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No Nachos or Corn Nuts! Reviewing and Deconstructing Law Library Policies

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No Nachos or Corn Nuts!

Reviewing and Deconstructing Law Library Policies

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While they may not always be followed or strictly enforced, every law library has policies. What do these policies say about us? This paper reviews policies from the top twenty-five ranked U.S. law schools (as determined by U.S. News & World Reports for 2018). Four general types of policies were reviewed: Those addressing patron access, food and/or beverages, disruptive behavior, and weapons and/or firearms. General policies and trends are assessed and discussed, some discourse analysis tools are applied and hopefully, there are also a few laughs along the way. Ultimately, this paper seeks to understand what our law library policies say about us and to discuss some tools that we can use to examine them.

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I.   Introduction

Numerous books and articles have been written about the professional image of librarians, from common pop culture stereotypes, to the "pink-collarization"[2] of the field, to how technology affects shifting public perceptions of librarians and how librarians can work to further shift said perceptions in order to increase and improve library accessibility. As noted by Nicole Pagowsky and Miriam Rigby in "*Contextualizing Ourselves: The Identity Politics of the Librarian Stereotype*", "[a]lthough from within the profession these stereotypes seem clearly outdated and irrelevant, this is not necessarily true for the public."[3] Perhaps it is worth considering how law library policies affect these public perceptions. Such policies are generally publicly available documents and are used to provide behavioral guidelines for patrons. As such, they clearly implicate how the library interacts with patrons and, to a certain extent, how the library seeks to be perceived. It does not seem, however, that much scholarship has been directed towards looking at law library policies and assessing how those policies might shape patron and public perceptions. Focusing specifically on the top twenty-five law libraries as ranked by *U.S. News & World Report* for 2018, this article seeks to complete a broad review of those policies, tease out certain trends, and briefly apply two forms of discourse analysis to a selection of policies in order to illustrate how the language of those policies can affect patron perceptions as much as (if not more than) their content.

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[2] For a discussion of "pink-collarization", *see, e.g.,* Pagowsky, N., & Rigby, Miriam, eds. (2014.) *The librarian stereotype: Deconstructing perceptions and presentations of information work*. Chicago, IL: Association of College and Research Libraries, A division of the American Library Association.

[3] Nicole Pagowsky and Miriam Rigby, "*Contextualizing Ourselves: The Identity Politics of the Librarian Stereotype*" in "Deconstructing" at note 1 above. At page 7.

II.   Literature Review

   a. Librarian's Identities and the Need for Policies

While the volume of scholarship addressing *why* library policies are necessary appears in many ways surprisingly thin, it is nevertheless evident that certain basic policies are necessary to every law library (and, indeed, every library). Jessie L. Cranford notes in "*Library Police: Drafting and Implementing Enforceable Library Rules*" that "[t]hrough the years librarians have been plagued with various stereotypes; perhaps the most prevalent is that of the town spinster, hair in a bun, going around shushing patrons: "Please whisper," "Shhh! Quiet in the library.""[4] While noting that librarians generally do not enjoy taking on the role of "library police", she observes that "Libraries have limited resources that must be organized, controlled, and preserved. Library personnel must devise methods for fairly allocating these resources, including staff time, to numerous users . . ."[5] In their paper on managing disruptive patron behavior in law libraries, Dyszlewski et al. note that "Written library policies serve both as reference documents for staff, who may be unsure of how

POP QUIZ

Which law school library (briefly, and possibly permanently) changed its access policy in 2018 following two controversial visits by "Unite the Right" rally organizer Jason Kessler?

☐ Duke University

☐ Vanderbilt University

☐ University of Virginia

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[4] Jessie L. Cranford, *"Library Police": Drafting and Implementing Enforceable Library Rules*", 19 LEGAL REFERENCE SERVICES Q. 147, 148 (2001).
[5] *Id.* at 149.

Answer:

☐ Duke University

☐ Vanderbilt University

■ University of Virginia

The school reportedly restricted access to the public shortly after Kessler appeared at the law library and made anti-semitic remarks about several students while looking for a law library staff member.

Dean of Law Risa Goluboff sent an email to law students and faculty informing them that a new (previously proposed) policy would be immediately enacted after his second visit, during which a non-student was arrested.

Source:
https://www.roanoke.com/news/virginia/uva-law-library-blocks-public-access-after-kessler-appearances/article_341b2bb7-3cf0-59e0-bfe3-8c24408f3bd7.html

to confront a new or uncomfortable situation, and as neutral authorities to which the staff may direct patrons who dispute the library's approach to a specific issue."[6]

"*The Librarian Stereotype: Deconstructing Perceptions & Presentations of Information Work*[7] contains a wealth of articles assessing the roots and evolution of various librarian stereotypes. While the chapters of "*The Librarian Stereotype*" address self-image, gender, pop culture, race, class, gender and sexual orientation, the focus is not on how library policies can affect these stereotypes. As Nicole Pagowsky and Miriam Rigby note in their chapter "*Contextualizing Ourselves: The Identity Politics of the Librarian Stereotype*", "Librarians are in the business of presentation. Whether we are presenting information or presenting ourselves to the public, it is a constant of the profession."[8]

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[6] Nicole P. Dyszlewski; Kristen P. Moore; Genevieve B. Tung, "*Managing Disruptive Patron Behavior in Law Libraries: A Grey Paper*", 107 LAW LIBR. J. 491, 496 (2015).

[7] Pagowsky, N., & Rigby, Miriam, eds. (2014.) *The librarian stereotype: Deconstructing perceptions and presentations of information work*. Chicago, IL: Association of College and Research Libraries, A division of the American Library Association.

[8] Nicole Pagowsky and Miriam Rigby note in their chapter "*Contextualizing Ourselves: The Identity Politics of the Librarian Stereotype*" in "Deconstructing" above. At page 1.

Pagowsky and Rigby then go on to apply ethnographic research and broader social science theory to an examination of how librarians present themselves and are perceived.[9]

        b.   Discourse Analysis and Law Library Policies

In "*The Stereotype Stereotype: Our Obsession with Librarian Representation*", authors Gretchen Kerr and Andrew Carlos note that "Librarians are not explicitly responsible for the creation and perpetuation of negative stereotypes, but neither are they fully removed from the cultural milieu that gave birth to those stereotypes."[10] As noted by Deborah Hicks in "*The Construction of Librarians' Professional Identities: A Discourse Analysis*", library science literature frequently addresses the professional image of librarianship, and most of that literature is written by practitioners focused on "how public perceptions influence the profession's status."[11] Hicks notes that academically focused literature often examines (1) stereotypes and portrayals of librarians in popular culture, (2) librarian's self-perception and (3) how popular perceptions influence the profession.[12] Hicks then goes on to use a social constructionist framework to examine the professional identity (defined as "a description, or representation of the self within specific professional practices"[13]) of librarians. As Hick notes, "When language is examined for its interpretive repertoires, it is examined for its functions – both intended and unintended. These functions can be to explain or justify an action, or they can work on an

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[9] Nicole Pagowsky and Miriam Rigby note in their chapter "*Contextualizing Ourselves: The Identity Politics of the Librarian Stereotype*" in "Deconstructing" above. At page 1.

[10] "*The Stereotype Stereotype: Our Obsession with Librarian Representation*", authors Gretchen Kerr and Andrew Carlos in "Deconstructing" page 2.

[11] Deborah Hicks, "*The Construction of Librarians' Professional Identities: A Discourse Analysis*", 38 CANADIAN J. OF INFORMATION AND LIB. SCIENCES 251, 253 (2014).

[12] Deborah Hicks, "*The Construction of Librarians' Professional Identities: A Discourse Analysis*", 38 CANADIAN J. OF INFORMATION AND LIB. SCIENCES 251, 253 (2014).

[13] Deborah Hicks, "*The Construction of Librarians' Professional Identities: A Discourse Analysis*", 38 CANADIAN J. OF INFORMATION AND LIB. SCIENCES 251, 252 (2014).

ideological level to legitimate the social position of a group."[14] In light of these observations, a review of some common law library policies, as well as some basic discourse analysis (as described below) in relation to those policies seems to be a worthwhile endeavor.

III.   Methodology

a.   Policies and Data Comparisons

Data was in collected in April and May of 2018 on the top twenty-five U.S. Law Schools as determined by *U.S. News & World Reports* for 2018 from the publication's "Best Law Schools" report, as well as review of individual law library (and, in some cases, law school or university) websites. Core data included ranking, tuition, enrollment, public/private status of the law school, whether or not the law library was open to the public, and the region in which the school is located.

Table 1: Core Data for the Top 25 U.S. Law Schools[15]

Rank	School name	Tuition and fees	Enrollment (FTE)	Public/Private	Library Open to Public	Region
#1	Yale University New Haven, CT	$62,170 (full-time)	625	Private	No	Northeast
#2	Stanford University Stanford, CA	$60,270 (full-time)	565	Private	No	West Coast
#3	Harvard University Cambridge, MA	$62,792 (full-time)	1,757	Private	No	Northeast

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[14] Deborah Hicks, "*The Construction of Librarians' Professional Identities: A Discourse Analysis*", 38 CANADIAN J. OF INFORMATION AND LIB. SCIENCES 251, 252 (2014).

