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Introduction

The development of the College of William and Mary’s Marshall-Wythe School of Law and its law library has spanned over two centuries. As in most institutions, the history of the law library tracks closely the development of the law school.

The history of the law library breaks down into four distinct stages, which reflect the relative success of the study of law as a whole at the College. The founding stage, beginning in 1779 and ending with the commencement of hostilities surrounding the Civil War, represents a slow period of gradual growth for the young law program. The following stage of decline encompasses over a half century between the closing of the College during the Civil War and the formal reinstitution of the study

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of law at William and Mary in the early 1920s. The study of law re-emerged in the early 1920s, but struggled through the 1970s. During this revival era, the law library suffered continually from inadequate financial resources, dismal facilities and deficient staffing. The modern era began in 1980, following completion of the present law building. The last fifteen years has been a period of maturation and growth—and ultimately great success—for both the law school and the law library.

1. The Founding Stage

The antebellum history of the study of law and the law library at the College is limited, since "[d]isastrous conflagrations consumed the library collections on three different occasions, in 1705, 1859, and 1862."[1] A few scattered bits of information have survived, but we have, unfortunately, only a hazy picture of the early law school and its library. Many of the conclusions about the law program and the law library up to the Civil War, and then well into the twentieth century, must therefore be inferred from other pieces of information.

The College of William and Mary was chartered by King William and Queen Mary II of England in 1693. From its inception, the College provided Virginia’s elite with a sound education in the liberal arts. For almost a century, however, the study of law in Virginia remained within the parameters of England’s legal education system. Lawyers-to-be were educated independently, either through apprenticeships with practicing lawyers or through the Inns of Court in England. Legal education changed forever in 1758, however, when Sir William Blackstone occupied the Vinerian Chair at Oxford University, the first known professorship of law. The creation of this professorship signified the beginning of formal legal education. But formal, academic study of law on this side of the Atlantic was not considered until after the American Revolution.

The revolution severed most ties with England and created a dearth of available legal training in the new nation. "Before the Revolution young men aspiring to the bar either had to serve as a lawyer’s apprentice or cross the Atlantic to the Inns of Court. Independence brought new

constitutions and new laws that made the Inns of Court professionally obsolete.\textsuperscript{2} The only viable manner of study was an apprenticeship under an established American lawyer, who were few in number.\textsuperscript{3}

Thomas Jefferson saw the need for legal reorganization in the colonies\textsuperscript{4} and began to remedy the situation in his home state of Virginia. He chose to enact his reforms at his alma mater, the College of William and Mary.\textsuperscript{5}

In 1779, at Jefferson’s urging, the College’s Board of Visitors resolved to create a professorship of Law and Police. On December 28, 1779, the Board named Jefferson’s mentor, George Wythe, to that position.

Even before the commencement of formal legal training under Wythe, the College began to acquire some materials on the subject of law. But there was no separate law library, nor would there be for nearly 200 years. The law collection developed slowly, and usually haphazardly. The College at that time “levied a matriculation fee of ten shillings a student for the support of the [main] library and allocated two thirds of the total proceeds annually to the purchase of books.”\textsuperscript{6} It is unclear how much—if any—of this early funding went to the purchase of law-related

\textsuperscript{2} SUSAN H. GODSON ET AL., THE COLLEGE OF WILLIAM AND MARY: A HISTORY 192 (King and Queen Press 1993) [hereinafter GODSON].

\textsuperscript{3} A goodly number of Virginians sent their sons to England to study law in the Inns of Court. This was often preceded by study in Cambridge or Oxford. Secondary education, of course, was available in both Virginia and England. The study of law in one of the English Inns of Court meant an apprenticeship to a practicing lawyer in London with residence in the inn. Apprenticeship in England was similar to that in Virginia; however, the choice of a master was far broader [in England], and the cultural life of London was greater than that of Williamsburg or Norfolk.

\textsuperscript{4} W. HAMILTON BRYSON, LEGAL EDUCATION IN AMERICA, 1779–1979: A BIOGRAPHICAL APPROACH 8–9 (University Press of Virginia 1979) [hereinafter BRYSON].

\textsuperscript{5} “The specific effort to change the curriculum and the governance of the College took place within this context of far broader efforts to reshape the legal system in Virginia.” GODSON, supra note 2, at 130.

\textsuperscript{6} “Jefferson had attempted to make these changes by an act of Assembly, but the dissenters from the Church of England killed the bill because they did not want William and Mary, which was then an Episcopal college, to be strengthened in any way. Therefore, Jefferson had to make his reforms by acting through the college’s board of visitors.” BRYSON, supra note 3, at 22.

\textsuperscript{6} JENNINGS, supra note 1, at 79.
materials. It is known, however, that the College's "plans for importing 'the best modern Books' floundered on the shoals of inadequate financing," a pattern that would continue for far too long. It is also known that in the early 1770s the Flat Hat Club, an undergraduate fraternity that sought to develop the library collection, prepared a list of valuable and useful books to add to the College's main library, and that the first of the six headings of recommended books was titled "moral philosophy and civil law."

During its first full year of operation in 1780, at least eight students were associated with the law curriculum at William and Mary. But there was no cohesive legal collection at the College during Wythe's law program. Instead, particular treatises were chosen as a basis for classroom study. Apparently Wythe relied heavily on Matthew Bacon's *New Abridgement of the Law* and Sir William Blackstone's *Commentaries on the Laws of England*.

The narrow selection of legal texts seems to downplay the role of a formal law library in the early years of the law program. However, some sort of legal collection must have been envisioned during the reorganization of Virginia's legal system. "From the standpoint of education, the

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7. Id. Even still, in 1781 the 3,000 volume library was the second largest academic collection in American, after Harvard (12,000 volumes) and just before Yale (2,700 volumes).

8. Id. at 60-61.

9. GODSON, supra note 2, at 136. There were at least eight students under Wythe in 1780, "since there were enough to form two moot court teams of four each. One of them was John Marshall, who remained only a few months. In a letter to James Madison . . . Jefferson praised the beginning that Wythe had made, remarking, 'Our new institution at the college has had a success which has gained it universal applause. . . .'." Id.


11. Although as a professor at William and Mary Wythe emphasized the study of political economy and public law, his students received a formal grounding in the English common law, with Blackstone's *Commentaries on the Laws of England* being the basic text for his lectures. Students also were encouraged to read much more, to attend other lectures at the college, and to observe proceedings at the capital. Those able to do so received tutorial instruction from Wythe that extended from the classics to contemporary economics and politics; but to study with Wythe in this way, one needed to be a competent reader of Greek, Latin and French.

most important aspect of an apprenticeship was access to the master’s law library and his guidance in reading the law."\textsuperscript{12} Jefferson must have contemplated some type of law library that would complement, if not replace, a master’s legal collection, for in a 1790 letter to John Garland he stressed the importance of a good library in legal education. “All that is necessary for a student is access to a library, and directions in what order the books are to be read.”\textsuperscript{13}

The infant law curriculum had little time to develop. The College closed its doors on June 1, 1780, as the result of hostilities with the British Forces, and the survival of the law program became doubtful. When, in September 1782, the College’s Board of Visitors met to prepare for the reopening of the College, an eminent member expressed his concern about the closing of the law school. “Should the law-school be overturned, the college will be reduced to a desart [sic].”\textsuperscript{14} The law school survived, however, despite the later resignation of Wythe in 1789. Jefferson, who referred to Wythe as “the pride of the institution” and “one of the greatest men of the age,” commented on the resignation, saying “it is all over with the College.”\textsuperscript{15}

The school found a worthy replacement for Wythe in St. George Tucker, who began teaching in September 1790.\textsuperscript{16} As deserving as this appointment was, the modest Tucker asked that others not compare him to his predecessor, George Wythe, in part because he (Tucker) “had a defective library for a teacher of law....”\textsuperscript{17} Tucker altered the requirements for William and Mary’s law degree, which may have had an additional effect on the texts used by the law program. The compilation

\textsuperscript{12} BRYSON, supra note 3, at 5.
\textsuperscript{13} Id. at 25.
\textsuperscript{14} GODSON, supra note 2, at 169.
\textsuperscript{15} “In 1788 the courts of Virginia were reorganized, and Chancellor Wythe was required to move his residence to Richmond. This forced his resignation in 1789 of the professorship in Williamsburg after a decade of lecturing.” BRYSON, supra note 3, at 24. Another account has Wythe resigning “in anger at the college.” CARRINGTON, supra note 11, at 537.
\textsuperscript{16} Tucker was the college rector at the time he succeeded Wythe. “Tucker, learned in the law and closely associated with the college, was the logical choice to replace Wythe. His recognition as a legal scholar was widespread and his connection with the college strong.” CHARLES T. CULLEN, ST. GEORGE TUCKER AND LAW IN VIRGINIA, 1772-1804, at 118 (Garland 1987) [hereinafter CULLEN]. “Tucker was arguably the most important American legal scholar of the first half of the nineteenth century.” CARRINGTON, supra note 11, at 540.
\textsuperscript{17} CULLEN, supra note 16, at 119.
of the College statutes of 1792 provided: "For the degree of Bachelor of Law, the Student must have the requisites for Bachelor of Arts; he must moreover be well acquainted with Civil History, both Ancient and Modern, and particularly with municipal law and police."  

