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# Demonstrating Law Library Value Through Mission-Centered Assessment

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# Demonstrating Law Library Value Through Mission-Centered Assessment\*

## Amanda Watson,\*\* Amanda Karel,\*\*\* Amanda Runyon,† and Leslie Street‡

*This article presents a history of evaluation in U.S. academic law libraries, shares survey results about our collective professional mindset, and offers practical steps for law libraries that are ready to abandon a pervasive culture of evaluation.*

## Introduction

¶1 Academic law librarians have been writing for at least 35 years about how simple quantitative measures do not accurately capture or communicate a law library's quality. Despite these critiques, the community has continually failed to attempt to identify better methods to demonstrate the breadth and depth of how law libraries support their law schools. With this failure, the law librarianship community created an opportunity for non-law librarians and outside entities to define law library quality, drive library planning and resource allocation, and reduce libraries to the statistical decimal point.

¶2 Rather than seizing the opportunity to communicate the value and contributions of law library programs, services, educational opportunities, resources, initiatives, and functions,[1] the law librarianship community instead invests precious time and resources in the process of external quantitative measurement, which only contributes to and reinforces our own problematic victim mindset. Indeed, law librarianship has long relied on external organizations like the American Bar Association (ABA) and *U.S. News & World Report* to justify the mere existence and value of law libraries not only externally but also to their own administrations. However, law libraries do not exist solely because organizations like the ABA and *U.S. News* say they should. The inclusion of the law library within the ABA's accreditation standards is a direct acknowledgment that law libraries are fundamental to legal education and scholarship.

¶3 Law libraries exist because they make important immediate, short-term, and long-term contributions to legal education. Law library leadership must understand how to communicate these contributions to the law school's mission and goals. Law library leaders who have not embraced mission-centered assessment are unable to build and present evidence-based cases showing how their libraries support law students, faculty, and administration in these goals. This became crystal clear in early 2020 when a group of law library directors approached Bob Morse and *U.S. News* to change how law libraries are measured by changing the library-related data reported to and used in *U.S. News*'s

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1. The term "offering" is used for simplicity throughout this article to refer to the myriad programs, services, educational opportunities, resources, initiatives, and other functions implemented by law libraries.

rankings of law schools. This group succeeded in getting *U.S. News* to review and adopt their proposed metrics for the 2022 law school rankings.[2]

¶4 While some law library directors framed this as a victory,[3] it was immediately clear that these new library metrics were highly problematic; had the potential to stifle how law librarians designed services and collections; and could have massive unintended consequences for libraries, library staff, students, and law schools in a continued race to the bottom. Rather than give libraries more flexibility to meet their schools' missions and the ABA requirements, engaging with *U.S. News* to expand the library-related metrics furthered the reach and credibility of a for-profit system that privileges specific types of libraries and law schools; disincentivizes the modernization of collections, resources, and services; and further embeds the problematic culture of comparison and obsession with status within law librarianship.

¶5 As problems with the data reported for the new library-related metrics began creating significant chaos within the law school rankings,[4] concerns about the new metrics were expressed throughout the legal education community.[5] Initial attempts to have serious conversations among law library directors about the impacts of the new measures were ignored or quashed. The immediate and potential consequences of the adoption of these metrics were too problematic to be ignored, so three of this article's authors wrote an opinion editorial about the unintended but easily foreseeable consequences of those metrics and how, rather than cementing or increasing our value to our institutions, they would serve only to further harm our institutions moving forward. This writing gained significant traction and was shared over 35,000 times.[6]

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2. The ranking is named for the year after it is published and reflects data collected before the ranking. In the 2021 ranking, outside expenditures, the only library-related metric was "the total number of volumes and titles in the school's law library." *2021 Best Graduate Schools Ranking—Full-Time Law Methodology*, U.S. News & World Rep., https://www.usnews.com/static/documents/ai-methodology/Law/2021_Law.pdf (last visited Jan. 18, 2023). In the 2022 ranking, the rankings were changed to include seven indicators that included titles but also metrics about library hours, reference hours, larger university collections, staffing, seats, and presentations. Robert Morse et al., *Methodology: 2022 Best Law Schools Ranking*, U.S. News & World Rep., https://www.usnews.com/media/ai/2022_Law.pdf (last visited Jan. 18, 2023).

3. "As members of the U.S. News Joint Task Force, we facilitated a year-long inclusive and rigorous effort to create a more modern picture of law libraries for prospective law students. The new questions achieve this. Prior questions had not been updated in many years." Roger Skalbeck, Comment to *U.S. News Ranking Metrics Stifle Law Libraries, Tie Hands of Law Schools*, TaxProf Blog (Apr. 1, 2021, 2:12:09 PM), https://taxprof.typepad.com/taxprof_blog/2021/03/us-news-ranking-metrics-stifle-law-libraries-tie-hands-of-law-schools.html.

4. *See, e.g., Jelena Woehr & Branden Frankel, Seriously, the Library? 2022 USNWR Law School Rankings Update*, Legal Level Podcast (Apr. 8, 2021), https://the-legal-level-podcast.testmaxprep.com/episodes/seriously-the-library-2022-usnwr-law-school-rankings-update [https://perma.cc/6KG3-GQER].

5. *See, e.g.,* Paul Caron, *Leiter: U.S. News Issues 4th "Corrected" Law School Rankings*, TaxProf Blog (Apr. 1, 2021), https://taxprof.typepad.com/taxprof_blog/2021/04/brian-leiter-us-news-issues-4th-corrected-law-school-rankings.html [https://perma.cc/494V-2ZW4].

6. Amanda Runyon, Leslie Street, and Amanda Watson, *U.S. News Ranking Metrics Stifle Law Libraries, Tie Hands of Law Schools*, TaxProf Blog (Mar. 30, 2021), https://taxprof.typepad.com/taxprof_blog/2021/03/us-news-ranking-metrics-stifle-law-libraries-tie-hands-of-law-schools.html [https://perma.cc/X3LA-U29W].

¶6 Conversations within the law librarianship community after the updated rankings were released revealed the depth of the problems caused by our collective failure to define quality and develop tools to demonstrate the value of law libraries. A vocal contingent of law library directors had assigned *U.S. News* nearly all power over how law libraries are valued in their institutions and essentially argued that law libraries needed a larger "slice" of *U.S. News*'s weighted ranking metrics because that was a direct lever to communicate law library value. These directors asserted that pulling this lever would defend against perceived attacks on their budgets and physical footprint. What these conversations failed to acknowledge is that law libraries had long squandered the opportunity to define their own narratives by continuing to invest in outside quantitative measures.

¶7 The profession had reached a crossroads. Law librarians could either continue to cede their power to outsiders or learn to demonstrate their own value. The op-ed authors' frustrations with the conversations around this debacle, along with their concurrent experiences working with the 2021 *U.S. News* Library Metrics Task Force,[7] led to an interest in finding ways to positively change the professional conversation around law library quality and find better ways to communicate value. The authors began collaborating with assessment expert Amanda Karel and sought funding from the American Association of Law Libraries (AALL) to better understand the extent to which academic law libraries are relying on metrics from outside organizations to communicate their value and attitudes that may impact law librarians' readiness to adopt an assessment paradigm.[8]

¶8 An online survey was designed and administered to examine current attitudes among law library leaders about using data to demonstrate the quality of public services and compare law libraries.[9] The survey results, combined with a review of the history of evaluation in U.S. academic law libraries and the evolution of the ABA standards for accrediting law schools, illuminated key challenges within law libraries and provided valuable insights for librarians. Law librarianship's embrace of, and reliance on, external evaluation has constrained law libraries and made it more difficult for them to meet the ABA's current requirements and support the missions of their law schools.

¶9 This article argues that the recent changes to the amount and types of data collected by external organizations creates space for law librarians to disinvest in external evaluation and embrace using data as part of robust internal assessment and planning practices. It is imperative that the profession create cultures of continuous improvement, where evidence gathered through assessment informs decision making.[10] This

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7. Amanda Runyon, Leslie Street and Amanda Watson, *U.S. News Rankings Get It Right on Law Libraries,* TᴀxPʀᴏꜰ Bʟᴏɢ (Mar. 31, 2022), https://taxprof.typepad.com/taxprof_blog/2022/03/us-news-rankings-get-it-right-on-law-libraries.html [https://perma.cc/Z36Y-FYDA]. *U.S. News* now evaluates two primary statistical points from libraries: the number of librarians employed and budget expenditures.

8. *AALL Research Fund: An Endowment Established by LexisNexis*, American Association of Law Libraries, https://www.aallnet.org/education-training/grants/research-grants/ [https://perma.cc/M5BT-ADDL].

9. See the appendix of this article for discussion of the survey's administration, the instrument design, and the quality of the survey sample.

10. It is not uncommon to encounter phrases like "culture of evidence," "culture of assessment," or "culture of continuous improvement" when reading scholarship on these matters. We deliberately use the

evidence can be used to effectively communicate law libraries' stories of impact to their institutions, rather than looking for validation from external entities. No outsider can tell the story correctly, nor can a handful of insiders accomplish the systemic change needed by the profession. The path forward is to understand the current situation, unite around the common goal of successful academic law libraries, and develop robust communities of assessment. Otherwise, law librarianship will continue to be defined by those who do not understand it or seem to value it, leading to its further erosion and potential ruination.

## Ceding Control of the Narrative to Outsiders

¶10 For more than a century, external entities have used data about academic law libraries, focused almost exclusively on collection size, as part of their accreditation and ranking of law schools. The impact of confounding collection size with library quality is magnified by individual law libraries and the profession's failing to develop additional measures of quality or success that are meaningful in their organizations or more broadly to the role of law libraries in legal education. Even as law libraries have innovated and supported their law schools' missions internally, they have failed to tell their own stories and failed to understand their own impact, both of which could be understood and communicated through robust and meaningful assessment processes. The void created by these failures allowed external entitles to shape what is valued about law libraries and, in the process, create a false and dangerous narrative about the role of law libraries.

### Consequences of the Failure to Communicate Law Library Value

¶11 The historical failure of academic law librarians to communicate the value of law libraries in legal education has created an intensifying cycle of interdependent failures. External entities wrongly equate quality with easily quantified data; law librarians report this data and fail to communicate their true value; administrators receive a false impression of law library value by external entities and then often form their perceptions and base their plans concerning law libraries on the false equivocations. Law librarians are then faced with plans that don't match their vision and mission and then base their own planning on fear of failing to perform on the external entities' wrongly equated metrics. The impact of these law libraries' failures, taken together, can then cascade more broadly, affecting the perception of the value of law libraries in legal education writ large.

