

WORK HARD AND DIE POOR: THE HISTORY OF LAW LIBRARIES IN INDIANA

LEE R. LITTLE, JD, MLS*

Printed legal materials have been utilized by practitioners since the dawn of the Anglo-European legal system in what is now the United States. When Indiana was opened for settlement, attorneys and judges brought their private libraries to the state. These initial collections were much smaller than the robust and extensive law libraries that existed in the state prior to the advent of digital legal resources. This paper tracks the development of law libraries in Indiana from the territorial period through the present day, along with the social and economic trends that impacted library development.

TABLE OF CONTENTS

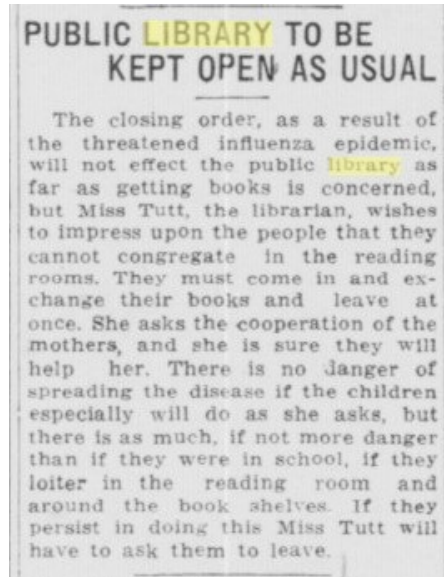
- I. A Note About COVID-19
- II. Territorial Law Libraries: Before 1816
 - A. *Early Printing*
 - B. *Judges*
 - C. *Attorneys*
- II. Early Statehood: 1816–1851
 - A. *Context and Public Law Library*
 - B. *Judges*
 - 1. *Supreme Court*
 - 2. *Attorneys*
 - 3. *Fire*
 - 4. *County*
 - 5. *Academic*
- III. War and Peace: 1851–1900
 - A. *Context*
 - B. *Bobbs-Merrill*
 - C. *West Publishing*
 - D. *Burns Statutes*
 - E. *Attorneys and Firms*
 - F. *Fire and Value*
 - G. *State Law Library*
 - H. *Courts*
 - I. *Bar Associations*
 - J. *Academic*
 - 1. *Bloomington*
 - 2. *Indianapolis Schools*
 - 3. *DePauw*
 - 4. *Valparaiso*
 - 5. *Notre Dame*

* Research and Instructional Services Librarian, Ruth Lilly Law Library, IU Robert H. McKinney School of Law.

- K. *Prisons*
- L. *Librarians*
- IV. The Long Decline: 1900–1972
 - A. *Legal & Library Education Changes*
 - B. *Librarians*
 - C. *Fire*
 - D. *Bar Associations*
 - E. *County Courts*
 - F. *Supreme Court*
 - G. *Academic*
 - 1. *Bloomington*
 - 2. *Indianapolis*
 - 3. *Valparaiso*
 - 4. *Notre Dame*
 - 5. *Other Schools*
 - H. *Attorneys/Firms*
 - 1. *Tsundoku Period: 1973–Present*
 - I. *Lexis*
 - J. *Abolition of Indiana Reporter*
 - K. *Attorneys & Firms*
 - L. *Bar Associations*
 - M. *Courts*
 - N. *Prisons*
 - O. *Academia*
 - 1. *Notre Dame*
 - 2. *Indiana University—Maurer*
 - 3. *Indiana University—McKinney*
 - 4. *Valparaiso*
 - 5. *Indiana Tech*
 - P. *Librarians*

I. A NOTE ABOUT COVID-19

The shift toward electronic law libraries was hastened in March 2020 by lockdowns related to the global COVID-19 pandemic. Legal professionals were forced to rely on digital materials almost exclusively, and many official print publications of resources were delayed by long periods, though digital versions kept pace of newly released documents. While the history of this pandemic is still being written, a look at the Spanish Flu pandemic of 1918–1920 may be instructive. Libraries across the state were subject to closures to help reduce exposure and spread, but made great efforts to stay open for patrons, as this clipping from the South Bend News-Times in October 1918 illustrates:



1

No record of any law library closures has survived, likely due to their nature as members-only, court-related institutions. The development of law libraries in Indiana necessarily involves a discussion of related industries, including the legal field, publishing, professional education, and transportation, as well as social currents such as gender, race, class, and issues of access to justice. Despite being a major disruptor, plague and pestilence have historically not directly affected law libraries for reasons discussed in this Article.

II. TERRITORIAL LAW LIBRARIES: BEFORE 1816

A. Early Printing

The first white colonizers began arriving in what is now Indiana in 1679, when French trappers began exploiting the natural resources of the densely forested region and trading with members of resident Native American tribes.² At the time, the settlements were camps or small stockades built primarily for protection and shelter; any legal disputes would have been resolved in the far-off centers of territorial power, such as Montreal or New Orleans.³

Early white settlement of Indiana was concentrated in small settlements along the Ohio River and on the Wabash River at Vincennes, which served as capital

1. Photograph of Newspaper Article, *Public Library to Be Kept Open as Usual*, S. BEND NEWS-TIMES, Oct. 11, 1918, at 7.

2. *Early History of Indiana to 1779*, HIST. MUSEUM, <https://www.historymuseumsb.org/early-history-of-indiana-to-1779/> [<https://perma.cc/W2RJ-JLHN>] (last visited Oct. 28, 2022).

3. *Id.*

of the Indiana Territory from 1800 until 1813.⁴ The territory lacked representation in Congress but was equipped with the three branches of government typical to the American system: executive, legislative, and judicial.⁵ Each branch created its own set of laws, which were compiled and printed in a variety of forms (it is important to note that the first printing press in the territory was not constructed until 1804).⁶ Elihu Stout—a transplant from New Jersey to Vincennes—answered a \$500 call from Governor William Henry Harrison to publish the laws of the territorial and federal governments.⁷ Prior to this, materials were shipped to Kentucky for printing.⁸ Early materials were typically published for dissemination and bound later, creating a gap between publication and distribution.⁹

B. Judges

Despite the lack of local presses, law libraries of some form existed in the territory. Many of the men who comprised territorial government were trained as lawyers.¹⁰ Among them was William Clarke, who served as the first Chief Justice of Indiana Territory in Vincennes from 1800–1802.¹¹ Upon appointment, Justice Clarke moved from Bourbon County, Kentucky, to the Indiana territorial capital—some 200 miles—with all his material possessions, including some ninety volumes.¹² Fitting for a man of his position and training during the early days of the American republic, Clarke’s library contained volumes on the following topics, among others: federal law, presidential messages, territorial law, English law, natural law and philosophical works, history, and various works on religious history.¹³ Those volumes allowed the frontier judge to properly educate

4. *Id.*; see also *Vincennes: Indiana State Museum and Historic Sites*, IND. MUSEUM, <https://www.indianamuseum.org/historic-sites/vincennes/> [https://perma.cc/6SS6-P4WQ] (last visited Oct. 28, 2022).

5. *Act Creating Indiana Territory 1800*, IND. HIST. BUREAU, <https://www.in.gov/history/about-indiana-history-and-trivia/explore-indiana-history-by-topic/indiana-documents-leading-to-statehood/act-creating-indiana-territory-1800/> [https://perma.cc/8J83-VNEN] (last visited May 17, 2023).

6. Douglas McMurtie, *The Printing Press Moves Westward*, 15 MINN. HIST. 1, 13 (1934), <http://collections.mnhs.org/MNHHistoryMagazine/articles/15/v15i01p001-025.pdf> [https://perma.cc/XS78-QQ3F].

7. Jess Cohen, *Indiana’s First Paper Published in Vincennes*, HOOSIER STATE PRESS ASS’N (Sept. 28, 2016), <https://www.hspa.com/indianas-first-paper-published-in-vincennes> [https://perma.cc/6WG2-NRUJ].

8. *Id.*

9. *Id.*

10. Michael H. Harris, *The Frontier Lawyer’s Library: Southern Indiana, 1800–1850, As a Test Case*, 16 A.J.L. HIST. 239, 240 (1972).

11. Clarence E. Carter, *William Clarke, First Chief Justice of Indiana Territory*, 34 IND. MAG. HIST. 1 (1938).

12. *Id.* at 1-2; see also Harris, *supra* note 10, at 242.

13. Carter, *supra* note 11, at 9-13.

himself on the legal principles underlying the disputes he presided over. Clarke's library was chiefly a private library that happened to be owned by a public official; it was compiled based on his individual preferences and interests and was not accessible to the public.¹⁴ Clarke's collection was likely a point of pride, as law books were quite expensive and inherently objects of conspicuous consumption that showed the status and knowledge of the owner. In this way, Clarke served as his own librarian and was responsible for collection development and maintenance, though actual upkeep was likely delegated to the slaves and servants of his household.¹⁵

C. Attorneys

Lawyers of the territorial period were typically trained for the profession through an apprenticeship program known as "reading law."¹⁶ A young man would train under a local member of the bar, learning the practical aspects of legal practice specific to locality and reading books containing legal theory.¹⁷ Chief among these theoretical books were William Blackstone's *Commentaries on the Laws of England*, the first legal treatise on English common law.¹⁸ It is difficult to understate the importance of Blackstone's *Commentaries* in the development of American jurisprudence, but it was frequently cited by the United States Supreme Court in areas where precedent had not yet been established.¹⁹ The first American edition was published in Philadelphia in 1771–1772 as a four-volume set²⁰ and initially sold for \$2.²¹ After admission to the bar, newly-minted attorneys would be expected to purchase their own copies of the necessary laws and secondary sources, but supply chain issues and pricing often prevented many attorneys from amassing law libraries as large as Justice Clarke's ninety-odd volumes.²² However, Indiana's admission to the Union as a state in 1816 and an accompanying influx of additional settlers increased the need for attorneys and their libraries and an associated growth in legal material markets.²³

14. *Id.* at 8. Clarke was the Chief Justice of Indiana Territory, a public office.

15. Harris, *supra* note 10, at 242; *see also* Carter, *supra* note 11, at 8.

16. *Id.* at 242 n.9.

17. *Id.* at 242.

18. *Id.* at 249.

19. *Id.*

20. *Selected Editions of Blackstone's Commentaries in the Creighton Law Library Venteicher Rare Book Room Collection*, CREIGHTON UNIV. SCH. L., <https://culibraries.creighton.edu/rarebook/Blackstone> [<https://perma.cc/YLX4-HB4U>].

21. *Literature Just Published by Robert Bell*, PA. GAZETTE, Oct. 31, 1771, at 3.

22. Harris, *supra* note 10, at 242.

23. *Id.* at 251.

II. EARLY STATEHOOD: 1816–1851

A. Context and Public Law Library

Indiana was admitted to the Union in December 1816.²⁴ Early governance was concerned with matters of statewide importance, such as the writing of a constitution, creation of counties and related local governmental entities, and negotiation of treaties with local Native American tribes.²⁵ Only after matters of economy, infrastructure, and defense were duly handled did the young state government address the creation of a public law library.²⁶ The bylaws of the Public Law Library provided that it be a subscription-based library, with an annual subscription cost of \$10 to be assessed at each annual meeting.²⁷ The library was to be held at the seat of government, which was the river town of Corydon from 1813–1825.²⁸ The bylaws also indicated that the library could only become incorporated following the admission of ten members; this threshold was met in 1824, and the legislature passed a law granting the library legal existence early in its term.²⁹ Henry P. Coburn, an early lawyer and territorial leader, was named as the first librarian with an annual salary of \$100.³⁰ This Public Law Library “located at the seat of government” was consolidated with the state library in 1848, following a bill by State Senator Godlove S. Orth.³¹

Given the importance and expense of law books at the time, it was commonplace for the private libraries of attorneys to be sold or bequeathed at the death of their owner.³² Newspaper advertisements from the earliest days of statehood contain notices of auctions and bequests of “fine and well-selected law libraries.”³³ Indianapolis gained prominence during this period, following its establishment as a city in 1820, then state capital in 1825.³⁴ The first

24. Andrew Glass, *Indiana Admitted to Union as 19th State, Dec. 11, 1816*, POLITICO (Dec. 11, 2012) <https://www.politico.com/story/2012/12/indiana-admitted-to-union-as-19th-state-dec-11-1816-084862> [<https://perma.cc/WW5Z-LAPZ>].

25. Logan Esarey, HIST. IND. 223 (1914), <https://babel.hathitrust.org/cgi/pt?id=uc1.b3621162&view=1up&seq=239> [<https://perma.cc/XZ7R-TB6B>].

26. Jacob P. Dunn, *The First Step Towards a Public Law Library*, 32 IND. MAG. HIST. 274 (1936).

27. *Id.* at 275.

28. *Id.* at 274.

29. *Id.* at 275.

30. Coburn was noted at the time as being an above-average lawyer with an above-average library in the new state; he moved to Indianapolis in 1824 and practiced law in addition to several other roles, including serving as an early and ardent supporter of the Indianapolis library. See JACOB P. DUNN, GREATER INDIANAPOLIS: THE HISTORY, THE INDUSTRIES, THE INSTITUTIONS, AND THE PEOPLE OF A CITY OF HOMES 857 (1910).

31. *Bills Passed*, IND. STATE SENTINEL, Dec. 23, 1848, at 3.

32. *Hubbard, Edmands & Co.*, WABASH COURIER, Oct. 17, 1833, at 3.

33. *See generally Notice*, IND. CENTINEL, Feb. 3, 1821, at 4.

