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Law Libraries Losing to "Double Inflation"

by HUGH SPITZER

Inflation, as we all know, is driving up the cost of tools and materials in every sector of the American economy. Gas prices translate into higher prices for fertilizer and farm commodities; high interest rates increase the cost of buying a home; in the law business, a rise in charges for office space or copying machines, or increased wages for clerical workers, all mean higher fees for clients.

Yet, while many cost boosts can be passed on directly to consumers, a "double inflation" in a critical component of legal work—libraries and their research materials—may mean that lawyers, judges and scholars will have to entirely forego some tools of their trade.

In this short article, I will take a look at the largest law library in the Northwest, the University of Washington's facility, and outline how inflation is eating away at this particular institution. Then I will suggest some ways to cope with the problem if we want to maintain the quality of research materials which many of us are used to.

The UW Law Library: A Public Facility

The University of Washington Law Library serves a number of functions: first it is used regularly by UW and University of Puget Sound law students for class preparation; second, it is a primary research facility for law professors and for scholars from other departments; third, because of the breadth of its collection, it is heavily used by attorneys, judges, government and business people from throughout the Northwest.

Outside demands on the University's library have grown substantially in recent years. The number of registered non-law school users grew from about 4,500 in 1975 to 7,982 by mid-1979. 1,667 attorneys were recorded as asking for reference help in the 1976-77 school year, and 2,706 did so in 1978-79. The number of loan transactions with other libraries (the UW library is usually the lender because of its collection size) grew from 843 in 1976-77 to 1,338 in 1978-79. A scan at the list of borrowers takes us from Agana, Guam to New York City; from Juneau to Puerto Rico. But records show the most frequent use by attorneys from Seattle, Olympia, Yakima, Spokane, Pullman, Bellingham and (for some reason) from Selah, Washington.

The University law library's popularity is due, simply, to its size. At 300,000 volumes, it ranks 17th in the country. The library has slipped from 9th place 25 years ago, and is 107,000 books behind the library now ranked number nine; but it is still one of the important legal research facilities in America, particularly in British Commonwealth, Japanese and general East Asian materials. To give some perspective, the size of other important Washington law libraries include the Washington State Law Library in the Temple of Justice at Olympia (209,000 volumes, including three appellate branch libraries); Gonzaga Law School Library (130,000 volumes); the University of Puget Sound Law Library (140,000 volumes, half of it in microform); the King County Law Library (75,000 volumes) and Spokane County's facility (20,000 volumes).

These law libraries all serve their local lawyers and judges, and they constantly trade books among themselves for local users; yet they play different roles: the county facilities are aimed primarily at practicing attorneys; the law school libraries are similarly used by lawyers, but must serve professors and students; the State Law Library, housed in the judicial branch, services public library users throughout Washington. According to State Law Library Director Connie Bolden, the University's facility has a special—and expensive—function. Bolden says the UW Law School is "a primary resource library. They should get materials for in-depth... research that we wouldn't need as much and King County certainly wouldn't... for example, we are a federal depository, but limited to only 30 or 40 items. They get thousands. That means they need special documents librarians and foreign language librarians. There's also tremendous public use of their library." But, Bolden warns, "the Bar may be in the position of taking the UW law library for granted. People have grown to expect it", and he adds that the high cost of processing, cataloguing and maintaining all the special books and documents, endangers the facility.

Hugh Spitzer is Legal Counsel to Seattle Mayor Charles Royer.

Double Inflation

The UW's dilemma, which is in fact shared by every public and private law library in the state, is caused by a "double inflation": first is the inflation in the cost of books, similar to price increases everywhere. But compounding this is the explosion in litigation, and hence in the number of reported cases, which translates into more, and more varied, sets of reporter series and looseleafs to maintain. The rising number of these so-called "continuations", together with inevitable salary increases for staff, squeezes out acquisition of single, non-serial books: treatises, volumes on legal history or theory, research studies, or up-to-date analyses of tax or commercial law, for example. These are the big losers to inflation.