At his introductory lecture, Tucker told his students that he had little to add beyond what his students could get by reading the works of Blackstone, Sir Francis Bacon, Sir Henry Finch and Sir Matthew Hale. Although Blackstone's Commentaries formed the foundation of Tucker's course, his students would read John Locke's Essay on Civil Government, Sir Edward Coke's Institutes, William Sheppard's Touchstone, Bacon's Abridgment, James Burgh's Political Disquisitions and Jean Louis de Lolme's Constitution d'Angleterre, titles one might expect to find in an early nineteenth century lawyer's library. A challenging instructor, Tucker gave his students a list of sixty-two titles he thought every law student should read (this number included twenty-five reports of English court cases), plus the laws of the young Virginia commonwealth.  

Although Tucker lamented publicly the size of his personal library, he often provided the additional materials through his private collection. A successful lecturer, it was during Tucker's tenure that the first earned law degree was granted in America when, in 1793, the College conferred a bachelor of law degree on William H. Cabell.  

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18. Robert M. Hughes, William and Mary, the First American Law School, WM. & MARY Q., 2d Ser. II (Jan. 1922), at 42.  
19. CULLEN, supra note 16, at 119-27  
20. Tucker gave his lectures in his home rather than at the college because he felt he needed to have his books readily available while he lectured. He found it helpful to hold his classes in his own house where he could turn to his library and quickly pull a book of the shelf to illustrate a point. Because there was some criticism of his teaching at home . . . Tucker tried taking a chairbox full of books to class at the college every day, but he complained that he frequently needed a book he had left in his library.  
21. "As many as seventeen attended his lectures at one time, and over one four-year period he claimed to have had a total of about fifty students." Id. at 126.  
22. BRYSON, supra note 3, at 25. For more information on Cabell, see Susan L. Trask, In Celebration of the Bicentennial of America's First Bachelor of Law Degree Recipient, William Cabell, William & Mary LB 1793, WM. & MARY LAWYER 6-10 (1992).
The first thirty years of the new century saw all parts of William and Mary in a serious decline, including the law department. Tucker resigned his professorship in 1803 after a disagreement with the Board of Visitors over the administration of the College. The law collection, which was segregated from the general library collection, felt the effects of this decline and numbered only 300 volumes in 1829. By the time Nathaniel Beverly Tucker, St. George Tucker's son, assumed the directorship of the law program in 1833 (a position he would hold until 1850), the "discipline had become a thing of the distant past." Additional problems soon befell the College and the law program. "[T]he War Between the States and the College fires of 1859 and 1862 crippled the school, draining it of students and destroying the law library. (From the bits of remaining evidence, it is believed that the library collection was substantial.)"

II. Era of Decline: 1862–1920

The College of William and Mary closed in 1862 at the beginning of the Civil War's Peninsula Campaign, and did not reopen until 1888. The law program, however, remained closed for more than a generation longer; it would not reappear until 1920. Between the Civil War and 1920,

23. BRYSON, supra note 3, at 25. "Despite continuing stress between law professors and the administration of the college, the program at William and Mary survived for several decades in much the form in which Jefferson and Wythe had created it." Carrington, supra note 11, at 540.

24. "Our library too, which for many years, has been in a state of disorder, has recently been reorganized. The books independently of the law library . . . number 3260. The law library collection contains [300] volumes." Report of the Faculty to the Visitors of William and Mary College Papers (July 1829), Mary Goodwin's Notes (Earl Gregg Swem Library Archives, College of William and Mary). "The Law Library, belonging to the College, is kept in the Law lecture room and the student is allowed constant access to it." Catalogue of William and Mary College, 1855, at 19. Mary Goodwin Notes (Swem Archives).

25. GODSON, supra note 2 at 259. "Harvard, Columbia, Yale, the University of Virginia, and the University of Maryland, among others, had law schools, often headed by judges and scholars of great repute. The general trend in such programs was to make the study of law more professional. . . . Tucker was not part of this mainstream." Id.

although some occasional courses in law were offered and three law degrees were conferred, there was no real law program.\textsuperscript{27}

III. Revival: 1920–1980

A. 1920–1950

In 1920, William and Mary’s newly elected president Julian A. C. Chandler began a push to revive the College’s law program. The first law courses were reintroduced to the College in September 1920. Still, Chandler did not yet consider this a “law school,” primarily because the College offered only two years of law courses. Even after the Board of Visitors agreed upon a third year of law beginning in 1923–24, Chandler reported that his hesitancy was due to the library’s limited size.\textsuperscript{28} The program was renamed the School of Jurisprudence, and under the direction of law professor Oscar Lane Shewmake, it became a division of the newly formed Marshall-Wythe School of Government and Citizenship.\textsuperscript{29} The law program was not meant to be merely a training ground for prospective lawyers. “The purpose [was] . . . to permit properly trained students to study law in conjunction with other studies.”\textsuperscript{30} The reality, however, was that the school was a “modest, largely paper organization” which provided a home for the reinstated law courses “but otherwise the school merely collected under a new title a number of professors and courses taught in other departments.”\textsuperscript{31} The small library collection associated with the School of Jurisprudence probably developed in relation to the several fields of study being taught in the liberal arts–based law program.

\textsuperscript{27} GODSON, \textit{supra} note 2, at 571.

\textsuperscript{28} Id. Although a bulletin from August 1920 announced plans for the re-establishment of the law program, a full three-year curriculum was not yet in place. At any rate, the College claimed that the formal re-establishment of the law school had occurred on January 14, 1922 with the inauguration of the Marshall-Wythe School of Government and Citizenship.

\textsuperscript{29} It seems peculiar, indeed, to have a \textit{School} of Jurisprudence with the Marshall-Wythe \textit{School} of Government and Citizenship. However, that is what the College called the resurrected law program.

\textsuperscript{30} GODSON, \textit{supra} note 2, at 571 (quoting subsequent Dean Theodore S. Cox).

\textsuperscript{31} Id. at 570.
The School of Jurisprudence did not get off to an impressive start. For several decades it suffered with few students, a small number of faculty and limited facilities. Funding for the struggling program was equally scarce, and the library suffered as a result. In 1927 Earl Gregg Swem, the College Librarian, reported that the law library collection consisted of only 4,450 volumes, which included a collection the library was about to receive. At least 7,500 volumes were then needed to meet the minimum standards set by the Association of American Law Schools, which had been accrediting member schools since the turn of the century. To reach this size, Swem estimated that at least $7,500 would have to be spent over the next five years to develop the law collection. Others considered the collection even poorer. In 1928 John Garland Pollard, a distinguished Virginia lawyer who helped Chandler revive the law program, estimated that more than half of the materials in the law library were obsolete, and that no less than $10,000 was needed to provide an adequate law collection.

As late as 1931, the law collection consisted of only 6,500 volumes on the third floor of the main library. Despite—or perhaps because of—the feeble state of the law program, in 1932 the College hired the first librarian to supervise the law collection and, presumably, eventually an independent law library. Soon after John Latane Lewis assumed this new position, the law school secured accreditation by the American Bar

32. After its reestablishment the school awarded its first bachelor of law (B.L.) degree in the summer of 1924. But by the end of 1939, nearly two decades after the program began, only twenty-eight students had earned law degrees at William and Mary. During this period, enrollments in law classes usually ranged between forty and seventy students each semester, but many were undergraduates who were not preparing for a career in law.

Id. at 572.