[15] All data (except geographic region and public/private status) derived from *Best Law Schools*, U.S. NEWS & WORLD REP., Feb. 2018, https://www.usnews.com/best-graduate-schools/top-law-schools/law-rankings and U.S. News & World Report pages for individual law schools (e.g., https://www.usnews.com/best-graduate-schools/top-law-schools/yale-university-03027). Public/Private status derived from reviews of individual law school websites and Sarah Reis, *Are You a Member of the Law School Community: Access Policies at Academic Law Libraries and Access to Justice*", 109 LAW LIBR. J. 269, 274 (2017). Region determined by the author.

#4	University of Chicago Chicago, IL	$62,865 (full-time)	597	Private	No	Midwest
#5	Columbia University New York, NY	$67,564 (full-time)	1,264	Private	No	Northeast
#6	New York University New York, NY	$63,986 (full-time)	1,364	Private	No	Northeast
#7	University of Pennsylvania Philadelphia, PA	$63,364 (full-time)	736	Private	No	Northeast
#8	University of Michigan—Ann Arbor Ann Arbor, MI	$57,262 (in-state, full-time); $60,508 (out-of-state, full-time)	931	Public	Yes	Midwest
#9Tie	University of Virginia Charlottesville, VA	$58,300 (in-state, full-time); $61,300 (out-of-state, full-time)	912	Public	Yes	Southeast
#9Tie	University of California—Berkeley Berkeley, CA	$49,364 (in-state, full-time); $53,315 (out-of-state, full-time)	936	Public	Yes	West Coast
#11Tie	Duke University Durham, NC	$62,247 (full-time)	666	Private	Yes	Southeast
#11Tie	Northwestern University (Pritzker) Chicago, IL	$62,084 (full-time)	657	Private	No	Midwest
#13	Cornell University Ithaca, NY	$63,327 (full-time)	597	Private	Yes	Northeast
#14	Georgetown University Washington, DC	$59,850 (full-time)	1,749	Private	No	Northeast
#15	University of Texas—Austin Austin, TX	$35,015 (in-state, full-time); $51,995 (out-of-state, full-time)	889	Public	Yes	West
#16	University of California—Los Angeles Los Angeles, CA	$45,657 (in-state, full-time); $52,151 (out-of-state, full-time)	942	Public	No	West Coast
#17	Vanderbilt University Nashville, TN	$55,083 (full-time)	557	Private	Yes	Southeast

#18	Washington University in St. Louis St. Louis, MO	$55,423 (full-time)	677	Private	Yes	Midwest
#19	University of Southern California (Gould) Los Angeles, CA	$62,711 (full-time)	624	Private	No	West Coast
#20	University of Minnesota Minneapolis, MN	$44,066 (in-state, full-time); $52,586 (out-of-state, full-time)	558	Public	Yes	Midwest
#21	University of California—Irvine Irvine, CA	$45,155 (in-state, full-time); $51,649 (out-of-state, full-time)	420	Public	No	West Coast
#22Tie	Emory University Atlanta, GA	$55,116 (full-time)	853	Private	No	Southeast
#22Tie	Boston University Boston, MA	$53,236 (full-time)	719	Private	No	Northeast
#24Tie	University of Notre Dame Notre Dame, IN	$56,292 (full-time)	600	Private	Yes	Midwest
#24Tie	George Washington University Washington, DC	$58,520 (full-time)	1,296	Private	No	Northeast

This data was reviewed and sorted to see if any interesting trends emerged. One very noticeable geographic trend did emerge, and will be discussed below. Additional data collected involved reviewing policies located on each school's website addressing user access, food and/or beverages, disruptive behavior, and weapons/firearms[16]. The format in which these policies were presented varied wildly across the schools sampled. Some schools had clear and explicit policies with obvious names, in other cases the author reviewed multiple policies in order to determine the general stance evinced by the law school. In addition, many law schools did not

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[16] Most weapons policies were located on the website for the university as a whole, as they were not generally specific to the law school.

have explicit policies regarding, e.g., disruptive behavior. Some interesting trends and differences in how thes policy areas were addressed will be discussed in detail below.

In her 2001 article *Library Police: Drafting and Implementing Enforceable Library Rules*, Professor Jessie L. Crawford identified four broad categories that most library rules fall into:

- Controlling access to the facilities and the collection

- Controlling the physical environment of the library

- Allocating limited staff resources; and

- Ensuring personal safety (and perceptions of safety) for staff and patrons.[17]

I selected one type of policy that can be described as fitting into each broad category for review. 'Controlling Access' is represented by general policies as to whether or not the law library is open to the public. I also reviewed whether law libraries laid out a hierarchy of patrons/access for patrons. For 'Controlling the Physical Environment', I reviewed food and drink policies, which provided an unexpected wealth of whimsy and occasionally strange prohibitions. Policies (or lack of

POP QUIZ

Which law school library explicitly prohibits:

- Transparent or see-through clothing;

- Sauerkraut; and

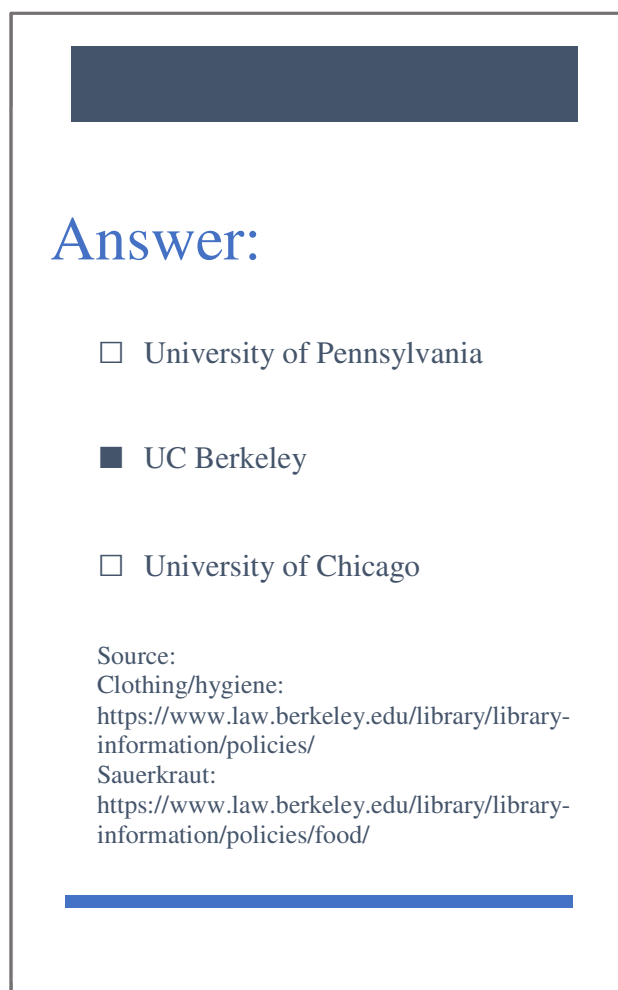- "Maintaining a personal hygiene so offensive as to constitute a nuisance…"?

☐ University of Pennsylvania

☐ UC Berkeley

☐ University of Chicago

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[17] Jessie L. Cranford, *"Library Police": Drafting and Implementing Enforceable Library Rules*, 19 LEGAL REFERENCE SERVICES Q. 147, 149 (2001).

policies) regarding disruptive patron behavior represent the 'Allocating Limited Staff Resources"

category, while weapons policies were reviewed as part of the 'Ensuring Personal Safety'

category.

      b. Discourse Analysis

          i. Generally

James Paul Gee describes discourses as "ways of enacting and recognizing different sorts of socially situated and significant identities through the use of language integrated with characteristic ways of acting, interacting, believing, valuing and using various sorts of objects . . in concert with other people."[18] Discourse analysis is "the study of the way in which an object or idea . . is taken up by various institutions and epistemological positions, and of the way in which those institutions and positions treat it. Discourse analysis studies the way in which objects or ideas are spoken about."[19] As Bernd Frohmann notes in "Discourse Analysis as a Research Method in Library and Information

Science", discourses in library and information science are connected to "specific institutional

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[18] James Paul Gee, "How to do Discourse Analysis: A Toolkit". Routledge, New York (2011). Page 156-157.
[19] Findlay, Marike. (1987). *Powermatics: A discursive critique of new communications technology.* London: Routledge & Kegan Pail (page 2).

forms through which power over information, its users, and its uses is, has been, and will continue to be exercised."[20] This includes specialized ways of talking about information, how information is organized, who uses that information, who does or does not use it, what they use it for, "the social and cultural roles of the organizations in charge of it, the introspective analysis of the professional, and even personal, identities of its keepers, and the programmatic pronouncements of its theorists who speak about how these things should be spoken about."[21] Frohmann proposes that analysis of various library and information science theories encourages research into how information is interpreted, as well as how it is used and who it is used by. It reveals that "natural" or "given" information user characteristics are in fact the product of how social practices and institutional activities interact with and explain social and personal identities.[22] As noted by Dyszlewski et al. in their "Grey Paper" about disruptive patron behavior, there is no one-size-fits-all means of developing library policies, because different types of libraries have different constraints and limitations.[23] They further note that library policies, beyond prohibiting certain activities, may include library mission statements that provide the context in which libraries make rules, set policies and determine priorities.[24] As Hicks notes:

> [Professional] Practices are more than just activities performed by professionals; their basis
> in the profession's knowledge base provides meaning and intention that guide the activities

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[20] Bernd Frohmann, "Discourse Analysis as a Research Method in Library and Information Science", 16 LIB. & INFORMATION SCIENCE RESEARCH 119, 121 (1994).