34. *Hubbard, Edmands & Co.*, *supra* note 32, at 3.

advertisement concerning the availability of law books in Indianapolis is from October 1833, when a collection of law books was offered by Hubbard, Edmands, & Co.³⁵

B. Judges

The judges of this early period of statehood continued the trend set by Justice Clarke two decades earlier. Isaac Blackford,³⁶ the second Chief Justice of the state Supreme Court, was widely known for his massive library, said to contain more than 2,000 volumes.³⁷ Blackford's national reputation as a jurist was cemented by the publication of the first of eight volumes of *Blackford's Reports* in 1830.³⁸ These reports set the standard for case reporting in the country until the 1870s and were considered the superior authority of judicial opinions because of his attention to detail and style.³⁹ *Blackford's Reports* were not the first work to compile cases, but they were the most thorough and complete, prompting Supreme Court Librarian William W. Thornton to dub Blackford "Indiana's Blackstone" in 1931.⁴⁰ The Reports were cited over 9,000 times by various courts from 1830–1930, more than 4,000 times in the century since, and remain an important resource in the legal field today; indeed, the entire collection of Indiana Supreme Court opinions from 1817–1847 in both Westlaw and Lexis derive from *Blackford's Reports*.⁴¹ The first eight volumes covered 700 cases over thirty years—an average of just over twenty-three cases per year; by way of comparison, the Indiana Supreme Court released 924 opinions in 2020.⁴²

35. *Id.*

36. DUNN, *supra* note 30, at 716.

37. WILLIAM W. THORNTON, ISAAC BLACKFORD: THE INDIANA BLACKSTONE 57 (2005).

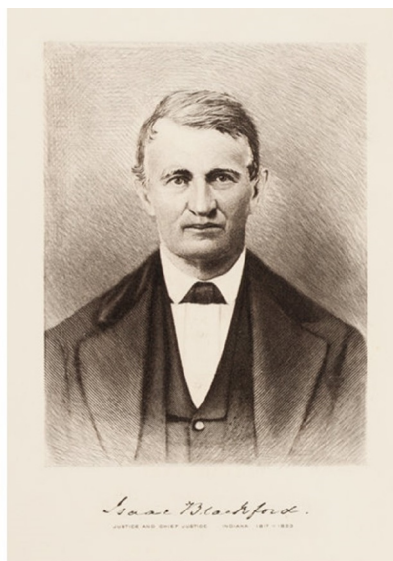
38. Suzann Weber Lupton, *Isaac Blackford: First Man of the Court*, 30 IND. L. REV. 319 (1997).

39. *Id.*

40. *Id.*

41. See generally, *Westlaw Precision Indiana State Cases Scope Information*, THOMSON REUTERS WESTLAW, <https://1.next.westlaw.com/Browse/Home/Cases/IndianaStateFederalCases/IndianaStateCases> [<https://perma.cc/XLK6-539U>], and *Lexis IN Supreme Courts Cases From 1817 Source Description*, LEXIS+, <https://plus.lexis.com/practice> [<https://perma.cc/J576-GNWH>].

42. See generally 1-8 Black. (1817–1848) and 141-160 N.E.3d (2020).



Imaged by Heritage Auctions, HA.com

*Likeness of Blackford*⁴³

1. *Supreme Court*.—The legislature passed a resolution in 1823 allowing for the state Supreme Court to purchase a law library.⁴⁴ In keeping with the custom of the time, the law library was likely located in the chambers of individual judges until 1837, when two rooms in the newly-constructed capitol building adjacent to the state library were provided for law books.⁴⁵

2. *Attorneys*.—Given the slow rate of publication of judicial opinions, libraries of lawyers and private partnerships were accordingly slow to grow during this period. The same trends of purchasing and gifting private libraries at the death of their owners continued, and large and complete libraries continued to be seen as a mark of status and legal ability.⁴⁶ During this time, the legislature passed what was known as the Ad Valorem Law of 1835, specifically listing privately-owned medical and law libraries, among many other business-related items of all fields, as subject to taxation.⁴⁷ In the first year, newspaper accounts detail the following counties and the taxes levied on law libraries: Wayne

43. *Photograph of Isaac Newton Blackford*, in *Isaac Newton Blackford*, IND. UNIV., <https://first200.iu.edu/honorary-recipients/blackford-isaac-newton.html> [<https://perma.cc/H4JB-2W5V>] (last visited May 17, 2023).

44. *House of Representatives*, *Western Sun & Gen. Advertiser*, Jan. 18, 1823, at 1, <https://newspapers.library.in.gov> [<https://perma.cc/8LFT-LBDQ>].

45. *Governor's Message*, *RICHMOND WEEKLY PALLADIUM*, Dec. 16, 1837, at 3, <https://newspapers.library.in.gov> [<https://perma.cc/5JYV-XDQK>].

46. Harris, *supra* note 10, at 242.

47. *Ad Valorem Law*, *CRAWFORDSVILLE REC.*, Apr. 18, 1835, at 1, <https://newspapers.library.in.gov> [<https://perma.cc/UM7P-H2K3>].

(\$1,015), Franklin (\$606), Switzerland (\$398), and Dearborn (\$15).⁴⁸ To provide some context, lawyers in Indiana at the time charged \$1 for legal advice and \$3 for a court appearance.⁴⁹ This tax remained in force until 1851, when medical and law libraries were specifically exempted from taxation.⁵⁰

3. *Fire*.—A particular danger to libraries of all kinds during this time was fire. Available newspaper records from this period account several catastrophic fires across the state, including an 1841 conflagration in Terre Haute that destroyed the law library of James Whitcomb, who would serve as Indiana governor from 1843–1848.⁵¹

4. *County*.—The state legislature carved out counties as a means to better govern the growing state and required that most counties have a seat of government located at or near the geographical center of the county.⁵² As populations in these areas grew, counties and municipalities began to establish libraries for use by local attorneys. These libraries would often draw the attention of disgruntled writers claiming to represent the everyman, citing them as examples of government favoritism of the ruling class and intellectual elites.⁵³ Conversely, commentators from Indianapolis were quick to point out that the growing city and capital of the state had no libraries of any kind, including a law library, while other cities had several; for instance, the cities of Madison and Bloomington both had public law libraries.⁵⁴

5. *Academic*.—The law school in Bloomington was established during this time, and cited access to the Bloomington law library as a selling point, implying that the school itself had no library.⁵⁵

III. WAR AND PEACE: 1851–1900

A. Context

Indiana adopted a new constitution in 1851 as a response to the state's financial crisis of the 1840s and a booming population.⁵⁶ Of note to this

48. *Id.*

49. Harris, *supra* note 10, at 248 n.21.

50. *Id.*

51. *Indiana Governor James Whitcomb*, IND. HIST. BUREAU, <https://www.in.gov/history/about-indiana-history-and-trivia/governors-portraits/list-of-governors/indiana-governor-james-whitcomb-1795-1852/> [<https://perma.cc/3EQC-RU5Y>] (last visited Jan. 18, 2023).

52. Stephen S. Visher, *The Location of Indiana Towns and Cities*, 51 IND. MAG. HIST. 341, 345 (1955).

53. *Monterey, California, Aug. 27, 1848*, IND. AM., Jan. 5, 1849, at 1. <https://newspapers.library.in.gov> [<https://perma.cc/969C-SAWY>].

54. Visher, *supra* note 52, at 345.

55. *University of Indiana*, BLOOMINGTON NEWS-LETTER, Sept. 2, 1854, at 3.

56. *See Constitution of 1851 As Originally Written*, IND. HIST. BUREAU, <https://www.in.gov/history/about-indiana-history-and-trivia/explore-indiana-history-by-topic/indiana-documents-leading-to-statehood/constitution-of-1851/> [<https://perma.cc/F2RA-245E>] (last visited Jan. 18, 2023).

discussion is the growth of the Supreme Court from three justices to five with mandated election of all justices, increased funding for public schools of all levels, and the shift in divorce laws that handed such proceedings to the courts.⁵⁷ These drives increased literacy and gave more Hoosiers opportunity to encounter the courts than before.

B. Bobbs-Merrill

Indianapolis became a major hub for transportation during this period, and many other industries developed as a result. Of note to this discussion is the growth of several publishing houses in the city, the largest of which was the Merrill Publishing Company, founded by attorney and politician Samuel Merrill in 1840.⁵⁸ After a series of mergers, it became known by its long-lasting name of Bobbs-Merrill, which persisted until 1985.⁵⁹ The company's offices on Washington Street in Indianapolis were struck by a devastating fire in 1890, noted for being the worst single loss of life in the history of the Indianapolis Fire Department.⁶⁰ Bobbs-Merrill was the largest private publisher west of the Allegheny Mountains for many years until 1958.⁶¹ The advent of the railroad situated Indianapolis and Bobbs-Merrill just a few days ride from large markets in the South and East and opened small county seats in Indiana to a deluge of law book salesmen.⁶²

C. West Publishing

A new national force that persists today exploded onto the scene during this time. John West, a publisher in Minneapolis, established a method for grouping and updating case opinions in 1876.⁶³ The history of West has been conveyed at great length elsewhere; but relevant to Indiana, the company introduced their Northeastern Reporter in 1885, with *Hedderich v. State* appearing as the first Indiana Supreme Court case in the first volume of the series.⁶⁴ Prior to the advent of systematized case reporters, courts would often reprint extraterritorial cases in

Article 13 of the Constitution barred the settlement of people of African descent. *Id.*

57. Val Nolan Jr., *Indiana: Birthplace of Migratory Divorce*, 26 IND. L.J. 515, 517 (1951).

58. Jack O'Bar, *The Origins and History of the Bobbs-Merrill Company*, U. ILL. GRADUATE SCH. LIBR. & INFO. SCI. OCCASIONAL PAPERS No. 172 (1985), at 3.

59. *Id.*

60. *Indianapolis Fire Department / Bowen-Merrill Fire*, IND. HIST. BUREAU, <https://www.in.gov/history/state-historical-markers/find-a-marker/indianapolis-fire-department-bowen-merrill-fire> [<https://perma.cc/4SJ9-EJ5Z>] (last visited May 17, 2023).

61. Joanne Landers Henry, *Bobbs-Merrill Company*, ENCYC. OF INDIANAPOLIS, <https://indyencyclopedia.org/bobbs-merrill-company/> [<https://perma.cc/37ZX-QHLG>] (last visited May 17, 2023).

62. *See id.*

63. Dwight Opperman, *West Publishing Company*, 11 LEGAL REFERENCE SERVICES Q. 23 (1992).

64. *Hedderich v State*, 1 N.E. 47 (Ind. 1885).

full in the text of the court's own opinion; this would ensure that the governing precedent was fully incorporated into Indiana's common law and would save libraries from needing to include reporters from outside Indiana.⁶⁵ Indiana attorneys were quick to incorporate West's Northeastern Reporter into their practice in addition to the official Indiana Reports, with newspaper accounts indicating that West's reporter was "taken by many lawyers" in the state by 1888.⁶⁶

Partially as a response to success of *Blackford's Reporters*, the 1851 Indiana Constitution required the General Assembly to "provide, by law, for the speedy publication of the decisions of the Supreme Court, made under this Constitution; but no judge shall be allowed to report such decisions."⁶⁷ An 1889 case discussing a separation of powers dispute confirmed that the court reporter—not the judges—was responsible for compilation and publication of case syllabi and publication.⁶⁸

D. Burns Statutes

Publication of the state's statutes often proved to be slow and incomplete. Judge Harrison Burns of the Marion County Superior Court was invited by Judge Byron Elliott of the state Supreme Court to revise the state's statutes in 1890.⁶⁹ The first edition of Burns Annotated Indiana Statutes was published by the Bobbs-Merrill Company in 1894.⁷⁰ Judge Burns's work is notable for being the first to provide case annotations for the state's statutes, allowing great insight into how specific sections are interpreted and constructed.⁷¹

65. One such case is *Bd. of Comm'r of Crawford Cnty. v. Louisville, New Albany, & St. Louis Air Line Ry. Co.*, 39 Ind. 192 (1872), which published in full *Land Grant Ry. & Trust Co. v. Bd. of Comm'r of Davis Co.*, 6 Kan. 256 (1870).

66. *The Supreme Court*, INDIANAPOLIS J., Oct. 16, 1888, at 7.

67. IND. CONST. art. VII, § 6 (as adopted 1851) (amended 1970).

68. *In re Griffiths*, 20 N.E. 513, 514 (Ind. 1889).

69. *Famous Author, Jurist is Dead*, INDIANAPOLIS STAR, Jan. 8, 1926, at 10.

70. *Id.*

71. *Id.*



*Likeness of Judge Harrison Burns in 1926*⁷²

E. Attorneys and Firms

Practices in acquiring law books by attorneys and firms continued in much the same manner as in early days of statehood, but the quantity of books necessary to provide adequate counsel increased. The private libraries of attorneys increased in value and size, often serving as a major portion of the attorney's estate.⁷³ Newspaper advertisements at the time often included prominent works and pleas by estate executors for the return of any and all volumes borrowed from the decedent's collection.⁷⁴

During the Civil War, law libraries played a minor role in the state's partisan tensions. Much of the state's electorate at the time held sympathies for the Republican party, but Rep. Daniel Voorhees of Terre Haute was a Democrat, an attorney, and a member of the anti-war faction in Congress.⁷⁵ Accusations circled that Rep. Voorhees was a member of a group called the Order of American Knights, which was one of several anti-Union groups in the western reaches of the state.⁷⁶ Tensions peaked in August 1864 when an office once occupied by Voorhees' law office was raided and dozens of copies of the Order's documents

72. *Photograph of Judge Harrison Burns, in Famous Author, Jurist is Dead*, INDIANAPOLIS STAR, Jan. 8, 1926, at 10.

73. *Notice*, IND. CENTINEL, Dec. 16, 1820, at 3.

74. *Executor's Sale*, IND. STATE SENTINEL, Nov. 18, 1852, at 3. <https://newspapers.library.in.gov> [<https://perma.cc/5F5N-VXBB>].

75. *D.W. Voorhees and the O.A.K.: Spicy Letter from Gen. Carrington*, RICHMOND PALLADIUM, Aug. 24, 1864, at 2.

