

Alabama Law Scholarly Commons

Articles

Faculty Scholarship

1990

John Payne's Dream: A Brief History of the University of Alabama - School of Law Library, 1887-1980, with Emphasis upon Collection-Building

Paul M. Pruitt Jr.

University of Alabama - School of Law, ppruitt@law.ua.edu

Penny Calhoun Gibson

University of Alabama - School of Law, pgibson@law.ua.edu

Follow this and additional works at: https://scholarship.law.ua.edu/fac_articles

Recommended Citation

Paul M. Pruitt Jr. & Penny C. Gibson, *John Payne's Dream: A Brief History of the University of Alabama - School of Law Library, 1887-1980, with Emphasis upon Collection-Building*, 15 J. Legal Prof. 5 (1990).

Available at: https://scholarship.law.ua.edu/fac_articles/531

This Article is brought to you for free and open access by the Faculty Scholarship at Alabama Law Scholarly Commons. It has been accepted for inclusion in Articles by an authorized administrator of Alabama Law Scholarly Commons.

John Payne's Dream: A Brief History of The University of Alabama School of Law Library, 1887-1980, With Emphasis Upon Collection—Building

Paul M. Pruitt, Jr.*
Penny Calhoun Gibson**

I. EARLY YEARS: 1886-1912

The University of Alabama School of Law was founded in 1872 with one professor, noted lawyer Henderson Somerville, and four students. Though it was small, the School gradually attracted more students and began to add faculty. From 1880 to 1897, for example, three University presidents served as professors of international and constitutional law—including Richard C. Jones, who also taught Statute and Common Law and, in 1896, was president of the Alabama Bar Association. From 1886 to 1897, University presidents served as "chancellors" of the law school. Thereafter, the School was reorganized and placed under a dean. The School of Law and its agencies have been under the governance of deans since that time.¹

By the late 1880s, University and state officials had provided a basis for a separate law library. In 1886 the legislature passed an act giving the law school three sets of the Alabama Code, three sets of the *Acts of Alabama* (specifically, those passed since 1876-1877), a set of *Alabama Reports*, and other works on standing order, as well as assorted textbooks. In the same year, the Main Library culled from its collection "such books of law and literature as were appropriate," for a law library. In 1887, the Board of Trustees allocated a \$500 book budget for the new library. From time to time, they continued to appropriate sums of money for the purchase of legal works.² Apparently these funds were kept apart from the Main Library budgets.

* Assistant Law Librarian, University of Alabama School of Law Library.

** Assisant Law Librarian, University of Alabama School of Law Library.

1. McKenzie, *Farrah's Future: The First One Hundred Years of the University of Alabama Law School, 1872-1892*, 25 ALA.L.REV. ____ , 123-31 (1972).

2. *Id.* at 128; ACTS OF THE GENERAL ASSEMBLY OF ALABAMA, PASSED AT THE SESSION OF 1886-87 121-22 (1887); UNIVERSITY OF ALABAMA, CATALOG 1886-1887 38; UNIVERSITY OF ALABAMA, CATALOG 1887-1888 42, 51.

Once it was established as a separate entity, the Law Library (henceforth "the Library") acquired many books through gifts—including works from the private collections of Montgomery bookseller Joel White and Alabama Supreme Court Justice George W. Stone as well as gifts from publishing houses such as Little, Brown & Co. of Boston. These works supplemented the skeletal research materials provided by the state and the University. Collection-building, in the early years, was chiefly a matter of coordinating (seeking?) the generosity of bench, bar and booksellers, while monitoring arrangements with state agencies.³

During the first decades of the Library's existence, staffing and physical facilities were minimal. A law student agreed to undertake the duties of Law Librarian by 1889, the first but by no means the last such person who would be so employed.⁴ Undoubtedly, School of Law officials supervised the Library. Relations between the Law School and the Main Library were probably amicable, though the question of the relation of the Law Library to the Main Library was not finally settled for decades.

The School of Law changed its quarters three times between 1886 and 1912 and generally the Library moved with it. After the third move, the faculty, librarians and students were lodged on the third floor of Morgan Hall—a beautiful building located near the center of the campus, but cold in the winter and hot in the summer. For several years prior to this, by some accounts, neither the School of Law nor its Library had flourished. The 1900-1901 catalog spoke of a "Law Library . . . provided in the lecture rooms, which are made attractive by convenient and well-arranged furniture."⁵ Yet Albert J. Farrah (Dean, 1913-1944) subsequently remarked that the Library when he first came to the University consisted of only 1,200 usable volumes. His observation is borne out by a 1910 photograph of the Library which shows a handful of bookcases in a corner. In March 1910, in fact, a committee of law students had appeared before the University's Board of Trustees to ask for more books.⁶

3. UNIVERSITY OF ALABAMA, CATALOG 1886-1887 38; UNIVERSITY OF ALABAMA, CATALOG 1887-1888 51; For later gifts, see UNIVERSITY OF ALABAMA, CATALOG 1924-1925 19.

4. UNIVERSITY OF ALABAMA, CATALOG 1889-1890 5, 7; McKenzie, *supra* note 1, at 128.

5. UNIVERSITY OF ALABAMA, CATALOG 1900-1901, 154.

6. For varying locations of the Law School, see UNIVERSITY OF ALABAMA, CATALOG 1883-1884 34; UNIVERSITY OF ALABAMA, CATALOG 1909-1910 15; UNIVERSITY OF ALABAMA, CATALOG 1910-1911 15. See also UNIVERSITY OF ALABAMA, CATALOG 1900-1901 154; UNIVERSITY OF ALABAMA, COROLLA 83 (1910); A. FARRAH, ALBERT JOHN FARRAH, 1863-1944: ADDRESSES,

II. THE FARRAH YEARS: 1913-1944

Albert J. Farrah's deanship marks a great period in the history of the School of Law. He worked successfully for an expanded faculty and student body, a revised curriculum and upgraded academic standards and requirements. His work was rewarded in 1926, when the School was placed on the list of law schools approved by the American Bar Association (ABA) and, in 1928, when the School became a member of the American Association of Law Schools (AALS). Farrah also presided over the construction of a new law school building—Farrah Hall, a three-story brick building, which the School occupied by the end of 1927.⁷