[21] Bernd Frohmann, "Discourse Analysis as a Research Method in Library and Information Science", 16 LIB. & INFORMATION SCIENCE RESEARCH 119, 121 (1994).

[22] Bernd Frohmann, "Discourse Analysis as a Research Method in Library and Information Science", 16 LIB. & INFORMATION SCIENCE RESEARCH 119, 134 (1994).

[23] Nicole P. Dyszlewski; Kristen P. Moore; Genevieve B. Tung, "*Managing Disruptive Patron Behavior in Law Libraries: A Grey Paper*", 107 LAW LIBR. J. 491, 496 (2015).

[24] Nicole P. Dyszlewski; Kristen P. Moore; Genevieve B. Tung, "*Managing Disruptive Patron Behavior in Law Libraries: A Grey Paper*", 107 LAW LIBR. J. 491, 496 (2015).

and identities of practitioners. In other words, these practices provide a particular view of
what it means to be a professional as well as a specific way to act in the world.[25]

Importantly, Hicks also notes that: "A key feature of this social constructionist framework is that

people do things with language. When language is examined for its interpretive repertoires, it is

examined for its functions – both intended and unintended."[26]

ii.   Discourse Analysis Tools Utilized in This Paper

In his book, "How to Do Discourse Analysis: A Toolkit", James Paul Gee lays out six

theoretical tools which draw from different theories about the way that language relates to the

world and to culture.[27] Here, the "situated meaning" and "social languages" theoretical tools are

applied specifically to selected law library policies.

1.   Situated Meaning

a.   Understanding Situated Meaning

Situated meaning refers to the meaning of a word when taken within its context. Gee

describes the "meaning potential" of a word. Specifically, there is "a range of possible meanings

that the word or structure can take on in different contexts of use."[28] Meaning potential of

individual words can change based on context and use.[29] Gee describes "situated meaning"

thusly: "In actual situations of use, words and structures take on much more specific meanings

within the range of (or, at least, related to the range of) their meaning potentials."[30] For example,

the word "fly" can mean different things based on context:

- In the sentence "Waiter, there's a fly in my soup!" the "fly" is a winged insect.

[25] Deborah Hicks, "*The Construction of Librarians' Professional Identities: A Discourse Analysis*", 38 CANADIAN J. OF INFORMATION AND LIB. SCIENCES 251, 252 (2014).
[26] Deborah Hicks, "*The Construction of Librarians' Professional Identities: A Discourse Analysis*", 38 CANADIAN J. OF INFORMATION AND LIB. SCIENCES 251, 252 (2014).
[27] James Paul Gee, "How to do Discourse Analysis: A Toolkit". Routledge, New York (2011).
[28] James Paul Gee, "How to do Discourse Analysis: A Toolkit". Routledge, New York (2011). Page 157.
[29] James Paul Gee, "How to do Discourse Analysis: A Toolkit". Routledge, New York (2011). Page 158.
[30] James Paul Gee, "How to do Discourse Analysis: A Toolkit". Routledge, New York (2011). Page 158.

- If an email says that "I plan to fly to Denver in a few weeks." "fly" means to travel via air (though it is worth noting that we do not conclusively know the specific means of traveling by air that will be undertaken).

- When a patron at a sports bar explains that the batter was called out even though the ball wasn't caught because of the "infield fly rule", "fly" is in reference to a "fly ball", meaning a baseball that was hit into the air (rather than, e.g., a "ground ball").

In these examples, the same small word has vastly different meanings (indeed, one is a noun, one is a verb and one could arguably be classified as both a noun and an adjective). As Gee notes: "[W]ords do not have just general meanings. They have different and specific meanings in different contexts in which they are used and in different specialist domains that recruit them."[31]

To further clarify the dramatic effect that context cues have on how words are interpreted, Gee uses the excellent example of coffee.[32] The following examples paraphrase Gee:

- I spilled my coffee! Where do you keep the mop?

- I spilled the coffee! Where do you keep the broom?

- A customer just knocked over all the coffee! Please go and re-stack it.

Here again, the word coffee is exactly the same in each sentence, but has a very different meaning. The first example clearly refers to the spilling of liquid coffee. In the second example, we can intuit that the speaker has spilled coffee grounds. In the third, we can discern that the coffee which has been knocked over is in cans.

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[31] James Paul Gee, "How to do Discourse Analysis: A Toolkit". Routledge, New York (2011). Page 158.
[32] James Paul Gee, "How to do Discourse Analysis: A Toolkit". Routledge, New York (2011). Page 158.

These examples show that words often don't have simple meanings. Rather, they have ranges of meanings and listeners (or readers) use context cues to understand the different meanings those words might hold in different situations. Gee's advice when using situated meaning in discourse analysis is: "For any communication, ask of words and phrases what situated meanings they have. That is, what specific meanings do listeners have to attribute to these words and phrases given the context and how the context is construed?"[33]

b. Applying Situated Meaning Analysis

In most law library policies, the meanings of the phrases and words are generally understood and easily discernable from the context.[34] However, some are more malleable (particularly policies that reference the local "community"). In these cases, situated meaning can be analyzed by looking at the implicit values and worldview of the policy-maker (the law library) and the meaning that the author seems to be intending to create.

2. Social Languages

a. Understanding Social Languages

Language has intended and unintended functions. As noted by Hicks, "These functions can be to explain or justify an action, or they can work on an ideological level to legitimate the social position of a group."[35] Gee defines social languages as "styles or varieties of a language (or a mixture of languages) that enact and are associated with a particular social identity."[36] What people generally describe as "languages" (e.g., English or Spanish) are comprised of a litany of social languages.[37] Some examples of social languages include "the language of

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[33] James Paul Gee, "How to do Discourse Analysis: A Toolkit". Routledge, New York (2011). Page 159.
[34] *But see* note 79.
[35] Hicks at 252.
[36] Gee at 162.
[37] Gee at 162.

medicine, literature, street gangs, sociology, law, rap, or informal dinner-time talk among friends."[38] These broad categories also have subcategories (e.g., law librarianship). As Gee notes:

> To know any specific social language is to know how its characteristic lexical and grammatical resources are combined to enact specific socially-situated identities (that is, being, at a given time and place, a lawyer, a gang member, a politician . .). To know a particular social language is either to be able to "do" a particular identity or to be able to recognize such an identity, when we do not want to or cannot actively participate.[39]

People speak multiple social languages and move between them as situations change.[40] Gee's example is that of a biologist writing in differing forums. Where the biologist might write: "Experiments show that Heliconius butterflies are less likely to oviposit on host plants that possess eggs or egg-like structures"[41] in a professional science journal, that same biologist would likely write something more akin to: "Heliconius butterflies lay their eggs on Passiflora vines"[42] in a science magazine intended for general consumption. Each statement uses "distinctive lexical and grammatical resources"[43] to enact different social identities. The former enacts the identity of a professional biologist engaged in theory and experiment to try to understand particular insect behavior. The latter enacts the identity of an educated and trained observer explaining behaviors to a lay person. Similarly, lawyers and law librarians use and move between different social languages.

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[38] Gee at 162.

[39] Gee at 162.

[40] This can sometimes be referred to as code-switching. For a brief, but informative, article that discusses code-switching in a variety of contents, *see* Gene Demby, *How Code-Switching Explains the World*, CODE SWITCH: RACE AND IDENTITY, REMIXED, https://www.npr.org/sections/codeswitch/2013/04/08/176064688/how-code-switching-explains-the-world (April 8, 2013).

[41] Gee at 163.

[42] Gee at 163.

[43] Gee at 163.

Two types of grammars are important to social languages.[44] The first is "the traditional

set of units like nouns, verbs, inflections, phrases and clauses."[45] Gee dubs this "grammar 1".

The second is "the "rules" by which grammatical units like nouns and verbs, phrases and clauses,

are used to create *patterns* which signal or "index" characteristic social identities and social

activities."[46] Gee dubs this "grammar 2". These patterns, when grouped together, signal the

particular social language. Gee draws on the example of vernacular versus academic social

language to explain the concept:

- "Hornworms sure vary a lot in how well they grow."[47]

- "Hornworm growth displays a significant amount of variation."[48]

The first statement is a vernacular social language. Almost any native English speaker could

form this sentence.[49] The second statement signals something else entirely. "While every native

speaker's grammar contains all the grammatical structures that this sentence contains . . not

every speaker knows that *combining them in just this way* is called for by certain social practices

of certain academic (and school-based) domains . . ."[50] Whereas the vernacular is generally

naturally acquired language, the academic social language has to be learned within a specific

context.[51] The user of academic social language must know the styles, nuances and quirks of

academic social language (e.g., using "significant variation" instead of "a lot") and most

importantly, how all of those nuances and quirks pattern together in the specific social

language.[52]

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[44] Gee at 163.
[45] Gee at 163.
[46] Gee at 164.
[47] Gee at 164.
[48] Gee at 164.
[49] Gee at 164.
[50] Gee at 164.
[51] Gee at 164-165.
[52] Gee at 165

a. Applying Social Language Analysis

Gee notes that "The term "social language" applies to specific varieties of language used to enact specific identities and carry out specific sorts of practices or activities."[53] In applying social languages analysis, Gee instructs the user to look at a communication and "ask how it uses words and grammatical structures (types of phrases, clauses, and sentences) to signal and enact a given social language."[54] Law library policies evince rich and varied social languages, even within the field of law librarianship. Examining these social languages can reveal the specific identities that different institutions have (consciously or unconsciously) opted to enact.