¶12 Although it should seem ridiculous to think that law schools, dedicated to learning and scholarship, are not fundamentally fueled by libraries, many law libraries have historically been the subject of overwhelming repudiation by their own administrations. Law library budgets, personnel, collections, and physical spaces have been sliced and diced in the name of modernization, based on this false understanding of what it is that

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term "culture of continuous improvement" for several reasons. First, this term preferences action rather than measurement. Second, cultures of continuous improvement focus on the full process of assessment and planning expected of law schools and law libraries by the ABA.

makes a good law library. In reality, law libraries are expensive, and administrators are faced with budget competition that is, for most schools, impossible to fully reconcile. At the same time, incredible things are happening inside law libraries. Law libraries have created offerings that elevate their schools' missions, from giving diverse students safe spaces and access to equitable resources to heightening faculty scholarship. The paradigm of concurrent success within the library and repudiation from outside have made one thing shockingly clear: law librarians have failed to tell their own success stories.

¶13 Sadly, in many respects, academic law libraries are currently more accountable to *U.S. News* than to their own students, institutions, and the ABA. While recent decades have seen considerable change of views regarding what is necessary for and evidence of a quality legal education, unfortunately, the same cannot be said of the view of quality in law libraries. While law libraries have, of course, ushered in generations of change and modernization in response to vast technological advances, the *measures* of quality applied to and used by law libraries have remained largely unchanged since the late 1800s. The failure of the law librarianship profession to assert their expertise and take the lead in defining quality in academic law libraries has resulted in ceding the narrative to outside entities, particularly *U.S. News*.[11] As a result, non-law librarians have largely decided what is perceived as important for and about law libraries.

¶14 Rather than the personal, detailed self-assessment required by the ABA, *U.S. News* demands one-size-fits-all metrics that likely conflict with a school's mission. There are many types of law schools, with a variety of missions, but *U.S. News* grades them all by the same measure. This act creates direct and competing tensions for most law libraries as they try to meet their own missions, comply with the ABA standards, and help their schools achieve the rankings they desire.

¶15 *U.S. News* is, it seems, deeply invested in defining law library quality through its uniform, easily countable metrics. *U.S. News*'s Best Law School Ranking has a documented history of being extremely influential in law school policy creation.[12] These rankings have historically been highly valued by law school and institutional administrators.[13] By maintaining or improving a law school's rank, administrators hope that faculty recruitment efforts will be more successful, larger and stronger student applicant

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11. Glen-Peter Ahlers, The History of Law School Libraries in the United States: From Laboratory to Cyberspace, 125 (2002):

> Where we, law school librarians, go next, depends in large part upon where American legal education goes. We must help the American Bar Association and state bar associations develop appropriate measures of legal education…. [I]f we do not, someone else will. Someone else will become the lens. Someone else will focus and shape what once was our future.

*See also* Theodora Belniak, *The History of the American Bar Association Accreditation Standards for Academic Law Libraries*, 106 Law Libr. J. 151, 152 (2014) (Evolution of Chapter 6 of ABA Standards is "the product of nearly a hundred years of reflection on the role of the law library in legal education, and its creation shaped the concept of an acceptable academic law library.").

12. *See* Karen L. Wallace & Rebecca Lutkenhaus, *Measuring Scholarly Impact in Law*, 28 Widener L. Rev. 145, 152 (2022); Michael Sauder & Wendy Nelson Espeland, *Strength in Numbers—The Advantages of Multiple Rankings*, 81 Ind. L.J. 205, 216 (2006).

13. *See* Sauder & Espeland, *supra* note 12, at 216–17.

pools will develop, and their law school's reputation among other law schools and the broader legal community will improve.[14]

¶16 *U.S. News*'s outsized influence over law schools[15] has eclipsed the ABA's modernization of their standards, which by the mid-1990s evolved to place more value on how a law library contributes to the overall mission of the law school than on outdated proxies of quality such as the size of a library's print collection. The focused attention on *U.S. News*'s metrics and their law school rankings, rather than the ABA's modernized requirements, has significantly stunted development of responsive law library operations and collections since the 1990s.

## Beholden to the ABA and *U.S. News*

¶17 The ABA was the largest early external influence on law libraries. Early ABA standards focused on the adequacy of a library's collection. Over time, they evolved to acknowledge the existence of, and then the importance of, law library services and the law library's role in supporting its law school's mission.

¶18 Initially, the ABA's law library standards focused on adequacy. Member schools were required to "provide an adequate library available for the use of the students," as evidenced by meeting minimum volume counts and collection expenditures.[16] The concept of adequacy was maintained but slightly modified in the 1968 revisions to the Standards, in which academic law libraries were required to hold a core collection consisting of specific titles. Volume counts and expenditures continued to be important with these Standards and were reported annually to the ABA with the newly implemented Questionnaire for Law Schools.[17]

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14. *Id.* at 207.

15. *See* Wallace & Lutkenhaus, *supra* note 12, at 152; Sauder & Espeland, *supra* note 12, at 216.

16. These standards were approved by the ABA's Section of Legal Education and Admissions to the Bar in September 1921. 44 Ann. Rep. A.B.A. 656, 687 (1921).

    In 1927, minimum expenditures were set at $7,500 every five years and not less than $1,000 in any given year. Alfred Z. Reed, The Charter Foundation for the Advancement of Teaching, Review of Legal Education in the United States and Canada for the Years 1926 and 1927 (1928), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/standardsarchive/1926_1927_review.pdf [https://perma.cc/JU52-RZZU]. In 1951, expenditures for a five-year period were required to average at least $3,000 per year, with not less than $2,000 spent in any given year. Am. Bar Ass'n, Section of Legal Educ. & Secton of Legal Educ. & Admissions to the Bar, Law Schools and Bar Admission Requirements in the United States (1951), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/standardsarchive/1951_review.pdf [https://perma.cc/D22T-E2NZ]. In 1959, the standards required that expenditures over a five-year period average $4,000 per year, with not less than $3,000 spent in any given year. Am. Bar Ass'n, Section of Legal Educ. & Admissions to the Bar, Law Schools and Bar Admission Requirements in the United States (1959), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/standardsarchive/1959_review.pdf [https://perma.cc/3UNB-7ZLQ].

17. AALL began publishing selected academic law library statistics in *Law Library Journal* in 1931, but did not collect comprehensive annual statistics until 1969. Thus, when law school libraries began providing regular statistical reports to the ABA, comparing law libraries began in earnest. The *Law Library Journal* published these reports annually through the early 1990s. Tammy A. Hinderman, *What Is Your Library Worth? Changes in Evaluation Methods for Academic Law Libraries*, 24 Legal Reference Serv. Q. 1, 8

¶19 With its 1995 revisions, the ABA finally fully abandoned the adequacy framework, which largely focused on collections. The standards for collections became much less specific, mandating instead that law libraries develop and maintain a collection that supports the law school's educational, research, and service mission and is "sufficient in quality, level, scope, quantity, and currency."[18] The ABA concurrently introduced a new standard focused on the provision of library services "to meet the needs of the law school's teaching, research, and service programs."[19] These changes were monumental, signaling the ABA's understanding that law libraries were dynamic, responsive, multifaceted, and integral to their schools rather than carbon copies of one another.

¶20 The ABA would no longer hold all law libraries, regardless of their law school's mission, to uniform and restrictive collection criteria. Instead, the ABA recognized that law librarians were best positioned to determine how to use their resources to best support their law schools. Unfortunately, around the same time as these revisions, *U.S. News* debuted the *Graduate Guide*, which weighed the size of the law library's print collection

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(2005); *see also* Frank Schick, *The Century Gap of Law Library Statistics,* 61 Law Libr. J. 1, 1 (1968).
    In these early years, the ABA did not place much emphasis on law libraries beyond possession of books and space. During the 1950s and 1960s, standards related to library services and the qualifications of library personnel were gradually introduced. Services initially were a mere mention in the Standards but grew in importance as the Standards evolved throughout the 1970s, 1980s, and 1990s.
    While some discussion of the director role had been in place since the 1930s, new provisions regarding library staffing beyond the director level—including staff size and education—were introduced in the 1968 revisions. Am. Bar Ass'n, Section of Legal Educ. and Admissions to the Bar, Law Schools and Bar Admission Requirements in the United States (1968), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/standardsarchive/1968_review.pdf. Most of the changes to the staffing-related Standards during the 1970s, 1980s, and 1990s focused on the director role's knowledge base, education, and security of position. Am. Bar Ass'n, Approval of Law Schools: ABA Standards and Rules of Procedure (1977), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/standardsarchive/1977_standards.pdf [https://perma.cc/U8YP-CV7J].
    18. Am. Bar Ass'n, Standards for Approval of Law Schools and Interpretations, Standard 606(c) (1995), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/standardsarchive/1995_standards.pdf [https://perma.cc/3SZX-RDGL]. "A law library collection shall: (1) meet the research needs of the law school students, satisfy the demands of the law school curriculum, and facilitate the education of its students; (2) support the teaching, research, and service interests of faculty; and (3) serve the school's special teaching, research, and service objectives." *Id*. In addition, the Standards were renumbered. Reflecting the shifting importance of the collection, the collections standard was placed behind the standards related to funding, director qualifications and status, library staffing, and services. Am. Bar Ass'n, Standards for Approval of Law Schools and Interpretations, Standard 605 (1995), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/standardsarchive/1995_standards.pdf [https://perma.cc/3SZX-RDGL].
    19. "A law library shall provide the appropriate range and depth of reference, bibliographic, and other services to meet the needs of the law school's teaching, research, and service programs." Interpretation 605-1 reads, "Appropriate services include having adequate reference services, providing intellectual access (such as indexing, cataloging, and development of search terms and methodologies) to the library's collection and other information resources, offering interlibrary loan and other forms of document delivery, enhancing the research and bibliographic skills of students, producing library publications, and creating other services to further the law school's mission." Am. Bar Ass'n, *supra* note 18.

as a factor in its ranking of law schools.[20] The choice by *U.S. News* to center collection size damned any potential progress made possible by the ABA revisions. This introduction of *U.S. News* rankings in 1993 just as the ABA modernized its standards created an inherent, contradictory tension between evaluation and assessment in law libraries. This tension only increased as *U.S. News*'s influence in legal education increased and the ABA expanded its focus on assessment and planning. As law libraries customized their collections and services around their law school's mission, this functionally useless metric and its weight did not significantly change for almost two decades.

¶21 Even as *U.S. News*, a for-profit media company, continued to rank law schools using the size of their library's collection, the ABA, the actual expert accrediting body of law schools, continued to shift away from collection size as a proxy for law library quality. As part of the ABA's sweeping revisions to the Standards in 2014, law libraries were called to provide "support through expertise, resources, and services adequate to enable the law school to carry out its program of legal education, accomplish its mission, and support scholarship and research."[21] With this important shift, the ABA solidly linked law school mission and library performance and asked academic law libraries to focus on quality through outcomes-based measurements and engage in systematic, ongoing assessment and planning processes.[22] These expectations continue today.[23]

### Persistence of an Evaluation Mindset

¶22 Despite the ABA's mandate that academic law libraries regularly engage in assessment, this is not the current mindset for most academic law librarians. Instead, the pressure placed on law schools, including their law libraries, to respond to the metrics chosen by *U.S. News* has contributed to the persistence of an evaluation mindset within academic law librarianship.