"From 1924–34, graduates received a B.B. (Bachelor of Laws) degree. From 1935–66, graduates received a B.C.L. (Bachelor of Civil Laws) degree. Law graduates began receiving the J.D. (Doctor of Jurisprudence) degree beginning in 1967." GODSON, supra note 2, at 720 n.42.

33. Id. at 572.

34. Id. at 572–73. In a letter to Thomas W. Shelton, Robert M. Hughes (a supporter, along with President Chandler, of the revival of the study of law at William and Mary) cited the need to return William and Mary's law program to good standing. Funding for the acquisition of the AALS-required volumes (7,500) was unsuccessfully sought from the newly available Taft memorial. Papers of John Stewart Bryan, President of the College (Earl Gregg Swem Library Archives, College of William and Mary).
Association. The law school was accredited by the Association of American Law Schools (AALS) in 1936.

Insufficient funds hindered Lewis' ability to develop the collection, and the library acquired few new materials.\(^35\) Notes from a 1934 faculty meeting reveal how few items Lewis could acquire with his small budget:

Mr. Lewis reported that $125.57 is available for the purchase of books. Dean Cox stated that he has been authorized to spend an additional $200 in purchases. It was decided to purchase the following: 2 copies of Burk's *Pleading and Practice*, 2 copies of Restatement of *Conflict of Laws*, 2 copies of Restatement of *Torts*, 2 copies of Restatement of *Agency*, 1 1930 *Code of Virginia*, 1 copy of Webster's New International Dictionary.\(^36\)

In June of 1936, the annual president's report indicated that the law library held 8,865 volumes, a modest increase from the 6,500 volumes of 1931. Funding for legal materials, which totalled a scant $1,913.90 in 1936, came from the state and also a small private fund set up for the purchase of law books.\(^37\) The few legal donations at this time were directed to the main library, which housed the law collection as one of its many divisions.

But the modest law collection was not the law school's sole concern. AALS, when it accredited the law school in 1936, included several demands "all of which would cost more money than the state was likely to provide."\(^38\) When the College's Board of Visitors met in early 1938, William and Mary President John Stewart Bryan convinced the Board to downgrade the School of Jurisprudence to the Department of Jurisprudence because "our law school is not a credit to William and Mary and it cannot be made a credit to us without the expenditure of money which we do not have, and which I see no likelihood of getting."\(^39\) At the same time, a special committee composed of Board members was charged to study further the meager law program, which had bestowed only twenty-three degrees since its revival nearly two decades earlier.

\(^35\) By the new year Lewis was purchasing a modest number of materials for the library. "The Law Librarian was authorized by the faculty to purchase for the Law Library the following: United States Digest, Barton's Chancery Practice, Wigmore on Evidence, Williston on Sales, Thompson on Private Corporations." Faculty Minutes, Jan. 11, 1933.

\(^36\) Faculty Minutes, Dec. 11, 1934.

\(^37\) Annual Report of the President, June 6, 1936. Supplement by John L. Lewis. The Sherman Fund was restricted to the purchase of law books.

\(^38\) GODSON, *supra* note 2, at 649.

\(^39\) *Id.* at chapter 6 n.58. Report to the Board of Visitors (Feb. 8, 1938).
In May of 1939 the Board of Visitors, following the special committee’s recommendation, announced plans to abolish the law school. However, a swift outcry from current law students and law alumni forced the Board to reverse its action only a week later. Ironically, the Board announced not only that it would retain the law school, but that it would strengthen it. One must speculate whether President Bryan hoped to see this result when he recommended downgrading the school.

With renewed hope, the new decade gave birth to escalated interest in the law program and an increase in the number of students studying law at William and Mary. In 1941, enrollment in the Department of Jurisprudence jumped from 79 to 140. The law collection, housed in the main library, began to receive regular and sustained use. Approximately sixty people a day visited the law library, which was then managed by a staff of five. Presumably all worked part time.

Unfortunately, World War II interrupted the progress of the developing law program and led to a series of rapid changes and instability in the library’s leadership. Law Librarian Lewis departed on leave for the war from April 1943 until September 1946, but he never returned to William and Mary as law librarian. Charles Harper Anderson became law librarian in the fall of 1946 after his graduation from the Department of Jurisprudence. He remained in that position only until 1947, when he joined the law faculty. Anderson was followed by Virginia Blanche Till, the College’s first female law librarian, who served until the end of 1949. Chester Stoyle Baker Jr. took over in 1950 and managed to stabilize the position nearly through the end of the decade.

**B. 1950–1960**

The halting effects of World War II seemed to dissipate by the early 1950s. In 1953, the Department of Jurisprudence split from the School of Government and Citizenship and, under the leadership of Dean Dudley Warner Woodbridge, became the Marshall-Wythe School of Law. The establishment of an endowed chair in taxation reflected the addition to the curriculum of a Master of Law and Taxation, the first degree of its kind.

42. GODSON, *supra* note 2, at 784.
in the nation.\textsuperscript{43} In that same year the law library received its first endowment when Jessie Ball duPont gave the College a bond portfolio valued at more than $33,000 to inaugurate the new tax program. A portion of that amount was expended “for the salary of a renowned specialist in law and taxation, and for the acquisition of books related to that program.”\textsuperscript{44}

Up to this time the College’s legal collection was housed both within the law school (in Blair Hall) and in the College library. Faculty minutes from the fall of 1954 indicate an intent to consolidate the law collection in the law school library.

[S]ome materials published by the Government which should be in the law library are in the College general library. . . . The College Librarian had requested Mr. Atkeson [a law professor] to make a list of the most recent of these materials, and promised that they would be moved to the law library immediately.”\textsuperscript{45}

These items, which became available for shipment in November of 1954, raised the number of volumes in the law library to approximately 21,000.\textsuperscript{46}

The total library staff remained modest in size. Including law librarian Chester Baker, the staff numbered seven, which included student assistants. None of the staff, however, including Baker, were full time.\textsuperscript{47} The library attempted to purchase many badly needed items, and Dean Woodbridge asked the faculty for recommendations on materials to acquire for the collection. He promised that funding would be available for both present wants and to pay for continuations.\textsuperscript{48} Notwithstanding the dean’s pledge of support, the library was still plagued by inadequate

\textsuperscript{43} Id.
\textsuperscript{44} “Designation of the Jessie Ball duPont Fund to Function as Endowment.” William and Mary Board of Visitors Resolution W-9 (Feb. 23-25, 1978). Today the endowment generates about $5,000 in annual income to the law library for the purchase of tax materials.
\textsuperscript{45} Faculty Minutes, Oct. 28, 1954. In addition, there followed a “detailed discussion of rules and regulations concerning the use of books in the law library.”
\textsuperscript{46} Faculty Minutes, Nov. 24, 1954. “Mr. Atkeson stated that certain government publications which had been housed in the general library were now packaged and ready for movement to the law library. . . . Mr. Baker stated that the law library now has approximately 21,000 volumes.”
\textsuperscript{47} DUDLEY W. WOODBRIDGE, A SHORT HISTORY OF THE MARSHALL-WYTHE SCHOOL OF LAW 3 (Earl Gregg Swem Library Archives, College of William and Mary).
\textsuperscript{48} Faculty Minutes, Oct. 7, 1954.
funding. At the close of 1955, Baker indicated that he would purchase no new books that year because all funds were needed for continuations.\footnote{Faculty Minutes, Nov. 3, 1955.} Limited resources continued to restrict severely the development of the law collection. In the fall of 1956 Dean Woodbridge acknowledged the collection needs of the library, but the purchase of even these essential faculty-recommended materials was inhibited by poor funding.\footnote{Faculty Minutes, Oct. 16, 1956. The list of needed items included various statutes, journals and indexes.} In April 1957, Baker informed President Chandler “that it would be desirable to have a Law Library budget of $7,000 since approximately $5,300 is needed just to keep up the present continuations.”\footnote{Faculty Minutes, April 25, 1957. Of the $5,300 spent on continuations, over $2,100 was spent on tax materials. The actual budget for 1957 was $4,000.} Approximately $9,000 was spent for legal materials in 1958, although the budget for that year was only $4,000. Chandler made up this difference with one-time special funding, but the College made no commitments to improve the law library budget. Indeed, only $6,000 was budgeted for legal materials the next year.\footnote{Faculty Minutes, Sept. 18, 1958.} These financial difficulties came at a time when other deficiencies also began to threaten the law library, including an increasingly inadequate facility.\footnote{In the spring of 1957, President Chandler asked Baker about the most urgent needs of the law library. “Mr. Baker replied that the Law Library needed at least two ranges of shelving placed in the tax room to take care of the new material and to relieve the crowded condition in the main stock area.” Faculty Minutes, April 25, 1957. The College Librarian, citing a need to “take the books off the floor, agreed with this recommendation.” Mr. Servies (the College Librarian) also hoped to employ a new cataloger in the “very near future” to provide aid to the new law collection. Faculty Minutes, Nov. 21, 1957.} These deficiencies included an increasingly inadequate facility.\footnote{The law school occupied the first floor of Bryan and most of its basement. The library occupied the basement of the Camm Building, which connected with Bryan. Interview with John Donaldson, law professor, in Williamsburg, Virginia by James Heller (Nov. 21, 1995).} The law school’s 1957 move to the Bryan dormitory complex and the library’s occupancy of the basement of the adjoining Camm Building unfortunately did little to alleviate these space problems.\footnote{The law school occupied the first floor of Bryan and most of its basement. The library occupied the basement of the Camm Building, which connected with Bryan. Interview with John Donaldson, law professor, in Williamsburg, Virginia by James Heller (Nov. 21, 1995).}