76. *Id.*

were seized.⁷⁷ Most damning of all the circumstantial evidence was the presence of the offending pamphlets among Voorhees' law library.⁷⁸ Rep. Voorhees never faced legal repercussions for allegedly possessing the documents, and he went on to serve as senator from Indiana from 1877–1897.⁷⁹

F. Fire and Value

Fire continued to be a major danger to libraries of all kinds, with no fewer than twenty fires reported across the state.⁸⁰ These fires were often reported with both the insured and actual values of the lost collections; combined with the advertised prices for collections, it is possible to piece together the value over time for an adequate law library.⁸¹ Judge Bowman of Vincennes lost his personal library in April 1867, with an insurance valuation of \$2,000;⁸² the Supreme Court's library was insured for \$40,000 in 1874;⁸³ a "new and complete law library" was ordered by Bloomington attorney John East for \$260 in 1881;⁸⁴ the Vigo County Law Library Association was established in 1890 with \$5,000 in stock;⁸⁵ and in 1893 the Supreme Court's yearly budget for new books was \$4,000.⁸⁶

G. State Law Library

The state's law library began this period in need of major maintenance and was a subdivision of the state library.⁸⁷ State Librarian Gordon Tanner took out several advertisements in the mid-1850s to remind borrowers of their duty to return books or risk fines.⁸⁸ It was not uncommon for volumes to simply disappear and require replacement; a trend that continued well into the 21st Century.⁸⁹

77. *Id.*

78. *D.W. Voorhees and the O.A.K.*, *supra* note 75.

79. *Daniel Wolsey Voorhees*, IND. DEP'T ADMIN., <https://www.in.gov/idoa/statehouse/notable-heroes-in-sculpture/daniel-wolsey-voorhees/> [<https://perma.cc/9S26-EEFU>] (last visited Jan. 28, 2023). Of note to this discussion was his support for the construction of the Library of Congress' Thomas Jefferson Building constructed from 1888–1894. *See id.*; *History of the Library of Congress*, LIBR. OF CONG., <https://www.loc.gov/about/history-of-the-library/> [<https://perma.cc/6SLU-VJDA>] (last visited Jan. 18, 2023).

80. *See e.g.*, *Valuable Law Library Burned*, MUNCIE EVENING PRESS, Apr. 2, 1901, at 2.

81. *See e.g.*, *id.*

82. *Destructive Fire at Vincennes*, EVANSVILLE DAILY J., April 1, 1867, at 8.

83. *The Supreme Court*, INDIANAPOLIS NEWS, Apr. 18, 1876, at 2.

84. *John R. East*, BLOOMINGTON PROGRESS, Aug. 3, 1881, at 3.

85. *The Law Library*, TERRE HAUTE DAILY NEWS, Feb. 4, 1890, at 4.

86. *People's Hard Earned Cash*, INDIANAPOLIS J., March 8, 1893, at 5.

87. Sources from the period are often confusing, referring to the collection interchangeably as the "state law library" and the "supreme court library."

88. *State Library*, DAILY STATE SENTINEL, Oct. 30, 1855, at 3.

89. *See, e.g.*, *id.*

Complaints from Supreme Court justices regarding the lack of a library would occasionally appear in the court's decisions, such as *Woodworth v. Bowes*.⁹⁰ Among the primary legal issues in the case, the court admonishes attorneys for not using reported case opinions, relying instead on the digests.⁹¹ The exasperation of the writing justices is clear through time: "the state has not furnished her Court of last resort with a law library."⁹² It would be five years until the law library officially separated from the state library in 1859 by S.B. 41 which passed on February 24.⁹³ The legislature allowed the creation of a law library for the state Supreme Court in 1867⁹⁴ when it appropriated space and funds for the court to expand. A structure was built for the court on the statehouse grounds, which was utilized from 1867–1888.⁹⁵ The library in that temporary structure was cramped and inadequate for the needs of a growing collection.⁹⁶

By 1869, the law library had expanded to such a degree that it began to cause structural problems in the old judicial building; however, this was a merely symptom of underlying issues.⁹⁷ The statehouse was condemned in 1877 and replaced by the current statehouse edifice.⁹⁸ Construction on the new law library room was completed by the end of 1878, with the law library room described at the time as "twenty by forty-eight feet in size, and immediately south of it is a consultation room twenty by thirty-six and the librarian's room eighteen by twenty-five."⁹⁹ Shortly after the construction of the new facilities, the court issued new rules, including severe penalties for the removal of books in most circumstances.¹⁰⁰

90. *Woodworth v. Bowes*, 5 Ind. 276 (1854).

91. *Id.* at 278.

92. *Id.*

93. S.B. 41, 42nd Leg., Reg. Sess. (Ind. 1859).

94. *See* H.B. 220, 45th Leg., Reg. Sess. (Ind. 1867).

95. *Supreme Court*, IND. AM., Jan. 18, 1867, at 2.

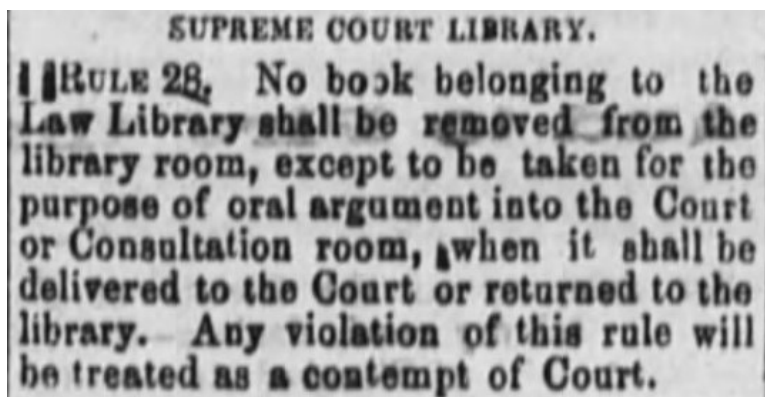
96. *See id.*

97. *See* Kaitlin Lange, *Indiana's Statehouse Isn't the State's First. Here's What Happened to the Others.*, INDYSTAR (Jul. 6, 2022, 5:37 A.M.), <https://www.indystar.com/story/news/politics/2022/07/06/indiana-statehouse-building-history/7496187001> [<https://perma.cc/PUL3-VUSQ>].

98. *See id.*

99. *The New State Building*, INDIANAPOLIS DAILY HERALD, Dec. 28, 1867, at 4.

100. IND. SUP. CT. R. 28 (1871).



101

The new library room was regarded by some as “a monument to the stupidity of the State House Commissioners, who were incapable of appreciating the scope and wants of a great law library, such as the state now has.”¹⁰² A veritable rabbit warren, the resources were arranged in such a way that obtaining books involved trekking across both rooms.¹⁰³ Commentators across the country remarked on how complete and well-developed the collection was, with complete sets of Appellate and Supreme Court reporters from all states; materials from Canada, England, Ireland, and Australia; and a vast array of session laws, which were noted as being difficult and expensive to obtain.¹⁰⁴ Librarian Hoyt McClain stated that the library purchased “every book on legal subjects printed in the English language” and had a budget to match, reaching \$2,000 annually during his tenure.¹⁰⁵

H. Courts

Judges at the county courts across the state continued the trend of maintaining private law libraries for their use when deciding cases. Marion County’s new courthouse had two rooms for the court’s library when it was constructed in 1869.¹⁰⁶ Judges in smaller counties often had their offices and private law libraries in blocks surrounding the courthouse.¹⁰⁷ As with the attorneys of the

101. Photograph of IND. SUP. CT. R. 28 (1871).

102. CHARLES W. TAYLOR, BIOGRAPHICAL SKETCHES AND REVIEW OF THE BENCH AND BAR OF INDIANA 162 (1895).

103. *Id.*

104. *Id.*

105. *Indiana’s Fine Library*, INDIANAPOLIS J., Aug. 4, 1901, at 16.

106. *The New Court House*, DAILY STATE SENTINEL, Aug. 4, 1869, at 4. <https://newspapers.library.in.gov> [<https://perma.cc/3JWR-GUB2>].

107. *Destructive Fire*, RICHMOND WEEKLY PALLADIUM, Mar. 3, 1852, at 2. <https://newspapers.library.in.gov> [<https://perma.cc/7C7W-BPXA>].

period, the libraries of judges were equally susceptible to fire, and many—particularly those outside Indianapolis—saw their offices and libraries go up in smoke during this period.¹⁰⁸ Particularly in larger cities across the state, court libraries were often subsumed into the libraries of their local bar associations.¹⁰⁹

I. Bar Associations

Given the huge expense of a complete collection of law books and the fact that law libraries were almost always private collections, groups of attorneys began to form societies to purchase and maintain collections for members.¹¹⁰ The earliest of these societies was established in 1871 in Indianapolis, bearing the name of Marion County Law Library and Bar Association.¹¹¹ The county had initially appropriated funds and space for a law library at the courthouse as an outgrowth of the court's collection for judges; however, the bar association – a private, members-only group—was granted permission to house its library in the publicly-funded courthouse library space.¹¹² The two libraries were officially consolidated in March of 1891.¹¹³ Though the name was altered over time, the Indianapolis Bar Association's law library persisted until 1996 when it was closed because of rising costs.¹¹⁴

Similar associations were established elsewhere in the state, often under the same conditions of subscription-only access. Randolph County (1883),¹¹⁵ Vincennes (1887),¹¹⁶ Vigo County (1889),¹¹⁷ Fort Wayne/Allen County (1891),¹¹⁸ Portland (1895),¹¹⁹ and Richmond (1898)¹²⁰ all established “law library and bar” associations.¹²¹ Randolph County, located on Indiana's eastern border, was

108. *Id.*

109. *Local News Notes*, INDIANAPOLIS J., Mar. 20, 1891, at 5.

110. *Minor Mention*, INDIANAPOLIS NEWS, Nov. 10, 1871, at 3.

111. *Id.*

112. *The Marion County Law Library*, INDIANAPOLIS NEWS, Dec. 6, 1894, at 12. <https://newspapers.library.in.gov> [<https://perma.cc/S4BS-TCQ4>].

113. *Local News Notes*, INDIANAPOLIS J., Mar. 20, 1891, at 5, <https://newspapers.library.in.gov> [<https://perma.cc/FK2R-5NJG>].

114. Mike Magan, *Blame it on Technology: IBA's Law Library Closing*, IND. LAW., Jan. 24, 1996.

115. *Minor Notes*, INDIANAPOLIS J., Mar. 5, 1883, at 2. <https://newspapers.library.in.gov> [<https://perma.cc/NE42-L375>].

116. *Indiana State Notes*, DAILY WABASH EXPRESS, Mar. 8, 1887, at 2. <https://newspapers.library.in.gov> [<https://perma.cc/9RNJ-JC3B>].

117. *The Law Library*, TERRE HAUTE DAILY NEWS, Feb. 4, 1890, at 4. <https://newspapers.library.in.gov> [<https://perma.cc/5G7K-SPHH>].

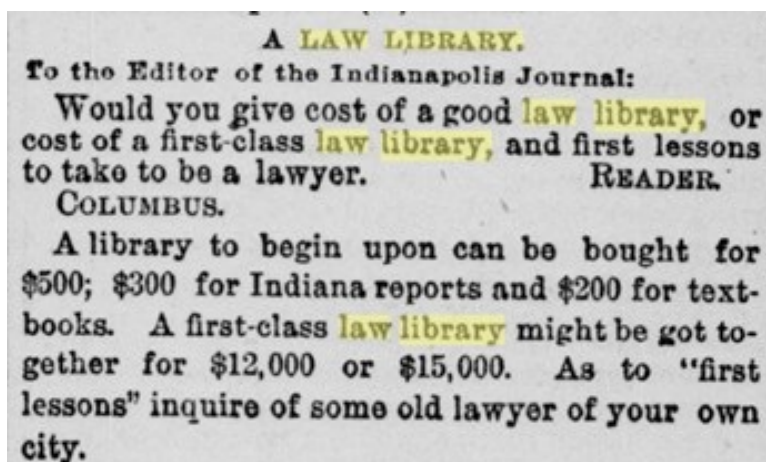
118. *Is In It Again*, FORT WAYNE NEWS, June 19, 1896, at 5.

119. *Portland Law Library*, INDIANAPOLIS NEWS, May 30, 1895, at 2.

120. *New Incorporations*, HAMILTON CNTY. LEDGER, Dec. 30, 1898, at 6.

121. *Minor Notes*, INDIANAPOLIS J., Sept. 10, 1886, at 3. <https://newspapers.library.in.gov>

particularly successful; newspaper coverage of the collection noted on several occasions that it had one of the finest collections in the state, with a value of \$4,000 in 1886.¹²² A letter to the editor and its response from the Indianapolis Journal in December 1885 reads as follows:



A LAW LIBRARY.
To the Editor of the Indianapolis Journal:
 Would you give cost of a good law library, or
 cost of a first-class law library, and first lessons
 to take to be a lawyer. **READER.**
COLUMBUS.
 A library to begin upon can be bought for
 \$500; \$300 for Indiana reports and \$200 for text-
 books. A first-class law library might be got to-
 gether for \$12,000 or \$15,000. As to "first
 lessons" inquire of some old lawyer of your own
 city.

123

J. Academic

Following the Civil War, there was a shift nationwide in approaches to legal education.¹²⁴ Universities and well-respected practitioners began offering law courses, prompting states to move away from the approach of "reading law" toward formalized legal education programs.¹²⁵ Indiana's law schools date back to the 1841, when former governor James Ray advertised a law school in Indianapolis and citing access to the public law library as a selling point, but closed shortly thereafter.¹²⁶

1. *Bloomington*.—The law school attached to what is now Indiana University in Bloomington was established in 1842.¹²⁷ Shortly after the establishment of the law school, the trustees of the University allotted \$100 for the purchase of law

[<https://perma.cc/U5TM-XJ37>].