This structure, located across from the southeast corner of the University's central "quadrangle" would house the Law Library for fifty years. The Library's several rooms, stacks and workrooms were in close proximity to faculty offices. The advantage of faculty access to the collections was offset by the fact that the Library was surrounded by the rest of the School—which meant that expansion of any type would be a problem. Complex and circumscribed as its arrangement was, the Library received its share of the affection which faculty and students bestowed upon Farrah Hall. The building was (until it became hopelessly overcrowded) an attractive and comfortable place. A photograph reproduced in 1937 shows a reading room with high ceilings, tall windows, chest-high wooden bookshelves and a portrait on the wall. A few students—mostly young men in jackets and ties—are sitting at wooden tables studying earnestly.⁸

Students came to be more familiar with the Library during the Farrah years perhaps because there were more reasons for them to use its resources. Under Farrah's leadership, the School adopted a three-year curriculum, sponsored many student activities and put out a scholarly publication, the *Alabama Law Journal* (1925-1930). These activities required both faculty and students to spend more time at the books. Yet improvement of the collection took time. The Library continued to benefit from generous gifts, including more than 1,500 volumes donated by

PAPERS, AND LETTERS 12-13, 56, 89-90 (n.p.,n.d.), McKenzie, *supra* note 1, at 133; Holt, *A Short History of Our Deanship*, 25 ALA. L. REV. _____, 166-68 (1972).

7. McKenzie, *supra* note 1, at 134-40; Holt, *supra* note 6, at 166-68.

8. For a glimpse of the Farrah Hall library just after its final enlargement, see Payne, *From Small to Medium—An Interim Report on the University Law Library*, ALA.LAW. _____, 287-290 (1965) [hereafter Payne, *Small to Medium*]; UNIVERSITY OF ALABAMA, COROLLA 64 (1937). Unfortunately, the photograph is reproduced as a negative image.

James J. Garrett of Birmingham in 1914. Yet the Dean had quite a task, whether judged by quality or breadth of Library holdings, in front of him. As late as 1916, he announced (to the graduating class of that year) that it was impossible "to ascertain what the rule of law is on a given question outside our own state."⁹

During his long deanship, Farrah decided what works the Library should purchase. In the 1920s, he was particularly concerned about ABA-AALS recognition and the reputation of the School. Frank J. Mizell, Jr., a law student, worked as an assistant librarian from the fall of 1927 through the fall of 1928. He had taken a course in Legal Bibliography at George Washington University, where he was told: "We don't think they've got much at Alabama."¹⁰ One of Mizell's jobs was to monitor incoming books. He recalls that the Dean made a great many purchases during those years—in part with a view to the reports he would have to make to the national accrediting agencies. In fact the Library grew by over three thousand books in the late 1920s.¹¹

By the end of the decade, the Library contained approximately 9,500 volumes and included such tools as the National Reporter System; many of the court reports and statutes of individual states; the United States reports, statutes and digests; a set of English reports; a number of digests of the law; and a selection of legal encyclopedias. Farrah and his assistants had produced a "fair working library" capable of providing at least minimal support to a "national" law curriculum.¹²

Accredited law schools were required to employ a full-time Librarian—and as early as 1929-1930, Farrah's chief librarian was Florence Kennedy, a graduate of the Carnegie Library School. By the early 1930s, Farrah had combined the positions of Head Librarian, Dean's Secretary and Registrar. Several versatile young women took on this (or a similar) amalgamation of jobs for the Dean. Librarians of this period include Janie Reeves (1931-1932); Irene Feagin (1932-1934), who graduated with the Class of 1936; Lois Bell (1934-1937), a graduate of the Columbia Uni-

9. McKenzie, *supra* note 1, at 137-40; Holt, *supra* note 6, at 167-169; A. FARRAH, *supra* note 6, at 12-13; UNIVERSITY OF ALABAMA, CATALOG 1925-1926 159.

10. Interview with Frank Mizell, former Assistant Librarian of the University of the Alabama School of Law Library (Sept. 27, 1988) (available under the heading "Alabama. University. School of Law. Library. Interviews with Librarians" in the Special Collections Department, University of Alabama School of Law Library); UNIVERSITY OF ALABAMA, CATALOG 1929-1930 239.

11. *Id.*

12. UNIVERSITY OF ALABAMA, CATALOG 1926-1927 162; UNIVERSITY OF ALABAMA, CATALOG 1929-1930 239-240; McKenzie, *supra* note 1, at 140.

versity library school; Mavis Clark (1937-1941), a member of the Class of 1937; and Christine Reynolds Connell (1942-1946), a member of the Class of 1940. In addition, Mavis Clark and Christine Reynolds Connell taught courses in Legal Bibliography for the School.¹³

The typical day's work for the Librarian during these years involved manning the main desk; taking dictation from the Dean; keeping School of Law records; and sometimes providing reference service to law students and attorneys from Tuscaloosa or elsewhere. The Librarians and their student employees processed incoming books, but Dean Farrah kept a close watch over acquisitions. Mavis Clark Metzger has stated that Dean Farrah was concerned to acquire works which would not lose their value or go out of date quickly. Many of his selections were continuations of reporters. By the 1930s there was a regular book budget – approximately \$3,000. The AALS required only \$2,000; but even so, acquisition funds were barely adequate. It was no wonder that Farrah was determined to make every purchase count.¹⁴

Irene Feagin Scott recalls that basic research works (Federal court reporters, Supreme Court reporters, and the legal encyclopedia *Corpus Juris*) were bought on standing order. At the end of the fiscal year, the Dean would ask her to determine how much of the book money remained. He would then call a faculty meeting, at which the faculty decided what further books to get – with the assistance of fliers and advertisements saved by the Librarian. Thus the Library continued to grow. Scott has observed that it was a fine library for such a recently accredited school. In 1944, at the end of Dean Farrah's remarkable tenure, the collection numbered about 17,000 volumes.¹⁵

13. UNIVERSITY OF ALABAMA, CATALOG 1929-1930 15; interview with Lois Bell Ross, former Librarian of the University of Alabama School of Law Library (Sept. 27, 1988); interview with Mavis Clark Metzger, former Librarian of the University of Alabama School of Law Library (Sept. 28, 1988); interview with the Honorable Irene Feagin Scott, former Librarian of the University of Alabama School of Law Library (Oct. 17, 1988); UNIVERSITY OF ALABAMA SCHOOL OF LAW, ALUMNI DIRECTORY 18, 29 (1985); McKenzie, *supra* note 1, at 142.

