



Law Libraries in the Digital Age—

An Interview with Virginia's Chief Justice

by Gail Warren

A casual visitor to a law library at a university, a law firm or a public facility may notice few differences from ten to fifteen years ago. But changes in legal publishing have affected the resources used by law libraries. Library patrons' expectations direct the design and content of library services. As technology offers greater access to a variety of information, the law library has changed. Law librarians recognize the importance of their roles as information provider, educator, collaborator and navigator of all information electronic. Law librarians move forward by investing in the mission of their parent organization and by encouraging an ongoing dialog with those who rely upon their services.

The Virginia State Law Library is a division of the Supreme Court of Virginia. Since 1902, the library has served the research needs of Virginia's appellate courts, members of the bar and others in the legal community. Although in recent years the number of people physically visiting the law library has declined, the small staff is busier than ever answering the telephone, conducting research and responding to e-mail reference questions from court staff

and the general public. The staff undertakes new projects such as converting briefs and appendices to digital format, monitoring the legal links appearing on the Virginia Judiciary Web site and expanding resources via access to e-books and other electronic resources. This work takes time, but adds value to the library's profile. The library also is responsible for creating an archive to preserve and disseminate the court's rich judicial heritage, and it recently helped evaluate proposals for an online legal research service that will be provided to all members of the Virginia State Bar. All of this work positions the library squarely in the management team of the Court.

The law librarian meets on a regular basis with the Chief Justice to discuss the library's services, the challenges wrought by technology and the delicate balance of print and electronic resources necessary to meet the needs of the Supreme Court and Court of Appeals. Rather than limiting the conversation to highlights of current library activities, these meetings offer an opportunity to envision the future and discuss the broader role of the law library as it relates to the Court's mission. On

October 12, 2005, I spoke with Chief Justice Leroy R. Hassell Sr. to hear his perspective on law library services for the bench and bar, and his thoughts about the future of law libraries in the digital age.

Chief Justice Hassell, during your tenure as an attorney at McGuire Woods and then as a justice of the Supreme Court of Virginia, you've always been an ardent supporter of the law library. To what do you attribute this interest in law libraries?

CJH: I have always had a strong passion for reading. I like to read. My parents were educators. My dad was a high school teacher and, later, an assistant principal at several high schools in Virginia Beach. My mother was an elementary school teacher and, later, a school administrator in Norfolk. They instilled within me, at a very early age, a passion for reading. And, even as a young child in Norfolk, I had a library card for the Norfolk Public Library.

So, it has really been a lifelong love of libraries and law libraries. Several years ago, I served on the American Association of Law Libraries's Special Committee on the Future of Law Libraries in the Digital Age.

One of the primary objectives of this committee was to examine the issues and outline “different scenarios to describe the law library of the future.” From your experience as a consumer of law library services, what are the services you would expect from law libraries of the future? How would this law library best meet your legal and nonlegal research needs?

CJH: I hope that libraries will always retain hard copies of sources of information. I do not believe, as we become more reliant upon information technology systems, that we should de-emphasize the importance and value of hard copies of books. Books, for the most part, are easier to read than spending many hours trying to read and decipher information that is contained on a computer screen. That process, I have found, is not very eye-friendly or, at times, user-friendly.

Secondly, from time to time, there are significant distinctions, or differences, between information contained on a written document and information retrieved online. For example, the color of ink may be different or signatures may differ, and these factors may be significant; such factors may have legal consequences and ramifications. I would hope that law libraries will always remain repositories of data in the form of books, journals, and other publications in printed form, and these documents should be available to the bench and bar. Additionally, many lawyers and judges prefer to perform research in a library.

I’d like to follow up on your comment about libraries retaining these sources of information permanently and, hopefully, housing print collections. As local, state and federal government entities, particularly the federal government, publish their “official” primary legal materials on the World Wide Web, often in lieu of a printed publication, we need to remember the segment of our citizenry that does not have ready access to the Internet. “In many communities across the United States, public libraries, including law libraries open to the public, remain the single location where citizens are able to access the Internet without payment of fees, pre-registration or institutional membership.”¹ How do we ensure this group of citizens is not disconnected?

CJH: I hope that we will never reach a point in our society when we fail to make access to information available to poor citizens and to citizens who live in rural areas or remote areas. We must always provide citizens meaningful access to information. I think that if we publish certain information online, and when I say “we” I refer to governmental entities, it is incumbent upon those governmental entities to make that information available in libraries so that the public will have access to the information. Libraries should be accessible to all Virginians. We must remember that government exists to protect our citizens and to serve our citizens, and we cannot limit our services to those who are blessed with the financial ability to afford Internet access. We must not forget that many citizens cannot afford access to the Internet.

Turning again to law libraries generally—some commentators have predicted the demise of law libraries because “everything is on the Internet” and anybody can use Google to obtain the legal information they need. Do you envision a future where everything is available on the Internet? And, if so, will access to commercial online research services and the free information on the Internet be sufficient to meet the legal research requirements of the bench and bar?

CJH: I think that the use of information technology to enhance the accessibility of information to the public is wonderful in many, many respects. However, I think there will always, and there should always, be a special place in our hearts and in our budgets for libraries. Law libraries are places where people can escape the pressures of the day and immerse themselves, uninterrupted, in research. Furthermore, law libraries contain certain information such as treatises

that are no longer published and are not available in an electronic format. I also note that a judge or a lawyer cannot examine original documents online. However, there is no substitute for the ability to carefully scrutinize and examine original documents. We have many historical documents in Virginia. I think it is important that the bench and bar have the ability to examine original documents as opposed to a facsimile or a replica that may exist online.

My last question: For law libraries to remain a vibrant partner in the legal information community, their value must be visible and measurable. How might law librarians better promote their specialized organizational and research skills to attorneys, judges, deans, faculty, law students and the public they serve?

CJH: I think that law librarians have to remind users, users being judges, lawyers, law students, and the public, of the unique resources that libraries possess—and many of those resources are not available online. And I return to the example of ancient treatises and authentic documents. From time to time I have researched old publications and treatises to learn about the history of certain legal concepts. This material was available either at the Supreme Court of Virginia’s law library or at the Library of Virginia. This material was not available in an electronic format. I think there will always be a unique role for law libraries and I think it is incumbent upon law librarians to educate the public about their unique missions and their unique roles. ♪

Endnotes:

1 *Beyond the Boundaries: Report of the Special Committee on the Future of Law Libraries in the Digital Age*, at 81 (Chicago, IL: American Association of Law Libraries, 2002)



Gail Warren has served since 1982 as state law librarian of the Virginia State Law Library, a division of the Supreme Court of Virginia. She holds a bachelor’s degree from James Madison University, a law degree from the University of Richmond and a master’s degree in library science from The Catholic University of America. Warren is a member of the Virginia State Bar Education of Lawyers Section, and she has taught on the adjunct law school faculty at UR. She has held many leadership positions with the American Association of Law Libraries. She currently is a member of the VSB’s Online Legal Research Services Evaluation Panel.