¶23 While evaluation and assessment may seem to be interchangeable terms, their motivations and roles in higher education are very different. The process of external organizations using data to judge the value and quality of programs, services, or institutions is *evaluation*.[24] Evaluation is a key aspect of the higher education accountability

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20. Print collection size was defined as "the number of books, microfilm rolls, and microfiche in the law library." U.S. News & World Rep., America's Best Graduate Schools (1994).

21. Am. Bar Ass'n, ABA Standards and Rules of Procedure for Approval of Law Schools, Standard 601 (2014), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2014_2015_aba_standards_and_rules_of_procedure_for_approval_of_law_schools_bookmarked.pdf [https://perma.cc/FU3K-LEUJ].

22. *Id*.; Michael Whiteman, *Book Burning in the Twenty-first Century: ABA Standard 606 and the Future of Academic Law Libraries as the Smoke Clears*, 106 Law Libr. J. 11, 25 (2014).

23. Am. Bar Ass'n, Section of Legal Education and Admissions to the Bar, Standards and Rules of Procedure for Approval of Law Schools, Standard 601 (2021), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2021-2022/2021-2022-aba-standards-and-rules-of-procedure.pdf [https://perma.cc/X25G-AGTC].

24. Sarah Hooke Lee, *Preserving Our Heritage: Protecting Law Library Core Missions Through Updated Library Quality Assessment Standards*, 100 Law Libr. J. 9, 13 (2008); Alexander W. Astin, Assessment for Excellence: The Philosophy and Practice of Assessment and Evaluation in Higher Education 3 (2012).

movement, which consists of actions taken by outside entities—such as the government, accrediting bodies, or the public—to monitor the results of education and penalize or reward higher education institutions based on those results. *U.S. News*'s ranking of law schools by comparing their data to each other is evaluation. *Assessment*, which the ABA requires of law libraries in Standard 601(a)(3),[25] is the process of setting a goal and gathering information to understand the extent to which that goal is met. The first step is identifying what libraries hope to accomplish by offering specific programs, services, resources, or other educational experiences. Data is then systematically gathered, analyzed, and interpreted to draw conclusions about the results of these offerings relative to the previously established goals. The insights gained from the data then inform decisions[26] about the offerings' implementation.

¶24 Assessment is an iterative process. After decisions are implemented, additional data is gathered and examined to identify the effects of those decisions relative to the goals of the offerings.[27] In law libraries, the ongoing processes of assessment and planning help library personnel refine and improve their library and its offerings. In addition, engaging in assessment can help law librarians better communicate their contributions to their institutions.

¶25 The tension between assessment and evaluation results from how organizations use data, which shapes how law librarians gather, interpret, and report their data. The reporting of data for evaluation purposes requires libraries to show that they conform to an established standard, thus incentivizing libraries to present themselves in the best light possible to minimize negative consequences. In contrast, conducting meaningful assessment for improvement purposes, as mandated by accrediting agencies, asks

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25. Am. Bar Ass'n, Section of Legal Education and Admissions to the Bar, Standards and Rules of Procedure for Approval of Law Schools, Standard 601(a)(3) (2021), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2021-2022/2021-2022-aba-standards-and-rules-of-procedure.pdf [https://perma.cc/23T7-PL3J].

26. Data can never completely drive decisions. Rather, meaningful and accurate data can inform decision-making because the data needs to be considered in combination with professional knowledge of personnel and contextual information. *See* Kim Schildkamp, Cindy L. Poortman, Johanna Ebbeler & Jules M. Pieters, *How School Leaders Can Build Effective Data Teams: Five Building Blocks for a New Wave of Data-Informed Decision Making*, 20 J. Educ. Change 283, 284 (2019), https://doi.org/10.1007/s10833-019-09345-3 [https://perma.cc/8CVX-F9P3].

27. *See* M. Lee Upcraft & John Schuh, Assessment in Student Affairs: A Guide for Practitioners (1996); Linda A. Suskie, Assessing Student Learning: A Common-sense Guide (2009). In addition, Angelo's definition of assessment of student learning is also transferrable to the context of law libraries. He defines assessment as "an ongoing process aimed at understanding and improving student learning. It involves making our expectations explicit and public; setting appropriate criteria and high standards for learning quality; systematically gathering, analyzing, and interpreting evidence to determine how well performance matches those expectations and standards; and using the resulting information to document, explain, and improve performance. When it is embedded effectively within larger institutional systems, assessment can help us focus our collective attention, examine our assumptions, and create a shared academic culture dedicated to assuring and improving the quality of higher education." Thomas A. Angelo, *Reassessing (and Defining) Assessment*, 48 AAHE Bull. 7, 7 (1995).

libraries to actively look for and uncover shortcomings and make meaningful changes in hopes of improving effectiveness.[28]

¶26 Recent changes to the amount and types of data collected by *U.S. News* creates space for academic law librarians to fully adopt an assessment approach when working with data.[29] However, to facilitate such a transition, it is important to understand the extent to which assessment practices are currently present within academic law librarianship. To this end, we surveyed academic law library leaders[30] to determine what, if any, additional data their libraries collected about public services beyond what is typically submitted to external organizations (e.g., Association of Research Libraries (ARL), Association of College & Research Libraries (ACRL), *U.S. News*).[31]

¶27 Perhaps unsurprisingly, our results showed that librarians rarely develop additional metrics about public services beyond those that are commonly submitted to external organizations. Only 18.3% (34, $n = 186$) of participants reported that they collected data using in-house metrics. The overwhelming majority of survey respondents reported that the only data collected about their public services was data requested by an external organization.

¶28 While the overall number of participants who reported that they collect additional public services data was low, the fact that some participants reported that they had developed multiple in-house indicators about public services is a promising indication that we may be seeing the beginnings of a paradigm shift in the profession toward an assessment approach to data. However, these participants reported that very few additional metrics were used in their library to collect data about public services (*min* = 1, *max* = 5, *M* = 1.6, *sd* = 1.1; see Table 1).

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28. Peter T. Ewell, *Assessment, Accountability, and Improvement: Revisiting the Tension*, Occasional Paper No. 1, Nat'l Inst. for Learning Outcomes Assessment (NILOA) (2009).

29. Following the release of the *U.S. News* law school rankings in 2021, there was considerable discussion about the law library–related metrics added to the *U.S. News*'s annual survey and the consequences of these metrics. As a result, the law librarian community again worked with *U.S. News* to modify the survey during the summer of 2021. The survey and methodology for calculating rankings that *U.S. News* released in 2022 both reduced and changed the number of law library–related indicators that were collected and included in the rankings. Most notably, questions about library collections were removed entirely in favor of including only universal inputs—people and money—in the rankings. While it may not have been *U.S. News*'s intent, the metrics *U.S. News* adopted for its 2023 rankings show that uniformity cannot be valued over libraries' ability to serve their law school's mission.

30. For the purposes of this survey, law library leaders were defined as law library directors and managers of public services (e.g., head of faculty services, access services manager).

31. First, participants were asked whether their library did or did not collect data about 25 indicators that have been requested by ARL, ACRL, and *U.S. News* in the areas of personnel and hours (e.g., librarian FTE, hours per week library is staffed by librarians), expenditures on personnel (e.g., librarian salaries, professional development expenditures), access to materials (e.g., ILL requests filled, initial circulations), reference services and instruction (e.g., number of reference transactions, presentation attendance), and physical library access and space (e.g., gate count, number of seats). Participants were then asked to answer the open-ended question, "To the best of your knowledge, what additional data, if any, does your library collect about public services?" Metrics identified by participants that were asked in the prior closed-ended questions were deleted from the dataset during qualitative analyses.

### TABLE 1

#### Number of Additional Public Service Metrics Identified

| Number of Metrics Identified | % (Frequency) $n = 34$ |
|---|---|
| One | 70.6% (24) |
| Two | 11.8% (4) |
| Three | 11.8% (4) |
| Four | 0.0% (0) |
| Five | 5.9% (2) |

¶29 We conducted an inductive thematic analysis[32] of the 58 public services metrics identified by participants to better understand what additional data were being collected about public services. This analysis showed that librarians were collecting additional data about seven topics (see Table 2). Over a quarter of the in-house metrics helped libraries gain insight into their work with patrons. It was also common for the metrics to focus on library space (19.0%, 11), digital resources (15.5%, 9), and faculty research support services (13.8%, 8).

### TABLE 2

#### Additional Public Services Metrics Collected by Law Libraries

| Theme | Examples | % (frequency) $n = 58$ |
|---|---|---|
| Patron Engagement | Transaction details, LLM student support, Directional questions, IT-related questions, Patron satisfaction | 27.6% (16) |
| Physical Library Use | Carrel usage, Study room reservations, Headcounts | 19.0% (11) |
| Digital Resource Engagement | Website analytics, Database usage, Downloads of faculty publications from Institutional Respository | 15.5% (9) |
| Faculty Research Support | Number projects supported, Time on projects, Faculty book requests | 13.8% (8) |
| Collection | Stacks maintenance, Looseleaf filing, Materials requested from storage, Equipment circulation | 12.1% (7) |
| Event Engagement | Number of events held, Event attendance, Attendance at law school events | 6.9% (4) |
| Other | Marketing expenditures, Librarian professional development activities, Student staffing | 5.2% (3) |

32. The 58 descriptions of the public services metrics were thematically analyzed using an inductive approach at the semantic level. An author with content expertise initially coded the data into categories. These categories were then clustered into themes. After the themes were developed, the author then reviewed participants' responses to ensure that all responses were categorized into the correct theme. The remaining authors examined the themes and how responses were coded into each theme. Any disagreements on the creation of the themes or the classification of the responses into each theme were discussed until 100% intercoder reliability was reached.

¶30 Within an assessment and planning framework, additional metrics would be developed in libraries to (1) understand the extent to which the offerings under examination helped the library achieve its mission and (2) inform library decisions. Supporting the hypothesis that the presence of these additional in-house metrics may have been developed from an early assessment mindset, some of the participants provided an unprompted discussion of how the data had informed their decisions, such as using headcounts to determine desk staffing, when describing the additional public services-related data used in their libraries. While this is an advancement away from an evaluative mindset, it does not leverage the full potential of an assessment framework, in which assessment can help law libraries better communicate their contributions to their institutions.