In the 1973-75 budget biennium, the University's Law Library allocated 76% of its \$256,505 book budget to continuations. In the current biennium, 91% of an estimated \$412,000 book acquisition fund is earmarked for serials. This means that the money available for collection development has actually dropped, from \$61,000 to \$37,000, while prices for books and special research materials such as briefs, are increasing between 12% and 18% per year. Labor costs have of course also grown, hitting major libraries like the University's hard because of the high number of professional staff required to

maintain specialized collections. Salaries and other operations costs take the lion's share of a library's total budget—and the lion's share of any budget increases.

The UW Law Library has tried to save money by reducing the number of sets of some reference works, and by altogether eliminating over a dozen loose-leaf services and form sets. Most of the cuts are in specialized services of particular use to practitioners. But even with these reductions, the overwhelming cost of continuations keeps the University's library from staying current with all commonly-used materials; it has lost its position as one of the very best law collections in the country, and can neither keep up with new literature in most fields nor fill in its gaps in legal classics.

Dennis Stone, Gonzaga Law School's librarian, estimates that it would cost at least \$40,000 a year for the University of Washington to keep current with the important legal literature; that figure doesn't include the latest special subject materials or books oriented toward individual states. Stone notes that all the major law libraries in Washington play an important public function, but says the UW's facility "isn't being funded for the kind of library it is." Stone says "we have to let state officials know how important the University of Washington Law Library is to everyone. They have materials that may rarely be used, but they *are* used. You need books on Canadian and Kuwaiti law, for instance, because people

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from those countries are buying things here. And if you want scholars on the faculty, and good students, you have to give them the resources."

Solutions to a Tough Problem

If the bar wants to give the UW Law School's library, and other major libraries, the resources to adequately serve attorneys, judges, professors and students, there are a number of approaches which have been, or might be, effective:

1. *Cooperative Acquisitions* — Washington's major libraries can expand their practice of conferring before acquiring new books, in order to reduce duplications in specialized materials. Then volumes could be traded through interlibrary loans. This is often done now, but the University of Washington is hampered because it can't afford to be part of the Washington Library Network, a computerized catalogue that helps over fifty other library systems share their materials. Although the UW has a terminal, it lacks the \$5,000-8,000 needed each year to participate.

2. *Filing Fee Funding* — By state law, county law libraries receive a portion of court filing fees for their operations. The King County Law Library, for example, now gets \$7 for each Superior Court case and \$3 from each District Court filing. This yields over \$300,000 annually. This is a funding mechanism that might be used

to support other law libraries heavily used by the bench, bar and public.

3. *New Fund Sources* — In Ohio, a percentage of each criminal fine, as well as a portion of filing fees, goes to support local law libraries. This approach could be adopted on a statewide basis in Washington, with revenues going to County and university libraries that serve the bar and the public. In British Columbia, a province-wide law library system receives 80% of its outside revenues from the interest on trust accounts, and the University of B.C. and University of Victoria law libraries both get capital development and special acquisition funds from the same source. 20% of the provincial system's money comes from the Law Society, which is similar to the Washington State Bar Association; those funds originate in attorney dues to the Society. Although it would be difficult to tap trust account interest to support law libraries in Washington because of the prevailing attitude toward client's funds, we might successfully earmark a portion of criminal fines, or lawyer dues, for law library support.

4. *Increased Direct State Funds* — Both the University of Washington and the State of Washington law libraries receive state general funds for their support. The UW facility and the University's medical library are both in a special budget category because of their unique service

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to public-serving professions and the general public. A quite direct approach to alleviating the University library's funding crisis is to lobby the State legislature for more money. People who work in the justice system can argue honestly that the lack of accessible, public research materials, means that only those who can afford expensive law firms (with massive in-house libraries) or large copying bills, will have well-prepared lawyers representing them. We can also effectively argue that if Washington's statutory and common law is to keep up with the times, we must have well-equipped lawyers and legal scholars, and well-educated students; those require public law libraries that are well-maintained in a variety of fields.