IV. Looking at the Policies

a. General Trends and Data

As noted above, for this article, four types of law library policies were reviewed: user access, food and/or beverages, disruptive behavior, and weapons/firearms. General data regarding law school ranking, tuition, enrollment, public/private status (of both the school and its law library), region, and the population of the city or town where the law library is located was also collected. This general data was reviewed and sorted to see if general trends emerged. Unusual and interesting policies were also noted.

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[53] Gee at 165.
[54] Gee at 167.

Table 2 – General Statistics of Sample

USNWR Rankings	#1-24 (Tie)	
Enrollment	420-1,757	
Size of Metro Area	5,973-8,358,000	
Public Schools	7	
Private Schools	18	
Public Library	10	
Private Library	15	
Region	**Northeast**:	9
	Southeast:	4
	Midwest:	6
	West:	1
	West Coast:	5

As weapons policies were generally located at the university level and proved to be quite similar across a variety of institutions, only limited discussion of these policies is included in this article.

    i. Access Policies

        1. Access Policies in the News

Recent events at the University of Virginia Law School Library (hereafter, "UVa Law Library") demonstrate the importance of access policies. Jason Kessler, University of Virginia alumnus, alt-right activist and a primary organizer of August 2017's "Unite the Right" rally in Charlottesville, VA twice visited the UVa Law Library.[55] On April 18, 2018, Kessler sat down

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[55] Lisa Peet, *Alt-Right Activist Disturbs Law Library, Banned From UVA*, LIBRARY JOURNAL, May 3, 2018 (https://lj.libraryjournal.com/2018/05/academic-libraries/alt-right-activist-disturbs-law-library-banned-from-uva/#_)

> **POP QUIZ**
>
> Which "Top Three" law school library explicitly states:
>
> "Access will not be granted to "pro se" patrons."
>
> ☐ Yale
> ☐ Stanford
> ☐ Harvard

at a computer at the law library, attracting the attention of a small crowd of students and faculty.[56] Some students held up signs in silent protest and at least one faculty member asked Kessler to leave.[57] At the time, the UVa Law Library was open to the public during regular business hours.[58] Kessler has stated that he visited the library to conduct legal research. After about an hour and a half, Kessler began walking through the library "making loud racist and sexist statements" after which he left.[59] At a subsequent town hall meeting, "students said Kessler's presence brought back some of the same feelings of fear, isolation and anger that they experienced on [August] 11 and 12, [2017,] the weekend of a torch-lit white nationalist march through [the University] Grounds and the Unite the Right rally, which Kessler organized."[60]

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[56] Peet.

[57] Peet.

[58] *Access to the Library*, UNIV. OF VIRGINIA LAW SCH. LIBRARY, https://libguides.law.virginia.edu/using/va-alum ("The Law Library is open to the University community as well as the general public, except during exam periods. Although the library's regular hours are 8 a.m. – midnight daily (with extended hours during exams and an abbreviated summer and between-term schedule), the doors to the law school building are automatically locked from 7:00 p.m. to 7:00 a.m. on weekdays, and from 5:00 p.m. to 9:00 a.m. on weekends. Access during "lockdown" hours is restricted to Law School students, faculty and staff only.") Notably, as of July 5, 2018, this exact policy still appears on the law library's website.

[59] Peet.

[60] Ruth Serven*, UVa law library blocks public access after 2 Kessler appearances*", The Roanoke Times, April 26, 2018. https://www.roanoke.com/news/virginia/uva-law-library-blocks-public-access-after-kessler-appearances/article_341b2bb7-3cf0-59e0-bfe3-8c24408f3bd7.html

Kessler came back to the library April 25, 2018 and worked in an office while receiving assistance with a research question.[61] A crowd of protesters again gathered and local resident (but not University of Virginia student) Eric Martin entered or attempted to enter the office and was arrested for trespassing.[62] Kessler left the building under police protection.[63] Third-year law student Rebecca Kimmel expressed outrage that the University Police Department arrested a member of the Charlottesville community while Kessler, who "has committed assaults against members of our community, continues to harass our staff, and just last week in the law school made anti-Semitic comments to students as they walked by him on their way to class . . . was treated like some sort of celebrity by UPD. I will never forget it."[64]

After Kessler's second visit to the law library, Law School Dean Risa Goluboff emailed students and faculty that, effective immediately, law students, faculty and staff would be required to present university identification to access the UVa Law Library and that anyone lacking that identification would not be able to enter during the school's exam period.[65] Such a ban had not

Answer:

■ Yale

☐ Harvard

☐ Stanford

Source:
https://library.law.yale.edu/privileges-policy

Note: NYU also specifically denies access to pro se patrons.

Source:
http://www.law.nyu.edu/library/generalinformation/access#General%20Public

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[61] Peet.
[62] Peet.
[63] Serven.
[64] Serven.
[65] Serven.

previously been in place. The next day, the University of Virginia banned Kessler from the campus and facilities "following what the university described as multiple reports from students that Kessler threatened them."[66]

2. Review of Access Policies

Of the twenty-five law libraries reviewed, ten are open to the public. Interestingly, private institutions did not necessarily have private law libraries, and public institutions did not necessarily have public law libraries. Specifically, while both are public schools, neither the University of California – Los Angeles nor the University of California – Irvine's law library was open to the public.[67] In *Are You a Member of the Law School Community: Access Policies at Academic Law Libraries and Access to Justice*, Sarah Reis explored UCLA's access policies in depth and found that UCLA implemented a policy of being closed to the general public in January 2012.[68] Per Reis, while the UCLA law library is not physically accessible to members of the general public, the UCLA law librarians still provide telephone reference assistance and allow public use of the library's document delivery service.[69] Additionally, the UCLA law

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[66] Joe Heim, *University of Virginia bans organizer of white supremacist rally from campus*, The Washington Post, April 27, 2018. https://www.washingtonpost.com/news/grade-point/wp/2018/04/27/university-of-virginia-bans-white-supremacist-rally-organizer-from-campus/?utm_term=.626975a6cdd6

[67] UCLA Policy: *Hugh & Hazel Darling Law Library Access Policy*, UCLA SCHOOL OF LAW LIBRARY, https://law.ucla.edu/library/information-for-visitors/access-policy/access-policy/ ("The Library is not open to the general public except that members of the general public may have access to United States government documents acquired by the Law Library through its membership in the Federal Depository Library Program. Please note that the Law Library receives only a very small portion of federal depository materials. Access to the federal depository documents is available to the public; however, because of our limited selection of depository materials and/or staffing availability, we cannot guarantee access to the needed materials unless prior arrangements have been made.").
UC Irvine Policy: *Using the Law Library*, UNIV. OF CALIFORNIA IRVINE LAW LIBRARY, http://www.law.uci.edu/library/about/using-the-library.html ("Members of the public generally do not have access to the Library. For exceptions, see visitor information").

[68] Sarah Reis, *Are You a Member of the Law School Community: Access Policies at Academic Law Libraries and Access to Justice*, 109 LAW LIBR. J 269, 279 (2017).

[69] Reis at 279.

library works to obtain campus-wide licenses for legal databases, allowing public users to access

Lexis and HeinOnline from any (other) campus location.[70]

Conversely, while they are private institutions, the law libraries at University of Notre

Dame, Cornell University, Duke University, Washington University in St. Louis and Vanderbilt

University were open to the public.[71] Reis observed that "one possible explanation for why some

private law libraries are open to the general public is because "[f]requently, especially in the case

of rural institutions, the small regional university may be by far the most comprehensive and

robust source of information available to area residents, students and businesses.""[72]

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[70] Reis at 279.

[71] Notre Dame Policy: *Library Hours*, NOTRE DAME KRESGE LAW LIBRARY, https://law.nd.edu/library/library-information/library-hours/ ("Policy on use of the Kresge Library by non-law patrons: The Kresge Library is a legal research facility. Its use is intended primarily for law school faculty, law students, and other members of the law school community. Non-law patrons are welcome to use the collections Monday – Friday during regular business hours 8:00 a.m. – 5:00 p.m.").

Cornell Policy: *Policies*, CORNELL UNIV. LAW SCH. LIBRARY, https://law.library.cornell.edu/about/policies ("The Cornell Law Library serves the education and research needs of its students, faculty, and staff. Visitors with research needs are allowed to use the library's collections, providing use does not conflict with its primary responsibility to members of the Cornell community. As a federal depository library, the Law Library is open to the public to use federal documents and online information available here. Reference assistance is available to the general public during our regular reference desk hours."); *After Hours Policy*, CORNELL UNIV. LAW SCH. LIBRARY, https://law.library.cornell.edu/about/policies/afterhours ('The law library is open to all Cornell University students and the public. Access to the law library after hours however is restricted to the law student community. Law library staff circulates at closing to ensure only faculty and members of the law student community remain.')