¶31 These 58 additional public services metrics, like most data requested from outside organizations, focused on the inputs or outputs of the law library.[33] Using this type of data to discuss the law library can restrict the focus to "how good the library is" rather than moving the conversation to "what good the law library does or enables others to do." It is the latter conversation that shows how the law library supports its law school's mission. To have this conversation, however, law librarians need to collect data about the law library's short-term or intermediate outcomes (i.e., changes in other people or conditions because of their experience with the law library) or impacts (i.e., long-term outcomes) rather than focusing solely on inputs and outputs.[34]

¶32 Measures of the good the library does or the good the library facilitates are, perhaps, the best indicators of library quality. While communicating the full value of a law library requires nuanced and sophisticated assessment, the dominant mindset among law librarians, law schools, and external evaluators is that law library value is easily quantified and evaluated by reducing law library quality to the decimal point.

## Benchmarking

¶33 The ABA and *U.S. News* are not the only entities that currently gather data from academic law libraries. The most notable are ARL, ACRL, the Interdisciplinary Postsecondary Education Data System (IPEDS), AALL, and Academic Law Libraries: Statistics, Analytics and Reports (ALLStAR). The habit of reporting data to these entities has contributed to the pervasive culture of comparison in law libraries, where, along with evaluation, benchmarking has substituted for communicating library outcomes and impacts. In fact, the requirement to produce voluminous data for these numerous entities has reduced librarian capacity to explore and develop alternative methods for uncovering library impact in alignment with their institutions' missions.

¶34 The collection and distribution of academic law library–specific data has been largely driven by ARL and ACRL, two organizations that advocate for and serve

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33. Inputs are the resources a law library requires to provide the myriad programs, services, educational opportunities, resources, initiatives, and other functions implemented by the library. Outputs are the tangible products, capacities, or deliverables that result from an offering. Ctrs. for Disease Control & Prevention, *Logic Models*, https://www.cdc.gov/evaluation/logicmodels/index.htm [https://perma.cc/AU9M-DN68].

34. *Id.*

academic libraries and librarians.[35] These organizations began regularly collecting data about academic law libraries on an ongoing basis in the 1920s. Collecting data from law libraries occurred as part of ACRL's and/or ARL's larger work to collect data on all libraries associated with an academic institution.[36] Beginning with the 2005 Fiscal Year, ARL began publishing law library–specific data in a separate annual publication in addition to including it in publications about the broader institutional data.[37]

¶35 ALLStAR,[38] which represents a sustained, coordinated effort by law librarians to systematically collect and share data about academic law libraries in the United States, consists predominantly of questions developed by organizations outside of law librarianship. Each year, subscribers are asked to complete the ALLStAR Official Survey, which consists almost entirely of questions from ACRL, ARL, and IPEDS annual surveys; the ABA's discontinued library-related questions; and the *U.S. News* annual survey questions.[39]

¶36 When submitting data about a law library in response to ARL, ACRL, or ALLStAR surveys, law library personnel rarely encounter questions specifically written about law libraries by law librarians. Instead of submitting data that starts with the intent to explore how law libraries support their law school's mission, law library personnel respond to generic questions that assume general academic libraries and academic law libraries are the same.

¶37 There have been some efforts to create law library–specific metrics in ALLStAR[40] and AALL's *State of the Profession* report and *Salary Survey*. But these efforts

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35. *See generally* Lee Ann George & Julia Blixrud, Celebrating Seventy Years of the Association of Research Libraries, 1932–2002 (2008); Mary Ellen K. Davis & Mary Jane Petrowski, *Association of College and Research Libraries (ACRL)*, in Encyclopedia of Library and Information Sciences 3d (2009), https://doi.org/10.1201/9780203757635 [https://perma.cc/V24B-WSVE].

36. ARL grew out of *Statistics for Academic Libraries*, which was known colloquially as the "Princeton Statistics," and began collecting and publishing data on an annual basis in the early 1960s. In combination, ARL's work and the data from the *Statistics for Academic Libraries* "represents the oldest and most comprehensive continuing library statistical series in North America" ranging from 1908 to the present. George & Blixrud, *supra* note 35, at 21; *see also* Georgie Donovan & Teresa A. Fishel, *Introducing the New ACRL Trends and Statistics Survey: Changes for 2015*, C&RL News 540, 542 (Nov. 2015); David Free, *ACRL Launches New Annual Survey*, C&RL News 478, 480 (Oct. 2015).

37. Academic law library data is published in *ARL Academic Law Library Statistics.* Institution-wide data is published in *ARL Statistics. Digital Publications Index*, Ass'n of Rsch. Librs., https://publications.arl.org/9ishf/title_index [https://perma.cc/RJ5U-AN47]. ACRL embedded the Department of Education's IPEDS Academic Libraries component into its survey to encourage higher participation and completion rates. All schools are required to complete IPEDS surveys to receive federal student aid funds.

38. ALLStAR is a voluntary benchmarking tool for academic law libraries. ALLStAR was originally developed in the Yale Law School's Lillian Goldman Law Library. It is currently supported by the NELLCO Law Library Consortium. *See About ALLStAR*, New Eng. L. Libr. Consortium (NELLCO), https://nellco.org/allstar [https://perma.cc/97NU-6F2R].

39. Amanda Watson (first author) served as a member of the ALLStAR Advisory Board from 2018-2020 and 2022-present. Amanda Karel (second author) has been employed by NELLCO Law Library Consortium since 2020, and one of her duties includes managing ALLStAR. Amanda Runyon (third author) has been a member of the NELLCO Board of Directors since 2019.

40. Each year a group of law librarians creates a small set of questions focused on current issues facing academic law libraries (e.g., digitization, the impact of the COVID-19 pandemic on law libraries) that is

continue to focus on comparing law libraries, based on an assumption of uniformity, rather than communicating value centered on individual institutions' missions.

¶38 While there are drawbacks to the current methods of benchmarking available to law librarians, benchmarking can play a valuable role as law librarians work with data. Comparing a law library's data to external benchmarks can be helpful in crafting messages about the law library. In addition, comparing internal data to data from other law libraries can help law librarians set goals and identify areas in need of improvement or additional research. Indeed, organizations like ALLStAR, ACRL, ARL, and AALL lean into these benefits of benchmarking as reasons to participate in their surveys. Yet our survey results indicate that law librarians have reservations about the benchmarking process and the data collected within these surveys.

¶39 The value of benchmarking for law libraries is largely shaped by law librarians' beliefs about the data available for benchmarking and the act of comparing law libraries. To understand what these beliefs may be, we asked survey participants about the extent to which they agreed with five statements about using quantitative measures to demonstrate the quality of a law library's public services and comparing law libraries. Participants indicated their level of agreement with each statement using a five-point index, where one indicated strong disagreement with the statement and five indicated strong agreement.

¶40 The findings from our survey raise questions about the current approach to benchmarking public services in academic law librarianship (see Table 3). While there is a group of people who believe that quantitative measures can demonstrate the quality of public services (16.3% somewhat or strongly agree, 29), many are unsure whether this is possible (18.0%, 32, $n = 178$).[41] In addition, the majority of participants disagreed with the idea that current quantitative measures adequately capture the quality of law library public services (51.7% somewhat or strongly disagreed, 92) and almost a third were unsure (30.9%, 55, $n = 178$).[42] Interestingly, slightly more participants agreed that the quality of public services can be fairly measured across law libraries (20.1% somewhat or strongly agree, 36, $n = 179$).[43]

¶41 Overall, most participants felt that there is too much emphasis on quantitative measures in law libraries (69% agreed somewhat or strongly agreed, 123, $n = 178$).[44] Like law librarian scholars before them,[45] current law librarians also indicated a desire

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included on the survey. Additional surveys that were developed by law librarians are available to subgroups of subscribers who pay for enhanced or full access to ALLStAR.

41. On average, participants disagreed with the statement "the quality of any law library's public services can be demonstrated through quantitative measures." ($M = 2.3$, $sd = 1.0$, $n = 178$).

42. On average, participants disagreed with the statement "in general, the quality of law library public services is already being well measured by existing quantitative measures." ($M = 2.4$, $sd = 1.1$, $n = 178$).

43. On average, participants disagreed with the statement "law library public services quality can be fairly measured across law libraries." ($M = 2.4$, $sd = 1.1$, $n = 179$).

44. On average, participants agreed with the statement "too much emphasis is placed on using quantitative measures in law libraries." ($M = 3.7$, $sd = 1.1$, $n = 178$).

45. *See* William R. Roalfe, *The Necessity for Quantitative as Well as Qualitative Library Standards*, 2 J. LEGAL EDUC. 166 (1949); Benjamin F. Boyer, *Testing the Adequacy of a Law Library for Instruction and Research*, 2 J. LEGAL EDUC. 158 (1949); Russell Sullivan, *An Adequate Law School Library*, 2 J. LEGAL EDUC. 154 (1949); Martha J.K. Zachert, *Qualitative Evaluation of a Law School Library Services*, 81 LAW LIBR. J.

to employ a mixed-methods[46] approach to demonstrate the quality of public services. The overwhelming majority of participants felt that quantitative data should be contextualized with qualitative data (91% somewhat or strongly agreed, 163, $n = 179$).[47]

**TABLE 3**

Perceptions of Using Quantitative Measures to Demonstrate Quality of Public Services

| Strongly Disagree | Somewhat Disagree | Neither Agree nor Disagree | Somewhat Agree | Strongly Agree |
|---|---|---|---|---|
| *The quality of any law library's public services can be demonstrated through quantitative measures.*[a] | | | | |
| 24.7% (44) | 41.0% (73) | 18.0% (32) | 15.7% (28) | 0.6% (1) |
| *In general, the quality of law library public services is already being well measured by existing quantitative measures.*[a] | | | | |
| 18.0% (32) | 33.7% (60) | 30.9% (55) | 15.7% (28) | 1.7% (3) |
| *Law library public services quality can be fairly measured across law libraries.*[b] | | | | |
| 20.7% (37) | 41.3% (74) | 17.9% (32) | 19.0% (34) | 1.1% (2) |
| *Quantitative data must be contextualized with qualitative data.*[b] | | | | |
| 2.2% (4) | 1.1% (2) | 5.6% (10) | 35.8% (64) | 55.3% (99) |
| *Too much emphasis is placed on using quantitative measures in law libraries.*[a] | | | | |
| 6.2% (11) | 9.0% (16) | 15.7% (28) | 44.4% (79) | 24.7% (44) |

[a] Not all participants responded to this question; $n = 178$. [b] Not all participants responded to this question; $n = 179$.

¶42 Despite questioning current quantitative measures and the emphasis placed on them, participants had complicated opinions regarding comparing law libraries (see Table 4). Overall, participants agreed that the long-held tradition of benchmarking among law libraries is informative (64.4% somewhat or strongly agreed, 114, $n =177$).[48] However, participants felt that comparisons between law libraries are overemphasized (60.3% somewhat or strongly agreed, 108, $n = 179$).[49]

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269 (1989).