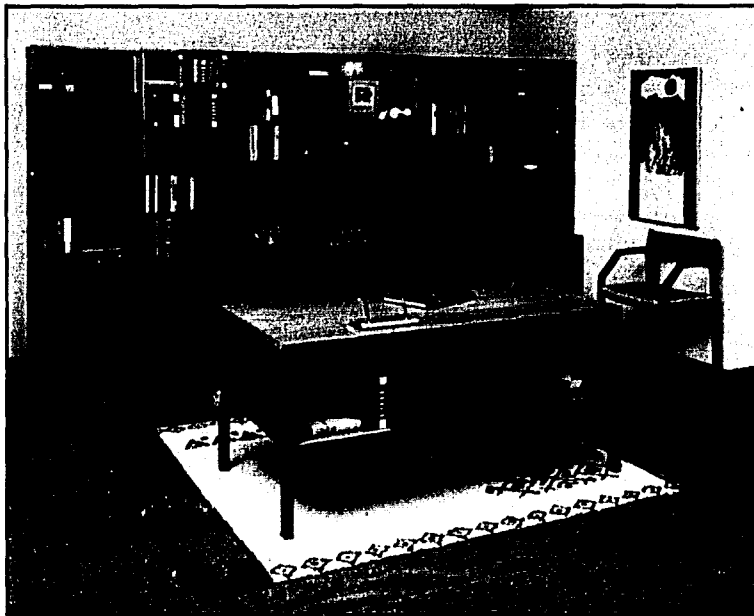
5. Foundation and Private Support — Both the University of Washington and Gonzaga law schools rely on special foundations to help their libraries. Gonzaga has been particularly effective in using its foundation's contributions for capital development. Both institutions, and the University of Puget Sound, receive funds from businesses and other private donors with an interest in a specific field of law. The UW, for example, has used money from Japanese corporate contributors to develop its well-known collection on the law of that nation. Unfortunately, private donors cannot be counted on for funding the ongoing costs of continuations and non-

serial collection development; this requires a steady, predictable source of funds.

6. Attorney Charges — A change that would yield a small addition to every law library's revenues would be a charge or membership fee for attorneys and others who wish to check out books. The University of Puget Sound is implementing such a scheme, with graduated fees based on years of practice or firm size. This is a sensible approach, but a charge for use of public libraries like the University of Washington's would weaken its ability to serve the general populace.

7. Security Improvements — Another small-scale action that could give important results is a strong security program to reduce book thefts. Sad to say, searches for lost books at the University facility resulted from 10% of the requests made in the 1977-78 school year, but jumped to 21% in 1978-79. According to UW Law Librarian Marian Gallagher, spot checks have shown that 26% of the titles in General Law and Legal Philosophy are missing, 46% of the volumes on Capital Punishment and Rape are gone, and 26% of the collection on Estate Planning and Trusts cannot be accounted for. This is in part due to the large number (17) of unguarded exits at the law school library, and lack of funds to pay people for surveillance activities. The school is trying to remedy the exit problem to the extent allowable by the fire code, but

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it has yet to gain funds for security personnel.

A Coordinated Approach

The solution lies in a combination of the approaches outlined above. Different funding techniques make more sense for different kinds of libraries, but the service all the major law library facilities give cannot be allowed to deteriorate indefinitely because of "double inflation".

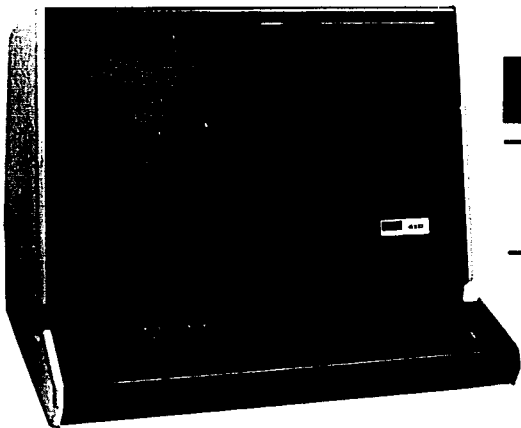
For the University library, for example, the best approach might be increased security and participation in Washington Library Network as a beginning. Then the facility will be able to go to the legislature and demonstrate that it is doing what it can to conserve and make best use of existing materials. Next, the University and concerned lawyers and judges could ask state lawmakers for budget increases that would at least allow the library to keep current with inflation. Over the long run, if Washington is to have first-class law library materials available to attorneys and citizens throughout the state, we should consider a funding program combining a percentage of criminal fines with a modest charge to each practicing lawyer, based on length of membership in the bar. This approach may meet resistance from attorneys, who are rightly skeptical of any dues increase. But we, and the public we serve, deserve to have the finest law library facilities we can command. □

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