14. Interview with Mavis Clark Metzger, *supra* note 13. See also Harrison & Hepburn, *University of Alabama Report to the Alabama Educational Survey Commission: School of Law, Part I: History and Functions* 8 (1944), in REPORTS: UNIVERSITY OF ALABAMA LAW SCHOOL 1944-57 (J. Payne ed., n.d.) (available in the Special Collections Department, University of Alabama School of Law Library); and J. PAYNE, THE TEN YEAR PLAN FOR THE UNIVERSITY OF ALABAMA LAW LIBRARY 7 (1953) [hereinafter J. PAYNE, TEN YEAR PLAN].

15. Interview with Lois Bell Ross, *supra* note 13; interview with Mavis Clark Metzger, *supra* note 13; interview with the Honorable Irene Feagin Scott, *supra* note 13; McKenzie, *supra* note 1, at 143.

During the 1940s, however, Dean Farrah's health began to fail. At the same time, of course, the University underwent changes brought on by the Second World War. The School of Law almost ceased to operate, as military service claimed faculty, students and would-be students. Total enrollment in 1943-1944 was eighteen. As a result of war-time conditions, which in the summer of 1943 included the takeover of much of Farrah Hall by the Army, the physical condition of the Library deteriorated.¹⁶ John C. Payne (faculty member, 1947-1983) distinctly recalls a woeful state of affairs. "A considerable portion of the miscellaneous materials had been thrown willy-nilly onto the shelves in the upper level of stacks in Farrah Hall, much of it with the backs off and all of it in a state of confusion."¹⁷ At the time of Payne's arrival in 1947 there was "no systematic acquisition of books, serial holdings were incomplete," and the collections were largely uncataloged.¹⁸

From its origins to the end of the Second World War, the Library had been the creation of the law school deans. The latter had hired both professional staff and student workers and selected books for acquisition. This combination of personalized control and centralization presented few problems so long as the Library was relatively small. As demands upon Library and its librarians increased in the post-war world, however, the deans would give up direct supervision. Similarly, as the Library grew in value and importance to law faculty, students, alumni and the bar of the state, the vestiges of the Main Library's authority became a matter of concern. The most conspicuous developments of the post-World War II decades, however, were changes in the size and purposes of the collections—changes which coincided with, and influenced, the increasing prestige of the School of Law.

III. BEGINNING OF THE MODERN ERA: 1944-1970

The modern era of the School of Law dates from the deanship of William M. Hepburn (1944-1950). Aided by a vigorous, expanded faculty, he dealt with a postwar surge of enrollment, which by 1947 reached 578. Revitalization of the Library was absolutely necessary, as members

16. McKenzie, *supra* note 1, at 142-143.

17. Memorandum from John C. Payne to Paul Pruitt (regarding building the book collection of the library) (Oct. 1988) [hereinafter Payne, Memo], (available in Special Collections Department, University of Alabama School of Law Library).

18. *Id.*; Payne, *Reorganization of the University of Alabama Law Library*, 14 ALA. LAW. 193 (1953) [hereinafter Payne, *Reorganization*]. See also McKenzie, *supra* note 1, at 148-149.

of the faculty carried out more research projects, and published more often, than before the war. In addition, the Hepburn administration was instrumental in forming the Bureau of Legal Research, headed by Leonard Trawick (faculty member, 1945-1964), which encouraged student research and which launched the *Alabama Law Review* in 1949. The research needs of law review "spaders" (citation-checkers) would place further strains upon the Library.¹⁹

Dean Hepburn was perhaps more absorbed in "preparing for the post-war flood of students"²⁰ than he was with the specifics of upgrading the Library, but he did take a number of positive steps. In 1946, a trained librarian, Willie Mae Daffron, was hired. Subsequently, with financial assistance from the University, the process of cataloging the collections was begun. Daffron had had no legal training, but she supervised the cataloging and rebinding processes and administered a bookbudget not much larger than that of the 1930s. The Library continued to benefit from donations as well as purchases. By 1949-1950, the book-count was listed as 22,000 volumes, including "reports of all cases decided by the United States Supreme Court, the Federal Courts, and the highest state courts."²¹ Also available were basic English, Canadian, and "Dominion" (British Empire) court reports, together with a number of legal digests, statutes from Alabama and some other states, and a selection of law journals, encyclopedias, texts, and other works.²²

As for the space in which to house these holdings, Dean Hepburn had continually requested additions to Farrah Hall. In 1948-1949 an east wing was constructed, which contained a reading room and new stacks, in addition to new classrooms and offices.²³ The Library was

19. McKenzie, *supra* note 1, at 144-147.

20. Payne, Memo, *supra* note 17, at 5-6.

21. Payne, Memo, *supra* note 17, at 5-6; Payne, *Reorganization*, *supra* note 18, at 193; UNIVERSITY OF ALABAMA SCHOOL OF LAW, CATALOG 1949-1950 9; McKenzie, *supra* note 1, at 148-149. The UNIVERSITY OF ALABAMA, CATALOG 1948-1949 418 reveals that Mabel Ray was hired in 1949 as a cataloger.

For more information on staffing, see Payne, *The University of Alabama Law Library* 10 (1955), in REPORTS: UNIVERSITY OF ALABAMA LAW SCHOOL 1944-57 (J. Payne ed., n.d.) (available in Special Collections Department, University of Alabama School of Law Library) [hereinafter Payne, *The University of Alabama Law Library*]. This report states that the staff in the late 1940s consisted of two professionals (one of whom was the Head Librarian) and two clerical workers. By the mid-1950s, one of the clerical positions had been eliminated, and the professional staff consisted of a Librarian with faculty rank and an Assistant Librarian.