Duke Policy: *Hours & Directions*, DUKE UNIV. LAW SCH. LIBRARY, https://law.duke.edu/lib/hours/ ("The Duke Law School and Goodson Law Library entrances are open to the general public from 8:00 am - 5:00 pm, Monday through Friday. After these hours, *only* current Duke Law or University students, faculty, and staff are authorized to be in the Law School building; others are required to leave.").

Washington University in St. Louis Policy: *Circulation Policies: Materials and Access*, WASHINGTON UNIV. LAW LIBRARY, https://law.wustl.edu/library/pages.aspx?id=1131 ("The Law Library is open to non-law students and to members of the general public Monday - Friday 8:00 a.m. to 6:00 p.m. during the fall and spring semesters and Monday - Friday, 8:30 a.m. to 5:00 p.m. during the summer, winter break and Intersession.").

Vanderbilt Policy: *Visitor Services @ Law*, ALYNE QUEENER MASSEY LAW LIBRARY, http://www.library.vanderbilt.edu/law/visitors/ ("The mission of the Alyne Queener Massey Law Library is to serve the research needs of the Vanderbilt Law School faculty, students, and staff. While we welcome visitors Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m., access during other times is restricted. After 6:00 p.m. and on weekends, access to the Law Library is limited to Law School faculty, students, staff, and other users who have received prior authorization to be here from Law Library Administration.").

[72] Sarah Reis, *Are You a Member of the Law School Community: Access Policies at Academic Law Libraries and Access to Justice*, 109 LAW LIBR. J 269, 278 (2017) (quoting Michael Busbee et al., *Non-affiliated Users' Access in Tennessee Academic Libraries,* SOUTHEASTERN LIBR., Spring 2014, at 3, 5.

As noted in the table above, some interesting regional trends emerged. Three quarters of

the subject law libraries in the Southeast were open to the public (The UVa Law Library, Duke

and Vanderbilt were open to the public. While Emory is not generally open to the public,

visitors who have made prior arrangements for their research may be able to use the law

library.[73]) More than half of the subject law schools located in the Midwest were open to the

public.[74] Of the four private Midwestern law schools, Washington University in St. Louis and

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[73] University of Virginia Policy: *Access to the Library*, UNIV. OF VIRGINIA LAW SCH. LIBRARY, https://libguides.law.virginia.edu/using/va-alum#s-lg-box-772096 ("The Law Library is open to the University community as well as the general public, except during exam periods.").
Duke Policy: *Hours & Directions*, DUKE LAW, https://law.duke.edu/lib/hours/ ("The Duke Law community enjoys 24-hour access to the Law School and Goodson Law Library with a current DukeCard. Current members of the Duke University community may access the library during service desk staffing hours. A DukeCard is required for entrance to the Law School building after 5:00 p.m. on weekdays and on the weekend. The Duke Law School and Goodson Law Library entrances are open to the general public from 8:00 am - 5:00 pm, Monday through Friday. After these hours, *only* current Duke Law or University students, faculty, and staff are authorized to be in the Law School building; others are required to leave.").
Vanderbilt Policy: See note 71.
Emory Policy: *Who can use the MacMillan Law Library?*, EMORY LAW LIBRARY, http://library.law.emory.edu/about-the-library/using-the-library.html ("The Emory Law Library serves Emory faculty, staff, students, alumni and healthcare employees as well as members of the local legal community (Bar members and firm employees) or visitors who have made prior arrangements for their research. All users must swipe in with their Emory ID or present valid picture ID to enter**…** Members of the public may do research in our government documents collection only.").
[74] University of Chicago Policy: *Access & Privileges*, UNIVERSITY OF CHICAGO LAW LIBRARY, https://www.lib.uchicago.edu/law/about/access/ ("The D'Angelo Law Library is open to the students, faculty, staff, and alumni of the University of Chicago and Medical Center as well as their accompanied guests...Lawyers and judges may be admitted by presenting a bar card or court identification. Law students from other universities may be admitted by presenting their law school ID. Visitors from outside a sixty mile radius of the Chicago area are permitted five visits per quarter upon presentation of government-issued photo ID showing their address. Other researchers may use the Law Library by prior arrangement with the Director of the D'Angelo Law Library or the Associate Law Librarian for User Services. An access pass or library card will be issued to these visiting researchers. D'Angelo Law Library is a congressionally designated depository for U.S. Government documents. Public access to use government documents is guaranteed by public law. (Title 44 United States Code). The federal depository documents collection is open to the public weekdays from 8:30 a.m. to 5:00 p.m."); *Frequently Asked Questions at the D'Angelo Law Library*, UNIV. OF CHICAGO LAW LIBRARY, http://dangelolaw.ask.libraryh3lp.com/ ("The University of Chicago is a private institution, and there are restrictions on access to the Library for members of the public. For our complete policies, see our Access and Privileges page.").
Northwestern Policy: *Access Policy*, NORTHWESTERN UNIV. LAW LIBRARY, https://library.law.northwestern.edu/about/using-the-library ("The Pritzker Legal Research Center primarily serves the faculty, students, alumni and staff of the Northwestern University School of Law, and it is a private facility.").
University of Michigan Policy: *Access to the Law Library*, UNIV. OF MICHIGAN LAW SCH. LIBRARY, https://www.law.umich.edu/library/about/Pages/Visitor-Access.aspx#access ("The University of Michigan Law School welcomes researchers to the underground Smith Addition to use the collection, including U.S. depository materials, for their legal research**.** Those with no legal research need are welcome to use the unrestricted portion of the Reading Room, which is open for general study.")

the University of Notre Dame's law libraries were open to the public.[75] According to Associate

Director for Patron Services at Notre Dame Dwight King, in addition to the law library's status

as a selective depositary, one of the main reasons for the law library's access policy is that "as a

Catholic institution, we feel an obligation to help the community."[76] Glaringly, only one

(Cornell, a private law school) of the nine law libraries reviewed in the Northeast was open to the

public.[77]

University of Minnesota Policy:*Library Services For Users Not Affiliated With the Law School*, UNIV. OF MINNESOTA LAW LIBRARY, https://www.law.umn.edu/library/services (The University of Minnesota does not appear to explicitly state that they are open to the public, but the *Access Online Resources* page at https://www.law.umn.edu/library/library-services/access-online-resources makes reference to public computers in the library.).

University of Notre Dame Policy: See note 71.

[75] See note 71.

[76] Reis at 278 (citing Email from Dwight King, Assoc. Dir. For Patron Servs., Notre Dame Kresge Law Library, to Sarah Reis (May 19, 2016, 5:48AM PST)).

[77] Yale Policy: *Access Policies*, YALE LAW SCH. LILLIAN GOLDMAN LAW LIBRARY, https://library.law.yale.edu/privileges-policy ("The Yale Law Library is dedicated to making its legal and nonlegal resources available to members of the Yale community and other scholarly researchers. Access to the Yale Law Library is a privilege granted entirely at the discretion of the Law Library, and can be revoked at any time at the Law Library's discretion. The purpose of library access by non-Yale affiliates is for research using the Law Library's materials. Other uses . . are forbidden and may result in immediate termination of library privileges . . . Access will not be granted to "pro se" patrons . . . Please note that the law school building is locked to non-Law School affiliates after 9 pm (6 pm at weekends).").

Harvard Policy: *Admission to the Library*, HARVARD LAW SCHOOL LIBRARY, https://hls.harvard.edu/library/forms-and-services/admission-to-the-library/ ("The Harvard Law School Library is a private research facility that exists primarily to support the educational and research needs of the Harvard Law School faculty, staff and students and, secondarily, the needs of the Harvard University community. Consistent with its primary purpose, Harvard Law School Library attempts to serve the legitimate needs of scholars and researchers requiring access to the Law Library's unique collections . . . During exam periods, access is restricted to current Harvard law affiliates, and collection users… Harvard affiliated students, faculty, and staff with a current Harvard University ID qualify for admittance to the Law Library and borrowing privileges.")

Columbia Policy: *Library FAQ: Frequently Asked Questions*, COLUMBIA LAW SCH. LIBRARY, https://www.law.columbia.edu/library/about/faq (The library primarily serves Columbia faculty, students, staff, alumni, and its affiliate institutions. We do, however, participate in programs that allow for the sharing of resources with qualified scholars and attorneys. Please consult your home institution library or local public library and see Fee-Based Services for more information. Additionally, researchers not affiliated with the university may use titles from our Special Collections if they cannot be located in other rare book collections.").

NYU Policy: *Access: Using the Law Library*, NYU LAW LIBRARY, http://www.law.nyu.edu/library/generalinformation/access#General%20Public ("The Law Library is not open to the general public. Pro Se patrons do not have access to the Law Library.").

University of Pennsylvania Policy: *Access & Hours*, UNIV. OF PENNSYLVANIA LAW LIBRARY, https://www.law.upenn.edu/library/about/access-hours.php ("During most of the year, the Biddle Law Library is open to members of the University of Pennsylvania community, Drexel University faculty, staff and law students, Penn Law alumni, and members of the bar.").

Cornell Policy: See note 71.