122. *Id.* This calculation is based on information provided by the Federal Reserve Bank of Minneapolis, <https://www.minneapolisfed.org/about-us/monetary-policy/inflation-calculator/consumer-price-index-1800-> [<https://perma.cc/SL7S-5NBA>].

123. *A Law Library*, INDIANAPOLIS J., Dec. 13, 1885, at 4.

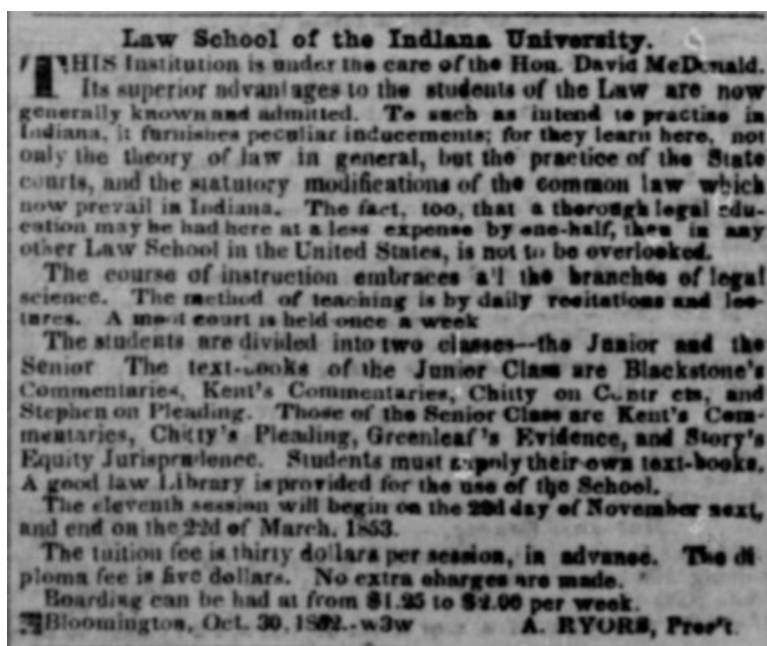
124. Robert B. Stevens, LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980s, 35-50 (2001).

125. *Id.*

126. *Law Institute*, IND. STATE SENTINEL, Aug. 15, 1843, at 4.

127. *Maurer School of Law, History*, IND. UNIV. BLOOMINGTON, <https://law.indiana.edu/about/history/index.html> [<https://perma.cc/2C77-Z6YV>] (last visited Jan. 18, 2023).

books.¹²⁸ The law school's collection was destroyed by fire in 1854 and again in 1883 when the university library that maintained the law library burned.¹²⁹ A new law library containing roughly 2,500 volumes opened inside a renewed school of law in 1889.¹³⁰ The library had nearly doubled in size by 1901 to include 4,500 volumes.¹³¹ Prior to 1908, the school's librarian was a student appointed by the dean rather than a trained professional librarian.¹³²



*Advertisement for the Bloomington law school from the November 18, 1852
Indiana State Sentinel including mention of “a good law library”¹³³*

2. *Indianapolis Schools.*—As the political and judicial center of the state, Indianapolis has long been a center for legal education, with newspaper accounts of the city's law libraries having to change their access policies due to throngs of law students inundating the collection and rendering it inaccessible to dues-paying members.¹³⁴ However, in the absence of existing formalized legal

128. LINDA K. FARISS & KEITH BUCKLEY, INDIANA UNIVERSITY MAURER SCHOOL OF LAW 105 (2019).

129. *Id.*

130. *Id.* at 106.

131. *Id.* at 106-07.

132. *Id.* at 108.

133. *Photograph of Advertisement for Indiana University Bloomington Law School, in Law School of the Indiana University*, IND. STATE SENTINEL, Nov. 18, 1852, at 3.

134. *Students at the Law Library*, INDIANAPOLIS J., Nov. 17, 1894, at 6.

education institutions the practicing attorneys of the time necessarily read law under practitioners or attended non-local law schools.¹³⁵ The earliest attempt at a law school in the capital was in 1858, when Northwestern Christian University (now known as Butler University) established a school of law.¹³⁶ This venture continued until 1863 when the school was reorganized and subsequently offered as an optional course of study outside the typical curriculum until 1875.¹³⁷ No record of the school's law library exists, though a mention in the school's early circulars indicate that the "extensive [l]ibraries of law . . . open to students at the State Capitol, form a strong inducement for students to attend here."¹³⁸

The Central Law School of Indiana was incorporated in July 1879.¹³⁹ Backed by prominent attorneys of the time including former Governor Conrad Baker, it was noted that "a diploma of the [school] will admit the holder to the bar of the United States Court without further examination."¹⁴⁰ Though the school's law library is not documented, it is likely that the students utilized the collections of Indianapolis-area attorneys and institutions. Newspaper accounts attest to the Supreme Court's librarian giving lectures to members of the school on various occasions in the 1880s, including a lecture on law reports and reporters in 1882.¹⁴¹ The final class of six graduated in April 1883.¹⁴²

Two private law schools were established in Indianapolis in the waning years of the 1890s: the Indiana Law School (1894) and the Indianapolis College of Law (1898). Information about the libraries of these institutions during this period has not been found, though they doubtless had libraries. These schools would play a vital role in the development of legal education and law libraries in Indianapolis to the present day.

3. *DePauw*.—During this period, DePauw University in Greencastle had a law school, though its growth and success appears to have been somewhat limited. A first attempt occurred from 1853–1862 and a second from 1884–1894 after the reorganization of the university.¹⁴³ No records detail the law collection from the school's first iteration, but the coursebooks listed in a history of the

135. Stevens, *supra* note 124, at 3-10.

136. Henry K. Shaw, *The Founding of Butler University, 1847–1855*, 58 IND. MAG. HIST. 232, 262 (1962).

137. Joan Cunningham, *Law Schools*, ENCYC. OF INDIANAPOLIS 898-99 (David J. Bodenhamer et al. eds., 1994), <https://indianamemory.contentdm.oclc.org/digital/collection/EOI/id/4144> [<https://perma.cc/BS4E-APN8>].

138. NORTH-WESTERN CHRISTIAN UNIV., CATALOGUE OF OFFICERS AND STUDENTS OF THE NORTH-WESTERN CHRISTIAN UNIVERSITY FOR THE SESSION 1858–1859 22 (1859), <https://digitalcommons.butler.edu/cgi/viewcontent.cgi?article=1004&context=histacbulletins> [<https://perma.cc/6N2N-KESV>].

139. *A New Law School*, INDIANAPOLIS NEWS, July 10, 1879, at 3.

140. *A Diploma of the Central Law School*, INDIANAPOLIS NEWS, Dec. 31, 1879, at 1.

141. *Supreme Court Librarian Heiner*, INDIANAPOLIS NEWS, Feb. 2, 1882, at 4.

142. *Shingles for Six*, INDIANAPOLIS J., April 11, 1883, at 7.

143. GEORGE B. MANHART, *DEPAUW THROUGH THE YEARS* 50 (1962), <https://palni.contentdm.oclc.org/digital/collection/dpub/id/84659> [<https://perma.cc/6VD6-QVJ6>].

institution are typical for the period, including Blackstone's *Commentaries* and the Indiana Statutes.¹⁴⁴ An 1881 bequest from former senator Henry Lane doubtless helped establish the collection of the second;¹⁴⁵ Lane's entire library was said to rival a similar gift to DePauw's main library of 4,500 volumes by the estate of Governor James Whitcomb in 1853.¹⁴⁶ The law library was officially established in 1890 when university trustees apportioned \$5,000 to grow the collection;¹⁴⁷ local attorneys were able to purchase membership for a yearly rate of \$25.¹⁴⁸ This success appears to have been short-lived, as the library was consolidated with the university's main collection in 1894 when the law school closed.¹⁴⁹

4. *Valparaiso*.—The Northern Indiana Law School was established in 1879 in Valparaiso.¹⁵⁰ Early accounts of the school indicate that the original two-story building contained a single classroom on one floor and a library on the other.¹⁵¹ The school advertised its collection as being “well selected” and available to all students in 1895.¹⁵²

5. *Notre Dame*.—The law school at Notre Dame University was established in 1869 and, similarly to other legal institutions around the state, suffered a devastating fire in 1879 that necessitated the school's hiatus until 1883.¹⁵³ After its rebirth, the school's library was stocked primarily from the personal collection of William Hoynes, a Chicago attorney who had been appointed as the chair of the school.¹⁵⁴ The library grew quickly, amassing nearly 2,500 volumes by 1889.¹⁵⁵

144. *Id.*

145. *Ex-Senator Henry S. Lane*, INDIANAPOLIS NEWS, July 9, 1881, at 4.

146. WILLIAM W. SWEET, INDIANA ASBURY-DEPAUW UNIVERSITY 1837–1937; A HUNDRED YEARS OF HIGHER EDUCATION IN THE MIDDLE WEST 68 (1937), <https://babel.hathitrust.org/cgi/https://perma.cc/9MY3-L87D>].

147. *Judge Downey's Successor*, INDIANAPOLIS J., Aug. 16, 1890, at 8.

148. *Of Interest to Lawyers*, GREENCASTLE BANNER, Sept. 11, 1896, at 2.

149. *News From DePauw*, GREENCASTLE BANNER, July 10, 1894 at 1.

150. Robert B. Stevens, *Law Schools and Legal Education, 1879–1979: Lectures in Honor of 100 Years of the Valparaiso Law School*, 14 VAL. U. L. REV. 179, 179 (1980).

151. Michael I. Swygert, *Valparaiso University School of Law, 1879–2004: A Contextual History*, 38 VAL. U. L. REV. 627, 673 (2004).

152. VALPARAISO UNIVERSITY, OLD SCHOOL CATALOG 1895, LAW SCHOOL 5 (1895), <https://scholar.valpo.edu/cgi/viewcontent.cgi?article=1047&context=oldschoolcatalogs> [https://perma.cc/5EP7-HYLC].

153. Thomas F. Konop, *History of the Notre Dame College of Law*, 6 NOTRE DAME L. REV. 5, 6–7, 12–14 (1930).

154. *Id.*

155. *Law Library History*, NDLSCHOLARSHIP KRESGE L. LIBR., https://scholarship.law.nd.edu/library_history/ [https://perma.cc/RC6S-H5ZQ] (last visited June 27, 2023).

K. Prisons

An important though often overlooked specialized law library that developed during this period is the prison library. To this end, Indiana's legislature first gave funding to the state penitentiary at Jeffersonville in 1859 to the tune of \$500.¹⁵⁶ Development occurred under the supervision of Rev. James Runcie, an Episcopal priest, who was concerned about the literacy and spirituality of the prisoners.¹⁵⁷ While there is no record of the contents of this early prison library, it is likely that most works were either explicitly or thinly-veiled religious works geared toward the perceived spiritual of the inmates. Law libraries in penal institutions would develop later and will be discussed later in this paper.

L. Librarians

The law librarians of the state law library were prominent figures in the legal and political scenes of their day.¹⁵⁸ At the time, the institution was run by only two employees: the law librarian and his assistant, often listed as a messenger.¹⁵⁹ If the complaints of the day are to be believed, both men viewed their positions as a place to learn the law on the taxpayer dime, often to the detriment of patrons.¹⁶⁰ They occupied a position that brought them into daily contact with attorneys, legislators, and judges, accompanied by a deep knowledge of both the collection and the law.¹⁶¹ Their pay, however, was not commensurate with their responsibilities and abilities, having been set by the legislature at \$1,200 annually in 1878;¹⁶² this would only be raised to \$1,800 in 1899.¹⁶³ These librarians often supplemented their salaries by providing citation checking help, writing books, and practicing law.¹⁶⁴ At the time, the library was led by John McNutt.¹⁶⁵ McNutt was an attorney and author, serving as supreme court librarian from 1893–1898.¹⁶⁶ During his tenure he provided legal advice on the side, but his

156. *Library for the Penitentiary*, DAILY STATE SENTINEL, Aug. 2, 1859, at 2.

157. See generally *Indiana History and Genealogy: Indiana Prisons and Hospitals for the Insane*, IND. GENEALOGY TRAILS, <http://genealogytrails.com/ind/charities.html> [https://perma.cc/62CC-UJME] (last visited June 27, 2023); Betty J. Bruther, *Indiana Leads the Van: Quaker Prison Reformers and the Founding of the Indiana Reformatory Institution for Women and Girls*, 17 J. LIBERAL ARTS & SCI. 61-62 (2012).

158. See *A Law Library's Requirements*, INDIANAPOLIS NEWS, Oct. 26, 1899, at 7.

159. See e.g., Jacob P. Dunn, *The First Step Towards a Public Law Library*, 32 IND. MAG. HIST. 274, 274-75 (1936).

160. See *A Law Library's Requirements*, *supra* note 158, at 7.

161. *Id.*

162. *Annual Report of the Treasurer of the State of Indiana for the Fiscal Year Ending Oct. 31, 1879*, in ANNUAL REPORTS OF THE OFFICERS OF THE STATE OF INDIANA 19 (1880). Around \$33,000 in 2020.

163. *Salaries of State Officers*, MARSHALL CNTY. INDEP., Feb. 10, 1899, at 1.

