

## Louisiana Law Review

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THE LIBRARIES OF THE LEGAL PROFESSION, by William R. Roalfe. West Publishing Company, St. Paul, 1953, pp. 471. \$6.00.; EFFECTIVE LEGAL RESEARCH, A PRACTICAL MANUAL OF LAW BOOKS AND THEIR USE, by Miles O. Price and Harry Bitner. Prentice-Hall, New York, 1953, pp. 633. \$10.00.

Kate Wallach

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strays on the public highways, and, finally, a caution to all farmers on their duty to be careful.

Professor Beuscher has done an excellent job and has made a significant contribution in an area long neglected. This book has no pretensions as a law book for use by law students. It should be in every law and agriculture library, and those persons who teach in this field in our agricultural colleges would be remiss in their duty to their students if they adopted a text without first seriously considering this splendid book.

I have one criticism which I hesitantly offer, perhaps because the problem is relatively local in nature, and that concerns the leasing of farm land for oil and gas exploration and development. Many of our primarily agricultural states are vast reservoirs of oil and gas. These minerals underlay thousands upon thousands of acres of valuable farm land. Countless questions are raised by farmers, including what are the effects of the execution of an oil and gas lease, what are mineral rights, and how do administrative regulation of these minerals affect the farmer. I raise this problem only because there appears to be a need for a dissemination of information among those persons owning large land areas and predominantly those persons making up our farming community. I will add, however, that these materials can be included in a discussion of the farm lease by the teacher.

*Arthur B. Custy\**

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EFFECTIVE LEGAL RESEARCH, A PRACTICAL MANUAL OF LAW BOOKS  
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Hall, New York, 1953, pp. 633. \$10.00.

Within a short period of time two distinguished law librarians have completed works of importance to the whole legal profession. As the law teacher is sometimes looked upon as a specialist sitting in an ivory tower, so the law librarian is often considered a caretaker rather than a respected member of the legal profession. The authors of the two books reviewed destroy any remaining notions about the custodial type of a law libra-

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rian. Both authors, and also Mr. Price's collaborator, Harry Bitner, hold law degrees. They have made innumerable contributions in the law library field and through it to the legal profession. The members of the law library profession owe them as men and as teachers thanks for inspiration and advancement. An extensive review of the two publications may be welcome by those lawyers interested in law books and law libraries.

The Survey of the Legal Profession under the auspices of the American Bar Association is nearing its completion. About one hundred and fifty individual reports have been rendered in article and book form, covering broadly the following six divisions: 1. Professional services by lawyers and availability of services; 2. Public service by lawyers; 3. Judicial service and its adequacy; 4. Professional competence and integrity; 5. Economics of the legal profession; 6. The organized bar.<sup>1</sup>

One of the studies, in the fourth division, in book form, is William R. Roalfe's *The Libraries of the Legal Profession*. Mr. Roalfe was a practicing attorney before he entered his career as a law librarian at the University of Southern California. For a number of years, he was law librarian and professor of law at Duke University. During the war he served as an attorney in the federal government in Washington, D.C. Since 1946, he has been law librarian and professor of law at Northwestern University, Chicago. He is thus well qualified to survey and to lead the way to future development in his chosen profession. He gives a comprehensive picture of law library service in all its aspects, which is based on questionnaires sent to 501 law libraries, on separate questionnaires addressed to individual staff members of each of these libraries, on personal inspection of 94 libraries in 10 states and on extensive correspondence (2,000 letters) in addition to information available in print. Unfortunately, only 178 library and 268 individual answers to the questionnaires were received. Mr. Roalfe presents the results of his study in 16 chapters on 427 pages. He discusses the geographic distribution of law libraries and books, the distribution of service by types of law libraries. He analyzes the factors that all law libraries have in common: book collection; quarters, furniture and equipment; staff and services. He distinguishes the law libraries by types: law office, company, county, state, court, federal and state, fed-

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1. A bibliography of one hundred and fifty reports prepared by Reginald Heber Smith appears in the Appendix of Roalfe's book.

eral departmental and administrative agency, association law libraries. The law school libraries are "considered only to the extent that they are an essential part of the general picture or because the specific problem involved cannot be understood without doing so." (p. 4) The late Professor Eldon R. James was to survey all law libraries. It is understood that a survey of the law school libraries will be made in the future.