    46. Mixed-methods research is when a researcher employs more than one approach to collecting, analyzing, interpreting, and reporting data. Mixed-methods research typically uses both qualitative and quantitative data in the same study. When developing a mixed-methods study, researchers must be aware of the epistemological and ontological discussions undergirding the research approaches they seek to combine to ensure that this is done in an appropriate and principled manner. Saraswati Dawadi, Sagun Shrestha & Ram A. Giri, *Mixed-Methods Research: A Discussion on Its Types, Challenges, and Criticisms*, 2:2 J. Prac. Stud. in Educ. 25 (2021), https://doi.org/10.46809/jpse.v2i2.20 [https://perma.cc/JH7L-YPT2].

    47. On average, participants agreed with the statement "quantitative data must be contextualized with qualitative data." ($M = 4.4$, $sd = 0.8$, $n = 179$).

    48. On average, participants agreed with the statement "benchmarking across law libraries is an informative activity." ($M = 3.6$, $sd = 1.0$, $n = 177$).

    49. On average, participants agreed with the statement "too much emphasis is placed on comparing law libraries." ($M = 3.7$, $sd = 1.1$, $n = 179$).

**TABLE 4**

Perceptions on Comparing and Ranking Law Libraries

| Strongly Disagree | Somewhat Disagree | Neither Agree nor Disagree | Somewhat Agree | Strongly Agree |
| --- | --- | --- | --- | --- |
| *Academic law libraries can be ranked based on quantitative measures of public services.*[a] | | | | |
| 37.1% (66) | 38.8% (69) | 10.1% (18) | 10.7% (19) | 3.4% (6) |
| *Law libraries should only be compared to other law libraries with similar missions.*[b] | | | | |
| 3.4% (6) | 13.4% (24) | 30.2% (54) | 42.5% (76) | 10.6% (19) |
| *Law libraries should only be compared to other law libraries with similar characteristics (e.g., size, budget).*[b] | | | | |
| 4.5% (8) | 12.3% (22) | 14.5% (26) | 45.8% (82) | 22.9% (41) |
| *Benchmarking across law libraries is an informative activity.*[c] | | | | |
| 4.5% (8) | 11.3% (20) | 19.8% (35) | 46.3% (82) | 18.1% (32) |
| *Too much emphasis is placed on comparing law libraries.*[b] | | | | |
| 2.8% (5) | 11.7% (21) | 25.1% (45) | 31.3% (56) | 29.1% (52) |

[a] Not all participants responded to this question; $n = 178$. [b] Not all participants responded to this question; $n = 179$. [c] Not all participants responded to this question; $n = 177$.

¶43 These two opinions appear to be contradictory, which may be a commentary on the limitations of benchmarking. It may also be a reasonable reaction to the outsized role that comparison has played in the evaluation of law libraries, whether by *U.S. News* or law school administrators. Support for the latter explanation may be found by the overwhelming disagreement with the idea that academic law libraries can be ranked using quantitative measures of public services (75.8% somewhat or strongly disagreed, 135, $n = 178$).[50]

¶44 Regardless of the motivation behind the comparisons, it appears that participants desire more nuance when those comparisons are made. Specifically, most participants wanted law libraries to be compared to law libraries with similar missions (53.1% somewhat or strongly agreed, 95, $n = 179$).[51] There was more support for comparing law libraries with similar characteristics, such as size or budget (68.7% somewhat or strongly agreed, 123, $n = 179$).[52]

¶45 As shown in Tables 3 and 4, these perceptions of quantitative data and comparison between law libraries were not universally held. This led us to examine whether there were any systematic differences in opinions regarding comparing law libraries or using quantitative measures among participants based on their career experience, such

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50. On average, participants disagreed with the idea that "academic law libraries can be ranked based on quantitative measures of public services." ($M = 2.0$, $sd = 1.1$, $n = 178$).

51. On average, participants neither agreed nor disagreed with the idea that "law libraries should only be compared to other law libraries with similar missions." ($M = 3.4$, $sd = 1.0$, $n = 179$).

52. On average, participants agreed with the idea that "law libraries should only be compared to other law libraries with similar characteristics (e.g., size, budget)." ($M = 3.7$, $sd = 1.1$, $n = 179$).

as years of experience or types of libraries in which participants had worked. Only two statistically significant differences of opinion were identified.[53]

¶46 Directors were less likely than middle managers to believe that law libraries should be compared only to other law libraries with similar characteristics.[54] Participants who had not worked with a survey or organization collecting law library data were more likely to agree with the idea that quantitative data must be contextualized with qualitative data than participants who had engaged in this type of work.[55] It is unknown whether the desire to contextualize quantitative data kept people from engaging in this type of work or if engaging in this type of work led people to believe that contextualization is not as necessary.

¶47 The identification of very few statistically significant differences of opinion based on the demographics of participants' careers is a finding of practical significance. This indicates that the opinions toward the role of quantitative measures and law library comparisons outlined in Tables 3 and 4 are consistently held by academic law librarians who hold leadership positions in their libraries.

## Examples of Evaluative Mindset in Law Libraries

¶48 Law library personnel operating in an evaluation mindset tend to heavily value those items that have been frequently evaluated. As these aspects of the law library were counted and reported to external entities they became the primary areas of focus, including, but not limited to, collections, seats, and reference transactions. Collection size has been a primary data point provided to external entities, including the ABA from the 1920s through 1995, and to *U.S. News* since 1993. The critiques of and challenges to collection size are numerous and have existed for over a century.[56] The persis-

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53. This article only presents the results of statistically significant testing. Results of all statistical tests are available from the authors upon request.

54. A one-way ANOVA indicated significant differences in agreement (1 = strongly disagree; 5 = strongly agree) with the statement "law libraries should only be compared to other law libraries with similar characteristics (e.g., size, budget)" across the classifications of participants' current role in their library (i.e., director, head of department/area, middle management; $F = 3.16$, $df = 2/176$, $p < 0.05$, $eta^2 = 0.04$). A higher level of agreement was reported among participants who identified themselves as middle managers ($M = 4.1$, $sd = 0.85$, $n = 24$) than directors ($M = 3.5$, $sd = 1.15$, $n = 87$).

55. Participants rated their level of agreement with the statement "quantitative data must be contextualized with qualitative data" on a five-point index (1 = strongly disagree; 5 = strongly agree). While both groups endorsed this idea, on average participants who had not worked with surveys or organizations collecting law library data had lower levels of agreement than those who did (participants without experience $M = 4.6$, $sd = 0.53$, $n = 58$; participants with experience $M = 4.3$, $sd = 0.98$, $n = 101$; ($t(156.5) = 2.40$, $p < 0.05$, $d = 0.34$, 95% CI [0.01 - 0.66]).

56. *See* Hinderman, *supra* note 17, at 9. Critics have raised the issue of the difficulty of creating meaningful definitions and guidelines for conducting collection counts and have questioned the relationship between collection counts and a collection's depth, discoverability, and usability. The imprecision of counting collections has been connected to the challenge to create meaningful definitions and guidelines for counting. *See* Arturo Flores, *Volume Count: A Survey of Practice and Opinion from Academic Law Libraries*, 79 Law Libr. J. 241, 242 (1987) (quoting Nancy Carol Carter). This is a struggle that continues today, as indicated by the conflicting guidelines provided by library-centered organizations that routinely collect this kind of data around collections. A sampling of critiques of the practice of evaluating libraries on

tence of collection counts within evaluations has significantly shaped the behavior of law library personnel. Many collections have not been curated or maintained, and consideration of a collection's depth and breadth may be sidelined. Rather than weed irrelevant, outdated, or even damaged materials, items are left to linger on shelves and in off-site storage, consuming valuable space and financial and personnel resources that may be better deployed elsewhere. To help inflate collection counts, some libraries may opt to invest in cheaper, lower-quality items rather than invest in one pricier item that better aligns with library user needs.

¶49 The total number of seats present in the library per law student, divorced from all contexts, has been a measure that was valued and considered important within the evaluation mindset. This mindset developed because the ABA and *U.S. News* mandated reporting of the specific number of seats within the library. Within this framework, study space that supported student success counted only if it was considered part of the library. Study spaces in a lounge or a collaborative work area for students—no matter how well developed—were not included in these counts. Alternatively, seats that were in the library, but were not very usable due to bad lighting or other poor physical condition, counted without regard to their circumstances. Because of this thinking, the focus narrowed to having the highest number of seats in that space rather than having the right types of seats in the right spaces that met the goals of the law school and student needs.

¶50 Library personnel with an evaluation mindset view transactions as simply the bottom-line number. In this paradigm, the goal is to report as many transactions as possible to signal the library's value. In this scenario, little is gained by tracking or understanding the nature of interactions with library users or who was asking these questions. Rather, every question asked at a reference desk counts as a reference transaction, regardless of its content (e.g., asking for directions to the bathroom would be tallied as a reference transaction), and every question asked by a library user counts as a separate transaction. This approach reduces meaningful learning experiences to a tick on a sheet and disincentivizes

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collection size includes its failure to examine the true value and quality of a library collection (*see* Hooke Lee, *supra* note 24, at 9), inaccurate measures of collection depth (*see* Flores, *supra*, at 242), susceptibility to gaming, prioritization of collection size over services (*id.* at 241–42), and false assumptions that every item included in counts has value (Gail M. Daly, *Law Library Evaluation Standards: How Will We Evaluate the Virtual Library?*, 45 J. LEGAL EDUC. 61, 61 (1995)). Other critiques argue that focusing on title and volume counts does not guarantee that material is easily discoverable or usable (*see* Hooke Lee, *supra* note 24, at 16), incentivizes treating libraries solely as book warehouses (*see* Daly, *supra*, at 64), and fails to account for the competing demands on law libraries' space and budget. Evaluating law libraries based on volume count requires library space to be primarily devoted to housing print collections, preventing libraries from redeploying space to meet other needs. Further, as law libraries saw significant budget cuts, the dramatically rising prices for legal materials (Amanda M. Runyon, *The Effect of Economics and Electronic Resources on the Traditional Law Library Print Collection*, 101 LAW LIBR. J. 177, 185 (2009)) made continually increasing counts even more difficult (*see* Whiteman, *supra* note 22, at 39). As early as 1835, the statistician who first attempted to measure European libraries made several notable observations: (1) lack of uniformity in how libraries count collections, (2) number held does not equal quality, and (3) comparing libraries based on count is an ineffective measure of library worth. See Hinderman, *supra* note 17, at 5.

proactively providing resources or services, such as research guides or classroom research presentations that might lower the total number of reference desk transactions.

¶51 These situations exemplify why overreliance on an evaluation mindset is harmful to the law library community. Although law librarians can position their libraries to perform well on these measures, that does not mean the libraries are, in fact, performing well as law libraries. Such an approach certainly does not provide a meaningful picture of any actual successes.