The specific language of various law library access policies will be discussed in more detail below.

ii. Food and Beverages

Across the sample of law schools reviewed, food and beverage policies fall into four broad categories, though the ways in which they are written (discussed further below) varied significantly. While beverages with lids were nearly universally permitted in law libraries, Stanford's policy as recently as June 3, 2018 allowed only water.[78] [79] Food and beverage policies generally fell

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POP QUIZ

Which law school library states:

"No loud food..and no smelly food, such as garlic infested anything…And of course, no cornnuts or nachos, which violate both the no loud food and the no odiferous food rules."

☐ Georgetown

☐ Emory

☐ UC Berkeley

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Georgetown Policy: *Who May Use the Library*, GEORGETOWN LAW LIBRARY, https://www.law.georgetown.edu/library/who-may-use/ ("Georgetown Law Library is open to current Georgetown University students, faculty, and staff; Georgetown Law alumni; members of the Law Library's Friends of the Library program; members of the Law Library's Public Patron Program; pre-authorized Visiting Scholars and Visiting Researchers; and current students and faculty of other law schools.").
Boston University Policy: *Access Policy & Hours*, BOSTON UNIVERSITY LAW LIBRARIES, https://www.bu.edu/lawlibrary/using-the-library/access-policy/ ("The materials and spaces of the BU School of Law Libraries are available to Boston University students, faculty, staff, and alumni until 8pm.").
George Washington Policy: *Visitor Information & Access Policy*, GEORGE WASHINGTON LAW LIBRARY, https://www.law.gwu.edu/visitor-information-access-policy ("Jacob Burns Law Library is reserved for the use of the following persons**:** The faculty, students, and staff of the George Washington University Law School; Faculty, students and staff of the George Washington University who need to use the library for legal research; Alumni of the George Washington University Law School; Friends of the Jacob Burns Law Library…During reading and examination periods, access is limited to G.W. Law School students, faculty, and alumni and Friends of the Jacob Burns Law Library."

[78] *Borrower Responsibilities*, STANFORD LAW SCHOOL, https://library.stanford.edu/using/borrow-renew-return/borrower-responsibilities ("Water is permitted in sealable containers. Food and other beverages are not permitted."). As of July 5, 2018, the section containing this policy appears to have been removed from Stanford's website. A June 3, 2016 printout of the policy with the language quoted in the parenthetical is on file with the author.
[79] At this article's presentation at the University of Washington in May 2018, this policy led to a certain amount of curiosity as to whether or not coffee could be deemed simply "bean water".

into four categories: "Beverages Only", "Snacks (Not Meals) Allowed", "Food Only in Designated Spaces" and "Generally Permissive (With Some Carve-Outs)". Upon review of relevant policies, eight law libraries were categorized as "Beverages Only", three as "Snacks (Not Meals) Allowed", five as "Food Only in Designated Spaces" and nine "Generally Permissive (With Some Carve-Outs)".

Table 3: Breakdown of Policies

Beverages Only	Snacks (Not Meals)	Designated Spaces	Generally Permissive
Yale[80]	Harvard[81]	University of Chicago[82]	University of California – Berkeley[83]
Stanford[84]	Cornell[85]	University of Pennsylvania[86]	University of Virginia[87]
Columbia[88]	George Washington[89]	University of Southern California (Gould)[90]	Georgetown[91]
NYU[92]		Notre Dame[93]	University of Texas[94]

[80] *Reminder: Food & Drink Policy for Law Library*, YALE LAW LIB., https://library.law.yale.edu/news/reminder-food-drink-policy-law-library.

[81] *Responsibilities of Library Users*, HARVARD LAW LIB., https://hls.harvard.edu/library/forms-and-services/responsibilities-of-library-users/.

[82] *Meals:*, U. CHICAGO LIB., https://www.lib.uchicago.edu/about/thelibrary/policies/food/. ("Meals and messy or smelly foods are permitted only in the following areas, designated as Meal Zones:
- Crerar Lounge, Lower Level East
- Law School Green Lounge, 1st floor
- Regenstein Ex Libris Café
- Regenstein A Level)".

[83] *Food*, BERKELEY, https://www.law.berkeley.edu/library/library-information/policies/food/

[84] *Borrower Responsibilities*, STANFORD LAW SCHOOL, https://library.stanford.edu/using/borrow-renew-return/borrower-responsibilities ("Water is permitted in sealable containers. Food and other beverages are not permitted."). As of July 5, 2018, the section containing this policy appears to have been removed from Stanford's website. A June 3, 2016 printout of the initial policy referenced is on file with the author.

[85] *Food & Drink Policy*, CORNELL LAW SCHOOL, https://law.library.cornell.edu/about/policies/Food.

[86] *Penn Library – Food and Drink Policy*, UPENN LIB., https://www.library.upenn.edu/policies/fooddrink.html ("Biddle Law Library

1. Snacks are permitted but NOT meals or messy, aromatic foods (e.g., hoagies, pizza, salads, soup)

2. Covered beverages are permitted.

3. Food and drink pose a potential risk to other patrons and to library collections, equipment, and furnishings. We therefore ask that you act responsibly when consuming food and drink in the library.").

[87] *General Services and Policies*, UVA SCHOOL OF LAW, http://www.law.virginia.edu/about/general-services-and-policies ("Library. The Law Library is located in Withers-Brown Hall . . . Food that is not smelly or messy is permitted in the Law Library. Drinks must be in covered containers.").

[88] *Arthur W. Diamond Law Library Code of* Conduct, https://www.law.columbia.edu/library/using-library/library-policies/code-conduct

[89] *Library Zones@Burns Library*, GWU LIBGUIDES, http://law.gwu.libguides.com/zones/social-zone.

[90] *Food and Drinks in the USC Libraries*, https://libraries.usc.edu/about/facilities/food-and-drinks-usc-libraries.

[91] *General Policies – Georgetown Law*, www.law.georgetown.edu/library/about/services-policies/general-policies.cfm. ("Food and Drink. Georgetown Law Library patrons may eat snacks in most areas of the library. Aromatic, noisy, or greasy foods are not permitted. No food is allowed in the Oakley Reading Room, the Special Collections Reading Room, the media rooms, or the computer labs.").

[92] http://www.law.nyu.edu/library/generalinformation/policies.

[93] https://law.nd.edu/news/library-food-and-drink-policy/.

[94] http://tarlton.law.utexas.edu/policies#s-lg-box-8347741.

University of Michigan[95]	Vanderbilt[96]
UCLA[97]	Washington University in St. Louis[98]
Duke[99]	University of Minnesota[100]
University of California – Irvine[101]	Boston University[102]
	Emory University[103]
	Northwestern[104]

Among the "Generally Permissive" law libraries, some regional quirks emerged. The University of Texas specifically lists tacos as the type of food that "should be eaten outside".[105] The University of Pennsylvania bans hoagies.[106]

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[95] https://www.law.umich.edu/library/about/Pages/Library-Policies.aspx.

[96] https://www.law.umich.edu/library/about/Pages/Library-Policies.aspx ("Food and drinks in covered containers are allowed except in designated areas.").

[97] *Other Library Policies*, UCLA LAW LIB., https://law.ucla.edu/library/information-for-visitors/access-policy/other-library-policies/

[98] https://law.wustl.edu/library/pages.aspx?id=1129

[99] https://law.duke.edu/lib/policies/. Note that this policy is somewhat ambiguous and the author has chosen to interpret it as permitting only beverages: "Please keep the library clean and pest-free by properly disposing of trash and recyclables, and by using spill-proof containers for beverages. Food or drink that is stored in the library will be removed. Food attracts insects and pests, which can damage the library's collection, furniture, and equipment. Spills from uncovered beverages can also create health hazards such as mildew and mold."

[100] http://libguides.law.umn.edu/c.php?g=125803&p=823562#s-lg-box-2453233

[101] https://www.law.uci.edu/library/about/using-the-library.html

[102] https://www.bu.edu/lawlibrary/using-the-library/policies/ ("We allow "judicious" food consumption in the library. Please use good judgment and be respectful and considerate of other patrons when consuming food in the library. Patrons may not consume hot, noisy, strong-smelling, or messy foods in any area of the law library; such items should be taken to the Law Cafe.")

[103] http://library.law.emory.edu/about-the-library/using-the-library.html ("Food and drink are allowed in the library, but we ask that our patrons help us keep the library odor and pest free by keeping it clean if your food or drink spills.")

[104] *FAQ: Pritzker Legal Research* Center, NW LAW LIB., http://askplrc.law.northwestern.edu/faq/204275. ("Are food and drinks allowed in the library?
"Yes! We wouldn't expect you to make it through law school without coffee!") And *see*, https://libraryblog.law.northwestern.edu/2015/12/03/food-for-fines/

[105] *Beverages and Food*, UNIVERSITY OF TEXAS TARLTON LAW LIBRARY, http://tarlton.law.utexas.edu/policies ("Foods such as pizza, soup, tacos, and burgers and other cooked sandwiches, should be eaten outside the library. Please avoid bringing foods into the Library that are odorous, greasy, or noisy when eaten.")

