

AMERICAN BAR ASSOCIATION

Section of Legal Education
and Admissions to the Bar
 Office of the Consultant on
 Legal Education to the
 American Bar Association
 321 N. Clark Street
 Chicago, Illinois 60610-4714
 (312) 988-6738
 FAX: (312) 988-5681
 E-mail: legaled@abanet.org
<http://www.abanet.org/legaled>

REPORT ON

OHIO STATE UNIVERSITY
MORITZ COLLEGE OF LAW

October 27-29, 2004

 By: Professor Herma Hill Kay, Chair
 University of California, Berkeley,
 (Boalt Hall) School of Law

 Professor David F. Chavkin
 American University,
 Washington College of Law

 Mr. Robert Clayton
 Epstein Becker & Green

 Dean Richard Morgan
 University of Nevada, Las Vegas,
 School of Law

 Professor Cheryl Preston
 Brigham Young University Law School,
 J. Reuben Clark Law School

 Dean Christopher Simoni
 Northwestern University School of Law,
 Pritzker Legal Research Center

IMPORTANT: *This report was prepared by the site evaluation team named herein. The conclusions and judgments stated represent their collective views alone. The site evaluation team does not make the official findings or conclusions for the Section of Legal Education and Admissions to the Bar of the American Bar Association. These are made by the Accreditation Committee and the Council of the Section. The report was prepared for the use of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association and not for public release. It is intended for the exclusive use and information of those persons authorized by the Council to receive it. Any copying or distribution of a part or whole of this report is subject to this restriction.*

CHAIRPERSON
Elizabeth B. Lacy
Richmond, VACHAIRPERSON-ELECT
Steven R. Smith
San Diego, CAVICE-CHAIRPERSON
William R. Rakes
Roanoke, VASECRETARY
Solomon Oliver, Jr.
Cleveland, OHPAST CHAIRPERSON
Pauline A. Schneider
Washington, DCSECTION DELEGATES TO
HOUSE OF DELEGATES
Sidney S. Eagles
Raleigh, NCJose R. Garcia-Pedrosa
Miami, FLBOARD OF GOVERNORS
LIAISON
Pauline A. Schneider
Washington, DCYOUNG LAWYERS DIVISION
LIAISON
Eric C. Besch
Fayetteville, NCCOUNCIL MEMBERS
Hulet H. Askeew
Atlanta, GADeborah K.V. Baker
Stanford, CA
(Law Student Division Member)Becky Cain
Charleston, WV
(Public Member)Diane Camper
Baltimore, MD
(Public Member)Christine M. Durham
Salt Lake City, UTDan J. Freehling
Boston, MAPhoebe Haddon
Philadelphia, PAJerome C. Hafter
Jackson, MSRandy A. Hertz
New York, NYMary Kay Kane
San Francisco, CAJohn L. Lahey
Hamden, CT
(Public Member)Ruth V. McGregor
Phoenix, AZLizabeth A. Moody
St. Petersburg, FLJohn F. O'Brien
Boston, MARennard Strickland
Eugene, ORPeter A. Winograd
Albuquerque, NMCONSULTANT ON
LEGAL EDUCATION
John A. Sebert
(312) 988-6746
sebert@staff.abanet.orgDEPUTY CONSULTANT
Stephen T. Yandles
(312) 988-6743
yandles@staff.abanet.orgASSOCIATE CONSULTANT
Camille deJorna
(312) 988-6742
dejorna@staff.abanet.orgDIRECTOR OF OPERATIONS
Carl A. Brambrink
(312) 988-6741
cbrambrink@staff.abanet.org

D. Adequacy of Administrative Services

The Moritz College of Law is providing a sound educational program and the administration is clearly a major reason for its success in that regard. The College provides all of the services that are normal for a law school of this quality—admissions, financial aid, registrar, career services, faculty secretarial support, faculty research support, academic counseling, development, alumni relations and the like—and it seems to do so very well. The President, Provost and other vice presidents of The Ohio State University think that the Moritz College of Law is very well managed; indeed, they cited it as an example of excellent management in the mode of the university's decentralized processes.

While there was only limited time to sample records, those that were reviewed were well maintained and adequate. In conversations with staff and faculty, all indicated that the administration functions well in this and other areas.

With one major exception, there have been no external pressures that impact the governance and operation of the law school, other than ordinary tensions involved in such matters as faculty governance and admissions. That exception involved membership in a law school student group—The Christian Legal Society—which decided to ban non-Christians from membership and gays and lesbians from leadership positions. This decision was encouraged by the national leadership of the CLS and resulted in a lawsuit by CLS against The Ohio State University. That suit has now been settled, after the central administration decided, on advice of counsel, to yield to the demands of the CLS.