164. See *A Law Library's Requirements*, *supra* note 158, at 7.

165. *Id.*

166. *Id.*

crowning achievement was a full catalog of the collection, listing some 30,000 volumes.¹⁶⁷ However, with the retirement of McNutt in 1898, the court decreed that the work of their librarian must be devoted to the library and the library alone. McNutt's successor, Hoyt McClain was the first librarian under this new regime.¹⁶⁸ At the time, the librarian was required to file a bond of \$3,000 with the court to ensure that his duties—particularly that of collection maintenance—were properly executed.¹⁶⁹ This massive sum implies that any candidate for the post was wealthy, especially considering that it was nearly two years' salary for the position. McClain made a name for himself by speaking on law library management at various national librarian association meetings, remarking in one such speech that his conception of "a librarian is one who finds few leisure moments to read, works hard, and dies poor."¹⁷⁰ It was McNutt and McClain who built collections lauded as the best outside of the Law Library of Congress in Washington, DC.¹⁷¹ The state law librarians during this period were William C Lamb,¹⁷² John Graham,¹⁷³ James Cropsey,¹⁷⁴ Fred Heiner,¹⁷⁵ Charles E Cox,¹⁷⁶ William W Thornton,¹⁷⁷ John McNutt,¹⁷⁸ and Hoyt McClain.¹⁷⁹

167. *Id.*

168. *Id.*

169. *Id.*

170. *Id.*

171. *State Law Library*, Indianapolis News, Feb. 25, 1888, at 2. <https://newspapers.library.in.gov> [<https://perma.cc/D2ZY-XC5N>].

172. Leander John Monks, COURTS AND LAWYERS OF INDIANA 489, (Vol. 2 1916).

173. *Summary of the Year*, INDIANAPOLIS NEWS, Dec. 30, 1871, at 2.

174. *James M. Cropsey Dead*, INDIANAPOLIS NEWS, July 6, 1898, at 7.

175. *Downfall of a Once Promising Man*, INDIANAPOLIS NEWS, Aug. 20, 1887, at 2.

176. *The Law Library*, INDIANAPOLIS J., May 30, 1889, at 8.

177. *New Judges Sworn In—Applicants for Places—A Sinecure*, INDIANAPOLIS NEWS, Jan. 2, 1893, at 2.

178. *Id.*

179. *Legislative Gossip*, INDIANAPOLIS NEWS, Jan. 7, 1899, at 2.



*Likeness of Hoyt McClain from the Indianapolis News in November 1899*¹⁸⁰

Tragedy befell the staff of the state law library in the waning years of the century: Leo Fitzpatrick committed suicide in 1894 and William Kimball died of appendicitis in 1899.¹⁸¹ Both men were young and had promising careers.¹⁸²

It is worth noting that women and people of color were entering both the legal field and the library field. For instance, Mary Eileen Ahern was the first woman to be appointed Indiana State Librarian, serving from 1893–1895.¹⁸³ Early female attorneys include Elizabeth Eaglesfield (admitted 1875) and Antoinette Dakin Leach (admitted 1893).¹⁸⁴ Newspaper accounts at the time of her admission noted that Leach had a very robust law library in the office she shared with her husband; a 1901 fire reduced that library to ashes.¹⁸⁵

180. *Photograph of Hoyt McClain's Likeness, in The Public's Servants*, INDIANAPOLIS NEWS, Nov. 2, 1899, at 12.

181. *See Leo Fitzpatrick Dead*, INDIANAPOLIS NEWS, Nov. 21, 1894, at 5, <https://newspapers.library.in.gov> [<https://perma.cc/QQ8B-2VPG>]; *see also Death of W. M. Kimball*, Indianapolis J., April 16, 1899, at 6.

182. *Id.*

183. Denise Rayman, *Miss "Public Libraries" Mary Eileen Ahern*, ILL. LIBR.: AM. LIB. ASS'N ARCHIVES (July 21, 2014), <https://www.library.illinois.edu/ala/2014/07/21/miss-public-libraries-mary-eileen-ahern/> [<https://perma.cc/6H9F-Q8ZQ>].

184. Leach was admitted to the bar by the state supreme court in *In re Leach*, 134 Ind. 665 (1893). *See also* Vivian Sue Shields & Suzanne Melanie Buchko, *Antoinette Dakin Leach: A Woman Before the Bar*, 28 VAL. U. L. REV. 1189 (1994).

185. *Valuable Law Library Burned*, MUNCIE EVENING PRESS, Apr. 2, 1901, at 2.

IV. THE LONG DECLINE: 1900–1972

A. Legal & Library Education Changes

Legal education underwent a transition during the first quarter of the Twentieth Century. The history of law schools has been detailed elsewhere; important to the discussion of law libraries is the emergence of LLB and JD degrees during this period. The shift from reading law to attending law school as a requisite for admission to the bar began in the Nineteenth Century.¹⁸⁶ Some schools offered both bachelors-level and doctoral-level programs simultaneously to accommodate varying levels of education among students, leading some schools including Indiana University to award both LLB and JD as late as 1961.¹⁸⁷ By the close of the decade, all accredited law schools were solely awarding JD degrees.¹⁸⁸

Alongside the academization of legal education, American employers began to demand that prospective employees in all fields be “professionalized,” or have academic training specific to the field.¹⁸⁹ Law librarians formed the American Association of Law Librarians (AALL) in 1906 to serve as the profession’s organization.¹⁹⁰ AALL met at the French Lick Hotel in 1926 at the invitation of Rowena Compton, and Paul McNutt, law school dean and son of former state Supreme Court librarian John McNutt, addressed those assembled.¹⁹¹

Responding to this market demand, universities began offering graduate programs in library science starting in the 1920s.¹⁹² Indiana University’s graduate library school was established in 1951 and reconstituted in 1966; a satellite campus in Indianapolis opened in 1967.¹⁹³ Despite this trend toward increased academization in other types of librarianship, until the mid-1970s law librarians were generally male attorneys or the women who had previously been their secretaries.

186. See Stevens, *supra* note 124.

187. See J. Gordon Hylton, *Why The Law Degree Is Called a J.D. and Not An LL.B.*, MARQUETTE UNIV. L. SCH. FAC. BLOG (Jan. 11, 2012), <https://law.marquette.edu/facultyblog/2012/01/why-the-law-degree-is-called-a-j-d-and-not-an-ll-b/> [<https://perma.cc/NA7V-QQUA>].

188. *Id.*

189. See E. HOYLE, PROFESSIONALIZATION, INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL & BEHAVIORAL SCIENCES (2001).

190. *Law Librarians and AALL: Who We Are and Where We’ve Been*, AM. ASS’N OF L. LIBRS. (2017), https://www.aallnet.org/wp-content/uploads/2017/11/pub_sp9707_Prez.pdf [<https://perma.cc/BE94-VRSE>].

191. *Bloomington-Paul V. McNutt*, RUSHVILLE REPUBLICAN, May 17, 1928, at 6.

192. JOHN V. RICHARDSON, JR., *History of American Library Science: Its Origins and Early Development*, in ENCYCLOPEDIA OF LIBRARY AND INFORMATION SCIENCES (2010), <https://pages.gseis.ucla.edu/faculty/richardson/ALS.pdf> [<https://perma.cc/H3LT-TMBR>].

193. See generally *Indiana University Graduate Library School Dean’s Records, 1961–1992*, IND. UNIV. ARCHIVES, https://webapp1.dlib.indiana.edu/findingaids/view?doc.view=entire_text&docId=InU-Ar-VAD1245 [<https://perma.cc/4EUG-7N6C>] (last accessed July 23, 2023).

B. Librarians

It was in response to these changes that a cohort of professional law librarians arose. Though the cohort began as mostly white and male, Indiana's professional law librarians today are largely female and white.¹⁹⁴ Though other libraries had long been the purview of dedicated women, law libraries generally had been primarily male dominated, in large part because of de facto or de jure restrictions on women practicing law.¹⁹⁵ Law libraries, as the physical manifestation of the law and a lawyer's knowledge, required specialized knowledge that only lawyers had—a precursor to today's preference for law librarians having both law and library graduate degrees. The earliest mention of a female law librarian comes from June 1899, when Charles O'Brien, a law student clerking at Baker & Daniels, succeeded Catherine Clark as librarian of the Indianapolis Bar Association; however, it is likely that women worked in clerical positions in law libraries prior to Clark.¹⁹⁶ The Indianapolis Bar Association continued to hire women to lead its library, with Penelope L. Wolfe serving as librarian from 1911–1931; her obituary notes that she never missed a day of work during her tenure.¹⁹⁷ The law library at Indiana University Bloomington also had a number of female librarians during this period, including Rowena Compton and Jean Ashman starting in the early 1930s.¹⁹⁸ Ashman was elected to the presidency of the AALL in 1949.¹⁹⁹

The decision to employ women in law library leadership was met with some opposition from men in the field. Upon the 1929 appointment of Jessie Levy as the first female Supreme Court librarian, a disgruntled Fred Warman resigned in protest, saying he was unwilling to work for a woman.²⁰⁰ Newspaper commentary provides the perfect retort to Warman's decision: "All we have to say to Fred is that he will never celebrate a golden wedding."²⁰¹ It is worth noting that Warman and his wife divorced in 1933.²⁰² It is unclear what happened to Mr. Warman, but Ms. Levy went on to lead the Supreme Court's library until 1933, which included implementation of a new cataloging system for the library. Levy's long and distinguished career as a practicing attorney of fifty-five years included defending two women from John Dillinger's gang and serving as a judge pro tem and

194. See Jamie J. Baker, *The Intersectionality of Law Librarianship & Gender*, 65 VILL. L. REV. 1011 (2021).

195. See *id.*

196. *Brief City Items*, INDIANAPOLIS NEWS, June 12, 1899, at 9, <https://newspapers.library.in.gov> [<https://perma.cc/4MJB-B6W7>].

197. *Mrs. Penelope L Wolfe Rites to be Saturday*, INDIANAPOLIS NEWS, Nov. 6, 1931, at 4.

198. *New Librarian Chosen*, INDIANAPOLIS TIMES, Feb. 11, 1931, at 3.

199. *I.U. Aid Elected*, INDIANAPOLIS NEWS, July 13, 1949, at 9.

200. *Fred Warman resigned . . .*, INDIANAPOLIS TIMES, Jan. 10, 1929, at 4.

201. *Id.*

202. *Suits Filed in County Courts*, INDIANAPOLIS STAR, July 6, 1933, at 9.

special prosecutor in Marion County.²⁰³ Levy was ousted during a party shift in the state Supreme Court, with Democrat Tella Haines serving as chief librarian and Mary Ruth Smith as assistant cataloger.²⁰⁴ Haines served as librarian of the Supreme Court until 1945.²⁰⁵ Haines was ousted by Genevieve Brown in 1945, who was then forced out in 1951 by Mary Schubert; though no motive was given for these moves, it was considered purely political at the time.²⁰⁶

C. Fire

Fire continued as the biggest threat to law libraries, though sources indicate that conflagrations mostly afflicted attorneys in smaller communities throughout the state; this is likely due to a relative stagnation in building construction and overall development in smaller Indiana towns after the 1890s.²⁰⁷ Older buildings were constructed using techniques and layouts that predate fire codes, making incendiary incidents much more devastating.²⁰⁸ Often, water contained in fire suppression systems and modern plumbing systems in newer buildings caused more damage to libraries of all kinds than fire itself.²⁰⁹

D. Bar Associations

Many areas of the state continued to have low numbers of attorneys relative to their total population, but as the population and number of available law books increased, bar associations began to form as a cost-sharing measure by attorneys. Bar associations developed their law libraries during this period include: Wayne County (1906, 1918),²¹⁰ Gary (1907),²¹¹ and St Joseph County (1918).²¹² The bar association law libraries that had been founded earlier remained robust, particularly Indianapolis-Marion County, Allen County, and Sullivan County. Randolph County's law library was transferred from private hands to the county in 1915, rendering it nominally public for the first time; though this was likely a cost-saving measure for the bar association rather than an act of goodwill.²¹³ The

203. *Jessie Levy Shusler Dies; Dean of Women Lawyers*, INDIANAPOLIS STAR, Oct. 31, 1976, at 31.

204. *Miss Haines Appointed State Law Librarian*, INDIANAPOLIS STAR, Mar. 31, 1933, at 22.

205. *Women of Distinction In The Wabash Valley*, TERRE HAUTE TRIBUNE, June 10, 1956, at 30.

206. *Indiana Supreme Court Dismisses Law Librarian; Jenner's Ex-Secretary Named*, PALLADIUM-ITEM, May 30, 1951, at 2.

207. See Donald F Carmony & Howard H Peckham, A BRIEF HISTORY OF INDIANA 27 (1950).

208. See generally *Terrific Explosion*, TERRE HAUTE WEEKLY GAZETTE, May 1, 1884, at 1. Available at <https://newspapers.library.in.gov> [<https://perma.cc/X8EW-VZ65>]

209. Paul S. Fu, *Handling Water Damage in a Law Library*, 79 LAW LIBR. J. 667 (1987).

210. *Bailiff Markley Is Having His Troubles*, June 28, 1907, at 4, and *Bar Association Incorporates*, PALLADIUM-ITEM, Feb. 22, 1918, at 3.

211. *Gary Attorneys Organize First Bar Association*, THE TIMES, Sept. 3, 1907, at 6.

212. *Consider Library Plans*, SOUTH BEND NEWS-TIMES, Dec. 14, 1918, at 5.

213. *In Circuit Court*, MUNCIE EVENING PRESS, May 14, 1915, at 2.

Indianapolis Bar Association began to experience a tension with its space and budget in the 1920s and a discussion of transferring ownership from the association to the courts occurred in 1922.²¹⁴ Even at the time it was noted that attorneys saw the library as a major expense and did not regularly utilize the collection, despite calls from members to maintain the collection.²¹⁵

Association libraries were also magnets for eager law students, who were granted access as prospective members of the profession. This led to overcrowding in the reading rooms, such that dues-paying members were often unable to find adequate space.²¹⁶ Accordingly, the Indianapolis Bar Association is noted as having banned law students from using the collection—speaking to the quality of its 4,000 volumes compared to that of the Indianapolis law schools.²¹⁷

E. County Courts

Continuing through this period, the libraries of courts and bar associations were often commingled. Then as now, judges and attorneys were often collegial and interested in furthering the profession; with law books serving as the largest on-going expense, both judges and attorneys sought to ensure complete collections of up-to-date case reporters, session laws, and statutes.²¹⁸ New courthouses were being constructed across the state and a reading room and library was often provided at the behest of the judges.²¹⁹ Providing space for the bar association's law library made sense from a practical perspective: association members would arrange for collection maintenance and the collection would be accessible in the building where it was most likely to be needed by both attorneys and judges.