[106] *Penn Library – Food and Drink Policy*, UNIVERSITY OF PENNSYLVANIA LIBRARIES, https://www.library.upenn.edu/policies/fooddrink.html ("Biddle Law Library: 1. Snacks are permitted but NOT meals or messy, aromatic foods (e.g., hoagies, pizza, salads, soup)")

A number of schools with more restrictive food policies provide a justification, such as harm to library materials or the potential to attract harmful pests. As Harvard Law School Library's policy notes, "The investment in our valuable collections, facilities, and furnishings is considerable. We want to preserve them and provide a clean, safe environment for our patrons and staff. "[107] UCLA notes that "[t]he pests that are attracted to the Library by food also eat our books. We ask for your cooperation in adhering to the "NO FOOD" policy."[108] Some law school libraries cite to previous bans or bans at other law libraries to exhort students to clean up after themselves. Take, for instance, UC Berkeley's plea to patrons: "Not many law libraries allow food or drink of any kind, because the potential for damage to the books and computers is great. But we want to make your study time as comfortable as possible, so we are stretching the rules. We need your cooperation to keep this up."[109]

iii.   Disruptive Conduct

a.   Generally

Disruptive conduct policies come in a variety of formats and are not easily defined. For purposes of this article, policies that prohibited or discouraged patron behavior (or that gave librarians recourse when patron behavior was perceived as such) were considered within the

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[107] https://hls.harvard.edu/library/forms-and-services/responsibilities-of-library-users/

[108] *Other Library Policies*, UCLA LAW LIB., https://law.ucla.edu/library/information-for-visitors/access-policy/other-library-policies/

[109] *Food*, BERKELEY, https://www.law.berkeley.edu/library/library-information/policies/food/

purview of the general review. As noted by Dyszlewski et al. in their "Grey Paper", defining what constitutes a "problem patron" can be challenging. Dyszlewski et al. identify three very different definitions, including:

- "someone who infringes on others' enjoyment of the library by displaying behavior that is deemed destructive, criminal, bothersome, offensive, or otherwise inappropriate to the norms of behaviors in libraries or society"[110]

- "those without a legal background seeking to use the library's specialized collection"[111]; and

- "any library visitor who upsets another visitor or member of the library's staff."[112]

Dyszlewski et al. then note that "[t]here is a wide consensus among librarians who have tackled this topic that the first step toward effectively managing difficult situations with patrons is to develop

POP QUIZ

The three law school libraries that ban napping or sleeping* all belong to which geographical region?

☐ Northeast

☐ Southeast

☐ West Coast

*One library, which bans only "prolonged sleeping" is excluded from this count.

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[110] Nicole P. Dyszlewski; Kristen P. Moore; Genevieve B. Tung, "*Managing Disruptive Patron Behavior in Law Libraries: A Grey Paper*", 107 LAW LIBR. J. 491, 494 (2015) (quoting Kelly D. Blessinger, *Problem Patrons: Is there One in Your Library?*, 75/76 REFERENCE LIBR. 11, 2 (2002)).

[111] Nicole P. Dyszlewski; Kristen P. Moore; Genevieve B. Tung, "*Managing Disruptive Patron Behavior in Law Libraries: A Grey Paper*", 107 LAW LIBR. J. 491, 494 (2015) (quoting Georgia Ann Clark, The *Problem Patron*, 72 LAW. LIBR. J. 52,532 (1979)).

[112] Nicole P. Dyszlewski; Kristen P. Moore; Genevieve B. Tung, "*Managing Disruptive Patron Behavior in Law Libraries: A Grey Paper*", 107 LAW LIBR. J. 491, 494 (2015) (referencing Bruce A. Shuman, *Problem Patrons in Libraries-A Review Article*, 9 LIBR. & ARCHIVAL SEC. 3 (1989) ("[A] problem patron is anyone who is doing anything illegal, immoral, annoying, or upsetting to anybody else.") and Joyce C. Wright, *Partnership with Community Resources—Campus Police: Revisiting Policies to Reflect the 21st Century*, 75/76 REFERENCE LIBR. 287, 288 (2002) ("Our policy indicates that whenever a situation makes someone feel uncomfortable...the security guards are paged immediately.").

policies governing behavior in the library and commit them to writing."[113] The UVa Law Library

does not appear to have had a disruptive patron policy in place at the time of Kessler's visits.[114]

While Kessler was later banned from the University buildings and facilities and it remains to be seen

what may have happened if the UVa Law Library had a written policy to point to when his behavior

became disruptive, his case highlights some of the challenges that arise with disruptive patron

policies. While it would be hard to argue that Kessler was not being disruptive once he began

walking through the library "making loud racist and sexist statements",[115] questions about whether

his mere presence – which drew a silent protest – could be deemed disruptive (especially at a state

school with a public law library) are much more challenging.

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[113] Nicole P. Dyszlewski; Kristen P. Moore; Genevieve B. Tung, "*Managing Disruptive Patron Behavior in Law Libraries: A Grey Paper*", 107 Law Libr. J. 491, 495 (2015).
[114] Based on a review of the law.virginia.edu/library and libanswers.law.virginia.edu.
[115] Peet.

a. Review of Disruptive Conduct Policies

Some law school libraries, like the University of Pennsylvania[116] and the Pritzker Legal

Research Center at Northwestern[117], have detailed patron codes of conduct that lay out types of

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[116] *Patron Code of Conduct*, UNIV. PENN. LAW LIB., https://www.law.upenn.edu/library/about/patron-code-of-conduct.php
("To foster an environment conducive to study and research, all users are expected to abide by the library's policies and guidelines, including the following:
• Under the library's access policy, the library grants temporary and revocable access privileges to certain groups of users. It is the responsibility of visitors to provide credentials to prove that they meet the access criteria.
• Upon each entry, approved visitors must provide valid photo identification, sign the entrance log at the law school guard's desk, and demonstrate that they meet access criteria.
• Disruptive behavior is detrimental to the library's mission and to staff and patron safety and can result in immediate forfeiture of library privileges.
• Disruptive behavior includes, but is not limited to, the following:
• Failing or refusing to sign in and show proper credentials each time the library is entered;
• Abusing, threatening, or intimidating library staff or patrons through language or actions;
• Disturbing students or staff by unwanted advances, questioning, or solicitation of legal advice;
• Exhibiting signs of drunkenness or other substance abuse.
Persons who violate any one of these policies may lose their privileges to use the Biddle Law Library, may be removed by University Police, may be subject to University of Pennsylvania disciplinary actions, and/or be subject to criminal prosecution or other legal action, as appropriate.")

[117] *Patron Code of Conduct*, NORTHWESTERN, http://www.library.law.northwestern.edu/about/using-the-library
(The Pritzker Legal Research Center strives to provide collections, facilities, and services that support the scholarly mission of the Northwestern Pritzker School of Law. To foster an environment conducive to study and research, all users are expected to abide by the library's policies and guidelines, including the following:
• Under the library's access policy, the library grants temporary and revocable access privileges to certain groups of users whose needs meet the secondary missions of the library. It is the responsibility of visitors to provide credentials to prove that they meet the access criteria.
• Upon each entry, approved visitors must provide valid photo identification and credentials proving they meet the access criteria and sign in at the circulation desk.
• Disruptive behavior is detrimental to the library's mission and to staff and patron safety and can result in immediate forfeiture of library privileges. Disruptive behavior includes, but is not limited to, the following:
  o Failing or refusing to sign in and show proper credentials each time the library is entered;
  o Abusing, threatening, or intimidating library staff or patrons through language or actions;
  o Disturbing students or staff by unwanted advances, questioning, or solicitation of legal advice;
  o Using library telephones or other equipment, entering staff areas of the library, or talking on cell phones in the library;
  o Exhibiting signs of drunkenness or other substance abuse.
• Users who have been granted access on the grounds of their need to use the library's government depository collection shall only use government depository materials while in the library.
• Being in unauthorized areas of the library or remaining in the library during emergency evacuations or drills is prohibited.

prohibited behaviors. Others are more understated, such as Columbia's "Please be quiet"[118] (discussed in more detail below).

Answer:

☐ Northeast

☐ Southeast

■ West Coast

iv. Weapons

Upon inspection, the weapons and/or firearms policies for the twenty-five institutions reviewed for this article almost invariably derived from the policy of the larger university or parent institution (in that the law library did not post a weapons policy at all, but the larger institutional policy was universally applicable). University of Virginia Law School (not the UVa Law Library) was one of the few schools reviewed that posted a weapons policy on the law school website. That policy appears to be a simple summary of the greater University of Virginia weapons policy and reads as follows: "The possession, storage, or use of any kind of ammunition, firearms, fireworks, explosives, air rifles, and air pistols on University-owned or operated property, without the expressed written permission of the University police, is prohibited."[119] Due to the significant similarities among the weapons and/or firearms policies for the law schools reviewed and their location outside of the law libraries/law schools themselves, significant comparisons were not undertaken for this article. It is, however, interesting to note the uniformity with which the law libraries reviewed appeared to

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- Users must respect the library materials, furniture, and equipment. Removal or attempted removal of library materials or property without checking them out or without authorization is also prohibited.
- Smoking or using smokeless tobacco is prohibited in all areas of the library.
- Library staff holds the right to search possessions when the security gate alarm has been activated upon exit.)

[118] *Arthur W. Diamond Law Library Code of* Conduct, https://www.law.columbia.edu/library/using-library/library-policies/code-conduct.