The vast amount of detailed information is distributed among text and tables. Tables I and II show growth of book collections; III and IV geographical distribution of law libraries; V and VI the relationship between lawyers and law books in the 48 states; VII types of libraries; VIII-XVII law library staff data. Between 1912 and 1950, 106 new libraries were established. In 1912, there were 9 libraries with 75,000 volumes or more; in 1950, there were 65. Both the Louisiana Law Library and the Louisiana State University Law Library are mentioned in this last category. The average annual growth of collections has doubled in the period 1934-1950 as compared with that of 1912-1934. The number of persons engaged in law library work has also increased correspondingly from 506 in 1912 to 1,156 in 1950. Based on 1950 figures, Louisiana is shown in tables V and VI to have 3,051 lawyers with a fairly even distribution in cities over and under 200,000 population. There were 260,328 law books in the state, or 85 books per lawyer; 168,676 books, or 120 books per lawyer, in cities over 200,000 population (New Orleans) and 91,652 books, or 56 per lawyer, in the rest of the state. The number of books per lawyer for the entire United States was 94.41; in cities with over 200,000 population 92.67, and 96.44 under 200,000. There were 368 law libraries in the United States of which 216 were county, 137 law school, 57 office, 25 company, 131 court and 72 miscellaneous libraries. Louisiana is listed with 6 law libraries.

Over many years, Mr. Roalfe has striven hard to improve the condition of the law librarian and to gain financial support for the maintenance of adequate law library facilities. He emphasizes the interrelationship between the bar and the law librarian, the services the library profession can and does render to and the need for these services by the bar, the bench and federal and state officials. He is not satisfied with merely stating facts and figures. He presents suggestions on how to perfect the relationship between the members of the two professions and on how to improve services. One of the outstanding contributions in Roalfe's

survey is the chapter on cooperation. He first points out some reasons for lack of cooperation (law libraries are highly specialized libraries, usually created to serve rather limited groups of persons to whom alone they are responsible; the basic collection must be kept intact at all times; there is involved institutional jealousy; the libraries are widely separated; limitations are imposed because of inadequate staffs). Then he discusses types of possible cooperation (informal exchange of information, exchange of services, interlibrary loans, photostating service, coordination in development of collections by dividing fields of interest and acquisition of little used and expensive materials or incomplete serials). He concludes with a discussion of the benefits derived from cooperation: It will insure a more diversified combined book stock than would otherwise be possible. While the initial cost of the books is the most obvious saving, there is also a hidden saving in book selection, acquisition, processing, housing and servicing cost. In the Southeastern region, a cooperative program as advocated by the author was initiated when the law school librarians of this region took steps toward the establishment of a Southeastern chapter with the view of developing a coordinated acquisitions program for the law school libraries within the region.

Mr. Roalfe further advocates collaboration on a state-wide basis. While there is "nothing novel about the idea of statewide library service, . . . the conception has as yet found little application to legal materials." (p. 382)

For organized groups, such as the American Association of Law Libraries, Mr. Roalfe suggests an expansion of programs with additional support from bar associations. Particularly mentioned are bibliographical projects. The *Index to Legal Periodicals* could be improved, since there is a remarkable increase in the use of legal periodicals by practicing attorneys. A number of older publications and checklists need to be brought up to date (e.g., *The Index to State Bar Association Reports and Proceedings*). New fields are constantly developing for which literature is not sufficiently accessible, as e.g., legal aspects of local government. There is as yet no comprehensive bibliography of American law. These desirable and necessary bibliographical tasks are of such magnitude that they cannot be performed on a voluntary basis by individuals in full-time jobs, but need financial support from the professions which they will ultimately benefit.

Among the professional contributions of the American Association of Law Libraries stands out its assistance to law libraries which operate in complete isolation and its attempts to raise the level of their performance, as well as the help extended to members of the bar in establishing law library service where none existed before. Undertakings of this kind require cooperation from the local bar associations. The younger members of the bar and attorneys in rural areas cannot afford comprehensive office libraries.<sup>2</sup>

Mr. Roalfe concludes his study with an appeal to the legal profession. "It should at the very least (1) have a general understanding and appreciation of the role of law library service in the work of the profession. . . (2) it should take seriously the power of appointment (and the salary scales may be the decisive factor) because the qualification of those who are appointed to the library positions largely determine the quality of the service provided and (3) it should assume a greater responsibility for the financial support of its own library service." (p. 426) "What lawyers should keep clearly in mind is the fact that law librarianship has as its sole objective service to the bar itself in an area that is becoming increasingly important. Furthermore, a moment's reflection on the broad area of interests with which lawyers are concerned on behalf of their clients will make perfectly evident the fact that law librarianship is neither a shallow nor a narrow specialty and that the service will fail in part at least if it is so conceived either by the law librarians themselves or by the members of the bar." (p. 427)

It is hoped that Mr. Roalfe will be rewarded for his labors on behalf of the law library profession by sympathetic readers who will bring about a better understanding between law librarians and practitioners to the mutual advancement of both professions.