Unknown to many, the law school survived an external threat in the spring of 1957. One year earlier the Virginia General Assembly created the State Council of Higher Education, in part to recommend elimination of duplicative programs in the several state colleges and universities. Davis Y. Paschall, who would in 1960 become president of William and
Mary, had only days earlier been appointed Superintendent of Public Instruction. At his first State Council meeting, Paschall learned that the Council listed the William and Mary law school as its number one priority slated for elimination. A passage from a biography of Paschall describes candidly the state of the law school at that time.

As a member of the Board of Visitors of William and Mary, he [Paschall] was keenly aware of the vulnerability of the law school. It was housed in the basement of a men’s dormitory; had a total enrollment of 48; six faculty members, including one part-timer; limited library resources, and was regarded more as a department of jurisprudence than a law school. Its faculty members then met and voted with the Faculty of Arts and Sciences.55

Paschall was convinced that the General Assembly would approve the Council’s recommendation, should it see it. In an emotional speech he told the Council that “[t]o abolish the law school that Jefferson established would be like removing the very heart of a College that is, indeed, a ‘Pearl of Great Pride’ to this Commonwealth.” He further cautioned that abolishing the school “would be a gross and callous disregard of the Biblical admonition: ‘Remove not thy ancient landmark, which thy fathers have set.’ (Proverbs 22:28). It would constitute an unforgivable betray of priceless heritage, and its perpetrators would be silhouetted in infamy.”56 The Council agreed to hold in abeyance its recommendation to abolish the law school and did not send it to the General Assembly. The law school had survived yet another threat to its existence.

Toward the end of the decade it became increasingly apparent to the school and College administration that the law library’s deficiencies must be addressed, particularly the weak acquisition budget, as both the ABA and AALS collection requirements were about to increase.57 Changes in the law library’s budget finally began to occur,58 and extra funding was made

56. Id. at 131.
57. “The minimum number of volumes in the law library, as well as the type of reference materials in the library, will very possibly become much more stringent.” Interdepartmental Communication Regarding: Report on Observations, etc., at Convention of Association of American Law Schools, Chicago, Dec. 28–30. Faculty Minutes, Jan. 5, 1959.
58. The budget for the forthcoming academic year was broken into three sections: “Personal Service,” “Expense of Operation for Instruction other than Personal Service,” and “Research.” Faculty Minutes, Feb. 19, 1959.
available to the library. Baker, nearing the end of his tenure as law librarian, apparently was quite conservative in spending the library allocation, for the library budget actually showed a $1,250 surplus in 1959. 59

With the departure of Baker, the College and the law school initiated steps for greater formal involvement of the law faculty in library affairs, particularly with regard to collection development. In the fall of 1959, William and Mary President Alvin D. Chandler requested formation of a faculty Law Library Committee to suggest and prioritize potential acquisitions to the law library and to inform the law school dean of its recommendations. 60

C. The 1960s

The overhaul of the law library continued with the arrival of Anna Booth Johnson, who replaced Baker in 1960. Like her predecessors, Johnson remained under the joint supervision of the College librarian and the law school dean. Johnson, only the second woman to run the law library, was Marshall-Wythe’s first full-time librarian. 61 The law school’s 1963 Self-Study praised her as “a qualified librarian who has taken many steps to prepare herself with respect to the special problems connected with a law library.” 62 The Self-Study went on to commend the services of the law library, pointing out the excellence of the “small library, well managed

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59. “Mr. Baker advised the faculty that there was about $1250 in the Law Library appropriations that had not been spent and he would welcome any suggestions for the purchase of books.” Faculty Minutes, March 19, 1959. The faculty experienced these budgetary benefits as well. “Mr. Joseph Curtis stated that he wished to go on record that he appreciated the recent purchase by the Law Library of the 1950 Code of Virginia for use in his office.” Faculty Minutes, April 16, 1959.

60. Faculty Minutes, Oct. 15, 1959. “The Law Librarian meets regularly with the Law Library Committee. The College Librarian meets with this committee several times a year with respect to budget, overall policies, handling of purchases which are made through the general library services, personnel for the library and facilities.” 1963 Law School Self-Study. Appendix A (No. 5) to Faculty Minutes, April 18, 1963 at 1 [hereinafter 1963 Self-Study].

61. Interview with Anna Booth Johnson, former law librarian, in Williamsburg, Virginia by Scott Boak, James Heller and Sue Welch (April 3, 1995). Johnson received a B.S. degree from Longwood College in 1956.

62. 1963 Self-Study at 1.
by an efficient staff, which finds increasing use by the general College community and lawyers in the area." 63

At this time, the Law Library Committee was primarily interested in building the collection. In particular, the library sought to acquire the statutes from each state. 64 Although the committee knew that the treatise collection also needed much strengthening, it was aware of the inability to house many new volumes within the law library. The faculty apparently also were aware of the importance of volume count, for they discussed the desirability of including some ten thousand peripheral volumes in the law library count which are not now actually in the law library for lack of space. This might be done on the theory that they were now accessible and were being stockpiled against the time when we will have available room for them. 65

The faculty wisely questioned the propriety of this action, however, as the materials were not readily accessible. 66 Steps were taken to provide additional services in the law library. Mr. Servies, still the College Librarian, offered to purchase a copying machine and microfilm reader for the law

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63. The Self-Study also described and commented on Ms. Johnson's staff. "While one regular assistant has been available on a part-time basis, she should be made a full-time, permanent member of the law library staff and her salary allocated to the law library funds. An adequate number of student assistants is available to keep the library running smoothly." Id. at 2.

64. Faculty Minutes, Jan. 21, 1960. The Library Committee was "to consider costs and order of purchase." The collection of complete state statutory codes was completed in 1965. Faculty Minutes, April 22, 1965. Law Professor William F. Swindler, who had also been employed as Director of Development for the College under former President David Paschall, was instrumental in helping to secure funding to build the state collection. Interview with John Donaldson, law professor, in Williamsburg, Virginia by James Heller (Nov. 21, 1995). Telephone interview with Davis Y. Paschall, former William and Mary President, by James Heller (Nov. 22, 1995).

65. Special Faculty Meeting Minutes, Feb. 4, 1960.

66. Id. By 1963, the chief need was for slightly larger appropriations for purchase of current books, more funds for the purchase of a complete set of state annotated cases (although we are well within the standards of the Association of American Law Schools), more funds for back issues of law reviews, more funds to complete the cataloging of treatises under the standard system.

1963 Self-Study at 2.
library. For once, funding for these items was readily forthcoming. The 1963 Self-Study recognized the College's efforts to improve law library funding, including establishing endowments for that purpose.

This unusual—and much welcomed—infusion of funds from the College clearly was designed to impress the ABA inspection team. Private support also was forthcoming. A $5,000 gift by the late Charles Phineas Sherman, Lecturer Emeritus in Roman, Canon and Civil Law, enabled the library to build a collection of Roman law materials. Another gift that same year, made by Marie Estaire Baumert in the name of her brother Guillermo Butler Sherwell, eventually also would be used for the purchase of law books.