## Reclaiming Control of the Narrative

¶52 The breadth and flexibility provided by the ABA's adoption of planning and assessment requirements gives librarians the opportunity to build a case for the alignment of their services, educational offerings, and resources with their law school's mission.[57] Engaging in meaningful assessment and planning processes enables law libraries to identify their successes, implement strategies to capitalize on those successes, and address needed improvements. It also helps them compile evidence of compliance with other ABA standards, including sufficiency of staffing,[58] appropriateness of core and additional collections,[59] and suitability of space and equipment.[60] These processes support law library directors as they advocate for their library and staff within the law school and the broader institution, particularly when framing those messages in terms of what good the library does or facilitates (i.e., outcomes and impacts). While this is not easy work, it is beneficial. Law librarians, now freed from *U.S. News*–imposed metrics, can—and must—reclaim control of the narrative about quality in law libraries through robust, meaningful assessment and planning processes.

¶53 The survey results presented above provide preliminary insight into how law library leaders would navigate this change. However, a mindset is not created by isolated opinions. Rather, a mindset is a constellation of opinions that inform one another. To that end, we conducted additional analyses to see what, if any, associations exist between these issues. Our analyses showed that these opinions are deeply intertwined, inform one another, and meaningfully group together.[61]

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57.   *See* ABA Standard 601(a)(3), *supra* note 23.

58.   *See id.* Standard 604.

59.   *Id.* Standard 606(a) and (c); *see also* Casey D. Duncan, *Collection Development*, in Academic Law Libraries: A Primer for Deans and Provosts 99–100 (Michelle M. Wu ed., 2020).

60.   ABA Standard 606(e), *supra* note 23.

61.   An exploratory factor analysis was conducted on the 10 survey questions about opinions to examine the underlying structure of these opinions. A principal components analysis with Varimax rotation with Kaiser Normalization was used. The Kaiser-Meyer-Olkin measure indicated average sampling adequacy for this analysis (KMO = 0.70). Bartlett's test of sphericity ($\chi^2(45) = 328.73$, $p < 0.001$) indicated that correlation structure was adequate for factor analyses. Kaiser's criterion of eigen values greater than 1 yielded a three-factor solution as the best fit for the data, accounting for 56.5% of the variance. The reliability analyses for each of these factors indicated potential for the development of scales using these items.

¶54 The first set of opinions grouped participants who have adopted an evaluation mindset and find meaning in the act of comparison.[62] This is evidenced by correlations between the ideas that (1) public services can be ranked via quantitative measures, (2) quantitative measures are not overemphasized, (3) benchmarking is informative, and (4) comparing law libraries is not overemphasized.[63] This group may be most challenged by moving toward assessment because they have invested in the idea that comparison built on external evaluation is an essential system that benefits law libraries.

¶55 The second set of opinions pointed to a subset of participants who appear to value nuance in data and do not want uniform comparisons across libraries.[64] These are individuals who are primed to move toward assessment, as shown by the correlations between the ideas that qualitative data is important to contextualize quantitative data and that law libraries should be compared based on missions or other important characteristics.[65]

¶56 The final grouping of opinions identified a participant group who appeared to see the potential in measurement and a role for data in law libraries.[66] This opinion cluster emerged from correlations between the ideas that (1) quantitative measures can demonstrate the quality of public services, (2) the quality of public services is well captured through existing measures, and (3) public services can be fairly measured across law libraries.[67] This group believes in measurement, but will need to grapple with the

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62. This factor had an eigen value of 2.10 and accounted for 20.96% of the variance.

63. A negative, statistically significant correlation exists between "academic law libraries can be ranked based on quantitative measures of public services" and "too much emphasis is placed on using quantitative measures in law libraries" ($r(176) = -0.21$, $p < 0.01$). A positive, statistically significant correlation exists between "academic law libraries can be ranked based on quantitative measures of public services" and "benchmarking across law libraries is an informative activity ($r(175) = 0.34$, $p < 0.001$). A negative, statistically significant correlation exists between "academic law libraries can be ranked based on quantitative measures of public services" and "too much emphasis is placed on comparing law libraries" ($r(176) = -0.24$, $p < 0.01$). A negative, statistically significant correlation exists between "too much emphasis is placed on using quantitative measures in law libraries" and "benchmarking across law libraries is an informative activity" ($r(175) = -0.22$, $p < 0.05$). A positive, statistically significant correlation exists between "too much emphasis is placed on using quantitative measures in law libraries" and "too much emphasis is placed on comparing law libraries" ($r(176) = 0.48$, $p < 0.001$). A negative, statistically significant correlation exists between "too much emphasis is placed on comparing law libraries" and "benchmarking across law libraries is an informative activity" ($r(175) = -0.45$, $p < 0.001$).

64. This factor had an eigen value of 1.86 and accounted for 18.54% of the variance.

65. A positive, statistically significant correlation exists between "quantitative data must be contextualized with qualitative data" and "law libraries should only be compared to other law libraries with similar missions" ($r(177) = 0.26$, $p < 0.001$). A positive, statistically significant correlation exists between "quantitative data must be contextualized with qualitative data" and "law libraries should only be compared to other law libraries with similar characteristics (e.g., size, budget)" ($r(177) = 0.26$, $p < 0.001$). A positive, statistically significant correlation exists between "law libraries should only be compared to other law libraries with similar missions" and "law libraries should only be compared to other law libraries with similar characteristics" ($r(177) = 0.45$, $p < 0.001$).

66. This factor had an eigen value of 1.69 and accounted for 16.94% of the variance.

67. A positive, statistically significant correlation exists between "the quality of any law library's public services can be demonstrated through quantitative measures" and "the quality of law library public services is already being well measured by existing quantitative measures" ($r(176) = 0.30$, $p < 0.001$). A positive,

fact that measurement is fallible. The limitations to quantitative measurement are numerous and well documented.[68] As this group engages with measurement, in either assessment or evaluation, education on these issues in addition to statistical literacy will be essential.

¶57 For law libraries to create meaningful assessment processes, law library leaders must focus the library's work on its mission, reimagine the role of and approach to working with data in their library, and nurture a culture of continuous improvement. Underpinning these changes is the understanding that neither assessment nor planning can exist as orphaned concepts within law libraries; rather, they must be paired. Assessment results should inform planning, including budgeting, and planning should inform what is assessed in the future. Planning, unlike assessment, is not a novel concept in law librarianship.[69] While planning—including mission, vision, and goal setting—is seen as fundamental, there is less discussion of and extant literature on assessment in law librarianship. Assessment is the missing integral piece to reclamation of the narrative in academic law librarianship. If law librarians harness the opportunities presented by changes in external evaluation and adopt an assessment approach, they will finally begin to communicate their value through their own mission-centered stories. To do so, law library leaders must center and consistently communicate the law library's mission; transform how and what data is gathered, analyzed, and reported; and build cultures of continuous improvement within the library.

## Centering and Communicating the Mission

¶58 A significant negative byproduct of external evaluation is the illusion of uniformity across law libraries. Of course, law libraries are not uniform because law schools are not uniform. Unique missions, programs, student bodies, faculties, and geographical locations create unique needs for institutions. Assessment should focus on two elements: (1) the match between the mission and goal, and (2) the offering and how much the offering matters. One may see these questions phrased as the "why" and "so what" of assessment.

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statistically significant correlation exists between "the quality of any law library's public services can be demonstrated through quantitative measures" and "law library public services can be fairly mea- sured across law libraries" ($r(176) = 0.44$, $p < 0.001$). A positive, statistically significant correlation exists between "the quality of law library public services is already being well measured by existing quantitative measures" and "law library public services can be fairly measured across law libraries" ($r(176) = 0.20$, $p < 0.01$).

68. *See, e.g.*, Geoffrey Walford, Eric Tucker & Madhu Viswanathan, The SAGE Handbook of Measurement (2010). The following chapters are particularly helpful: Stephen Gorard, *Measuring Is More than Assigning Numbers*, https://dx.doi.org/10.4135/9781446268230.n20 [https://perma.cc/6X36-GHH3]; Eric Tucker, Madhu Viswanathan & Geoffrey Walford, *Reflections on Social Measurement: How Social Scientists Generate, Modify, and Validate Indicators and Scales*, https://dx.doi.org/10.4135/9781446268230.n1 [https://perma.cc/88GH-29AM]; Madhu Viswanathan, *Understanding the Intangibles of Measurement in the Social Sciences*, https://dx.doi.org/10.4135/9781446268230.n15 [https://perma.cc/4Q9J-8Z5S].

69. *See, e.g.*, Stephen Baughman & Elizabeth A. Curry, Strategic Planning for Library Multitype Cooperatives: Samples and Examples (1997); Nancy Bolt & Sandra S. Stephan, Strategic Planning for Multitype Library Cooperatives: A Planning Process (1998).

¶59 Addressing the "why" requires analyzing library offerings in relation to the institutional mission. Librarians must ensure that the law library's mission and offerings align with the larger mission of the parent law school. There will certainly be overlap between the offerings of law libraries because they all have students, faculties, and classes, but the details of how offerings are designed and implemented will likely be distinct to individual libraries. Demonstrating mission alignment is foundational to building the case for the law libraries' contributions to the educational, scholarly, and service missions of their law schools.

¶60 Answering the "so what" question by gathering, analyzing, and interpreting data about all parts of the library and all library offerings furthers the case for how law libraries contribute to their institutions. The results of these assessments should focus on the offerings' outcomes and impacts to demonstrate these contributions and identify areas for improvement.

¶61 Regular reporting is a crucial step for successful assessment, and these reports must be tailored to different library audiences. Instead of listing common metrics to communities who do not understand the complexities of offerings, reports should meet the audience at their level of understanding. Out of necessity, information should be repeatedly explained so the audience has access to the context and meaning behind the reports. The library's goals should be used to organize results into themes that appear across the different reports. The intent in these reports is to move communication from transactional data without context to engaging thematic information about libraries. Law libraries can be transformational, and assessment reporting will tell the story of how and why law libraries transform our institutions.

## Transforming the Role of Data

¶62 Law librarians must also reexamine their perspectives on quantitative data. In evaluative mode, prescribed data points are simply gathered, reported, and stored for recordkeeping purposes. If the data points are discussed at all, they are discussed in the context of improvement for future evaluations. Libraries with a culture of continuous improvement consistently engage with their data. They carefully and frequently analyze and interpret the data and use their knowledge and expertise to transform data into information. This information is used to identify shortcomings, adjust offerings during current and future implementations, and holistically examine contributions to the law school's stated goals and mission.

¶63 Each school's goals and missions will inform what metrics it values. A metric's value is context-specific to an individual library, as metrics do not innately hold value. Within an evaluation paradigm, the metric has more value for the evaluator than for the library. The evaluator values a metric because it can be used to determine whether a library meets a uniform standard or to rank one library relative to another. In contrast, within a continuous improvement paradigm, a metric's value lies in its usefulness to the library and the results that it produces. The results are valuable because they can inform decision-making and communicate how well a library is accomplishing its mission.