22. UNIVERSITY OF ALABAMA SCHOOL OF LAW, CATALOG 1949-1950 9.

23. McKenzie, *supra* note 1, at 148.

now a restored and slightly expanded version of what it had been under Dean Farrah—a “good lawyer’s working library.”²⁴

In the late 1940s and early 1950s, Professor Payne began an interest and involvement in the Library that would make him *de facto* “collection development” librarian—a distinct break with the dean-centered acquisitions policies of the past. Scholarly, energetic and determined, Payne had in mind research and publishing projects for which the Library simply was not adequate. He was in addition a bibliographer by inclination, and by 1951, he had carried out graduate work at Yale University, where he had “the opportunity of working in a first-class library.”²⁵ He decided to work for significant improvements in the School of Law Library partly because “like the mountain, ‘it was there.’”²⁶

Beyond his own research, Payne was concerned for the needs of his students and the future of the state. The Law, he knew, is a “peculiarly book-centered” study.²⁷ The primary sources of scholarship and practice alike were to be found in books—court reporters, statutes and codes, and legislative and administrative documents. Payne believed that it was imperative for students to learn to use all the tools of their trade. Likewise, a significant number of law graduates entered politics; public welfare required that they have the best possible exposure to the world of law. Warmly supported by Martin Leigh Harrison (Dean, 1950-1966), Payne began an analysis of the Library. His goals were to establish standards for an adequate collection; to compare the Library’s holdings, staffing and financing to those of other institutions; and to propose a long-term program of improvement. His effort to make the Library into a true research facility had become, as law professor Harry Cohen (faculty member, 1954-present) has noted, his “labor of love.”²⁸

By 1953-1954, Payne’s work had taken the form of a “*Ten Year Plan*”, which was approved by Dean Harrison and the law faculty.²⁹ Payne’s work was, for all practical purposes, the Library’s first collection development statement, and in drawing it up, he was guided by certain principles. First, he recognized an important distinction between a gen-

24. Payne, Memo, *supra* note 17, at 5.

25. *Id.* at 6.

26. *Id.*

27. J. PAYNE, TEN YEAR PLAN, *supra* note 14, at 1.

28. *Id.*; Cohen, Professor John C. Payne—A Law Teacher Par Excellence, 35 ALA. L. REV. _____, 8 (1984).

29. Payne, *Reorganization*, *supra* note 17, at 193-95; Payne, *Small to Medium*, *supra* note 8, at 288, 291.

eral "working" library suitable for a practitioner and a broad-based legal research library containing the primary source materials of American and English law, all proper finding aids, periodicals and an interdisciplinary array of secondary works. He also distinguished between "permanent" and "temporary" collections—placing "reports, statutes, periodicals, historical and theoretical treatises [and] proceedings" in the former category and finding aids, specialized legal "services" and texts in the second.³⁰ His fundamental collecting principle was to "rob the present to pay for the future"³¹—in other words, to sacrifice current information in favor of high-quality works. Considering the small sums of money which had traditionally been allocated for book purchases, Payne naturally assumed that the Library could not afford to be both scholarly and up-to-date.³²

After studying the collections, Payne decided that the Library was strongest in Alabama law, legal encyclopedias and periodicals. Considerable postwar effort had been given to acquisition of the latter, with the result that the Library possessed 140 titles in 1953. In addition, thanks to bibliographic sleuthing by Payne and others, the Library held a growing body of works and documents "sufficient to allow the serious scholar to go to the sources of English Law."³³ On the other hand, Payne determined that the collections of American and English court reporters should be more extensive and that the collection of state and regional digests of law was minimal. The Library did not possess all the state codes, and its collection of state statutes was "the weakest section" of all.³⁴

The young professor was anxious to give Dean Harrison and the University administration an unflinching view of the Library's national and regional standing. He compiled statistics which placed the Library near the bottom of both American and southern facilities—whether measured in terms of raw volumes or of total book resources available.

30. Payne, *Small to Medium*, *supra* note 8, at 290-91; J. PAYNE, TEN YEAR PLAN, *supra* note 14, at 1-3, *passim*.

31. Payne, *Small to Medium*, *supra* note 8 at 241.

32. *Id.*; J. PAYNE, TEN YEAR PLAN, *supra* note 14, at 1-3 *passim*. In writing the Ten Year Plan, Payne did not indulge himself in a long discussion of his collecting philosophy. Rather, in Payne, *Small to Medium*, *supra* note 8, he described a research collection as one "to which the scholar can take virtually any problem related to the law and find an answer, couched not merely in terms of current doctrine but also in terms of the history of the rule and its social, political, economic, and philosophical meaning." *Id.* at 290.

33. Payne, *Reorganization*, *supra* note 18, at 194-195.

34. *Id.*

Having invoked a sense of institutional rivalry, Payne identified more than 9,000 volumes, the acquisition of which would meet the immediate needs of faculty and students and lay the foundation for a research library.

These volumes were for the most part large sets – thus, continuing Dean Farrah's preoccupations. His proposals included completion of the Library's existing holdings of periodicals, in addition to acquisition of runs of more than forty additional titles – for a total of 2,000 new periodical volumes. The Plan also called for extensive retrospective purchases in English, Scottish, Irish and "Colonial" sources, including *Halsbury's Statutes of England*. Finally, in addition to approximately 1,500 miscellaneous texts, Payne envisioned complete collections of state codes and statutes, at least from 1900, as well as complete holdings of West Publishing Company's National Reporter System "Sectional Digests" of the law.

The cost of the volumes cited in the Plan would be approximately \$50,000 – an astonishing sum by the previous standards of the Library. Payne noted, too, that the current Library book budget (\$4,515) was below the AALS minimum of \$5,000, which was in itself less than would support purchases for a university law library. He proposed to raise the necessary funds over the course of a decade by imposing a library fee of ten dollars per semester on each student, a charge which he estimated would bring in \$5,000 per year. Justifying this fee by a comparison of tuition paid by law students at the University with tuition at other schools, Payne argued further that students should regard the library fee as an investment in a research facility which would be available to members of the Alabama State Bar.³⁵

In 1954-1955, Payne prepared an more comprehensive version of the Plan as part of a University-wide Self-Study. This document, which included discussions of staffing, physical facilities, and other matters, was an instrument of administrative and financial liberation for the Law Library. In practice, the Law Library had long been separate from the Main Library, but the arrangement was evidently an informal one, and the lines of authority were not clear. It was uncertain, for example, whether the Law Librarian was officially responsible to the Dean of the School of Law or to the Director of the Main Library. Similarly, the Law Library budget had for some time been presented by the Dean of the School of Law to the Director of the Main Library, who incorporated it into the Main Library budget. Payne's Self-Study report urged that the

35. J. PAYNE, TEN YEAR PLAN, *supra* note 14, at 5-10 and 13-32.

Law Librarian be placed formally under the Law Dean, and that the budget be presented to the University President by the Dean.³⁶ However, not everyone agreed.