VII. INFORMATION RESOURCES

A. Relation of the law library to the educational programs of the school

The Moritz Law Library is a research level library whose mission is to serve faculty scholarship and the curriculum of the Moritz College of Law. Under the capable leadership of Bruce Johnson, the Associate Dean for Information Services and Professor of Law, and with a first-rate staff, the library provides a broad range of highly regarded services to the faculty and students and is fully integrated into the educational life of the law school. The library

offers a number of services and teaches a variety of for-credit and informal classes for students and faculty and is engaged in a wide variety of traditional and non-traditional ways with the law school. Faculty and students view the library as an active, responsive, and highly regarded force at college of law.

B. Law library collection and access to information

The library has a research level collection of more than 552,191 volumes (776,639 volumes and equivalents), almost all of which are onsite in open stacks (less than 1 percent of the collection is located in an offsite library shelving facility; these materials can be retrieved within 24 hours).

The library's collection consists of a mix of print, electronic, and microform materials and contains all materials mentioned in Interpretation 606-6, many of which are acquired and available in multiple formats. In addition to these core materials, the library has long-standing areas of collection strength such as alternative dispute resolution, children's rights, constitutional law, labor and employment law, and public international law. The library also collects widely in the scholarly secondary literature of the law and selected interdisciplinary areas to support faculty scholarship.

In addition to a strong print collection, the law library provides faculty and students with access to a wide variety of electronic resources, some of which it licenses, some of which are licensed by the university libraries, and others that are available through its membership in OhioLINK. The law library licenses *Hein Online*, *Index to Foreign Legal Periodicals*, and all Bureau of National Affairs (BNA)-electronic titles. To provide public and OSU patron's access to case and statute citators, the law library licensed *KeyCite* when it cancelled most of its print subscriptions to *Shepards*. The library uses Serials Solutions to provide an electronic list of journal titles to which the library subscribes; the list is available on the law library website and makes it easier for patrons to locate and use electronic materials.

The library has a large microform collection that includes the CIS microfiche collection and a significant collection of available microform materials from the Law Library Microform Consortium. To assist faculty and students in using these materials, the library recently purchased a digital microform reader/printer thus making it easier to print and store microform content electronically, something that was not possible with the older analog microform reader/printers.

The library participates in the Federal Depository Library Program and selects about 21% of available items. Since 1998, most print materials received through the Depository Program have been classified and shelved by Library of Congress call number. A small number of "ephemeral" items received through the Program are not reclassified and retain and are shelved by Superintendent of Documents number.

The library's local collection is enhanced significantly by the library's membership in OhioLINK, a state-supported consortium of 85 Ohio college and university libraries including the nine academic law libraries in Ohio. OhioLINK provides law faculty and students access to an integrated electronic catalog of more than 9 million unique bibliographic records of materials held by the OhioLINK libraries, as well as access to more than 100 electronic databases and more than 5,900 full-text scholarly journals in a range of disciplines.

The library's collection development plan was rewritten in 2004. Collection development is handled by librarians, who have designated subject areas, as well as through standing orders and an approval plan. Librarians consult widely with faculty about specific acquisitions questions and for assistance in identifying areas of the collection for enhancement. Over the past three years the library's collection has been enriched by the addition of slightly more than 2,800 titles per year; during the same period, the library's collection has grown by an average of approximately 10,000 volumes per year. The faculty consulted during the site visit thought the collection met their research and teaching needs.

Bibliographic information for most items in the library's collections are available in OSCAR, the university's shared online public access catalog. Some older Anglo-American and foreign titles, as well as some microform materials are not represented in OSCAR. The library has undertaken a retrospective conversion and reclassification project for the print materials and expects the Anglo-American portion of the project to be completed within two years. The microform materials are also candidates for retrospective conversion and reclassification. To assist patrons in identifying these materials, the library has a searchable index of the microform materials not yet in OSCAR available on its website. While it is preferable to have bibliographic records for all library materials in the online catalog the cost of converting and reclassifying these materials may not always make financial sense as these materials tend to be relatively low usage items.

The collection is in good physical condition and library staff routinely identifies materials requiring repair or preservation; severely damaged materials are replaced if reprints or second-hand copies are available.

The library has adequate shelving for both the current collection and for anticipated continued collection growth. The shelving problems noted in the previous site visit have been resolved. In its 1998 report, the Accreditation Committee cited the library for a shortage of shelving caused in part by the fact that the compact shelving on the first level did not work, leaving portions of the collection inaccessible. In 1999 the library installed 16,000 additional linear feet of shelving on the third floor of the library bringing total shelving to 79,000 linear feet. Currently, only 60% or 47,628 linear feet of shelving are occupied. Materials previously shelved in the inoperable compact shelving on the first level have been moved to other locations in the library. The non-functioning compact shelving now houses less frequently used materials such as older U.N. documents in permanently open ranges. Planning is underway for the possible renovation of the first floor of the library that may entail the replacement of the non-functional compact shelving with new fixed or moveable shelving.