This period also witnessed the development of the right to counsel in criminal proceedings guaranteed by the Sixth Amendment, culminating in the United States Supreme Court's decision of *Gideon v. Wainwright* in 1963.²²⁰ Attorneys and judges likely saw the extension of library access to the public or pro se litigants as an encroachment on their job security and standing in the social hierarchy.

F. Supreme Court

The state law library continued to grow in size and renown, starting the century with more than 40,000 volumes.²²¹ Under the direction of Hoyt McClain, the state law library had an unrivaled collection of session laws and case reports

214. *County Council Hears Pleas for Bond Issue*, INDIANAPOLIS NEWS, Feb. 10, 1922, at 21.

215. *County Aid for Law Library*, INDIANAPOLIS STAR, Feb. 9, 1922, at 11.

216. *Law Library and Students*, INDIANAPOLIS NEWS, June 3, 1901, at 2.

217. *Id.*

218. *See Courthouse Is*, KOKOMO TRIB., Aug. 11, 1936, at 2.

219. *Id.*

220. *Gideon v. Wainwright*, 372 U.S. 335 (1963).

221. *Local Law Schools*, INDIANAPOLIS J., December 7, 1902, at 21.

from around the country and its territories, as well as an unsurpassed collection of treatises and international materials.²²² McClain's magpie-like obsession with creating the best law library in the world was noted on several occasions, particularly when a rare or especially valuable book was added to the collection.²²³ A major change occurred in 1925, when the state legislature enacted S.B. 156, a law combining the state library, legislative reference bureau, historical commission, library commission, and Supreme Court law library into one agency known as the Indiana Library and Historical Board.²²⁴ The law library and its disparate cohort was again reshuffled in 1933 to fall under the state Department of Education.²²⁵ Even under this new arrangement the law library grew, numbering more than 85,000 volumes in 1960.²²⁶ In 1973, the library had grown again to more than 130,000 volumes, causing its law librarian Fern Norris to remark that Indiana had one of "the best research law libraries in the Midwest."²²⁷ Norris guided the institution for eleven years from 1963–1974, replacing Juanita Miller on account of noise complaints in the library.²²⁸

This huge collection was much larger than was necessary for most institutions: the library of the federal courts was established in 1905 and contained a mere 2,000 volumes by 1916. The collection had outgrown the designated space in the courthouse by 1955 and, in order to create more offices, the library was weeded and relocated but the space remained—a harbinger of library space usage to come.²²⁹

G. Academic

As professional librarians began to join the legal academy, the role expanded. This included a shift toward having librarians teach law students legal research skills. Such skills were useful since the increasing amount of published case opinions available increased the need for a systematized approach to research. Frederick Hicks, then associate professor of legal bibliography and librarian at Columbia Law School, published *Materials and Methods of Legal Research* in 1923, and it quickly became the seminal textbook on legal research.²³⁰ Hicks

222. *Indiana's Fine Library*, INDIANAPOLIS J., Aug. 4, 1901.

223. *Id.* at 16.

224. *Library Merger Bill Introduced*, INDIANAPOLIS NEWS, Jan. 28, 1925, at 26.

225. *State Departmental Reorganization Plan as Designed by Governor McNutt*, INDIANAPOLIS STAR, Apr. 13, 1933, at 2.

226. *Think Twice Before Saying, "There Oughtta Be a Law,"* INDIANAPOLIS NEWS, Apr. 25, 1960, at 10.

227. *24 Women Hold Key Posts in Indiana Government*, INDIANAPOLIS NEWS, Feb. 9, 1973, at 17.

228. *Supreme Court Fires Librarian*, INDIANAPOLIS STAR, Jan. 12, 1963, at 15.

229. *Federal Building Law Library Saved*, INDIANAPOLIS NEWS, Feb. 9, 1955, at 25.

230. Stacy Etheredge, *Frederick C. Hicks: The Dean of Law Libraries*, 98 LAW LIBR. J. 356 (2006). A digital copy of *Materials and Methods of Legal Research* is available on GooglePlay. See FREDERICK C. HICKS, MATERIALS AND METHODS OF LEGAL RESEARCH (1923),

provided a regimented approach to legal research and introduced guiding principles for development, arrangement, and administration of law libraries.²³¹

1. *Bloomington*.—The practice of naming a student as the Indiana University Bloomington law school’s librarian ended in 1908, when Sam Dargan was hired as the curator of the law library. Dargan was the first Black graduate of the law school and worked in the role until his retirement in 1948.²³² In 1925, the collection was separated from the university library’s collection and Rowena Compton was hired as the first professional law librarian.²³³ Compton retired in 1930 and was replaced by Mary Jean Ashman the next year.²³⁴ Ashman oversaw the massive expansion of the collection, eventually growing to more than 57,000 volumes.²³⁵ As was the case for many law libraries at the time, finances at the law school constrained the expansion of space and collection. Betty LeBus was appointed as the school’s law librarian in 1950 and served as the director until 1978.²³⁶ Under LeBus, the library was expanded to more than 130,000 volumes.²³⁷

2. *Indianapolis*.—Indianapolis had three institutions of legal education at the beginning of the Twentieth Century: the Indiana Law School, the Indianapolis College of Law, and the American Central Law School. The earliest mention of the American Central Law School mentions that the institution had recently “materially increased” its law library, though no indication of content or scope was included in the advertisement.²³⁸ Butler University established a law library in 1908, despite not having an affiliated college of law.²³⁹ A gift by former governor Albert Porter of 500 volumes in 1907 was the main corpus of this collection.²⁴⁰

A 1914 merger of the Indianapolis College of Law and American Central Law School resulted in the joint institution taking the name of Benjamin Harrison Law School.²⁴¹ Butler University campaigned to gain control of the Indiana Law School in 1930, but this plan was ultimately unsuccessful.²⁴² Indiana Law School and Benjamin Harrison Law School merged in 1936 and affiliated with Indiana University in 1944, taking the name Indiana University School of Law – Indianapolis Division.²⁴³ After gaining autonomy from the Indiana University

<https://play.google.com/books/reader?id=ZNQ6AQAAIAAJ&hl=en&at=GBS.PA282>.

231. See generally HICKS, *supra* note 230.

232. *Samuel Dargan, Retired I.U. Law Curator Dies*, INDIANAPOLIS NEWS, Dec. 1, 1954, at 25.

233. FARISS & BUCKLEY, *supra* note 128, at 109.

234. *Id.*

235. *Id.* at 115.

236. *Id.* at 118.

237. *Id.* at 116.

238. *Law School’s Fall Term*, INDIANAPOLIS NEWS, October 5, 1909, at 15.

239. *Butler Law Library*, INDIANAPOLIS NEWS, October 5, 1908, at 13.

240. *Id.*

241. *Kern to Deliver Address*, INDIANAPOLIS NEWS, June 8, 1915, at 5.

242. Ronald W Polston, *History of the Indiana University School of Law—Indianapolis*, 28 IND. L. REV. 161, 165 (1995).

243. *Id.* at 164.

Bloomington law school, the school was rechristened Indiana University School of Law – Indianapolis in 1968.²⁴⁴ The law school completed a move from its former location to the newly established IUPUI campus in 1970.²⁴⁵ However, any potential holes in the school’s collection would have been covered by the incredibly thorough collections present in other Indianapolis law libraries; in fact, the school advertised itself as having both a “fine working library” and access to the state law library in 1931.²⁴⁶ Only three years later the school had doubled its collection to more than 8,000, part of its drive to achieve a Class A rating from the American Bar Association.²⁴⁷

The influx of women into Indiana’s law libraries during this period also impacted academic law libraries. Florence McMaster arrived at Indianapolis Law School in 1945 and was influential in growing the law library from 10,500 volumes to 125,000 and promoting the library’s services to faculty and students, including workshops on how to complete legal research.²⁴⁸ Prior to McMaster’s arrival, most law school librarians were students who were named to the post by school administration.²⁴⁹ The libraries of these sundry Indianapolis institutions were not as robust as that of other academic law libraries at the time; the Indiana Law School’s collection was listed as only 3,500 volumes in 1931.²⁵⁰

A competitor institution to the early Indianapolis schools arose in 1934 when the Abraham Lincoln University’s College of Law was established by two practicing attorneys.²⁵¹ This college of law was branded as a lower-cost college that allowed students to gain practical experience, rather than the theory-heavy curriculum of the Indiana Law School.²⁵² The state Supreme Court very quickly changed its standards for legal education and in 1936, Lincoln University raised its tuition, changed its curriculum, and greatly increased the size of its library in order to comply with the new regulations.²⁵³ It is unclear when the school and its library shuttered, but the last mention of the institution was in August 1936, indicating that it did not survive the increase in standards.²⁵⁴

3. *Valparaiso*.—Northern Indiana Law School rebranded in 1905 to Valparaiso University School of Law.²⁵⁵ Four years later, the school hired Milo

244. *I.U. Law School Gets Self-Governing Rights*, INDIANAPOLIS STAR, Jan. 20, 1968, at 5.

245. Gretchen Wolfram, *New Law Building Near Opening—Library Moved*, RES GESTAE, Sept. 1970, at 8.

246. *Fall Term of Law School to Open Sept. 14*, INDIANAPOLIS TIMES, Sept. 3, 1932, at 7.

247. *Law School Plans Enlarged Library*, INDIANAPOLIS STAR, June 18, 1934, at 10.

248. *Memorial Service Set for Mrs. McMaster*, INDIANAPOLIS STAR, Oct. 3, 1973, at 33.

249. *See generally Peril to Law School in Draft Action*, VIDETTE-MESSENGER OF PORTER CNTY., Jan. 17, 1941, at 2.

250. *Law School is Moved to New Headquarters*, INDIANAPOLIS TIMES, June 27, 1931, at 14.

251. *Articles of Incorporation*, INDIANAPOLIS NEWS, Sept. 1, 1934, at 18.

252. *Lincoln University Takes New Rooms*, INDIANAPOLIS STAR, Aug. 12, 1934, at 16.

253. *Law School’s Term to Open*, INDIANAPOLIS STAR, Aug. 30, 1936, at 54.

254. *Id.*

255. *Warren Stresses Law*, INDIANAPOLIS STAR, April 27, 1964, at 12.

Bowman as dean.²⁵⁶ Prior to his appointment at Valparaiso, Bowman served at the state Supreme Court and Indianapolis College of Law in various roles including assistant law librarian under Hoyt McClain.²⁵⁷ The school experienced austerity measures during World War I and had difficulty maintaining an updated collection; in order to counteract this, students staged a vaudeville production to supplement the small amount appropriated by the university.²⁵⁸ The entire university was purchased by the Lutheran Church–Missouri Synod in the 1925 and efforts began to increase the quality and reputation of the law school, including modernizing the library. Large donations from outside Lutheran organizations allowed the school to increase its collection to meet ABA standards for school accreditation; newspapers took notice of the claims, proclaiming that the “Law Library Ranks Third in State”²⁵⁹ with more than 9000 volumes.²⁶⁰ The first professional librarians were hired during this period of reorganization, with Virgil Berry serving from 1929 until 1958.²⁶¹ Despite growth, ABA inspections in 1971 found similar deficiencies in the library to the 1920s: space, staffing, and collection quality were all lacking.²⁶² Of particular note was the absence of professionally-trained librarians to manage the collection.²⁶³ Valparaiso’s law library expanded to keep up with expanding enrolment, with the school undergoing a building project to accommodate new volumes and students in 1975.²⁶⁴

4. *Notre Dame*.—Notre Dame’s law library was slow in its early development; John Whitman was appointed in 1925 as the first professional law librarian as part of the school’s accreditation process.²⁶⁵ Whitman grew the collection to 10,000 volumes by 1930, and his successor, Lora Lashbrook, served as librarian, research instructor, registrar, and secretary during her three-year tenure.²⁶⁶ The collection greatly expanded during the decades following World War Two, guided by Marie Lawrence from 1945–1966.²⁶⁷ Lawrence worked for Notre Dame’s libraries for an astonishing sixty years, serving in the university’s main library before and after her tenure at the law school, with a number of stutter-step retirements until 1984.²⁶⁸ Her achievements at the law school include

256. *In Memoriam: Milo J Bowman, 1874–1948*, 23 IND. L.J. 219 (1948).

257. Swygert, *supra* note 151, at 718.

258. *Id.* at 757.

259. *Id.* at 783.

260. *Id.*

261. *Id.* at 790.

262. *Id.* at 990.

263. *Id.* at 991.

264. *Id.* at 950.

265. Susan Hamilton, *Library Profile: Lora Lashbrook and Marie Lawrence; Notre Dame’s First Female Law Library Directors*, NDLSCHOLARSHIP LAW LIBRARY NEWS 9-10 (2011), <https://scholarship.law.nd.edu/ldlashbrook/1/> [<https://perma.cc/XAS4-32X7>]

266. *Id.*

267. *Id.*

268. *Id.*

growing the collection past the physical capacity of the library and overseeing the shift of the law library from the university library to a self-sustaining unit of the law school.²⁶⁹ At her retirement, the collection stood at 69,000 volumes.²⁷⁰ Lawrence's successor was Kathleen Farmann, an attorney and professional librarian who had served as librarian for Ohio State University's Law Library. Farmann continued the work Lawrence had started and guided the library through an expansion in 1973, just in time for the beginning of a paradigm shift in legal resources brought about by Lexis.²⁷¹ The expansion was partially funded by a contemporaneous donation from the Kresge Foundation, after whom the library was renamed.²⁷²

5. *Other Schools.*—The Lincoln-Jefferson Law School was established in Hammond in 1908, coinciding with rapid growth in the region and foundation of law libraries in Gary and Lake County.²⁷³ The school was somewhat successful, constructing its own dedicated school building in 1911 and training many attorneys in the area until 1913.²⁷⁴ The school's demise was due to the financial collapse of its parent company, the Calumet Institute, which also owned a publishing company.²⁷⁵ There are no records of the law school's library, but its proximity to newly-founded association and municipal law libraries indicates that students may have utilized those collections.

