulting rights of any given library depend on the terms of the contract and the skills of its negotiator, not on established copyright laws and practices.” (Wu, 2005).

6.5.6 Teaching Role: Legal Information Literacy

American Library Association defined information literacy as a set of abilities requiring individuals to ‘recognize when information is needed and have the ability to locate, evaluate, and use effectively the needed information’ (ALA, 1989). There is a general agreement that information literacy is a wider and more comprehensive concept than ‘user education’. (Virkus & Metsar, 2004). In the context of legal education, legal information literacy has become important with the inclusion of ICT in legal education, research and practice. American Association of Law Libraries (AALL) approved the Law Students Research Competencies and Information Literacy Principles in 2011. (AALL, 2011). The shape of Law Student Information Literacy (LSIL) Standards mirrors the overall shape of the ALA Standards. LSIL Standards are as follows:

1. *Identify: The information – literate law student is able to identify the type and source of information appropriate to the problem or issue at hand.*

2. *Access: The student knows how to access the appropriate information into effectively and efficiently.*
3. *Evaluate: The student also evaluate the information and its sources critically, in order to properly incorporate the appropriate information into reliable work product.*
4. *Apply: The student applies the information effectively to resolve a specific issue or need.*
5. *Ethical and legal issues of use: The student distinguishes between ethical use and unethical uses of information and understands legal issues arising from information discovery, use, or application. (Kim-Prieto, 2011).*

“The concept of information literacy offers a model through which essential skills training can be embedded into law teaching. However, incorporating information literacy into the curriculum requires collaboration across disciplines.” (Davies & Jackson, 2005). “It is vital to embed these complex innovations into the curriculum in order to successfully guide and implement them and provide them with as academic foundation. Law faculties should professionalize the possibilities in consultation with university libraries.” (Beljaars, 2009). “The research culture and scholarly communication have a direct impact of how information literacy training is focused, structured and offered.” (Spiranec & Zorica, 2012).

In the environment of information overload, it is librarian’s duty to ensure that library users feed on only reliable and authentic information. There are various library competitors of libraries nowadays. Law librarians play a role of true legal research expert. They are aware of approaches to find specific information for their library users. (Anyaegbu, Obiozor-Ekeze, Achufusi, & Aduaka, 2013). In U.S., the expanded role of law librarians for teaching and research mission of the law school has been considered and the result was the addition of more professional librarians to the staff (Slinger & Slinger, 2010).

6.5.6.1 Computer Assisted Legal Research and Reference Service

“Legal Researchers depend on law librarians for timely access to specialized databases and the materials located as a result of those searches.” (Hutchinson, 2014). “Law librarians have been at the forefront of librarianship in seeing training of library

users as an integral part of their role, and providing targeted instruction and guidance for all aspects of legal research methods and skills” (Bird, 2011). They concentrate on the “structure, organisation and usage of formats that were core to the legal profession: law reports, legislation codes, digests, legal journals and loose-leaf publications.” (Bird, 2011).

Law librarians’ service as teacher is obviously related to the law school’s educational role. Law librarians are involved in a variety of instructional roles and are expected to train students to find legal information on their own, thus preparing them for the practice of law. “Librarians may have been inclined to make use of IT staff to improve information literacy but it is the law librarian who is knowledgeable about the legal resources that a scholar or practitioner needs to consult in order to be well informed on the subject matter at hand” (Bird, 2011). The law librarians are in better positions to help students and faculty in their research projects. “Students and many faculty members are not aware that these rich sources of information are at their fingertips. Students do not understand the difference between these proprietary, authoritative research databases and the freewheeling information found on the Internet. For that reason, more than ever, it is important for librarians to work with teaching faculty to strongly urge that they bring their classes to the library for instruction.” (Burke, 2004).

6.5.6.2 International and Interdisciplinary Research

Globalization has affected the legal research also. Researchers do comparative studies and “lawyers practice across the countries and inter-governmental bodies like the European Union and the United Nations. Treaties and other instruments govern the laws of jurisdiction as well as subject matter”. (Wertkin, 2014). The changing information environment “characterized by a new multiplicity of sources for legal research, not only in the new formats in which legal information is accessed and retained, but in the changed roles that libraries and librarians will play working with those who use that information professionally, for scholarship, or in their daily lives”. (Danner R. A., 2011). “In addition to foreign and international resources, more researchers are using statistics, as well as literature from the humanities, social sciences and medicine. Creating bibliographies or researching across the disciplines is

a necessary skill that may not have been as important in recent years. Now it is critical.” (Wertkin, 2014).

