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Democracy Requires Good Law Libraries – with Books

Franklin L. Runge

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Democracy Requires Good Law Libraries – with Books

by Franklin L. Runge

In the fall of 2010, I was speaking with Joel Silver (current director of the Lilly Library at Indiana University Bloomington), and he made the following prediction: “In the future, if libraries stop buying physical books, they will be nothing more than a Starbucks. Libraries will have a café, large comfy chairs, and light music in the background, but they will lack purpose.” Generally, it is foolish to make predictions about the future, “for the coasts of history are strewn with the wrecks of predictions[.]”¹ There are exceptions to this axiom, and I believe that Mr. Silver was playing the role of Tiresias for libraries.

Fast forward about a decade, and in June of 2021, I was approached by a rising 2L who had a Federal Rules Decisions (F.R.D.) citation. She could not understand what that citation meant. I said, “Let’s go down to the reading room and pull this case.” On our way to the correct shelf, this student remarked, “Wow! It is surprising that we have all of these books.” At that moment, I hope that I maintained my poker face. I am always looking for teaching moments, and here was a good one. The following were the lessons I tried to impress upon this future lawyer.

Books in law libraries act as a fail-safe for democracy. We live in a post-truth society that is increasingly polarized with respect to politics, education, and wealth. Our democracy—and its common law system—requires it citizenry to have access to primary legal sources. There will be those that say, “Lexis+ and Westlaw Edge have all of those materials! Clear out those dusty books and make room for comfy seating.” In early 2008, very few people would have predicted that Lehman Brothers and Bear Stearns would cease to exist. Are there market disruptions that could cause legal research platforms to fold? Absolutely. Just about every other dystopian film made involves the crash of modern society, technology,

and the internet (e.g., *MAD MAX: FURY ROAD* (Warner Bros. Pictures 2015)). As America’s income inequality grows², law libraries will increasingly play a critical role of allowing “have-nots” to access primary law.

Inexperienced researchers achieve a more comprehensive understanding of legal information when they grasp how primary law was originally produced. After clerking and practicing for six years, I started teaching legal research at the University of Kentucky College of Law in 2011 and then came to Washington and Lee University School of Law in 2018. At the start of each academic year, I am reminded that teaching brilliant young people to read legal citations is a little like teaching hieroglyphics. What on earth would 222 F.R.D. 137 (N.D. Cal. 2004) mean to someone prior to going to law school? Lexis and West are publishing companies, and they were publishing companies before they created online platforms. When the internet appeared to be a profitable place to do business, Lexis and West dumped all their books onto their respective online platforms. Despite being virtual, much of the information retained the trappings of a print resource. A reported case still is branded with a volume and page number. Students with exposure to print resources can make better connections and conclusions in an online environment.

There are more books being published in the United States today than ever before.³ This is a tricky statistic because it includes a booming self-publishing industry that law libraries avoid. Marketplaces are not always rational, but I dare say that “something” is happening here. In our country, there are more people trying to record more ideas than ever before. A law library’s core purpose is to collect primary and secondary sources, organize those materials, and then make them available to the bench and bar, students, profes-

sors, and the citizenry. Current market trends indicate that there is still a desire for print materials. Anecdotally, faculty members that I work with on research projects nine times out of ten want the print edition of a book. For writing, yes, the computer has replaced the typewriter. But when it comes to reading for comprehension and depth, we still crave a physical book.

I realize that this brief article has turned me into a Grandpa Simpson meme, but I am sincere in my fear of an America without books in law libraries. When lawyers, judges, and alumni support law libraries—be that by use, words, or money—they are helping protect and improve our democracy. ☺

Endnotes

- 1 JAMES BRYCE, *THE AMERICAN COMMONWEALTH* VOL. II 902 (Macmillan 1917).
- 2 CONGRESSIONAL BUDGET OFFICE, *THE DISTRIBUTION OF HOUSEHOLD INCOME, 2017* (Oct. 2, 2020), <https://www.cbo.gov/system/files/2020-10/56575-Household-Income.pdf>.
- 3 Steven Piersanti, *The 10 Awful Truths about Book Publishing*, BERRETT-KOEHLER PUBLISHERS (June 24, 2020), <https://ideas.bkconnection.com/10-awful-truths-about-publishing>.



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VSB 2021–22 President
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