At a key meeting of the University Self-Study Committee, Payne and his colleague Harry H. Haden (law faculty member, 1946-1967) discovered that the Main Library's director had launched an effort to bring all campus libraries more completely under his control. Indeed, Hayden remembered, the tone of the meeting was such that centralization "seemed . . . almost an accomplished fact."³⁷ Yet when the time came for Payne to speak, he began to read his report very slowly, one word at a time—seeking to insure that the committee's work could not be completed on that day. Haden recalled that after "this 'filibuster' had lasted about one hour and one-half, tempers flared and one member . . . stormed out of the meeting."³⁸ The meeting was dismissed, and Dean Harrison had time "to gather forces" and make the case that (in Payne's words) the "Law Library is the lawyer's 'tool of his trade' and should not be under the control of laymen." In the years following, ultimate authority over both the Library's staff and budget passed to the Dean of the School of Law. The Plan—or more precisely, Payne—had triumphed.³⁹

John Payne has recently criticized the Plan as "an ad hoc effort to get some sort of program going."⁴⁰ He has stated that the implementation of the Plan encouraged a "large sets" mentality toward acquisitions, commenting that purchase of sets "offered a way in which large amounts of money could be spent without very much bibliographical work."⁴¹ Yet, in many respects, the Plan was an obvious success, carried out with vigor by Payne as Chairman of the School of Law's Faculty Library Committee and by Law Librarian Talbot Fowler (librarian and faculty member, 1954-1968). The two men "worked well together . . . without too much attention to who did what."⁴² Payne was careful to examine out-of-print catalogs, (he insisted that such orders go out quickly) and placed a priority upon "scarce items . . . still available at an

36. Payne, *The University of Alabama Law Library*, *supra* note 17, at 11, 14, *passim*.

37. Hayden, Professor John Payne, 35 ALA. L. REV. _____, 14 (1984).

38. *Id.*

39. *Id.*

40. Payne, Memo, *supra* note 17, at 7.

41. *Id.*

42. *Id.* at 9.

acceptable price."⁴³ He paid particular attention to British and "Commonwealth" materials, and was able to acquire "much that now is either unobtainable or prohibitively overpriced."⁴⁴ He and Fowler may have purchased "large sets," but for the most part they were needed; and such sets, which often required little more effort to order and catalog than a single monograph, allowed for very efficient use of staff-time.

From 1954 to 1964, the Library's holdings grew at the rate of about 3,000 volumes per year, reaching a total of 50,000 volumes. Most of the purchases projected in the Plan were made. Now scholars could consult "virtually every digested report emanating from an American court" as well as English, Irish, and Scottish cases, important Commonwealth reports and a fine collection of hard-copy and microform editions of British, United States and state statutes and "session laws." The periodicals collection, which came to include 315 titles, was augmented with an eye to those publications indexed in the H.W. Wilson Company's *Index to Legal Periodicals*. The Library now boasted a medium sized collection. Payne strongly believed that because of the quality of the works acquired, the Library was effectively as good as others with much greater book-counts.

Quite apart from the money raised through library fees, Dean Harrison's budget requests to the University administration had resulted in books budgets which were more than double the sums allocated at the end of the Second World War. In addition, there were physical improvements to the Library. Mezzanine shelving was installed "above the main stack levels" in the fall of 1956 and, by 1965, a new wing was added to Farrah Hall. The latter improvement increased the complexity of the structure, but contained stacks which raised the total shelving and storage space of the Library to about 120,000 volumes. Even more dramatic changes were about to take place in the Library, however, thanks to a number of academic and financial successes associated with the Harrison administration.⁴⁵

The growth of the Library was part of a larger pattern of developments. The latter years of Harrison's deanship reflected the academic "boom times" which had come to state and nation. From 1962 to 1966, the number of students enrolled in the School of Law doubled, reach-

43. *Id.* at 10.

44. *Id.*

45. Payne, *The University of Alabama Law School Since World War II*, 18 ALA.LAW. ____ , 166-67 (1957); Payne, *Small to Medium*, *supra* note 7, at 288; McKenzie, *supra* note 1, at 54-155. See also Payne Memo, *supra* note 15, at 10.

ing a level of 400 before declining in subsequent years. This situation placed more pressure upon library space and resources and created a need for duplication of some reference works, periodicals and the more commonly used reporters.⁴⁶

More generally, Harrison and his faculty presided over curriculum reforms and improvement of academic standards, public service projects, and activities such as student participation in national moot court competitions. All of these developments necessitated continued growth of Library collections. The School of Law had made notable progress from 1950 to 1965 and there was a feeling in the air that it was destined to have a distinguished future. Such was the attitude of the alumni, faculty and administrators who, in 1961, launched the University of Alabama Law School Foundation, an organization which soon began to raise supplementary funds for scholarships and for the Library. Increasingly, the leadership of the School of Law was ready to act upon John Payne's idea that nothing less than a true research library was worth building.⁴⁷

Dean Harrison retired to a purely teaching position in 1966 and in that year the University hired Daniel J. Meador (Dean, 1966-1970) with a view to continued improvement of academic standards, expanded course offerings and general improvement of the School's standing within the region and nation. Meador hired Igor Kavass (visiting professor, 1966-1967; Library Director, 1968-1970) and gave him the mission of establishing a library "which would enable research projects of any reasonable magnitude to be carried on . . . without too much reliance on materials held elsewhere."⁴⁸ Payne and Kavass examined the collections and discovered deficiencies in several areas: federal and state documents; treatises published between 1930 and 1960, international law (the existing collection being "inadequate for either research or teaching") and foreign law.⁴⁹ In addition, they were determined to fill remaining gaps in the collections of reporters and statutes; to further augment the

46. McKenzie, *supra* note 1, at 155; Payne, *Small to Medium*, *supra* note 8, at 292.

47. McKenzie, *supra* note 1, at 152-54; Meador, *A Foundation for Progress*, in UNIVERSITY OF ALABAMA LAW SCHOOL FOUNDATION ANNUAL REPORT 4-5 (1967) (available in Special Collections Department, University of Alabama School of Law Library).

