Appendix III A

Needs Assessment

Wolf Law Library
College of William & Mary

History of Law School

The College of William & Mary established its first chair of law in 1779. Over two hundred years has passed, including wars, economic depressions and other difficult times. But the school has endured, and concurrent with the opening of a new dedicated facility about 20 years ago, began systematically to reclaim its birthright with the back-to-back administrations of Deans Spong and Sullivan. The challenge now is to complete the reclamation. The law school is already quite distinguished. It has the potential to be great. That is the ambition.

A crucial means to realizing this ambition is the law school’s renewed emphasis on training lawyers to be not simply excellent legal craftsmen, but also good citizens and leaders of their communities, states and nation. Thomas Jefferson began legal education at William and Mary to produce this kind of lawyer. There emerged a powerful progression of them, including John Marshall and Henry Clay. On the 175th anniversary of the law school’s founding, in 1954, a glittering assembly formed in front of the Wren Building, including the Chief Justice of the United States and the Lord Chief Justice of England. The assembly was reminded that “throughout the first eighty years of activity, the program in law at William and Mary produced a remarkable roster of successful attorneys, political leaders, State and Federal officials and Foreign Service personnel. From Virginia to Louisiana and Texas, and to Kentucky and Missouri, graduates of the William and Mary law program influenced the building of the new nation.”

Bill Spong said to the last graduates of the law school while he was dean: “Jefferson’s idea of taking the study of law away from the apprentice model and into an academic setting was . . . to assure that the practicing lawyer would be a whole person, with an understanding and appreciation of many things beyond the artisan demands of a skilled trade.” Spong also stressed each lawyer’s obligation of
public service “in its broadest context,” including “much more than elected public office.”

Emphasis on why it matters to be a citizen lawyer, and how to go about doing it, can distinguish legal training at William and Mary from legal training at the mass of other law schools. This emphasis can give life in the 21st century to the Jeffersonian concept that informed the beginning of legal training at the College.

Case for a New Law Library

As a practical matter, it will be hard to move the law school forward along the lines just sketched if the school’s physical facilities are seriously inadequate. They are, in fact, increasingly inadequate and sub-par at a time when law schools have started competing in every conceivable fashion, including the adequacy of physical facilities. Although William & Mary is the oldest law school in America, the law school facility moved a half-mile from the historic campus in 1980 when the current facility opened. The law school building does not mimic the historic campus; it looks like a 1980’s building. The inside of the law school building was also very 1980’s—built for function, not form. In short, you wouldn’t write home about it. One area in which William and Mary’s law school is most behind the curve is an area in which it is most important to be good – the law library. The problem is not improving with time or technology.

Access to electronic information has changed how lawyers, students and faculty research the law, but it has not obviated the need for new books and stacks. Lexis/Nexis and Westlaw/Dialog databases have been available in law libraries since the mid 1970’s. But Lexis and Westlaw, and other electronic information sources including CD-ROM’s and the internet, have not reduced the demand for print materials, particularly in publicly funded law libraries used by the entire university community and general public. People doing legal research still request and use printed works.

In law libraries, few old publications become obsolete, and it is not likely that many of them will become available electronically for the foreseeable future, if ever. And the continuous generation of new legal material is still more easily disseminated via print rather than electronic means. The study and practice of law require access to old as well as new statutes, cases, legislative histories, treatises and articles, which together explain the law as it has evolved and form the foundation for its future development.

Nor can law libraries count on having access to important legal materials that are now available electronically through governmental or for-profit online database providers. Access — especially cost-effective access — depends on marketing strategies not within libraries’ control. Even the Lexis and Westlaw academic contracts provide that these databases can be used only for educational purposes
by law school students, faculty and staff. Few undergraduate or graduate students
at the College may access Lexis or Westlaw under the law school contracts, which
also prohibit use by lawyers, paralegals and other citizens of Virginia.

In short, despite converting the law school’s basement shelving to high-
density compact units in 1998, use of off-site storage, cancellation of nearly 1,000
subscription titles over the past decade, and substantial weeding of the collection,
William and Mary’s law library shelves are at 83% of capacity. Library shelves are
considered full when they reach 86% of capacity. Acquisition projections estimate
86% capacity in 2001, and 100% by 2005.

Further, the existing stacks, with only 30” aisles between shelving units, do not
meet Americans With Disabilities Act (ADA) standards. If the library had to make
the stacks ADA-compatible immediately, there would be a 20% loss in stack space,
and insufficient room to house the existing collection.

Because the library must support both the research needs of faculty and those
of students enrolled in the full breadth of the curriculum, the breadth of faculty
scholarship, the curriculum and the law itself, all determine the breadth of the
library’s holdings and support for the law school program.

Since the law school library was built and opened in 1980, the faculty has
expanded from less than twenty to near thirty. The faculty has grown primarily in
the areas of Constitutional Law (supporting the law school’s distinction in that area
through the Institute of Bill of Rights Law), International Law (every law school
needs greater expertise in international matters because of general trends toward
globalization), and various areas relating to government regulation of business
such as administrative law and environmental law, areas that are far greater in their
import in 2001 than they were in 1980. Faculty expertise and scholarship in these
areas must be supported by the library, and collections, especially those relating to
international law, are extensive by their nature.

As faculty interests have broadened, so too has the curriculum itself. The law
has continued to dramatically expand in breadth between 1980 and 1999, just as it
had between the 1930’s and 1970’s. In 1980, the law school offered approximately
60 courses or sections of courses per year. In 1999–2000, the law school will offer
approximately 140 courses or sections of courses. Much of that substantial growth
has been attributable to the increase in the raw number of subjects covered in the
curriculum. New courses in the curriculum require new materials and support by
the library. To offer a course in good conscience, the law school must offer its
students reasonable opportunities to do research in the topics covered by the new
course. The library must support those curricular offerings with expansions in its
holdings.