These efforts were, however, temporary Band-Aids; by 1965 the old financial woes had returned. Faculty minutes from the autumn of 1965 noted that the law library

is now without funds for the purchase of additional books in the balance or the session. The [Library] Committee urged that this plight be made known to the College Administration with a request for additional funds of $3,700 to meet immediate needs, and that a special allocation of $15,000 be sought for other long standing needs.

The library's funding and space problems coincided with, and in some sense were due to, a period of steady growth at the law school. By September of 1962 law school enrollment had reached 91 full-time law students, the largest enrollment in the history of the school. Enrollment

67. Faculty Minutes, Jan. 31, 1960. Again, "[t]he problem of where to find room for this equipment was discussed."
68. "The administration has made special efforts to aid the law library in its development, and plans are under way to secure partial or complete endowment funds for it... Mr. Curtis announced that an additional $3,500 has been allotted by the President for the law library expenditures as another step in readiness for the forthcoming A.B.A. Committee on Legal Education visitation." Faculty Minutes, April 18, 1963.
70. "Resolution: Guillermo Butler Sherwell Lecture Fund." The Endowment Association of the College of William and Mary Resolution VIII (Jan. 24, 1973). The donation was originally used to fund a series of lectures on contemporary developments in the law. In 1973, however, Dean James Whyte recommended that the fund be used to establish the G.B. Sherwell Memorial Law Book Collection, as the income produced was no longer sufficient to pay the fee and expenses of a distinguished lecturer. Today the Sherwell fund generates about $1,100 in annual income.
71. Faculty Minutes, Oct. 21, 1965.
increases continued throughout the 1960s, and by 1969 the size of the school again doubled, to 190 students.\textsuperscript{72} In just ten years the school had quadrupled in size.

Larger enrollment created pressure for additional law school space. Throughout the 1960s and through the next decade the law library was housed in several different buildings. During most of the sixties the law library’s general collection was divided between a portion of the basement of Bryan Hall and the basement of the adjoining Camm Hall, while the tax collection was housed solely in Camm Hall.\textsuperscript{73} Library shelves were nearly full, and student seating was inadequate.

The law school was able to address some of its space problems upon completion of Swem Library in 1967. The law school moved into the old general library, which became known as the Marshall-Wythe Building.\textsuperscript{74} The library occupied most of the first floor of Marshall-Wythe, plus the entire basement. But satisfaction with the new facility was short-lived. At the end of 1968 the AALS revised their standards to require that a law library have the capacity to seat at least 60\% of its student body at any one time, a requirement Dean Joseph Curtis considered the “most hurtful.”\textsuperscript{75}

Following the move into the Marshall-Wythe Building, the law library sought to have its own budget. A strongly worded faculty resolution was sent to College President Davis Paschall in the spring of 1968 requesting a budget that complied with the accreditation requirements, autonomous administration of the law library, and that the College make special law library funding its major objective during William and Mary’s 275th anniversary.\textsuperscript{76} The College administration approved the proposed separate law library budget, which it set at $28,000.\textsuperscript{77} This budgetary

\begin{itemize}
\item \textsuperscript{72} Special Faculty Meeting Minutes, Sept. 12, 1969. The increases were steady over the course of the 1960s. The school had 148 enrolled students in 1965, 163 students in 1966, and 177 students in 1967.
\item \textsuperscript{73} 1963 Self-Study (No. 7) at 2. This haphazard library setup, however, would continue to plague the law school until the completion of the present law building in 1980.
\item \textsuperscript{74} Interview with Anna Booth Johnson, \textit{supra} note 61. Johnson described the move, which she coordinated, as an ordeal. She had sporadic help from students with the transportation of boxed materials.
\item \textsuperscript{75} Faculty Minutes, Jan. 23, 1969.
\item \textsuperscript{76} Resolution of Faculty of Marshall-Wythe School of Law Concerning Budget for Law Library, March 28, 1968 (with Faculty Minutes, March 28, 1968).
\item \textsuperscript{77} Law Library Status Report, Oct. 21, 1968 (with Faculty Minutes, Oct. 22, 1968). The law library remained under the College Library’s supervision, however, in regards to acquisitions.
\end{itemize}
victory, however, was overshadowed by the inadequacy of the funding; the allocation did not provide sufficient funds for existing subscriptions and continuations, nor for necessary new purchases. 78

The AALS recommendation that law school libraries have a minimum annual budget of $40,000 and a minimum collection of 60,000 volumes put considerable pressure on the law school to find additional funding for the library. 79 The law school understood the need to seek private gifts to the library. 80 "[T]he Law Library Committee urged the immediate expansion of both the budget and the collections by about one-third. . . . The Committee recommended that the long-discussed plans to approach private industry for possible supplementary support in the indicated areas be implemented in the near future." 81 Additional private funding was not immediately forthcoming, but presumably the College was able to supplement the law library budget. By June of 1969, faculty member William Swindler, who chaired the Library Committee, reported that "[t]he $44,500 paid out for acquisitions takes us over the $40,000 minimum set up as a guideline for accredited libraries. We will have approximately 60,000 volumes by 1972." 82

78. Dr. Swindler . . . noted with pleasure that this year the Law Library at last has been given its own budget, but expressed concern that the budget was charged without Law School authorization with items carried over from last year. He recommended the Law Faculty to resolve that (a) the Law Library budget may include charges other than those for the current year only upon the Law Library Director’s express authorization, and (b) restitution be made of funds representing non-current items already assessed against the current budget. Dean Curtis responded, saying that "it is unrealistic to expect further allocation for the Law Library purposes at this time."

Faculty Minutes, Oct. 28, 1968.

79. Faculty Minutes, Jan. 23, 1969, and Report of Law Library Committee, Jan. 21, 1969. It was around this time that the library received additional staff support. Berna Heyman was hired as Assistant Librarian for Acquisitions and Cataloging in December 1968, and held this position through August 1969.

80. "The [Law Library] Committee notes that, because for a number of years there has been no College funds available for the large scale acquisitions needed to keep up the quality of the Law Library Collection, substantial annual gifts of private funds must be sought. . . . " Law Library Status Report, Oct. 21, 1968 (with Faculty Minutes, Oct. 22, 1968).

81. Id.

82. Faculty Minutes, June 10, 1969.
D. The 1970s

The seventies began with an incredible increase in the size of the student body. The entering class more than doubled, from 76 entering students in 1969 to 182 in 1970. During the midst of these changes, Anna Booth Johnson stepped down as law librarian in 1971. She continued to work as associate, however, under the new librarian, J. Madison Whitehead. Whitehead, the first law librarian at William and Mary to hold a law degree, is remembered primarily for two major catastrophes during his tenure: the failed attempt to classify the collection under the Ranganathan Colon Classification System and the 1975 ABA accreditation crisis.

At the time of Whitehead’s arrival, approximately one-third of the collection had already been cataloged using the Library of Congress system. For some reason, Whitehead abandoned the LC system in 1972 in favor of the Ranganathan Colon system. By 1975, however, the confusing new classification system had been discontinued due to constant complaints from all sectors of the law school community. In the summer of 1976 the library began reinstituting from scratch the discarded Library of Congress system, which by this time included the American Law (KF) tables.