48. I. HAVASS, UNIVERSITY OF ALABAMA SCHOOL OF LAW LIBRARY ANNUAL REPORT FOR THE YEAR 1968-1969 AND ANNUAL REPORT FOR THE YEAR 1969-1970 25-26 (available in Special Collections Department, University of Alabama School of Law Library) [hereinafter I. HAVASS, ANNUAL REPORTS].

49. *Id.* at 6.

serials holdings; and to acquire needed duplications.⁵⁰

The University administration supported Harrison's and Meador's ambitious plans and provided book budget increases that would have astonished librarians of Dean Farrah's day. By 1965-1966 the University funds available for purchase of "continuations" and new books had risen to \$30,000; the next year saw an appropriation of \$40,000, a level maintained for the next few years.⁵¹ Even more exciting were subsidies provided by the Law School Foundation, which added \$25,000 to the regular book budget in 1966-1967, \$80,000 in 1967-1968, \$45,000 in 1968-1969, and \$38,000 in 1969-1970.⁵² In the latter year, the state legislature added an additional \$50,000 to the budget in connection with the founding of the Alabama Law Institute, an agency of research and law revision associated with the School of Law.⁵³

With such unprecedented sums at their disposal, the librarians entered what Kavass has called the Library's "most creative years."⁵⁴ Under his supervision, book selection and acquisitions proceeded at a hectic pace. As many as 13,000 volumes were added in a single year, with the result that the size of the collection was nearly doubled in the span of five years to over 100,000 volumes by June 1970.⁵⁵ Areas of major expansion included federal documents (the Library became a selective depository in 1967-1968); treatises and theoretical monographs; international law; British and Commonwealth law; legal periodicals (682 titles by June 1970); and works pertaining to law-related subjects. The growth of the Library was a factor in the 1969 decision of the prestigious Order of the Coif to establish a chapter at the School of Law, a goal toward which deans and faculty had been working for decades.⁵⁶

Dean Meador's librarians looked to the future—even to the point of taking part in preliminary planning for a new law school building. A larger facility was not immediately forthcoming, but Meador and Kavass expended considerable energy in the difficult task of recruiting new

50. Holt, *supra* note 6, at 172; I. KAVASS, ANNUAL REPORTS, *supra* note 48, at 4, 6, 25-33 and 56-57.

51. UNIVERSITY OF ALABAMA LAW SCHOOL FOUNDATION ANNUAL REPORT 6 (1969) (available in Special Collections Department, University of Alabama School of Law Library).

52. *Id.*; I. KAVASS, ANNUAL REPORTS, *supra* note 48, at 22, 53.

53. I. KAVASS, ANNUAL REPORTS, *supra* note 48, at 53; McKenzie, *supra* note 1, at 158-60.

54. I. KAVASS, ANNUAL REPORTS, *supra* note 48, at 56.

55. *Id.*

56. I. KAVASS, ANNUAL REPORTS, *supra* note 48, at 4-5, 27-32, 56-59; McKenzie, *supra* note 1, at 156-60. See also J. PAYNE, TEN YEAR PLAN, *supra* note 14, at 7.

personnel for a staff that was, as Kavass often noted, far too small to keep up with the rapid expansion of the collection. By 1969-1970, Library personnel included four professionals, two paraprofessionals, two clerical workers and various student assistants. The staff was larger than it had been a few years earlier; even so, these librarians faced daunting processing tasks.⁵⁷

In order to accommodate the huge increases in collection size, operations were modernized, specialized, and streamlined. Kavass viewed the Library of Congress classification system with distrust, considering it "a self-serving device" invented by librarians "solely for their own uses."⁵⁸ However, by December 1969, librarians began cataloging new acquisitions according to that system—replacing a scheme in use since 1947, which employed such logical but too general designations as "T" for "treatise" and "F" for "foreign." Of course the problem of reclassifying the "old" collection was a serious problem in its own right, and became an ongoing project. Generally, the years from 1967 to 1970 saw more changes in the "Technical Services" arm of the Library than in other areas. During these years, Talbot Fowler had worked to create a separate Acquisitions Department. Subsequently, John Payne itemized the tasks involved in the addition of a work to the collection from placing the order to getting the book ready for shelving.⁵⁹

The story of the Library in the late 1960s is not a story of unbroken successes. Professor Payne has observed that the librarians of that time, faced with large amounts of money to spend in a relatively short time, fell back yet again upon the "big set orientation" which had dominated Library acquisitions for so long. Payne laments that more time was not spent on building up what he calls "special collections"—subject collections consisting of a range of materials, "which are a major part of any first rate library."⁶⁰ Such collections, Payne believes, can only be built up through the creation of bibliographies and "wantlists" tailored to the

57. I. KAVASS, ANNUAL REPORTS, *supra* note 48, at 15-19, 45-46, 48-49, 58. In 1965, according to Payne, *From Small to Medium*, *supra* note 8, at 289, the staff had consisted of a Librarian with faculty status, two Assistant Librarians, a secretary, a clerical worker, and occasional part-time employees.

58. I. KAVASS, ANNUAL REPORTS, *supra* note 48, at 39.

59. *Id.* at 15-20, 38-39; letter from Talbot B. Fowler to Daniel J. Meador (April 13, 1967); letter from John Payne to David Brennan and Mrs. Anderson (Oct. 26, 1967) (both letters available in file headed "Alabama. University. School of Law. Library. Administrative File 1967" in Special Collections Department, University of Alabama School of Law Library).

60. Payne, *Memo*, *supra* note 17, at 10-11.

needs of a specific institution or clientele. These lists have never been systematically compiled.⁶¹

Obviously, working for an institution undergoing dramatic change can be difficult as well as satisfying. For a number of reasons (many having nothing to do with the Library), Dean Meador's tenure was stormy, with considerable attrition among faculty and staff. Talbot Fowler left the School of Law by January 1969; Willie Mae Daffron (who had become Mrs. Sanford) retired a few months later. By the end of 1970, Igor Kavass had departed as had Meador himself. John Payne remained, however, and after a period in which there was a rapid turnover of librarians, he worked with such directors as William R. Murray (1971-1975) and David K. Brennan (1975-1980).