[119] *General Services and Policies*, UNIV. OF VIRGINIA, http://www.law.virginia.edu/about/general-services-and-policies.

simply defer to the institutional policy while crafting their own, more specific policies in other areas.

b. Discourse Analysis

i. Generally

Discourse analysis is as applicable to law library policies as it is to any other communication. How policies are communicated can be as important to their reception as the words that they actually contain. Likewise, the words and structures used to communicate those policies can serve as a window into how law libraries see themselves and how they choose to present themselves to the world. Because of their distinct tones, policies from Harvard and Columbia Law School libraries repeatedly serve as examples below. Language is not a passive or neutral medium. These policies can be examined for both intended and (perhaps) unintended meanings and functions.

ii. Access Policies

In comparing access policies at the selected law libraries, a few brief examples selected from the larger access policies of three different law libraries are ripe for analysis in terms of both situated meaning and social languages.

- Yale: "Access will not be granted to pro se patrons."[120]

- University of Texas: "The Library is open to the public and full use of the services and resources available is encouraged."[121]

- Vanderbilt: Spouses of current Vanderbilt faculty, Vanderbilt faculty emeriti, staff, and students, as well as domestic partners have courtesy and borrowing privileges."[122]

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[120] See FN 77.
[121] *Availability*, UNIVERSITY OF TEXAS TARLTON LAW LIBRARY, http://tarlton.law.utexas.edu/policies
[122] *Access Use and Information: Spouses, Domestic Partners, and Dependent Children*, ALYNE QUEENER MASSEY LAW LIBRARY, http://www.library.vanderbilt.edu/policies/accessuse.php .

In terms of situated meaning, Yale's choice of construction of this sentence can be looked at in several ways, especially when compared to Texas and Vanderbilt. "Access will not be granted" strongly conveys that use of the law library is a privilege that is only extended to a select few. Conversely, Texas is not only "open to the public" but "encourage[s]" "full use of the services and resources available", a veritable welcome mat laid out to the general public.

Yale's specific reference to "pro se patrons" is also striking, in terms of both situated meaning and social languages. As noted earlier, each of NYU and Yale specifically bar access to pro se patrons. Dyszlewski et al. note in their "Grey Paper" that "although the term "pro se" specifically refers to a person who represents herself in court without counsel, writings in this area (and many law librarians) use this term colloquially to refer to all nonlawyers using the law library."[123] When viewed in the context of Yale's policies, generally (its situated meaning), it is clear that this is in reference to "pro se" in the social language of law (i.e., it's directly aimed at persons representing themselves without counsel).

Vanderbilt's policy seems specifically geared to present themselves as a friendly, yet decidedly academic and intellectual institution. The words and construction may fit easily within the social language of law or academia, but, while welcoming (and, indeed, though a private institution, Vanderbilt's law library is open to the public) the policy is decidedly not in the vernacular.

      iii. Food and Beverages

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[123] Dyszlewski et al. at 502 (It is also bears inclusion (if only in a footnote) that Dyszlewski et al. note that: "Despite the conventional wisdom, no evidence supports the idea that pro se patrons are more likely to be disruptive, angry, or abusive to library staff than anyone else." At 503).

Food and beverage policies varied the most in tone and, frankly, appeared to be perceived by some law librarians as a chance to have a bit of fun with things. The use of the vernacular is far more common in food and beverage policies than in other policies.

Examples:

- Harvard: "Consuming food is also discourteous and offensive to fellow library users with eating noises or smells emanating from open food receptacles or from overflowing trash cans."[124]

- Columbia: "Food and beverages (except in spill-proof containers) are not permitted in the library."[125]

- Berkeley: "No loud food, such as carrot sticks, apples or cheetos, and no smelly foods, such as garlic infested anything, sauerkraut, etc. And of course, no cornnuts or nachos, which violate both the no loud food and the no odiferous food rules."[126]

Harvard's policy is clearly written in the social language of academia, with strong connotations of class-consciousness (and a whiff[127] of aristocracy). While Columbia's policy could be deemed to be plain-language, Berkeley's use of the vernacular is especially striking here. Each institution is certainly "do[ing] things with language"[128] and, while ostensibly exclusively addressing food and beverage consumption in the law library, conveys a decidedly different social meaning.

iv. Disruptive Conduct

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[124] *Responsibilities of Library* Users, https://hls.harvard.edu/library/forms-and-services/responsibilities-of-library-users/
[125] *Arthur W. Diamond Law Library Code of* Conduct, https://www.law.columbia.edu/library/using-library/library-policies/code-conduct
[126] *Food*, BERKELEY, https://www.law.berkeley.edu/library/library-information/policies/food/.
[127] Perhaps a slight odor?
[128] Hicks at 252.

As noted above, many law libraries in the sample reviewed did not have explicit disruptive conduct policies. Two of the more detailed policies were outlined above. Here, two policies that address patron conduct more generally seem especially welcoming of social language analysis.

Examples:

- Columbia: "Please be quiet."[129]

- Harvard:

> Every user of the library has a responsibility to safeguard the integrity of library resources; to respect the restrictions placed on access to, and the use of, those resources; to report to library officers the theft, destruction or misuse of those resources by others; and to respect the rights of others to the quiet use of the library. Library staff are authorized to take appropriate action to ensure the safety and security of the library spaces, resources, and patrons.[130]

The simple but direct policy espoused by Columbia is striking in terms of both situated meaning (within the larger context of Columbia's policies generally) and social language. The polite, brief and clear request carries a lot of power. It perhaps also reflects Columbia's ability to relatively easily execute gate-keeping functions as a private law library at what is recognized as an elite law school.

V.   Future Research

This topic lends itself to a wealth of further research opportunities. While the scope of this article is limited to the top twenty-five U.S. law schools as ranked by *U.S. News & World Reports* for 2018, valuable insights could be gained by reviewing a larger sample size. Especially interesting would be a review comparing the top twenty-five schools to a sampling of

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[129] *Arthur W. Diamond Law Library Code of* Conduct, https://www.law.columbia.edu/library/using-library/library-policies/code-conduct
[130] *Responsibilities of Library Users*, HARVARD LAW LIB., https://hls.harvard.edu/library/forms-and-services/responsibilities-of-library-users/

lower-ranked schools. Would the trends that emerged among the top twenty-five ranked law schools be the same as those for unranked law schools? Do libraries at unranked schools tend to exert more or less control? Is there a similar diversity of linguistic presentation of policies as that found in the top twenty-five ranked schools? If policies are similar, do they tend to use the vernacular (as Berkeley frequently does) or more formal social languages (as Harvard does)? Discourse analysis of the use of language in such a sampling's language choices with respect to policies could unearth valuable insights into how different schools construct their identities. Valuable insight could also be gained by completing a localized analysis of every law school in a selected region (e.g., Midwest, Southeast) to determine whether regional trends (such as access policies or policies regarding sleeping in the law library) identified in this article hold up throughout particular regions.

Further review of trends across policies and how those policies interact with one another could also yield valuable insights. For example, an investigation into whether or not West Coast law schools generally have more policies that could be construed as hostile to homeless patrons could produce results worth additional study.

Additionally, a review of the locations of public and private law libraries could examine how many are located very near (or very far) from another law library that is accessible to the public. Interviews with directors of such law libraries as to their perceptions of the reason for their public/private status could be illuminating. Are they private because there is not another law library nearby and they fear being (or in the past have been) overrun with public patrons? Are they public because they feel a sense of duty to make the law (or, at the very least, legal documents) accessible?

Review of whether uniform policies can (or should) be produced may prove fruitful. After conducting a discourse analysis on a larger sample of law library policies, questions could be addressed such as "Does the language used in law library policies generally present an image and social identity that law schools wish to be projecting?" "Should different law libraries be projecting wildly different social identities? And if so, what effect does that have on how we, as a profession, would like the public to perceive law librarians?"

Not least, as noted above, several law libraries have policies that are quirky and seem tailored to respond to specific incidents or to behaviors more common in certain geographic areas. An entertaining piece could be written by interviewing staff at these law libraries to ascertain the back story behind these peculiar policies. Did the policy author have an unusual sense of humor? Were Corn Nuts the root of pitched battles during reading and finals periods? Were some policies drafted in response to behaviors by a specific patron? At the very least, unearthing the history of some of these policies could have the makings of an eye-catching blog post.

For a more serious pursuit, determining the rationale behind some restrictive access policies (such as, e.g., explicitly barring access by pro se patrons) could lead to serious inquiry as to how those policies reflect institutional values as perceived by those denied access. Finding out why some schools have blanket bans on "odiferous" foods while other schools ban specific food items could unearth details about which foods were leading to complaints and whether those complaints are deserving of a more thorough analysis. Are curries banned but not popcorn?

VI.   Conclusion

While there were differences in the content and social languages of law library policies (with some regional differences in access policies and some social language similarities among the libraries at the "Top Three" law schools being especially noticeable), there was also a lot of overlap in terms of content. Similar policies were not always conveyed in similar language. In many cases, these differences seem quite intentional. How law libraries articulate their policies can be as important as what they say (or do not say). Paying attention to situated meaning and social languages is important in drafting social policies, not least because the choices an author makes, especially regarding social languages, can have dramatic effects on how readers perceive the institution. As noted above, some of these choices may be quite intentional and, indeed, reflective of how the author perceives the institution (or desires the institution to be perceived). As librarians focus more and more on how we are perceived by patrons (and non-patrons), it's worth examining our law library policies and asking "What does this say about us? What image does this convey about our institution? Is this what we want to be saying?"

What stereotypes are we reinforcing with our written policies? And to what extent is that a conscious choice?

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