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2. "When all that is needed and all that is lacking is the tools of his profession, a young, ambitious and yet idealistic lawyer, and usually with limited funds, with a client with a righteous cause, is in a pitiable plight, to say nothing of the unconscious client." Barns, *How to Procure a Law Library for the Bench and Bar*, 19 Fla. L.J. 265, 267 (1945).

"The average young lawyer is unable to buy a working library, and he hesitates to ask library privileges of the established lawyer." Hinshaw, *The Young Lawyer and the Future*, 40 Ill. B.J. 253, 254 (1952).

For those interested in building cooperative libraries, see Putnam, *County Law Libraries in Kansas*, 22 J.B.A. Kan. 112 (1953).

I love vast libraries; yet there is a doubt  
If one be better with them or without—  
Unless he use them wisely, and, indeed,  
Knows the high art of what and how to read.

—J. G. SAXE, *The Library*

Who would be more qualified to guide the legal profession to its tools of the trade than the dean of law librarians, Miles O. Price, and his associate librarian, Harry Bitner, both of Columbia University Law Library? If the lawyers do not avail themselves of this new and comprehensive manual, *Effective Legal Research*, it is not the fault of the authors. Neither the law student nor the practitioner spends enough time on learning the know-how to use law books. Many believe that they can get along without technicalities. Few will ever be able to practice without occasional resort to more than reports, statutes and digests. Much valuable, expensive time is lost quite frequently by the helpless practitioner confronted with an unfamiliar legal subject.

*Effective Legal Research* embodies the authors' wide experience with students and practitioners alike. It represents a life time's endeavor to familiarize lawyers with the intricacies of solving their problems. The work combines various types of books on legal bibliography. In the first part, the functions of legal literature are explained. A modern feature is the emphasis on statutes and administrative law which are described much more extensively than was the case in older texts. There are chapters on types and importance of legislation. The use of legislative histories is discussed, how to work with federal and state legislation. Tables and indices, baffling tools, when one has to struggle through them, are explained. While throughout the first part the purpose of the various research aids is illustrated, a special twenty page section coordinates the different research techniques. This is one of the most important and useful parts of the work. Of equal importance is a fifty page Standard Legal Citation Manual with its own index. The second part of the book is a bibliographical manual which consists of American Law Reports, including federal administrative decisions; a complete list of Anglo-American Periodicals and over one hundred pages of abbreviations commonly used in Anglo-American law. For the benefit of the law student a form of an appellate brief and an office memorandum are included. There is a comprehensive alphabetical subject index.

It can easily be seen that this is not a book which one would want to read from cover to cover. It is a research tool to which the lawyer and the librarian will turn when occasion arises. Its chief aim is to facilitate research. If one heeded the advice contained between its covers, no time would be wasted in solving any kind of problem. For those not yet too familiar with the various approaches to federal, administrative and statutory law, the book is particularly recommended. It will take patience, however, to absorb what the authors have to say.

To those who, in their student days have been subjected to a course in legal bibliography, the book will be helpful in learning it all over again.

*Kate Wallach\**

GOVERNMENTAL LIABILITY, by H. Street. Cambridge University Press, Cambridge, 1953. Pp. 221. \$5.00.

Contacts between citizen and government, like contacts between citizen and citizen, necessarily involve within them the possibilities of friction and disagreement. If a citizen's dispute with his government cannot be settled amicably, what rights does he have of redress? Because of the doctrine of sovereign immunity, spawned by the English monarchical system, and imported illogically into American legal thought, a citizen of this country can sue his government *only* if his government *consents* to be sued. That this should be the law in a land of representative and responsive government is a frightening fact. Fortunately the rigors of the rule have been gradually softened by congressional consent to be sued in particular areas. The Federal Tort Claims Act of 1946 represents a very tardy but substantial achievement in man's fight for responsible government. But, as is incisively shown in this little book, there is much that remains to be done—not only in this country, but in the rest of the world as well.

This book is the fourth in a series sponsored by the Cambridge Studies in International and Comparative Law.<sup>1</sup> Their publications should meet with particular interest here in Loui-

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1. The following volumes were previously published: H. C. Gutteridge, *Comparative Law* (1946); J. Mervyn Jones, *Full Powers and Ratification* (1947); H. Lauterpacht, *Recognition in International Law* (1947).