These directors were trained in both law and library science, a combination rare in the previous history of the Library. Certainly Murray and Brennan kept up a rapid pace of acquisitions and expanded Library services. But Payne laments the fact that, in part because librarians tended to stay for only a few years, no master plan of collection development was generated during or immediately after the Meador years. The long partnership of Fowler and Payne had imparted a sense of continuity to collection-building in the Library long after the goals of the Ten Year Plan were met. If the collection was to continue to improve qualitatively, someone would have to repeat Payne's achievement, which was to survey various components of the collection, viewing them as parts of an evolving whole.⁶²

IV. NEW CIRCUMSTANCES, NEW CHALLENGES, 1970-1980

During the 1970s, demands upon Library resources continued to increase. Under the administrations of Acting Dean Thomas L. Jones (1970-1971) and Dean Thomas W. Christopher (1971-1980), the law faculty grew in number from sixteen to twenty-eight. Drawing upon experiments conducted in the 1960s, the law school established a "Clinical Program" to allow students "to render legal services to the poor of the state."⁶³ Furthermore, two new student-edited journals were founded:

61. *Id.*

62. I. KAVASS, ANNUAL REPORTS, *supra* note 48, at 15, 48-49; Payne, Memo, *supra* note 17, at 9-12; UNIVERSITY OF ALABAMA SCHOOL OF LAW, CATALOG 1972 43; UNIVERSITY OF ALABAMA SCHOOL OF LAW, CATALOG 1975 4; UNIVERSITY OF ALABAMA SCHOOL OF LAW, CATALOG 1976 5; UNIVERSITY OF ALABAMA SCHOOL OF LAW, CATALOG 1979-1980 50; McKenzie, *supra* note 1, at 156 n.123; Holt, *supra* note 6, at 173-74; list of Law Deans and Law Librarians in Special Collections.

63. T. CHRISTOPHER, TEN YEARS: A REPORT ON A DECADE IN THE LIFE OF THE UNIVERSITY OF

The Law and Psychology Review (1975) and *The Journal of the Legal Profession* (1976). Expansion of the curriculum, long a theme at the School of Law, continued during the decade. By 1980-1981, Dean Christopher noted that the catalog listed eighty-six courses as opposed to sixty-seven in 1969-1970. Then, in 1977, the School added a Master of Law program in Tax Law, an initiative in graduate legal education.⁶⁴

The 1970s were also notable as the end of the Farrah Hall era as marked by the construction of the Law Center. Planned since the 1960s, the Law Center was designed by the well-known New York firm of architect Edward Durrell Stone with the understanding that the University "did *not* want a Fifth Avenue structure, but rather desired one that grew out of and fitted into Alabama."⁶⁵ After Dean Christopher headed a fund-drive which raised more than \$2,000,000, the Stone designs were largely put into effect. The resulting structure, despite its modern design, features columns, a "front porch" and hints of a breezeway, or "dog-trot." Located east of the University Coliseum, the Law Center boasts 198,000 square feet. The Library, which occupies the east wing of the building, contains shelf space for approximately 400,000 volumes and seating space for 500 people.⁶⁶ Faculty offices are not so close to the Library as before, but the new facility boasts huge, open rooms, private offices for professional and paraprofessional staff and greatly increased space for technical processing (which had been sandwiched into extremely cramped quarters in Farrah Hall).

In January 1978 the School of Law commenced operations in the Law Center. Librarians and student workers had worked through the Christmas holidays to move the collections from the many nooks and crannies of Farrah Hall to the new building. The work was very hard, and often stretched from 6:30 a.m. to 7:30 p.m. Stories of the cold, of aching arms and backs and of long hours still circulate among librarians; at one point, the Law Center elevator broke down and books had to be carried down stairs by hand. The work flow was well planned by Director David Brennan, however, and was carried out well by his staff. When the self-sacrificing task was done, the Library occupied a facility that was airy and easily accessible to patrons and workers.⁶⁷

ALABAMA SCHOOL OF LAW, 1970-1971-1980-1981 15-16 (1981) (available in Special Collections Department, University of Alabama School of Law Library).

64. *Id.* at 6, 12, 13-14.

65. *Id.* at 20.

66. *Id.* at 6, 19-22.

67. Interview with David Lowe (Nov. 11, 1988); interview with Betty Hutchins (Nov. 11, 1988).

Before and after the move, changes in faculty and curriculum would lead to acquisitions in such fields as discrimination in employment; sex discrimination; food and drug law; legal accounting; water law; consumer law; peace law; conflict resolution; and law and the computer—in addition to the more traditional fields of tax law, commercial law and labor law.⁶⁸ Library directors, in all probability, were more directly responsible for book selection during these years and happily the amount of book money at their disposal continued to grow. In 1980-1981, for instance, the Law School Foundation contributed more than \$75,000 to an overall book budget of \$326,000.⁶⁹ While the impact of such sums was reduced by the inflation of the times, there is no doubt that the Library was more than able to meet the immediate demands of students, faculty, law reviews and other agencies.

As the decade came to a close, holdings approached the level of 200,000 volumes. At this time, the Library possessed a formidable array of the primary sources of American law. Holdings included: all state appellate court reports issued prior to the creation of the National Reporter System including an impressive collection of the *Alabama Reports*; three sets of the state court units of the National Reporter System, with six sets of the *Southern Reporter* (first and second series); all official federal court reports and federal units of the National Reporter System, most in multiple copies; all current state law codes with multiple sets of the *Alabama Code*; all state session laws (legislative enactments), chiefly on microfilm; all federal statutes "both in compiled and chronological form, in such numbers as seem necessary;" the *Code of Federal Regulations* on microfiche from 1939; and the *Federal Register* on microfiche and in hard copy.⁷⁰

These primary sources were supported by a collection of vital reference works which included: sets of the *American Law Reports* series; the American Digest System; all regional digests of law and some state digests not covered by a regional digest; multiple sets of the *Alabama Digest*; various federal digests; copies of both tentative and final drafts of the American Law Institute's "Restatements of the Law"; many of the legal citation services published by the Shepard's company; and copies of the major American legal encyclopedias. In addition, the Library subscribed to every periodical listed in the *Index to Legal Periodi-*

68. T. CHRISTOPHER, *supra* note 63, at 12.

69. *Id.* at 6.