The southwestern portion of the state is underrepresented in the field of legal education and affiliated libraries; there is no record of any law schools having existed to the south or west of Bloomington, including Vincennes and Evansville, both of which are home to universities over a century old.

H. Attorneys/Firms

Law firms and individual attorneys continued to collect the growing number of law books required for practice. Some of these firms, particularly those in Indiana's larger cities, grew to require entire floors within the firm's space.²⁷⁶ Librarians and their assistants within firms would spend considerable time reshelving books and assisting attorneys in their research.²⁷⁷

Two projects of note at the beginning of this period occurred in 1900 and 1915, when the Law Building at 132 E. Market Street in Indianapolis and the Farmers Securities Building at 201 S. Main Street in South Bend were offered as

269. *Id.*

270. *Id.*

271. *Id.*

272. *Id.*

273. *College Spirit is Manifested*, MUNSTER TIMES, Nov. 6, 1908, at 1.

274. *Demise of Law School Takes Place*, THE TIMES, Apr. 19, 1913, at 1.

275. *Sheridan Examines Bankrupts*, MUNSTER TIMES, Apr. 19, 1913, at 1.

276. *My Window*, INDIANAPOLIS NEWS, Apr. 25, 1960, at 10.

277. See generally Jeffrey Edwardy & Jeffrey Pontius, *Monitoring Book Reshelving in LIBRARIES USING STATISTICAL SAMPLING AND CONTROL CHARTS*, 45 LIBR. RESOURCES & TECH. SERVICES 90 (2000).

office space catering to lawyers.²⁷⁸ Office buildings for attorneys were not a novel concept, but both of these buildings had a dedicated law library for tenants of the building, which saved money and space and left collection maintenance to a librarian, freeing up time for attorneys to engage in using the books for their contents. Period sources indicate that the keeper of the library was typically an attorney with offices in the building rather than a trained librarian, indicating that there may have been some arrangement for reduction in rent in exchange for upkeep of the collection.²⁷⁹

1. Tsundoku Period: 1973–Present.—*Tsundoku* is a Japanese term describing the practice of acquiring reading materials and allowing them to accumulate without being read.²⁸⁰ The period since 1973 has been one of increasing disuse of physical law libraries and a transition to electronic legal resources. Despite their declining use in actual legal practice, law libraries still serve important functions for attorneys: 1) a large law library indicates that a firm has sufficient funds to afford the space and the books, which can serve as an intimidation tactic for opposing counsel during office visits, and 2) law libraries often serve as the backdrop for attorney photographs, implying a knowledge of the contents.

I. Lexis

A fundamental change to law libraries in 1973 with the release of Lexis terminals. The terminals were quickly adopted by a small number of firms, with four Indianapolis partnerships having Lexis by 1976.²⁸¹ Even in those early days, practitioners remarked upon the profound utility, with one judge remarking that “the potential of such a research tool is awesome.”²⁸² By 1986, legal industry leaders noted that “Lexis and Westlaw already had become part of the arsenal of research tools available to the lawyer”²⁸³ Naturally, older attorneys were loath to abandon their books, but young attorneys and law librarians immediately saw the utility of electronic resources that could be constantly updated. The rise of the internet in the 1990s saw the release of LexisNexis.com in 1997 and Westlaw.com in 1998.²⁸⁴ Law librarians were required to have a foot in both print and digital worlds to best assist patrons, and the role of librarian shifted to the oft-derided “information resources professional.”²⁸⁵ Part of the long-standing success

278. *In the Law Library of the Law Building*, INDIANAPOLIS NEWS, Jan. 13, 1900, at 12.

279. R.L. POLK & CO., INDIANAPOLIS CITY DIRECTORY 42 (1916), <https://archive.org/details/citydir1916cdap/page/n3/mode/2up> [<https://perma.cc/GDX5-M482>].

280. Tom Gerken, *Tsundoku: The Art of Buying Books and Never Reading Them*, BBC NEWS (July 29, 2018), <https://www.bbc.co.uk/news/world-44981013> [<https://perma.cc/GH94-BS77>].

281. Paul H. Buchanan, *A Different Set of Chimpanzees*, 20 RES GESTAE 236.

282. *Id.*

283. Robert C. Berring, *Full-Text Databases and Legal Research: Backing into the Future*, 1 HIGH TECH. L.J. 27, 28 (1986).

284. Robert J. Ambrogi, *Lexis, West Unveil Major Internet Services*, 41 RES GESTAE 22 (1997).

285. John R. Supra Jr, et al., *What is Possible?: Benefits from the Integration of Libraries and Computing*, CAUSE98 ANNUAL CONFERENCE (1998), <https://citeseerx.ist.psu.edu/document?repid=>

of Lexis stems from being the first to market and the establishment of relationships with governmental sourcing agencies at all levels.

In the same vein was a company called LegisLex, which was founded by Judith Sly Head in Columbus in 1976.²⁸⁶ Head was involved with the League of Women Voters and leveraged her connections across the country to obtain daily updates on legislative actions in statehouses.²⁸⁷ It was the first system of its kind in the country and provided daily state legislative reports to users; by 1981, its employees were in every state legislature reporting on updates.²⁸⁸ The service was the forerunner of all similar products that exist today, and the market was soon crowded with more nimble and cost-effective competitors, threatening the company's viability. Accordingly, LegisLex was relatively short-lived, folding in 1982.²⁸⁹ However, the company served as a harbinger of things to come, proving that bill and legislative monitoring systems were commercially viable; law libraries had another tool in a growing toolbox for obtaining legal documents.

J. Abolition of Indiana Reporter

Article VII, section 6 of the Indiana Constitution was amended by the legislature in 1970 to remove the language requiring the publication of the decisions of the Supreme Court by a non-judge.²⁹⁰ The office of Court Reporter was abolished in 1983 and West Publishing was granted the lucrative status of official publisher and distributor of Indiana judicial decisions in 1985.²⁹¹ Since this maneuver, the Indiana Rules of Appellate Procedure have provided that West's Northeastern Reporter is the official reporter for all Indiana appellate and supreme court decisions.²⁹² Another major shift in the Indiana legal resource marketplace occurred in 1985 when Lexis purchased the rights to Burns Annotated Indiana Statutes.²⁹³ Unlike Indiana state case opinions, the official version of the Indiana Code is still published by the state legislature;²⁹⁴ however, the annotations of the Burns edition provide a major advantage to users.

repl&type=pdf&doi=2e244feeda2ee28fb11d4418a309c79caac8c8c7 [https://perma.cc/3A3Z-8YV7].

286. *Unique Data Service On State Legislatures Hoosier's Brainchild*, INDIANAPOLIS STAR, June 25, 1978, at 12-7.

287. *Id.*

288. *Firm Monitors Legislatures*, INDIANAPOLIS NEWS, May 6, 1981, at 13.

289. *Id.*

290. Brent Dickson, et al., *Lawyers and Judges as Framers of Indiana's 1851 Constitution*, 30 IND. L. REV. 397, 399 (1997).

291. *Not as Bound by Books Anymore*, IND. LAW., Feb. 16, 2011, at 2.

292. IND. R. APP. P. 65(C)

293. *See History of Burns' Statutes Annotated*, IND. CODE ANN. (2023).

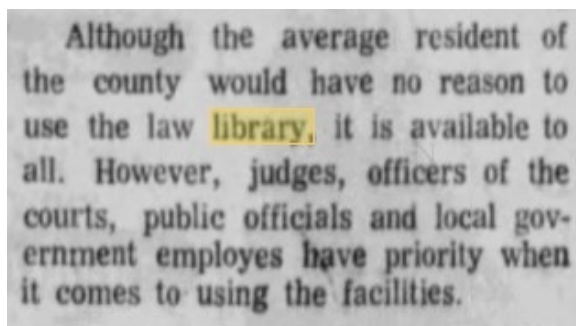
294. *Indiana General Assembly*, INDIANA CODE REVISION COMMISSION, <https://iga.in.gov/legislative/archive/committee/2000/interim/crsc> [https://perma.cc/3VNW-XP9Z].

K. Attorneys & Firms

As attorneys realized the time-saving potential of electronic legal resources, practitioners adopted Lexis. Attorneys continued utilizing physical materials, but technology quickly outpaced the research practices of attorneys and publishing schedules of law book publishing companies. Lexis terminals were expensive, but in the long run proved to be cheaper and more space-effective than a fully maintained physical library. Space concerns that had plagued law libraries remained an issue until usage of online resources became widespread. Firms with formerly robust libraries that spanned several floors began the weeding process and law library staffs were drastically cut and shifted toward a research-heavy model.²⁹⁵ However, firms continued to maintain their libraries even as Lexis began to make inroads—on the occasion of moving offices in 1983, Ice Miller of Indianapolis was noted as having the state’s largest private law library with 40,000 volumes.²⁹⁶

L. Bar Associations

Trends of bar associations keeping members-only law libraries continued, though these collections were not immune to the advent of electronic legal resources. The Indianapolis Bar Association’s library was still quite robust in the mid-1970s, moving to the City-County Building in 1976 and hiring Monica Collins, a professional librarian, to lead the collection.²⁹⁷ Newspaper reports of the time acknowledge that such a library is useless to most non-attorneys:



Although the average resident of the county would have no reason to use the law library, it is available to all. However, judges, officers of the courts, public officials and local government employees have priority when it comes to using the facilities.

298

The next two decades brought immense change to legal information services. Citing a usage statistic of nearly zero in 1995, the Indianapolis Bar Association

295. James Duggan, *Surviving in this Terrible Economy*, 13 AALL Spectrum 6 (2009).

296. *State’s Largest Law Library, Big Law Firm Move to AUL*, INDIANAPOLIS STAR, Jan. 21, 1983, at 30.

297. *New Name; New Mission*, INDIANAPOLIS NEWS, Aug. 16, 1976, at 15.

298. Photograph of Newspaper Clipping, in *New Name; New Mission*, INDIANAPOLIS NEWS, Aug. 16, 1976, at 5.

closed their library in 1996.²⁹⁹ Despite sadness at the closure, practical realities—particularly the widespread use of Lexis—required the organization to make the difficult decision.³⁰⁰ This closure is illustrative of struggles other libraries experienced; the organization was able to save nearly \$30,000 each year in rent and collection maintenance costs.³⁰¹

Some counties and municipalities have maintained law libraries that are accessible to the general public with the help of local bar associations, including Evansville,³⁰² and St. Joseph County,³⁰³ which are larger and more populated areas.³⁰⁴

M. Courts

Court librarians have faced the same trials as other law librarians. At the federal level, the state is divided into two district courts with libraries in Indianapolis and South Bend, which are considered satellite libraries of the Seventh Circuit Court of Appeals' library in Chicago.³⁰⁵ This arrangement began in 1981 when Monica Collins of the Indianapolis Bar Association library was hired to satisfy Judge William Steckler's desire in a library at the Indianapolis courthouse.³⁰⁶ As was typical in the early days of Lexis, Collins was instrumental in proving the utility of both the library and the bulky Lexis terminal, and the library staff grew to include two technicians.³⁰⁷ There is minimal space for print materials at the satellite federal courthouses around the state but use is limited to court staff only.³⁰⁸

As legal docketing systems have shifted online, courts have adapted. Most courts in Indiana today maintain a Lexis subscription for use of judges and court staff, though judges may still maintain a small library in their chambers. Many of these collections underwent an intense weeding-out process in the early 2000s: most volumes were simply discarded, but a concerted effort was made to ensure

299. Magan, *supra* note 114.

300. *Id.*

301. *Id.*

302. *William H Miller Law Library*, CNTY. OF VANDERBURGH IND., <https://www.evansville.gov.org/county/topic/index.php?topicid=249> [<https://perma.cc/WSY3-6CMU>].

303. Law Library, St. Joseph Cnty., <http://www.sjcindiana.com/1273/Law-Library> [<https://perma.cc/UEY2-66MA>].

304. The collections of these county libraries have been subsumed into their respective public library systems.

305. *Indianapolis Satellite Library Mission & Access Statement*, LIBR. OF THE U.S. COURTS OF THE SEVENTH CIRCUIT, <https://www.lb7.uscourts.gov/IndianapolisHome.html> [<https://perma.cc/TQ3Q-TU3F>].

306. *New Name; New Mission*, INDIANAPOLIS NEWS, Aug. 16, 1976, at 5.