The seventies also saw the last remnants of College control over the law library disappear. The main library (renamed the Earl Gregg Swem Library in 1966 after the librarian-historian who directed it from 1920 to 1944) had retained oversight over law acquisitions, even after the implementation of an autonomous law library budget. Law school Dean James Whyte, noting that the law library now had in its employment an acquisitions supervisor, stated that there was “adequate personnel to staff the Law Library . . . [and that] the proposed separation from College Library Supervision can be made by January 1, 1970.” Although it is impossible to determine whether this event happened precisely on that date, it is clear that in 1973 the school reported that the “law school library administration is totally autonomous from the main library on

83. Whitehead had a B.A. from the University of Chicago, an M.L.S. from Louisiana State and a J.D. from Tulane.
84. “Dean James P. Whyte, Jr. abolished the long-controversial colon classification system last Monday, following an extended meeting with law librarian J. Madison Whitehead. The Dean directed Whitehead to end the colon system because of ‘100 percent dissatisfaction with it, students and faculty alike.’” 5 AMICUS CURIAE I (March 11, 1975).
85. Faculty Minutes, Oct. 16, 1969.
campus in accordance with ABA standards,” and that acquisitions were made “directly by the law librarian to law book publishers, and not through the centralized library acquisition department of the parent institution.”86 However, “Law Library funding requests to the Legislature from the College [were] not grouped with requests from the law school, but [were] grouped under a general library request.”87

Despite its new independence, the law library continued to experience the usual array of problems. Gaining autonomy from the main library did not necessarily mean additional staffing. Most of the incoming unclassified materials were not cataloged, as the law library would not employ a professional cataloger until 1976. The law collection, which in 1973 had approximately 73,000 volumes, was considered adequate in primary materials but weak in periodicals and recently published texts.88 The 1972–73 budget of $60,000 permitted the funding of continuations, but not the purchase of new materials.89 Not mincing words, the law school reported in its 1973 Self-Study that “[b]udgetary support for the library is barely sufficient to sustain life,” and that “[w]ith such miserly support, it is unlikely that the deficiencies of the library will ever be rectified.”90

The increasing number of enrolled law students further strained the library’s already limited resources. Total enrollment jumped from 190 students in 1969 to 459 in 1973, a 142% increase.91 The library staff, which now consisted of two professionals (Whitehead and Johnson) and five full-time clerical staff, could not address the massive increase in the use of the library and its collection.92 The facilities were, in a word, dismal. The 1973 Self-Study noted that

the Law Library conducts its business in three different buildings: Marshall-Wythe where the main collection and library administrative offices are housed, the basement of the Wren Building where additional seating space

86. Law School 1973 Self-Study (March 1973) 31 [hereinafter 1973 Self-Study]. The Self-Study was prepared in anticipation of a March 18–21, 1973 ABA/AALL inspection visit.
87. Id. That practice continues to this day, with no ill effects.
89. Id.
90. 1973 Self-Study at 31.
and room for duplicate materials is found and the third floor of James Blair Hall where much processing of incoming books takes place.93

The 1975 American Bar Association inspection visit served notice that the law school's ABA accreditation was at risk. The ABA visiting committee found the school to be deficient in several different areas.94 James P. White, Consultant on Legal Education to the American Bar Association and head of the visiting committee, reported that "[t]he Law School has possibly the most inadequate physical plant of any ABA approved law school in the country."95 Although the library collection had reached the 100,000 volume mark, the library was the source of much of White's criticism: "A law library is the heart of the law school. It is my opinion that the current physical setting and support level for the library limits the academic aspirations and goals of the Marshall-Wythe School of Law."96 White noted that the unfortunate physical arrangement of the law library greatly reduced the effectiveness of the already attenuated staff. Given the "library’s bifurcated physical setting and that professional librarians should man both parts of the Library at all times, it seems to me imperative that at least three additional professional librarians are provided in the forthcoming academic year."97

White visited Williamsburg in October 1975 to explain the ABA’s report. He commented on the law school’s strong academic program and reported that the ABA’s primary concerns centered around the law building, the law library facilities, and library staffing. William and Mary President Thomas Graves met with White and commented on their conversation, saying that the law school’s accreditation was jeopardized due to woefully inadequate facilities, the limited resources for the Law Library in terms of staff, space and acquisition funds and concern over

93. 1973 Self-Study at 44. Former students recall “the ‘classic’ experience of Tucker Hall, its tomblike library and various satellite classrooms.” (The Marshall-Wythe Building was renamed the Tucker Building.) Memories of Law School: The Accreditation Crisis of ‘75, V Amicus Curiae 9 (Jan. 23, 1995).

94. Deficiencies indicated by the ABA report include building, library books and personnel, faculty salaries, admissions interference and rules regarding promotion, tenure and appointments. Faculty Minutes, Sept. 5, 1975.

95. ABA Visiting Report, May 15, 1975 at 65.

96. Id. at 66.

97. Id. “The auxiliary Library, which among other materials, houses the entire tax collection, is operated by only student helpers during the evening and weekend hours.” Id.
law faculty salaries. 98 The law school student newspaper reported numerous student complaints with the library, including ineffective use of shelf and reading space, the location of the reserve collection, inadequate space to store superseded materials, the library's small audiovisual collection, and the need to utilize the faculty library differently. 99 In the end, the ABA's biting report, which noted "with very grave concern" the law school's problems, provided the necessary impetus for lasting change within the law school and, in particular, the law library. 100

The downward spiral of the struggling law school and law library began to change in 1976. William B. Spong, a prominent and politically well-connected Virginian (he had served for ten years in a Virginia State Senator, and was a member of the U.S. Senate from 1967-73), was appointed dean of the law school. On the financial side, the Virginia General Assembly allocated an additional $50,000 for law library collection development. 101 More significantly, the General Assembly appropriated funds for site preparation and utilities for a new law school building to be located approximately one-half mile from the main campus. The law school site was adjacent to land where the National Center for State Courts, having decided to relocate from Denver to Williamsburg, planned to build a new headquarters building.

The College immediately addressed the ABA's staffing concerns, but at the expense of the Swem Library. Two Swem librarians were transferred from Swem to the law Library. Paul Roy came to the law library in late 1975 to oversee acquisition functions, 102 and Sue Welch arrived from Swem in February 1976 to serve as Law Cataloging Librarian. 103 One of

98. ABA Consultant Explains Unaccreditation Problems, 6 Amicus Curiae 1, 4 (Oct. 28, 1975).
100. Faculty Minutes, Sept. 5, 1975, Acting Dean Emeric Fischer. In response to the report, "Dean Fischer stated that he intends to mobilize our alumni, the Virginia Bar, and Justices Burger, Clark, and Powell, in connection with the school's need for a new building." Faculty Minutes, Sept. 5, 1975.
101. March 17, 1976 Memorandum from President Thomas Graves to the Board of Visitors, Board of Trustees and Board of Directors.
102. Roy's tenure would not last long. He left William and Mary sometime during the 1976-77 fiscal year.
103. In 1981 Welch was promoted to Head of Technical Services, a position she still holds.
her first tasks was to reclassify the collection to the Library of Congress classification system.

In May 1976, as an interim measure to address some of the most pressing space problems—particularly the ABA’s insistence on more library seating—the law library relinquished what little space it had in the Wren basement and obtained additional space in the Camm building. Between the two buildings the library offered 269 seats, very close to the AALS 60% requirement. Both the Marshall-Wythe and Camm facilities were attended by library staff.

Whitehead departed Marshall-Wythe in mid-1976 and was replaced by Caroline Chandler Heriot. Heriot arrived with an impressive resume. After receiving her M.L.S. she worked at the University of North Carolina law library while earning a law degree at the U.N.C. law school. She served as law librarian at the Supreme Court of New Mexico and later at the Loyola of New Orleans Law School, where she planned and oversaw the construction of a new law school library. This experience made her particularly well qualified to plan the hoped-for new law library at William and Mary.

Heriot quickly transformed the library. She expanded the hours the library was open, but at the same time banned smoking, food and drinks in the library.104 The law faculty adopted her proposal that new courses could not be approved absent a library impact statement. Those proposing courses had to coordinate with the law librarian in advance to assure that the library had materials to support student and faculty coursework.105 In that same year the library received a gift from Louis Ellenson, a 1950 graduate of the law school, the income of which was restricted to the purchase of books for the law school.106

Laura Sale became the library’s first professional Serials/Documents Librarian in 1978, and later that year Edmund P. Edmonds joined the staff as Associate Law Librarian. Edmonds had received his B.A. from Notre Dame, an M.L.S. from Maryland, and a J.D. from Toledo. He earlier had served as the Head of the Circulation Department at Toledo. Edmonds served as William and Mary’s first law-trained reference

105. Faculty Minutes, Nov. 18, 1977.
James S. Heller

librarian; until his hiring, third-year law students provided reference support. He soon integrated the library into the academic curriculum when he assumed responsibility for teaching the Legal Research and Writing course. As 1978 drew to a close, the law library became a selective federal depository library.


Necessarily, Heriot spent most of her time planning and overseeing construction of the library portion of the new law school building. The eagerly awaited building opened in the fall of 1980. With 37,270 net square feet on three floors, the new library was nearly triple the size of the 13,994 square feet occupied previously. Heriot estimated that the library would accommodate 250,000 bound volumes; the existing collection occupied less than 40% of the library's 49,000 linear feet of shelving. With seating for 458 patrons (130 carrels and 328 other seats), the new facility could seat more than 80% of the student body.
The law library also moved into the electronic age later that year. It acquired its first Lexis terminal, joined SOLINET, and began using the OCLC online cataloging system. Using OCLC not only boosted production but also provided elevated service to library patrons. New books, which formerly remained in cataloging for thirty to sixty days, were generally cataloged within one week of receipt. The library soon began a retrospective conversion project that, in two years, would transfer nearly all cataloging records to machine-readable format.