¶64 Unfortunately, many law librarians rely on measures that are inaccessible to people without formal librarianship training. Metrics developed by groups like ACRL and ARL were created by librarians for other librarians. Some metrics, like seat count or number of hours open, may appear accessible, but the subtleties in differences between institutions make these metrics difficult for outsiders to understand. For instance, a task chair with quality lighting in a quiet reading room is very different from a worn sofa in a dark corner of a law school basement. A simple count erases the complexities that librarians know exist in our numbers. Law library personnel need to collect, interpret, and present data with explanations about what a metric does and does not include, so that it can be understood by external audiences.[70]

¶65 Data collection in law libraries must change to a balanced mix of data types that can be used together to tell a story about library contributions, value, and successes. The results presented need to inform each other, whether about a single library offering or the library as a whole. Law librarians can no longer rely solely on quantitative, standard-ized data that focuses solely on libraries' inputs, activities, and outputs.[71] While these types of data are certainly considered in assessment processes, assessment does not rely on faith that goals are met just because offerings are available. Instead, law library per-sonnel working from an assessment mindset also gather and analyze data about out-comes and long-term impacts to establish this connection.[72] This is likely to require a mixed-methods approach that focuses on both quantitative and qualitative data, and the triangulation of data from multiple sources to build a complete picture. This approach can add richness and context to results. It facilitates better decision-making and dem-onstrates the influence of institutional mission.

## Building Cultures of Continuous Improvement

¶66 Evaluation is results oriented, whereas assessment is improvement oriented. Improving library offerings must be a clear and primary goal of leadership, and assess-ment alone is not enough to accomplish this. Assessment is most likely to lead to improvement when it is part of a larger set of conditions that clearly indicate that change is valued and prioritized. Unfortunately, change can sometimes be viewed as a threat in higher education settings rather than as an opportunity to better meet our institutional missions. We serve a constantly changing population in a continually evolving environment, and we too must regularly change. Expectations for ongoing change should be embedded in the institution's planning, budgeting, and personnel decisions. These are fundamental characteristics of cultures of continuous

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70. Many of these metrics are also relied on in nonevaluative benchmarking projects such as ARL, ACRL, and ALLStAR.

71. Eric Ackermann, *Program Assessment in Academic Libraries: An Introduction for Assessment Prac-titioners*, 2 Rsch. in Prac. & Assessment 18, 19 (2007).

72. Outcomes are the desired results of an offering. They are what is achieved by implementing an offering in the short, intermediate, or long term. Impacts are the ultimate result of an offering and tend to be the most distant in the future. For example, if a law library offers a course in legal research, this offering's output would be the number of students enrolled; outcomes would be the knowledge or skills gained by students; and impacts would be the students' reduced learning curve during their first legal job.

improvement. Institutions with cultures of continuous improvement seek out information—good and bad—about outcomes and impact as part of their decision-making.

¶67 Cultures of continuous improvement do not just happen. They must be intentionally developed and carefully maintained. There are several steps that law library leaders can take to create such environments.[73] While the work will naturally differ between law libraries, cultures of continuous improvement are built on foundations of trust, shared vision, and common goals. They require a shared language and collaborative approach.[74] To make this possible, all personnel must have the knowledge and skills to contribute to data collection, analysis, and interpretation.

¶68 While it may be tempting to delegate the leadership of assessment work to someone on the library staff who has an interest in this area, it is crucial that the organization's leaders take ownership of all aspects of assessment. This includes creating and modeling the norms and expectations needed to create a culture of continuous improvement, which is essential to help create buy-in and trust among all library personnel. Cultures of continuous improvement must permeate all boundaries in an organizational structure. Commitments must be made at every level to respectfully request and accept information.

## Embracing Trust and Failure

¶69 Assessment is a conversation, and sometimes that conversation is difficult. Working through difficulty requires an environment of trust. Unlike an evaluative culture, where lists of numbers are simply reported but do not require additional interrogation, assessment requires critical reflection about the results, which is used to make necessary improvements. Response to evaluation is easily ignored, whereas assessment requires ongoing engagement.

¶70 Successfully creating cultures of continuous improvement requires library leaders to build relationships based on trust and to create opportunities for staff to discuss where they are struggling. Library leaders are responsible for providing clear direction within a positive environment to help this culture fully emerge. Leaders at every level must be able to explain why assessment and planning are critical. Building a shared understanding about the value of continuous improvement can alleviate the fear and anxiety that may emerge when identifying deficiencies in the library.[75]

¶71 Library leadership must develop norms and structures that facilitate discussions about data where participants can share their opinions and ask questions. Discussions about the information gleaned from the data cannot blame library personnel for the

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73. Don Haviland, *Beyond Compliance: Using Organizational Theory to Unleash the Potential of Assessment*, 38 Cmty. Coll. J. Rsch. & Prac. 755, 765 (2014), https://doi.org/10.1080/10668926.2012.711144 [https://perma.cc/T2YH-96QX].

74. Kimberly Yousey-Elsener, Erin M. Bentrim & Gavin W. Henning, Coordinating Student Affairs Divisions Assessment: A Practical Guide (2015).

75. *See generally* Charles A. Peck & Morva A. McDonald, *What Is a Culture of Evidence? How Do You Get One? And … Should You Want One?* 116 Teachers Coll. Rec. 1 (2014).

library's limitations and shortcomings[76] and cannot factor into individual performance evaluations.[77] Library leaders need to value innovation and risk-taking and celebrate what the library learns from its failures as much as what it learns from its successes.[78]

¶72 A hallmark of good assessment is assessing the assessment. Law libraries must reflect on how the process unfolds and make necessary adjustments. An assessment rarely works perfectly the first time it is implemented, and no assessment or metric will work forever. Normalizing conversations around change and failure builds trust among library personnel. This is particularly true in the arena of data collection, where leaders need to interrogate whether the correct data are collected in ethical and sustainable ways to inform decisions.[79]

## Committing to Common Purpose

¶73 Building acceptance for meaningful assessment takes focused, deliberative work. Law library leaders need to understand the law library's past and develop a vision for its future, which requires them to understand how the institution's history and culture could impact the development of a culture of continuous improvement.[80] Law library leadership must also consider their personnel's current attitudes toward assessment and model both flexibility and a growth mindset.

¶74 Law library leaders should carefully select the framing they use when discussing assessment. It is important to show how assessment aligns with existing, commonly held institutional and professional values, such as supporting equity and access.[81] Leaders should frame assessment as an integral part of how the library approaches its work, not as an additional requirement or task that must be completed to adhere to ABA standards[82] or satisfy other external evaluators.

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76.  *See* Schildkamp et al., *supra* note 26, at 293, 302, and 315.

77.  While staff may be accountable for implementing and assessing offerings, they cannot be held responsible if an offering does not have the desired results. That would create a culture of concealment.

78.  Pat Hutchings, Peter Ewell & Trudy Banta, *AAHE Principles of Good Practice: Aging Nicely*, Nat'l Inst. for Learning Outcomes Assessment (NILOA) (2012).

79.  When assessing data practices in their law libraries, there are several guiding questions leaders can ask. Is the law library gathering the correct data in the right format? Will the resulting data help us answer questions about the law library we care about? Are our data collection practices ethical, sustainable, and practical? When data collection is finished, can the data be easily and efficiently turned into useful information? After data collection, will we have sufficient information to draw conclusions?

80.  *See* Suskie, *supra* note 27; Yousey-Elsener, Bentrim, & Henning, *supra* note 74; Tom Angelo, *Doing Assessment as if Learning Matters Most: Simple, Practical Classroom and Course-Level Approaches*, 2008 IUPUI Assessment Inst., Indianapolis (Oct. 27, 2008).

81.  *See* Haviland, *supra* note 73.

82.  When assessment is driven by forces outside an institution, such as in response to mandates and expectations set by accrediting bodies or policy makers, rather than by institutional needs and internal priorities placed on evidence, "assessment does not matter in the ways it could and should.... [T]o have the desired effects, evidence of what students know and can do must respond to genuine institutional needs and priorities." George D. Kuh et al., *Beyond Compliance: Making Assessment Matter*, 47 Change 8, 10 (2015), https://doi.org/10.1080/00091383.2015.1077661 [https://perma.cc/4UMD-UR7F]. The risks of engaging in assessment purely at the behest of accrediting agencies is nicely summarized by Haviland, *supra* note 73.

¶75 It is understandable if a sense of dread and annoyance sets in when it is time to gather and submit data to external evaluators. Rather than being seen as an opportunity, this process can be seen as institutionalized red tape. This reaction can be caused by the disconnect between the data collected and its usefulness. It is hard to be excited about data collection, analysis, and interpretation if there is not a good reason for that work. In contrast, cultures of continuous improvement pursue questions that emerge from assessing offerings created to meet institutional needs and mission. As a result, the data collected to answer these questions are innately important to and useful for the law library.

¶76 It is not enough that the questions and answers are important and useful; they must also be clearly communicated. Transparent and regular communication helps in building acceptance of cultures of continuous improvement. Assessment and progress on goals should be standard components of meeting agendas and messages. Assessment should be the primary lens through which offerings are discussed. When library leadership makes decisions about assessment efforts, those decisions should be communicated to the entire library.[83] Discussions about assessment and results, particularly information about how data is used to inform important decisions, should include all library personnel. This is a very different approach from how information about data collection and submission are typically treated within a culture of evaluation. In those cultures, conversation and collaboration is infrequent at best and tends to be driven by the deadlines provided by the external evaluators.

## Creating Robust Infrastructure

¶77 Most law librarians have not been formally educated about assessment. Librarians must understand the vocabulary before they can begin to meaningfully assess their institutions and offerings. Building a shared language allows a collective understanding of new concepts and helps identify the mental models that need to be transformed.[84] A crucial aspect of this shared language must be clear communication about, and understanding of, institutional mission.

¶78 Library leadership must create robust infrastructure throughout the library regarding assessment and data collection, analysis, and interpretation.[85] All library personnel should have appropriate knowledge and skills. To accomplish this, leaders need to assess existing strengths and offer training where needed.[86] This is important

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83. *See* Suskie, *supra* note 27; Yousey-Elsener, Bentrim, & Henning, *supra* note 74; Angelo, *supra* note 80.

84. Angelo, *supra* note 80.

85. Law library leaders need to provide educational opportunities for themselves and all other library personnel on a range of topics. In addition to building an understanding about library assessment and planning, educational opportunities about the following issues are also needed: conducting quantitative and qualitative research, issues of measurement reliability and validity, how to assess the trustworthiness of qualitative research, basic statistical analyses, and how to work with and interpret both quantitative and qualitative data.

86. Linda Suskie, a preeminent higher education assessment expert, wrote, "because we're not telling the stories of our successful outcomes in simple, understandable terms, the public continues to define

because in cultures of continuous improvement, data work cannot be isolated to a few individuals. While one person may be charged with coordinating assessment work, everyone must be responsible for its execution.