Much of the growth in courses and sections offered is attributable to the creation
in 1988 of the law school’s highly successful, much copied and admired program
of professional skills and ethics teaching, the Legal Skills Program. Every student
at the law school must complete the two year long program. . . . The program has been the subject of several national conferences, journal articles, national press articles (including the U.S. News & World Report, the Wall Street Journal and the ABA Journal), and referred to as a sign of hope in books otherwise decrying the loss of professionalism in the American legal profession.

In doing their work in the Legal Skills Program, students are placed in a small group that operates in an elaborate simulation as if it were a small law office. To do the work assigned of them, the students must proceed as lawyers would, researching issues and representing clients. The library has had a substantial role in the teaching courses on research techniques (advanced research techniques and directed research). This role has generated a significant increase in workload for the library staff and a need for more substantial holdings in the areas in which students must complete their research for their clients.

**Competition for Students**

Approximately 97% of the 2,274 individuals who applied to William & Mary Law School for the 1999 entering class applied to multiple law schools; nationwide, law school applicants apply to an average of seven law schools. The law library at William & Mary is 47th in size—soon to be 49th—among the top 50 law schools in the 2000 U.S. News & World Report survey. . . .

**Demand for Law Library Resources**

The law school has 55 full and adjunct faculty members, and over 525 full-time law students. We also offer courses to: 20 students enrolled in our JD/MBA, JD/MA, or JD/MPP joint degree programs; 75 non-law students enrolled in the 10-15 courses that are cross-listed each year with VIMS and the Women’s Studies and Public Policy programs; and as many as ten people, including students from neighboring law schools, who take a course at Marshall-Wythe each semester. The library also serves College undergraduate and graduate students and faculty who need law and law-related materials. As a state institution we are open to the public. Attorneys, judges, the general public, and students enrolled in paralegal programs throughout the Tidewater area use the library to conduct legal research.

**Student Laptop Use**

Laptop computers have become vital to the daily tasks of students. Students use laptops for word-processing, research, email, classroom instruction and assignments, checking the law school calendar, and a myriad of other functions. Students want to take advantage of their laptop’s portability and use them throughout the law school. Law school classrooms have enough power outlets to satisfy only a fraction
of the student demand. Furthermore, only a handful of seats in the library have outlets; of the 130 carrel seats, only 56 have power outlets, and only 24 have wired internet connections. None of the general table seats in the library has power or wired connections.

**Law Schools Accreditation Standards**

The present library is out of compliance with Association of American Law Schools (AALS) and American Bar Association (ABA) certifications as a result of growth within present programs without additional space. ABA inspectors found:

*Despite its relatively new [1980] facility, the Law school faces severe space problems, a development foreseen as long ago as the last site visit and addressed since then by enclosing previously excavated basement space in the Library. The problem still exists, however, and is a result of a number of factors: the Library faces a growing print collection at the same time that additional space for technology and staff have placed new demands on that facility; curricular offerings have expanded, together with related programmatic demands; new law school journals and student organizations have been established; and the size of the faculty and staff has grown considerably.*

The American Bar Association (ABA) and Association of American Law Schools (AALS) are the two professional organizations that accredit law schools. Every 6–7 years the ABA and Association of American Law Schools (AALS) conduct an inspection of each member law school to determine compliance with their respective accreditation standards.

The ABA/AALS team visited Marshall-Wythe in 1995, and will do so again in 2001 or 2002. Subsequent to the 1995 inspection, both the ABA Consultant on Legal Education and the AALS Executive Director expressed concern over the law school facilities. The two organizations continue to monitor the steps we have taken to address those concerns.

The pertinent standards follow:

**ABA Standard 701:** A law school shall have physical facilities and technological capabilities that are adequate both for its current program of legal education and for growth anticipated in the immediate future.

**ABA Standard 702:** The physical facilities for the law library shall be sufficient in size, location, and design in relation to the law school's programs and enrollment to accommodate the law school's students and faculty and the law library's services, collections, staff, operations, and equipment.

**ABA Standard 703:** A law school shall provide, on site, sufficient quiet study and research seating for its students and faculty. A law
school should provide space that is suitable for group study and other forms of collaborative work.

**AALS Bylaws: Section 6-11.** Physical Facilities. (a) A member school shall have an adequate physical plant.

Simply stated, the law library is increasingly unable to meet the reasonable needs and expectations of both its existing students and the highly qualified students whom the law school needs to recruit, due to constraints of the present configuration and significant lack of space.

### Options Considered

**Expand Shelf Capacity, Contain Growth and Delay Project**

To deal with the problem of near capacity shelves, the library increased total shelving capacity by 10% in 1998 by converting all basement standard shelving to high-density compact shelving and removing seating on the top two floors to add standard shelving. (Only the basement level has load strength to accommodate compact shelving.) Since July 1995 we also have withdrawn 30,000 volumes from the collection. Over the last decade we have canceled more than 1,000 serial subscriptions, approximately 20% of our total number of subscriptions. In addition, the law school has made use of limited off-site storage. Delay

However, given the response of accrediting agencies to the library facilities, the time has come to invest in a permanent, planned solution. This project has already been delayed for several years. Further delay is not in the best interest of the institution or the Commonwealth.

The Marshall Wythe School of Law is currently rated by *U.S. News and World Report* as the 32nd best law school in the country. Its students rank among the top law schools nationwide in traditional admission criteria. . . . The drive towards excellence accelerated with the opening of the current facility in 1980. The drive continues, fed by the increasing quality of the law students and the legal programs offered by Marshall Wythe. The ambition to transition from “distinguished” to “great” will be well served by the expansion of the library into a modern, flexible, and progressive facility.