The move into the new building also enabled the library to obtain an accurate collection count for the first time in many years. Not surprisingly, the collection was smaller than had been reported in the ABA annual surveys. At the time of the move into the new facility, the library had approximately 155,000 volumes and volume equivalents, with about 110,000 volumes in hard copy.

An ABA/AALS site evaluation team visited the law school in 1981 for their sabbatical inspection visit. Now in the new facility, the law school had addressed the 1975 team’s primary concern. But this team still had several concerns about the law library, including uneven funding, uneven collection development, and an over-dependence upon gift moneys to purchase new materials. The team reported that the professional staff (now four in number) was still too small in size, that the library relied too heavily on student help for basic library duties and that salaries for both professional, classified and student staff members were inadequate. These problems the law school could, and eventually would, address. The most difficult burden for the library and law school was the illness and, in December 1981, the death of Caroline Heriot.

Associate Law Librarian Ed Edmonds was named Acting Law Librarian and served in this capacity until he was appointed Director in 1983. One of Edmonds’ first tasks was to find a new associate director. He hired Martha Rush who, like Edmonds, had both M.L.S. and J.D.

107. Interview with Sue Welch, Head of Technical Services, in Williamsburg, Virginia, by David Elliott (March 22, 1995).
108. ABA/AALS 1980 Site Evaluation Report 14–31. Laura Sale left the library not long after the ABA/AALS visit, at which time Heriot reorganized the staff. She promoted Sue Welch to head of the new Technical Services Department and eliminated the Serials/Documents Librarian position. Susan Dow was hired as Reference/Documents librarian in the fall of 1981. Dow departed in mid-1983, and was replaced by Leslie Loar that fall. Theresa Schmidt filled that position when Loar left in 1986.
degrees, and had been serving as Chief Legislative Librarian with the Kentucky Legislative Research Commission.

The law library surpassed the 200,000 volume mark in 1985, which represented more than a doubling in the size of the collection from ten years earlier. This swift increase in collection size was made possible by significant growth in the collection development budget—with both public and private funds—between 1975 and 1981.

In 1985 a small computer lab was established within the law library; by 1987 it had expanded to nine stations. Although the lab was situated within the library, library staff neither ran the lab nor procured equipment for it. The College Computer Center provided the equipment (mostly older computers that had been surplused from other departments), and a technologically oriented law professor and a handful of students provided modest staff support.

Meanwhile, the law school community still suffered from the library’s small staff size. A student body of 550 and faculty of 25 put increased strain on the staff to provide adequate services. In the fall of 1986 law school Dean Timothy Sullivan hired Richard Danner, Law Library Director at Duke University, as a consultant to study the library’s staffing needs and public service programs. Danner visited the law library in October, and the next month reported his findings to Sullivan. Danner noted that the staff included four professional librarians, a library secretary, two circulation assistants and five technical services staff. He recommended hiring one more reference librarian to enhance services for faculty and students and to provide evening reference coverage, plus additional clerical help in reference and circulation to reduce over-reliance on student assistants. Danner also recommended physical changes that would increase the visibility and accessibility of the reference staff.109

Additional staff were not forthcoming, however, although the school acknowledged the need for greater reference support in its 1988 Self-Study prepared in anticipation of the 1988 ABA/AALS sabbatical inspection. The Self-Study reported that faculty frequently could not locate a professional librarian, that they often left requests with student assistants

109. Richard A. Danner, Report on Staff Needs and Organization: Marshall-Wythe School of Law Library, Nov. 20, 1986. The Director’s and Associate Director’s offices were on the library’s top floor, and the Reference Librarian’s office was hidden away in the back of the library. None of these offices were easily visible to library patrons.
and that too often such requests were ignored.110 Echoing Danner’s recommendations, the Self-Study reported that the library’s highest staffing priority was another professional reference librarian, and that the circulation desk should be attended by permanent staff whenever the library was used heavily.111 The Self-Study also reported that the treatise collection lacked depth and that inadequate funding for collection development could not sustain substantial growth.11112

The library was making additional technological advances, however. In anticipation of the site inspection visit, in 1987 the library finally subscribed to Westlaw. (By that date, all but about ten ABA-accredited law schools had acquired Westlaw). In that same year the library inaugurated its online public access catalog, “LION.” Using the campus-wide VTLS integrated library system, the law library closed its card catalog and provided access to it and other William and Mary library collections through the online catalog. In the meantime, the collection had grown to nearly 250,000 volumes and volume equivalents, moving it, in only a dozen years, from near the bottom to well above the median in the number of volumes held by law school libraries in the southeastern United States. More good news was in store, for in December 1987 Pearl Jones, who for nearly forty years served as private secretary to five College presidents, bequeathed $500,000 to the College in the name of James P. and Grace Virginia Alexander exclusively for the purchase of law library materials.113

Edmonds departed William and Mary in the summer of 1988 to become director of the Loyola University of New Orleans Law Library. He was succeeded that August by James S. Heller, who had spent the preceding five years as law library director at the University of Idaho. Heller had a B.A. from Michigan, a J.D. from San Diego and an M.L.S. from California, Berkeley. He had served as director of the U.S. Department of Justice Civil Division Library and as Head of Public Services at The George Washington University Law Library.

110. Law School 1988 Self-Study at 51.
111. Id. at 49–50.
112. Id. at 47.
Heller noticed immediately that the library subscribed to an inordinately high number of serials. Indeed, the library’s materials budget had been exhausted more than two months before the end of the prior fiscal year (nearly four months before Heller's arrival) because the library subscribed to many more serial publications than its budget could support. He initiated a massive serial review project, resulting in the cancellation of 700 serial subscriptions over the next three years. The law library also abandoned the PRIME word-processing system and moved to a PC-based environment using WordPerfect and other off-the-shelf software.

During his honeymoon period, Heller obtained funds to hire an additional reference librarian, which would bring to five the number of professional staff. By the time candidates were brought to campus in late 1988, Reference Librarian Theresa Schmid had tendered her resignation. The library, therefore, hired two reference librarians. Mary Grace Hune and Rick Buchanan, each of whom had both M.L.S. and J.D. degrees, began their new positions in February 1989.

The next fiscal year began well. The materials budget was up, and additional funding was made available to hire part-time, permanent staff to perform much of the work done by student workers. Daytime circulation desk assistance and most shelving and filing was turned over to these “hourly” staff. But, as had happened all too often, the library had little time to enjoy its good fortune. The fall of 1989 saw the beginning of a state fiscal crisis that would last for nearly three years. Many departments throughout the College suffered substantial budget cuts; the Swem Library was particularly hard hit. The law library was not impacted nearly as much, and its budget remained fairly constant over the next three years. But the library did suffer a staff reduction in 1990 due to the crisis;

114. For 1987–88, the library ranked 32nd among the 174 ABA-accredited law school libraries in the number of serial subscriptions, but only 87th in titles added. Two years later the library ranked 66th in serial subscriptions, and 56th in the number of titles added. Office of the Consultant on Legal Education to the American Bar Association, Law Library Comprehensive Statistical Tables from 1987–88 and 1989–90 Annual Questionnaires.

115. Hune had extensive experience as a law firm librarian, and for four years had served as Head of Public Services at the Ohio Northern University Law Library. Buchanan had experience as a public librarian and as a practicing attorney. At the same time responsibility for government documents and microforms control, previously the responsibility of the sole reference librarian, was transferred to the library's technical services department. Responsibility for ordering and control of library supplies, previously under technical services, was transferred to the library secretary.
a cataloging paraprofessional position was lost when the incumbent resigned her position, reducing the full-time support staff to eight.\footnote{116}

Fortunately, the library had secured funding to relocate and renovate all public services work areas and offices that winter. A new circulation/reserve area was constructed, and new reference offices and a reference room with ample shelving and seating space were created on the main floor. The director, associate law librarian and library secretary moved their offices from the library’s top floor to the new administration/reference area.\footnote{117} A 4,200 volume capacity faculty library also was built on the top floor adjacent to faculty offices. It was also during the 1989–90 academic year that the four dual-degree librarians began teaching the legal research component of the law school’s innovative Legal Skills program.