70. *Id.* at 12. See also D. BRENNAN, UNIVERSITY OF ALABAMA LAW CENTER LIBRARY PLAN FOR DEVELOPMENT 10-13 (1979) (available in Special Collections Department, University of Alabama School of Law Library).

cals, and had been able to secure complete runs of many of them.⁷¹

The Library's collection of English and Commonwealth sources was likewise well-established by 1980. Major reports, statutes, parliamentary documents and other publications of Her Majesty's Stationary Office were received, for the most part on standing order.⁷² Foreign law collections were not well-developed, but some, notably that concerning African law, were surprisingly good. In addition, scholars could consult a number of works of legal biography as well as history, anthropology, philosophy, and other law-related subjects. The Library possessed quite a few English medieval and early modern titles in reprint, including (but not limited to) the works of such commentators as Bracton and the records of the Middle Temple, the Society of Lincoln's Inn and other legal bodies.⁷³

Thanks to the interest of Professor Payne and other faculty members and librarians, the Library had for years been acquiring rare editions of pre-twentieth-century English and American legal works. Many of these were too fragile to be shelved in open stacks, a fact which contributed to the creation of a Special Collections Department. During the years at Farrah Hall, old and valuable books were stored in a walk-in safe located behind the circulation desk. An inventory of these books was carried out in 1975 and, following the move to the Law Center, a secure room was set aside for a Special Collections Department.⁷⁴ Rare legal works stored in Special Collections have included Brook's *La Graunde Abridgment* (1573), Herne's *The Pleader* (1657) and all or part of several editions of *Coke Upon Littleton* (the earliest dated 1684). Moreover, the department has collected rare works of Alabama law and history, as well as an archives of publications, clippings, manuscripts, photographs and audiovisual materials having to do with the School of Law and its history.⁷⁵

By the late 1970s several collections were relatively "mature" and, considering the nearly adequate funds available for books, it was apparent that a new collection development policy was needed. By Janu-

71. D. BRENNAN, *supra* note 70, at 13-15, 19.

72. *Id.* at 20.

73. See Shelflist of the University of Alabama School of Law Library; see also the Library's Accession Books (stored in Special Collections Department, University of Alabama School of Law Library). Note that many works of Foreign Law are still cataloged under the old classification designation "F."

74. Interview with David Lowe (Nov. 11, 1988); interview with Cherry L. Thomas, Director of the University of Alabama School of Law Library (Nov. 11, 1988).

75. See, e.g., *Announcement*, 49 ALA.LAW. —, 26-27 (1988).

ary 1979, Director David Brennan had written such a policy, the "University of Alabama Law Center Library Plan for Development."⁷⁶ By way of introduction, this document summarized the mechanisms of book selection (cooperation between the director and faculty); the functions of the Library (support of teaching, research, the Alabama Law Institute, and the Bar); and the acquisitions philosophy of the Library.⁷⁷

Brennan had been employed as an assistant librarian in 1963; his knowledge of the collections was equalled only by Payne's. In discussing the role of libraries in legal education, he, like Payne, emphasized the "peculiarly book centered" nature of the legal profession.⁷⁸ He was likewise aware that legal educators increasingly emphasized the impact of social, political and economic trends upon the law. It was Brennan's desire that the Library collect broadly in law-related fields — all the more because the Main Library had suffered a series of financial cutbacks during the 1970s with predictable results for many collections of interest to law professors and students. Certainly the Plan for Development reflected an interdisciplinary frame of mind, which mirrored the ambitions of Payne, Brennan and others responsible for collection growth.⁷⁹

One of the chief accomplishments of the Plan for Development is that it sets forth the Library's collecting goals for the major fields and subfields of American law. In conformity with national library practices, Brennan used a numerical scale to rate the desired "intensity" of collecting in these various legal fields. By this scale, "level 1" represented a "Skeletal" collection; "level 2" a basic "Reference" collection; "level 3" a "Research" collection; and "level 4" an "Exhaustive" collection. Many areas of American Law were to be collected at "level 3" intensity. Under Brennan's plan, building such a collection would require acquisition of all pertinent "multijurisdictional treatises both current and historical" as well as pertinent "looseleaf" information services, related works, and government documents. In addition, building a Research collection might involve collection of works of foreign law in order to provide a comparative perspective. An Exhaustive collection would involve acquisition of "every item of any American jurisdiction, in any form, of any date."⁸⁰ Of all the generalized American legal fields, only "Legal Education" received a "level 4" rating in the Plan for

76. D. BRENNAN, *supra* note 70, at 1-5, 21.

77. *Id.*

78. *Id.* at 2.

79. *Id.* at 2-5, 16; UNIVERSITY OF ALABAMA SCHOOL OF LAW, CATALOG 1964 24.

80. D. BRENNAN, *supra* note 70, at 8.

Development.⁸¹

It would be easy to exaggerate the prosperity and collection depth of the Library at the end of the 1970s. It is a good corrective to note that Brennan, for all the optimism of the Plan for Development, tied his policy to that of the past. The growth of collections, he observed, "continues to follow the general rules and guidelines set forth some thirty years ago by the faculty library committee."⁸² Those rules, identified by Brennan and all other observers of Library history with John C. Payne, dictated one policy above all: "forego immediate up-to-date-ness in favor of long-term development."⁸³

All in all, it was a policy that had paid huge dividends. Though many important developments still lay in the future—the beginnings of automation, computerized database searching via LEXIS and WESTLAW, the establishment of regular interlibrary loan services—the Library was nonetheless functioning as a research library by 1980. Law faculty taught courses and produced a considerable volume of research; students took advantage of the broader curriculum, produced their own research papers, and managed scholarly journals. All of these activities were directly supported by the Library.

For nearly three-quarters of a century, the growth of Library holdings was dependent upon gifts and occasional windfalls from the University administration. Under Dean Farrah, determined work and minimal expenditures began to move the Library toward usability and respectability. From the adoption of John Payne's Ten Year Plan through the Meador agenda to the composition of David Brennan's Plan for Development, collection-building in the Library was a matter of both vision and calculation—of working toward the creation of a research library. That end product was shaped and perhaps limited by a sense of political realism, particularly by the assumption that funds might not always be plentiful. However, faculty, librarians and student could face the uncertainties of the 1980s with the assurance that those who had gone before had laid a proper foundation.

81. *Id.* at 6-10.

82. *Id.* at 5.

83. *Id.*