The library has seating for approximately 689 users which appears adequate for student study and research needs. The space is well-lighted and comfortable.

C. Library services

The staff of the Moritz Law Library is uniformly praised by faculty and students for its innovative and helpful services. That the staff does so much with so few personnel resources speaks well of its abilities and commitment to the college of law, as well as the library administration support for these efforts. The following paragraphs briefly describe some of the services provided to the college of law by the law library.

The library provides a range of reference and reference-related services. In addition to traditional walkup reference services the reference librarians also provide more comprehensive one-on-one reference assistance to faculty, research assistants, and students. The library also provides "chat" reference in conjunction with the university library to students and faculty at other member OhioLINK institutions; in fall 2004 this service was extended to include a "law queue" for OhioLINK patrons with legal reference questions.

The library recently revitalized its faculty liaison program and now pairs each faculty member with a reference librarian who can provide targeted research support for the faculty. Librarians in the liaison program also provide assistance to the student journals, student groups and select administrative departments in the college of law. The library's orientation program for new faculty recently was revised and provides new faculty a variety of materials to make their use of the library and its services more efficient.

The librarians play a substantial role in the educational mission of the college of law. The reference librarians and the Associate Dean for Information Services teach the required first semester legal research course (which is paired with a small-section substantive course). Several librarians also teach a range of upper division for-credit courses such as Advanced Electronic Legal Research and Foreign, International, and Comparative Law Legal Research. The Associate Director serves as a supervising attorney in the college of law alternative dispute resolution Mediation Practicum one semester per year.

The librarians also offer a number of less formal instructional services. At the request of faculty, they will give research presentations in substantive courses. They also offer a series of popular sessions about searching the Internet and using the electronic resources available through the library as well as through lunchtime presentations to students on a variety of practical research topics including Research Tips for Summer Associates and Cost-conscious Legal Research. According to the librarians the presentations are popular and well-attended.

The library staff also assist faculty with developing course web pages (the topic of course web pages is addressed below in the technology section) and providing training courses on some of the popular software packages used at the college of law such as PowerPoint and Eudora.

The library has instituted a number of services to make the resources of the law library and other libraries more accessible to faculty and students. The faculty phone page is a new service. Library staff will retrieve or photocopy materials that are not available in electronic format from any OSU library for faculty thus helping the library meet its service goal of supporting faculty scholarship. The phone page services also are useful given the increased importance of interdisciplinary research at the college of law.

The library also has created a useful and informative webpage. It publishes a new acquisitions list on the web page and provides research guides in a variety of areas as well as links to both licensed and free materials of interest to faculty and students.

D. Library administration and autonomy

The law library is fully autonomous from the university library and the Associate Dean for Information Services reports directly to the dean of the college of law. The law library's budget is prepared by the Associate Dean for Information Services and submitted to the University administration as part of the College of Law budget.

The directors of the law library, university library, and health science libraries meet on a regular basis to discuss matters of common interest; relations among the directors and their respective staffs are good. The three libraries share an integrated library management system that requires cooperation among the libraries in setting policies and procedures; the law library reports that it is fully involved at all levels of decision making regarding the integrated library system.

Law library policies are set by the Associate Dean for Information Services and his staff in consultation with the dean. Faculty consultation on library matters is sought both through the college of law's Administration Committee, a committee comprised of the dean and the four associate deans who report to her and, as appropriate, through consultation with faculty. Comments solicited from the faculty during the site visit indicate they believe communication with the library is good.

E. Director and other library personnel

The library director is selected by the faculty and the dean of the college of law. The Associate Dean for Information Services, who holds both a J.D. and an M.L.S. is a tenured member of the college of law faculty at the rank of full professor. The Associate Dean administers the law library and also administers computing services and is responsible for security and long-term issues and projects involving the physical plant. Additionally, he teaches a variety of courses including, Legal Research; Legal Writing and Analysis; Property; as well as Wills, Trust, and Estates (although not all courses are taught in the same year). The Associate Dean for Information Services is assisted in the administration of

the library by Carole Hinchcliff, the Assistant Director, who has both law and library degrees.