In the summer of 1990 the entire collection was relocated in an effort to make it more accessible to library patrons and to use existing space more efficiently. That summer the library also assumed responsibility for overseeing the modest and poorly equipped computer lab and for law school audio-visual playback and production services.\footnote{118} Reference librarian Mary Grace Hune was assigned responsibility for coordinating computer-related activities, while Rick Buchanan, the other reference librarian, took over audio-visual services. These new responsibilities created additional pressures on the staff. They were in great part responsible for the decision to create a new Audiovisual/Computer Technician position in 1993; they also influenced the January 1994 restructuring that created a new Computer and Audiovisual Services department.

In 1991 Heller convinced the College’s Computer Services department to oversee the lab in the same manner that they ran other computer labs around the campus. The Computer Center doubled the number of PCs from ten to twenty and consolidated the networked PCs in new carrels on the library’s top floor adjacent to the new twelve-station Lexis and Westlaw Temporary Learning Center. The Computer Center also provided funding for students to staff the lab. In the meantime, the library was installing additional Lexis and Westlaw workstations; within a year,

\footnote{116. Salaries throughout the College were cut mid-year in FY 1989–90 and were frozen in 1990-91 and 1991–92.}
\footnote{117. \textit{1 LAW LIBRARY BRIEFS} 1 (Jan. 1990). Faculty took over the vacated librarian offices.}
\footnote{118. \textit{2 LAW LIBRARY BRIEFS} 1 (Aug. 1990).}
thirty-four CALR stations were available throughout the library. That spring Reference Librarian Rick Buchanan departed for private law practice. He was replaced later that year by Susan Trask, a 1991 William and Mary Law School graduate who had earned her library degree several years earlier and had served as Systems/Automation Librarian at Old Dominion University prior to matriculating at Marshall-Wythe.

The statewide recession resulted in the College's cutting the law library's materials budget during fiscal year 1990-91, leaving it slightly lower than the previous year. Better news was in store for the next year, however. The materials budget increased from about $542,000 in 1990-91 to $607,000 in 1991-92, even though the state was still mired in its economic slump. By mid-1992 the recession had eased, and substantial additional funding was made available to the law library, particularly for collection development. In fiscal year 1992-93 the materials budget increased to nearly $700,000.

Having reduced substantially its subscriptions, the library was able to use much of the new funding to enhance its treatise collection. The changed focus on collection development was reflected in the annual ABA survey. For 1992-93 the library ranked 37th among the 176 law school libraries in the number of new titles acquired, an increase of 50 places from 1987-88. Although the library's acquisition of its 300,000th volume in 1993 was an important milestone, more noticeable was the installation of a CD-ROM network in the reference room during the summer of 1993. Also that year for the first time the law school offered an advanced research course, which was team taught by the dual-degree librarians.

The library, meanwhile, had added another professional position. In early 1993 Haibin Hu joined the staff as Reference/Cataloging Librarian. Now with six librarians, the library could finally offer professional reference assistance weekday evenings and Sunday afternoons. Since the

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119. For many years Legal Trac had been the library's sole CD-ROM product. During the next two years the library added numerous CD-ROM products, including Index to Legal Periodicals, Wilson Business Abstracts, Social Science Index, Michie's Virginia Law of Disk, CIS Masterfile I and II, CCH Standard Federal Tax Reports, CCH Estate and Gift Tax Reporter, Hein's Treaty Index, RIA State and Local Taxes and several titles published by Matthew Bender.

120. Hu had a law degree from Beijing University and M.L.S. and L.L.M. degrees from the University of Illinois.
1988 Self-Study the library had added two full-time professional staff and three part-time hourly staff.\(^\text{121}\) 

Increasing demands for computer and audio-visual support prompted a 1994 staff reorganization that created a new Computer and Audiovisual Services department. In January 1994, Reference Librarian Mary Grace Hune was appointed to head that department. William Cooper joined the library staff in the summer of 1994 to fill the reference position vacated by Hune.\(^\text{122}\) With the hiring of Cooper, who had both law and library degrees and came to William and Mary with extensive law firm and academic experience,\(^\text{123}\) the professional staff now numbered seven.

Meanwhile, little had been done to enhance the size of the technical services staff. But for the reference/cataloging librarian, who split his time between public and technical services, the technical services department received no new permanent staff even though nearly twice as many books were being ordered, processed and cataloged than a decade earlier. (Indeed, a cataloging paraprofessional position had been lost in 1990.) Hiring a temporary paraprofessional enabled the library to complete the cataloging of all periodicals and create coded holdings for nearly all the library’s periodicals and newsletters. Good fortune came in the fall of 1993 when a trained preservation librarian, Jennifer Hoh, matriculated at the law school. Over the course of two years she would inventory, organize, catalog and classify the library’s rare books and special collection materials. The entire library collection was growing significantly and was more accessible than ever due to various cataloging and classification projects. To better protect the collection, during the summer of 1994 the library installed a library security system.\(^\text{124}\)

\(^{121}\) Student assistants now worked 40% fewer hours than they had only five years earlier. The six permanent, part-time staff members now perform much of the tasks done previously by students.

\(^{122}\) The library’s materials budget increased again, and significantly so, in 1993–94. The new position was funded by transferring funds from the materials budget. Even after that transfer, the library’s 1993–94 materials budget totalled nearly $850,000, a 56% increase since 1990–91.

\(^{123}\) Cooper was a research attorney at the Detroit law firm of Dykema Gossett for 14 years. Early in his career he had served as Reference Librarian at the University of Pennsylvania Biddle Law Library and as Librarian at Hogan and Hartson in Washington, D.C.

\(^{124}\) Security for the collection had historically been a major problem; in the early 1990s the library spent, on average, more than $6,000 annually replacing missing items.
Interlibrary loan and document delivery activities also grew dramatically. The number of law journals supported by the law school had increased from one in 1988 to five (arguably six) in 1994, resulting in increased demand for materials from other libraries. A larger and more productive faculty was also making increasing requests for materials not held by the law library. And more and more libraries were borrowing books from William and Mary. Interlibrary loan and document delivery transactions more than tripled between 1987 and 1994; servicing these requests was accomplished without any additional staffing.

The law library completed its Strategic Plan in 1994. The plan involved the entire library staff and took nearly two years to complete. The Strategic Plan, which will be instrumental in charting the library’s course for the next several years, identified the library’s primary goals, objectives and strategies, as well as its mission.

The mission of the Marshall-Wythe Law Library is to provide access to law and law-related resources and a wide range of services to support the law school curriculum and programs, promote the advancement of legal scholarship, and fulfill the information needs of library users. The law library provides resources and services to its users in the following order of priority: 1) Marshall-Wythe faculty, students, and staff; 2) the College of William and Mary community; 3) Marshall-Wythe alumni; 4) the Virginia bench and bar; and 5) other library patrons.

During 1995 the William and Mary libraries abandoned the VTLS online library system, replacing it with a system designed by the SIRSI
Corporation that is based on the UNIX operating system and uses client/server architecture. Migrating from one system to another will require a tremendous amount of staff time, but will result in even better access to the collection and will foster closer ties with the Swem library. As 1995 moved to a close, in order to implement the Strategic Plan more effectively, the library split the Public Services department into two separate departments. Martha Rush would direct the Information Access department and William Cooper would head Research and Instructional Services.

**Conclusion: Towards the Millennium**

It has been a rocky road, indeed, for the William and Mary law school and Marshall-Wythe Law Library. From its distinguished beginnings as the young nation's first law school, to its closing during the tumultuous Civil War, to its reopening in the 1920s as the country itself began to roar, William and Mary mirrors the development of the Commonwealth of Virginia and the nation. Since the law school's rebirth in 1923, it came close to closing in the bleak days of the 1930s Great Depression, and then had to survive the reaccreditation threat of 1975. The turning point began in 1976 with new law school leadership and a commitment by the Commonwealth to maintain not just a law school—but a great law school—in Williamsburg.

As the history of the law school chronicles the development of America, the evolution of the law library parallels the development of the law school. It survived a long history of weak support, meager staffing and abysmal facilities. Today it has a solid budget, a strong collection, energetic and dedicated staff and a Strategic Plan that will guide it towards the millennium.