6.5.6.3 Citation Management

Citation Indexing originated in law field with “table of cases”, which is dated back as 1743 and Eugene Garfield’s development of Science Citation Index was directly inspired by the legal citation indexes, Shepard’s Citations. (Shapiro, 1992). It shows the importance of citation in legal research. Hence, it is very important for the law students to know what a citation is and understand the concept of citation styles and formatting, such as in-line citation, footnotes, endnotes, and bibliographies or work cited particularly case laws citations. It is also necessary for students to understand the functions of citations in research and what constitute plagiarism, the differences between quoting and paraphrasing. (Childress, 2011). In recent years there are various citation management softwares available like Zotero, Endnote, Mendeley, RefWorks, etc. The librarians are in better position to develop citation guides or style manuals wherein they can include basic outline and features of citation tools and they can organise training sessions for students as well as staff.

6.5.6.4 Social and Ethical Use of Information: Copyright and Plagiarism Control

“Plagiarism has become one of the greatest problems in the use of information” (Cassell & Hiremath, 2009). There is a lack of comprehensive plagiarism checking solution for law (Keele & Pearse, 2012), but still “librarians can improve this situation by teaching how to deal with exact quotations and with paraphrasing and by providing the faculty with resources for explaining what constitutes plagiarism” (Cassell & Hiremath, 2009). They can contribute to anti-plagiarism policy making and its execution at institute level. To create awareness about the policy and its enforcement librarians can provide online tutorials on plagiarism. The Central Libraries of the universities like Jawaharlal Nehru University have already taken various steps to guide the students and researchers about the plagiarism and citation tools. (Babbar & Jain, 2015). Their role in plagiarism checking services using the programmes like TurnItIn, iThenticate, Urkund etc. is also has become their new responsibility. It is an emerging role of librarian to help in plagiarism checking of dissertations, theses and research projects. “How to avoid plagiarism”, it is a topic of discussion nowadays and librarians are capable to tackle

this problem in association of faculty members and it can be a part of information literacy programmes.

6.5.7 Technology Expertise

“The increasing development and use of technology as well as an expanding global economy have resulted in an explosion of information resources and corresponding need to access this information immediately from any place” (Smith-Butler, 2007). The advancement and application of technology in libraries can not replace the human expertise. “Law librarians do not see the computers as threat to the survival of their libraries or to their jobs. They provide access to all recorded sources of law and to all materials relevant to the administration of justice.” (Cohen M. L., 1973).

“Law librarians need to keep up to date with technological developments on the web, so that they can understand what students are using, or expose to. Social networking is already deeply embedded in the daily life of many students, colleagues and other library users. Knowing about evolving apps, the use of mash-ups to blend re-work sources – in fact the whole rapid ongoing evolution of Web 2.0 or 3.0 applications – gives the librarian the opportunity to anticipate a new trend, or an application, that can be incorporated into the ways information literacy skills training is delivered.” (Bird, 2011). “There is no doubt that the law library is inextricably bound to technology, and this role will continue to evolve in the future. A survey results indicate a trend toward establishing separate law school IT departments but it is also quite clear that librarians are still very actively involved in many aspects of technology.” (Watson & Reeves, 2011).

6.5.8 Quality Management and Accreditation

“Total Quality Management (TQM) is a way of managing to improve the effectiveness, efficiency, flexibility and competitiveness of an organization as a whole.” (Pramanik, 2010). Though the library is a part of parent organisation, but simultaneously it is a service organisation itself and the users’ satisfaction is ultimate goal of the library. The products and services of the library are designed to satisfy the continuous multidimensional and complex demands of the user community. (Mishra, 2011). The quality management system, the ISO, provides specifications to technical

services and client's services to satisfy user's needs, and helps in evaluating the library performance at a regular interval and continually improve the quality of services. (Thakur, 2012).

“Accreditation assures that higher education institutions and their units, schools, or programs meet appropriate standards of quality and integrity” (Satyanarayana & Srivastava, 2009). ISO Certification, accreditation by National Assessment and Accreditation Council (NAAC) or All India ranking under National Institutional Ranking Framework (NIRF) of MHRD is important process to earmark quality and excellence in higher education. National Law Universities are considered as centre of excellence for legal education but they also need accreditation or certification. Libraries and librarians are very significant for the completion of this process of the educational institutions.

SUMMARY:

Law librarians have unique combination of professional skills. They perform their role by bridging the gap between the growing needs of the users in an information society and developing the abilities of the students to access, evaluate and use of legal information they need. Of course the role of librarians in legal education is quite different and significant from other librarians. In present scenario to acquire all the competencies required to be a good a law librarian is a challenge in India.

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