The law library is divided into four departments: Administration; Circulation/Audio Visual Services; Reference; and Technical Services, and staffing levels have remained constant since the last inspection: 8.75 FTE librarians (including the director) and 10 support staff. A .75 FTE catalog librarian position will be eliminated at the end of the current fiscal year with the funds used to support the third full-time position in the Systems Office (IT). The Circulation/Audio Visual department is headed by Alice Bell, a librarian, who is assisted by three full-time staff and student workers. The Reference department is headed by Katherine Hall, who is assisted by three additional librarians; at the time of the site visit one reference position was vacant but had been advertised. The Technical Services department is headed by Mary Rider, who is assisted by 6.75 staff (one of whom holds the .75 FTE catalog librarian position that is ending this year) and student workers.

The library contracts with a library service firm to handle some loose-leaf filing and has, from time to time, hired temporary staff at the professional and support staff levels as needed. The library also hires students (preferably work study eligible) to work at the circulation desk and in technical services.

The director reports that the library has adequate staff to support the research needs of faculty and students although the librarians and some faculty have expressed an interest in hiring an additional reference librarian. Given the degree to which the reference librarians are involved in formal teaching as well as outreach, it is difficult to see how the reference department can continue to provide the high level of services it currently provides as the demands on the personnel increase. The director reported that given other demands in the law school it is not known when or if there will be resources available to fund the new position. This is an area that should be monitored closely by the Associate Dean for Information Services to avoid the possibility of any fall off from the high level of service the library currently provides faculty.

The law librarians are active professionally and within the law school. Within the profession they attend conferences, present papers, sit on committees, and publish in a variety of outlets, including *AALL Spectrum*, *Law Library Journal*, *Legal Reference Services Quarterly*, the *Student Lawyer*, and *Tax Notes*. This year the Associate Director is Chair of the Academic Libraries Special Interest Section of The American Association of Law Libraries. The library supports

professional development through release time and funding for travel and conference registration. Within the college of law, the librarians participate in College governance as members of most standing committees and attend faculty meetings, where they can vote on matters presented by the committees on which they serve. As noted above, the Associate Director also serves as a supervising attorney in the college of law alternative dispute resolution Mediation Practicum one semester per year.

F. Financial support for the library

The library's operational and acquisitions budget is funded from three principal sources. The largest share of the budget (approximately \$2,600,000 in FY2003) comes from a direct appropriation from the central University administration; a smaller amount (approximately \$132,000 in FY2003) comes from endowment income. Since the mid-1990s, the three university libraries receive annually a share of the University's trademark and licensing revenue. Most recently, the libraries have begun to receive a modest share of the indirect costs recovered by the University for sponsored research; in FY2003 that amounted to \$10,900.

Until this year, the three University libraries acquisitions budgets had been supplemented by centrally provided "index" funds that indexed increases in the acquisitions budget to match increase in the cost of library materials. This program was eliminated this year. Going forward, the library believes it has an adequate base from which to continue to support its collections, but it also realizes that without an additional infusion of new money the library's collection growth will be under pressure and that selected serial cancellations are likely. This is another area that should be monitored closely by the Associate Dean for Information Services in conjunction with the college of law administration and the faculty.

G. Computer technology and information delivery in the library

As a member of OhioLINK the law library shares the university library's Innovative Interfaces integrated library management system, including the online public access catalog known as OSCAR. The library pays an annual subvention of \$9,000 for this service with maintenance, upgrades, and support handled by the university Office of Information Technology and the university library.

Staff has networked computers on their desks and access to the software packages they need to perform their tasks; computers and printers appeared up to date. Students have access to two computer labs in the library which have approximately 55 computers between them; one is used as an instructional facility. The students appear to use the computer as a backup to their own laptop computers and for printing; the college of law reports that students rarely have to wait for a computer except during exams. High speed networked printing is available to students for a fee of 5 cents/page (there is no charge for Lexis and Westlaw printing); students can use their OSU ID cards to pay for printing. The library has an adequate number of public access computers that can be used by patrons not affiliated with the college of law to gain access to the full range of electronic information resources and services provided by the library.

Wireless network connections are available throughout the library (and, in fact, the entire law school). To ensure network security and to limit access to the network to those affiliated with the law school, students and faculty wishing to use the wireless network must register their MAC address with the college of law Systems Office, a procedure that seems time intensive when other methods of dynamically authenticating users to a network are available and in use in other law schools.

VIII. TECHNOLOGY RESOURCES

A. Adequacy of computer technology and information resources for the administration of the school and its programs

Information technology support in the college of law is provided by the Systems Office, which consists of three full-time employees who report to the Associate Dean for Information Services. The Systems Office receives some assistance from the university's Office of Information Technology (smart classroom design; network and security consulting support; and 10 hours/week help desk assistance). The Office of Information Technology also provides the college of law its email and Internet services as is the model at most other institutions.

At the time of the last visit, there appeared to be some dissatisfaction by faculty and staff with the level of support they received from the Systems Office