307. *Id.*

308. *Directory of the Seventh Circuit Libraries and Staff*, LIBR. OF THE US COURTS OF THE SEVENTH CIRCUIT, MADISON SATELLITE LIBR., <https://www.lb7.uscourts.gov/libDir.html> [<https://perma.cc/PZ57-2HQY>].

that *some* library *somewhere* in the state had a complete collection of case reporters, session laws, and old code books.³⁰⁹ Often, the weeding-out process would separate the collection into three categories: books of some particular significance, books of use to other libraries, and books of no use.³¹⁰

As law libraries in county courts have been cut, court clerks and Indiana Legal Services have often created physical or digital collections of forms and resources for pro se litigants to assist in filing cases of various kinds; however, these are presented with caveats that the resources are not to be considered legal advice.³¹¹

N. Prisons

The Indiana Administrative Code has guaranteed a right of “reasonable access to an adequate law library” since 1981.³¹² However, subsequent case law has limited what this actually entails, focusing on “reasonable access.” Oftentimes, law libraries in prisons and jails are any combination of outdated, incomplete, inaccessible, and out of service, or, as has been described by some scholars as of greater detriment than benefit to inmates who would use the collection.³¹³ These libraries, especially since the advent of online research tools, are seldom staffed by a trained law librarian, rather a sheriff’s deputy assigned to the library.³¹⁴

Recent decisions about prison law libraries utilize “reasonable access” to a law library as a proxy for “reasonable access” to the legal system. Prison law libraries were guaranteed, then limited, by two federal Supreme Court cases during this period: *Bounds v. Smith*³¹⁵ and *Lewis v. Casey*.³¹⁶ The Court in *Bounds* held, among other things, that “[t]he fundamental constitutional right of access to the courts requires prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law.”³¹⁷ This precedent

309. See *Weeding Policy*, PACE L. LIBR. RESEARCH GUIDES, <https://libraryguides.law.pace.edu/c.php?g=694901&p=4926239> [<https://perma.cc/D4GU-ZKCV>].

310. *Id.*

311. See *Indiana Courts Self-Service Legal Center*, <https://www.in.gov/courts/selfservice/> [<https://perma.cc/3EP8-A8FA>].

312. 210 IND. ADMIN. CODE § 3-1-15 (2021).

313. See Blythe Alison Balestrieri & Dominic Zicari, *Access to Justice for Inmates Jailed in Virginia*, 115 L. LIBR. J. 179, 203 (2023).

314. See Jonathan Abel, *Ineffective Assistance of Library: The Failings and the Future of Prison Law Libraries*, 101 GEO. L.J. 1171 (2013); *Restore LexisNexis Legal Database Access at Westville Correction Facility!*, IDOC WATCH (Aug. 13, 2019), <https://www.idocwatch.org/blog-1/2019/8/13/restore-lexisnexis-legal-database-access-at-westville-correctional-facility> [<https://perma.cc/4ZF8-5E7M>].

315. 430 U.S. 817 (1977).

316. 518 U.S. 343 (1996).

317. 430 U.S. at 828.

required prisons to create and enhance their law libraries, often at great expense, which led to many complaints from prison officials about being required to maintain large budget lines each year for collection development.³¹⁸ Twenty years later, the court in *Lewis* held that:

“*Bounds* did not create an abstract, free standing right to a law library or legal assistance; rather, the right that *Bounds* acknowledged was the right of access to the courts Thus, to establish a *Bounds* violation, the ‘actual injury’ that an inmate must demonstrate is that the alleged shortcomings in the prison library or legal assistance program have hindered, or are presently hindering, his efforts to pursue a nonfrivolous legal claim.”³¹⁹

Recent decisions have followed *Lewis*, including a 2019 case that held that jail authorities are able to limit access to the jail’s electronic library and deny access if an inmate is represented by counsel.³²⁰

The Marion County Jail has followed trends affecting other law libraries in the state. While still being bound by the standards in *Lewis* and the Indiana Administrative Code, Kevin Charles Murray, General Counsel for the Marion County Sheriff’s Office, reported that since the library went fully electronic in 2000, there have been no inmate complaints about inadequate library access.³²¹ Murray surmised that this was due in part to the relatively short duration that most inmates spend in the Marion County Jail.³²² Of particular note is the move to the new Marion County Justice Center that occurred in late 2022.³²³ The move anticipated that all inmates at the new facility would be provided with a tablet with access to Lexis and various entertainment options.³²⁴ This is a promising development that will allow unfettered access to a complete collection of Indiana primary law, but raises certain concerns of inmate usage competencies.

O. Academia

Academic law libraries in Indiana have followed trends of legal education and other legal libraries since the 1970s. Academic law librarians have long provided legal research instruction to students, but as legal materials have changed, the nature of that instruction has changed alongside it, today encompassing strategies for digital research across various legal research platforms as well as other materials in print and online. All three currently

318. See generally Ashley K Chase, *Neutralizing Access to Justice, Criminal Defendants’ Access to Justice in a Net Neutrality Information World*, 84 MO. L. REV. 323, 345 (2019).

319. 518 U.S. at 343.

320. See *Hale v. Stoffel*, 1:17-CV-108-HAB 2019, WL 2270352 (N.D. Ind., May 28, 2019).

321. Telephone Interview with Kevin C. Murray, Gen. Couns., Marion Cnty. Sheriff’s Off. (Apr. 13, 2021).

322. *Id.*

323. *Id.*

324. *Id.*

operating law libraries are part of the Federal Deposit Library Program.³²⁵ As of this writing, there are three academic law libraries in the state, each of which merits a section below.

1. *Notre Dame*.—After the Notre Dame Law School library's expansion and renaming in 1973, Farmann continued as library director until 1984 when she retired and was replaced by Roger Jacobs, who had served as librarian of United States Supreme Court immediately prior.³²⁶ Jacobs worked as dean of the library until 2006 and oversaw the growth of the law library to over 640,000 volumes and an expansion in the physical space and staffing of the library.³²⁷ Ed Edmonds replaced Jacobs upon his 2006 retirement.³²⁸ Edmonds oversaw a physical expansion of the library in 2010, though the groundwork had been laid by Jacobs prior to his departure.³²⁹ Edmonds was chiefly responsible for the shift from physical resources to electronic resources, resulting in the creation of the library's institutional repository for publications by the law faculty.³³⁰ Edmonds retired in 2016 and was succeeded by Thomas Mills, who serves as director of the Kresge Law Library at the time of this writing.³³¹

2. *Indiana University—Maurer*.—Indiana University Bloomington's library started this period with a negative inspection report by the ABA, citing it as a serious defect, mostly due to lack of space.³³² Seeing the coming importance of electronic legal resources, the library subscribed to Lexis in 1977 and Westlaw in 1983.³³³ The physical collection continued to grow under director Colleen Pauwels, who served as acting director from 1978–1983 and director until 2011.³³⁴ This period included a move to a new building in 1986 and related growth in staff and the collection, numbering 300,000+ volumes in 1990.³³⁵ This proved to be the high-water mark as electronic resources continued to erode the prominence of print, with many print materials weeded or moved to storage starting around 2000.³³⁶ Pauwels retired in 2011 and was replaced by Linda Fariss, who oversaw the shift from viewing the library as solely a collection of materials to a full-service research, instructional, and reference institution for

325. *Indiana FDLP Depository Libraries*, IND. FED. DOCUMENTS, <https://feddocs.lib.in.us/fdlp-directory/> (last accessed May 17, 2023).

326. *1985–2006: Roger F. Jacobs*, NDLSCHOLARSHIP KRESGE L. LIBR., <https://scholarship.law.nd.edu/rfjacobs/> [<https://perma.cc/6X36-Y87U>] (last visited Dec. 29, 2022).

327. *Id.*

328. *Ed Edmonds*, UNIV. NOTRE DAME L. SCH., <https://law.nd.edu/directory/ed-edmonds/> [<https://perma.cc/LZ6L-3H66>] (last visited May 17, 2023).

329. *Id.*

330. *Id.*

331. *Thomas Mills*, UNIV. NOTRE DAME L. SCH., <https://law.nd.edu/directory/thomas-mills/> [<https://perma.cc/K3CE-F78E>].

332. FARISS & BUCKLEY, *supra* note 128, at 118.

333. *Id.* at 122.

334. *Id.* at 117.

335. *Id.* at 119.

336. *Id.* at 122.

lawyers and students.³³⁷ Fariss' tenure saw a shift in the library's holdings, with a new digital repository in 2011, the 2015 accessioning of Judge David Hamilton of the Seventh Circuit's personal papers, and a large donation by Lowell Baier and subsequent renaming of the library after Jerome Hall, also in 2015.³³⁸ Fariss retired in 2017 and Keith Buckley succeeded her as director until 2020 when Susan deMaine, formerly of Indiana University McKinney, was named as his replacement.³³⁹

3. *Indiana University—McKinney*.—James F. Bailey arrived at the library of the Indianapolis law school in 1974 and served as director until 2003.³⁴⁰ Bailey is responsible for building the collection from rather dire straits, particularly through means of shrewd fundraising and arrangements with other Indianapolis law libraries to ensure the school's collection was nothing short of world-class.³⁴¹ The school was the first in the state to offer Lexis and Westlaw, with Bailey ensuring that both databases were mandatory components of the school's legal research program.³⁴² The library moved again in 2001 to its current location, requiring several weeks' worth of work to relocate.³⁴³ A major donation in 2001 by Indianapolis philanthropist Ruth Lilly led to the library's renaming in her honor upon relocation to the current location.³⁴⁴

After Bailey's lengthy tenure, Judith Anspach was named as director of the library and steered the library into the digital age, shifting legal research courses to an online medium.³⁴⁵ Anspach was director from 2003–2014.³⁴⁶ Miriam Murphy has been director since 2015, having worked under Anspach as associate director from 2000.³⁴⁷

Two law schools and their related libraries have closed in recent years.

4. *Valparaíso*.—Coming off the negative review from the ABA's accreditation committee in 1971, a follow-up inspection at Valparaíso Law School occurred in 1978.³⁴⁸ The subsequent report detailed some improvement in the school's law library.³⁴⁹ The library's improvement was due in large part to the 1985 construction of a new building, which included a library with more

337. *Id.*

338. *Id.*

339. FARISS & BUCKLEY, *supra* note 128, at 124.

340. HeinOnline, *James F. Bailey III*, YOUTUBE (Feb. 13, 2015), <https://www.youtube.com/watch?v=bbvnPbc38pA> [<https://perma.cc/L6WB-5UKF>].

341. William F. Harvey, *A Tribute to Professor James F. Bailey, III, and a Review of His Work*, 36 IND. L. REV. 473 (2003).

342. *Id.*

343. *Library Move All Law and Order*, INDIANAPOLIS STAR, May 26, 2001, at 19.

344. *Legacy*, INDIANAPOLIS STAR, Nov. 24, 2002, at 15.

345. Interview with Miriam Murphy, Director, Indiana University Robert H McKinney School of Law, Ruth Lilly Law Library (Apr. 10, 2023).

346. *Id.*

347. *Id.*

348. Swygert, *supra* note 151, at 990.

349. *Id.*

space than the entire old building.³⁵⁰ Funding for the new library facilities was provided in part by a \$500,000 donation from the Lutheran Legacy Foundation, which would cause some headache to university administration decades later as operations at the law school were drawing to a close.³⁵¹ Lexis and Westlaw terminals were installed at the Valparaiso law library by 1985, with the school's dean praising library director Mary Persyn for her work.³⁵² In 2004, the school boasted six full-time law librarians tending a collection of 166,500 volumes.³⁵³ Valparaiso University's law school officially closed in 2020 and its library was weeded and subsumed into the main university library.³⁵⁴

5. *Indiana Tech.*—Indiana Tech's law school existed from 2013 until 2017. Given the age of the school, the library was maintained as a subdivision of the main Indiana Tech university library rather than its own self-sufficient unit. Through its existence, the law library had six professional law librarians and amassed a physical collection of 20,000 volumes in addition to its digital holdings.³⁵⁵ Typical for academic law libraries of the period, librarians provided research instruction to students. The school closed after graduating a single class and the law library went through a weeding process.³⁵⁶

P. Librarians

Following decades of professionalization and female prevalence in the field, law librarians in Indiana today are typically women and have either graduate degrees in library science or law or both.³⁵⁷ Academic law libraries are generally the last that have robust library staffs, typically encompassing both circulation and research and instruction teams.³⁵⁸ Firms have generally consolidated their physical libraries and related staff, often only having a director of information resources to manage vendor contracts and a library specialist to manage the remaining physical collection and perform research.³⁵⁹ However, some larger

350. *Id.* at 1028.

351. *See VU Sued Over Law School Closure*, NWI TIMES (Apr. 22, 2020), https://www.nwitimes.com/news/local/vu-sued-over-law-school-closure/article_1066abee-dd6e-5160-a964-0e530e35e9fa.html [<https://perma.cc/RE66-CW86>].

352. Swygert, *supra* note 151, at 1035.

353. Mary Persyn, *Thanksgiving for the Library: Proverbs 2:1-11 (NABRE)*, 53 VAL. U. L. REV. 1157 (2020).

354. *Law School FAQ*, VALPARAISO UNIV., <https://www.valpo.edu/law-school-faq/> [<https://perma.cc/6TAK-LFX4>] (last visited Dec. 29, 2022).

355. Marilyn Odendahl, *Indiana Tech Disperses Books from Law Library*, IND. L., July 11, 2017.

356. *Id.*

357. James M. Donovan, *Order Matters: Typology of Dual-Degreed Law Librarians*, 33 LEGAL REFERENCE SERV. Q. 1 (2013), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2410425 [<https://perma.cc/TZ3X-4ESV>].

358. *See generally* LAW LIBRARIANSHIP IN THE DIGITAL AGE (Ellyssa Kroski ed., 2013).

359. *Id.*

firms may have dedicated and separate research and technical support teams—a nod to the importance and skill of trained librarians.³⁶⁰ Court librarians generally align with firm libraries, in accordance with government budget cuts and an overall shift in the nature of library work toward electronic databases.³⁶¹

CONCLUSION

Law libraries continue to serve as a symbol of status and legal knowledge. Digital legal resources—now in use for nearly a half century—changed the nature of law libraries and the job descriptions of law librarians. Law libraries today remain a vital tool in legal practice, but practitioners today can access near-infinite numbers of resources from their smartphones. Law librarians remain vital as keepers and finders of legal information, implementing well-honed skills and strategies to assist patrons access the right law efficiently and with the least amount of headache. While Hoyt McClain's expectation of law librarians to work hard continues, dying poor appears to be a diminishing reality.

360. *Id.*

361. *Id.*