¶79 Creating a culture of continuous improvement is a difficult but important initiative. If law librarians build trust, embrace failure, work from a common purpose, and invest in assessment infrastructure for their libraries, they will be able to unlock the benefits of working in cultures of continuous improvement.

## Examples of a Continuous Improvement Mindset in Law Libraries

¶80 Library personnel who have adopted a continuous improvement mindset do not limit their data efforts to easily counted measures. Instead, these libraries employ an assessment approach and use data—both quantitative and qualitative—to examine the extent to which they are achieving their goals and to identify ways in which they could further improve. This approach uses a mix of data types from four broad categories—operational metrics, participation data, experiential data, and outcomes data. The following scenarios are examples of how an assessment approach can transform discussions of collections, seats, and reference transactions away from evaluative conversations to help library personnel identify and discuss outcomes and impact, use assessment to inform planning and partnerships with other areas of the law school, and look holistically at library offerings.

¶81 Law librarians can employ the four types of assessment data to tell an interesting and insightful story about how law library seats relate to student performance, a story that cannot be told by focusing solely on the total number of seats within the law library. Operational metrics could include the number of chairs disaggregated by type and functionality, monetary investments in the space, and percentage of square footage dedicated to different types of study. Participation metrics might look at use patterns at different times of the day and year; when the furniture has been moved or even damaged; study area reservations; and use of study equipment like markers, whiteboards, lamps, and book stands. Experiential data could be gathered through a survey or messages from students about the space. Finally, outcomes data may result from messages left about how study spaces impact performance or analyses of how students with frequent reservations or checkouts perform in their classes.

¶82 A report about study spaces that drew from this mix of data types could then tell the story about how the spaces supported student success. Beginning with the *why*, the report would explain the importance of providing study spaces through quantitative and qualitative information about the law student users. Instead of noting the mere availability of chairs, the report would communicate the array of study spaces and how they were used at different times of the day and year. The report would further weave in survey results and messages about satisfaction with spaces, and specific examples

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quality using the outdated concept of inputs like faculty credentials, student aptitude, and institutional wealth—things that by themselves don't say a whole lot about student learning." Linda Suskie, *Why Are We Assessing?*, Inside Higher Ed (Oct. 26, 2010), https://www.insidehighered.com/views/2010/10/26/why-are-we-assessing [https://perma.cc/L23E-XELE].

would be offered with detail. The report should not only tout successes but also seek understanding from failures. For instance, a space that was not used as expected due to insufficient lighting could be noted as an area for future improvement. Financial data and future goals could be mentioned, like investment per student use and funds earmarked for future improvements or replacement of well-worn furniture. The richness of a report like this cannot be accomplished by solely reporting the number of seats in a space.

¶83 Assessment must not be an orphaned concept. It should be tightly connected to and inform planning efforts. A library should begin its assessment centered in the vision, mission, and goals set during planning to identify what data will tell the story of the library's impact. For example, a library with a mission to support its law school's curriculum and equity and inclusion efforts would not consider the total number of titles in its collection a measure of quality or success. Nor would the number of titles in a specific collection or category (e.g., number of titles by non-male authors, number of environmental law titles) be sufficient. Instead, that library would assess its collection to determine its current level of success in meeting that part of its mission and identify ways in which it could further improve. To align the collection with the curriculum, the library must understand the law school's current and future curricular goals. The library would determine the degree to which the collection currently supports the curriculum and plan for how the collection needs to change to address future curricular goals. In this process, library personnel would prioritize accessibility, relevance, and usability.

¶84 When considering how the collection supports the law school's equity and inclusion efforts, employing an assessment approach would encourage a library to look at the broader web of law school and library offerings to examine how to create impactful initiatives, whether housed within the library or elsewhere. It could purchase study aids and textbooks and provide robust course reserves to ensure that all students have equal access to those resources, regardless of their financial situation. The library could work with the law school's student affairs office to ensure that law school staff working with students are aware of these resources and know how to connect students with librarians for assistance accessing the resources, if needed.

¶85 Library personnel working from a continuous improvement approach need to consider how well library offerings work together rather than looking at them in isolation. This approach could encourage library personnel to set a goal of transforming reference desk transactions by increasing the number of co-curricular presentations and for-credit legal research instruction opportunities or creating an outreach program. In addition, the public services team may use the transaction data to implement new online supports with a goal of reducing reference desk transactions, such as creating research guides or video tutorials about frequently asked questions. By looking at student participation in presentations and for-credit instruction offerings as well as the usage data for the online supports, library personnel can begin to build a case for how these offerings work together. This includes looking at whether students who participate in for-credit instruction, attend presentations, or engage with the outreach program are

more likely to come to the reference desk or seek out reference consultations because the students are now more aware of the support available to them through the library.

## Conclusion

¶86 Law libraries continue to keep metrics and quantitative measurements based around the model of evaluation, not assessment. Statistics are gathered because they were traditionally reported to entities like the ABA via its annual questionnaire or continue to be submitted to *U.S. News* for its annual law school rankings. Decisions about library collections and services were primarily based around the external standards and criteria of the ABA and *U.S. News*.

¶87 Those external standards are now gone. *U.S. News* now evaluates two primary statistical points from libraries: the number of librarians employed and budget expenditures. The ABA continues to mandate that law libraries assess themselves in robust and meaningful ways. This combination of only two broad evaluative metrics and the requirement that libraries engage in internal assessment creates a new opportunity to use our budgets and staff resources to customize our offerings to meet our missions and the missions of our institutions. We are not freed from gathering data, but instead have the freedom to use information to assess ourselves meaningfully and adjust operations, collections, and offerings accordingly.

¶88 The ABA requires internal assessment to show the extent to which law libraries fulfill their missions. Though there will be common themes, these assessments will and should be different for every institution. Our survey indicates that some librarians are gathering data based on their missions, but this is not the prevalent practice as envisioned by the ABA standards. While some respondents see potential in measurement, others are clinging to an evaluation mindset.

¶89 How well law librarians tell stories about their offerings and collections can determine how law libraries will fare in the future. Instead of leaving their fates to external bodies, law librarians must seize control of their libraries' future success by abandoning evaluations of data in favor of assessments of information. By embracing robust assessment and planning processes, librarians can meet the ABA's expectations, further their libraries' accomplishments, meet future challenges, meaningfully contribute to their law schools' missions, and successfully communicate their libraries' value.

## Appendix

¶90 An online survey was designed and administered to explore the extent to which law library leaders[87] rely on metrics from outside organizations to communicate their

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87. For the purposes of this survey, law library leaders were defined as law library directors and managers of public services (e.g., head of faculty services, access services manager). These positions were chosen because people in these positions typically oversee and/or encourage data collection, analysis, interpretation, and submission to external organizations, when needed.

value and law library leaders' attitudes about using data to demonstrate the quality of public services and compare law libraries.[88]

## Instrument Design

¶91 The survey began by asking participants to give informed consent to participate.[89] If granted, participants then completed questions to confirm their eligibility to participate in the study. Specifically, participants were asked whether they were currently employed by an academic law library and, if so, what their current role in the law library was (i.e., entry-level, middle management, head of department/area, director). Participants who were not currently employed or were in an entry-level position were not eligible to continue with the survey.[90]

¶92 The first section of the survey asked participants a series of closed-ended questions about the law library in which they currently worked and their careers in law librarianship. Participants were asked about their law school's public/private status,[91] the approximate number of full-time equivalent (FTE) J.D. students enrolled in the law school,[92] and the approximate number of law faculty who were eligible to use the library's faculty research services.[93] Participants were then asked to report approximately how many years they had worked in academic law libraries and in their current role. The last closed-ended questions asked participants in what types of law libraries they had previously worked[94] and whether they had worked directly on any survey or with any organization related to the collection of law library data.[95]

¶93 Next, participants were asked about the mission of their current law library, what public services they felt are important for academic law libraries to provide, the data collected by their current law library, and their perceptions of commonly collected indicators.[96]

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88. This survey and the study procedures were approved by the first author's Institutional Review Board. University of Houston Institutional Review Board Study Number 00003334, approval date November 16, 2021.

89. Upon clicking the survey link, participants were first asked to review information about their rights as participants and the benefits and risks associated with participating. Participants who gave informed consent advanced into the survey.

90. The sample for this study was limited to law library leaders (i.e., middle managers, heads of departments/areas, directors) because the topics under investigation in this survey typically require context gained through experience. While entry-level employees in law libraries may participate in data gathering and interpretation, it is less likely that these employees are charged with coordinating and leading library-wide assessment and planning processes or communicating how the law library contributes to the law school's mission.

91. Response options included "Public law school with university affiliation;" "Private law school with university affiliation;" "Public law school without university affiliation;" and "Private, independent law school."

92. Response options included "400 or less FTEs;" "401 to 600 FTEs;" and "More than 600 FTEs."

93. Response options included "1–20;" "21–30;" "31–40;" "41–50;" "51 or more;" and "We do not offer faculty research services."

94. Response options included "Firm/private law libraries;" "Academic law libraries;" "Public/government/court law libraries;" and "Other type of law libraries."

95. Response options included "Yes," "No," and "I don't remember."

96. Indicators are things that point to the presence or absence of a concept. For example, more visibly

¶94 The final section of the survey was designed to gather insight into participants' attitudes toward quantitative measures of law library public services. To this end, participants were asked to rate their level of agreement with ten statements using a five-point index, where one represented "strongly disagree" and five represented "strongly agree." To avoid response set,[97] several of these questions were worded in such a way that agreement with the statement would be expressed by disagreeing with the statement. Also, the order in which the questions within this section were presented to participants was randomized to reduce the likelihood of order bias.

¶95 The survey concluded by thanking participants for their time and responses. It also reminded participants that they were eligible to either receive or be entered into a drawing for an electronic gift card based on when they participated in the survey and if they provided the necessary information. Participants interested in potentially receiving a gift card were asked to submit their name and email address to be eligible to receive a gift card. Participants were assured that any contact information would be removed from the dataset prior to analysis of results.

## Participant Recruitment

¶96 Potential survey participants were identified through a two-step process. First, a list of the 199 law schools accredited or provisionally accredited by the ABA in the United States as of January 1, 2022 was created. Then, the websites of each accredited law school were visited to obtain the names and email addresses of the law library directors and managers of public services (e.g., head of faculty services, access services manager). If contact information was not available on the law school's website, the information was gathered via the AALL Member Directory.

¶97 The final list of potential participants consisted of 462 directors and managers of public services for 193 of the ABA-accredited academic law libraries. The three law schools that did not employ law librarians eligible for the study were excluded from this study. The three law schools with which the study authors are affiliated were also excluded from this study.

¶98 The participant recruitment process consisted of three steps. First, potential participants were sent a general invitation to participate. This recruitment email included a brief description of the study, the estimated time needed to complete the survey, the funding source for the study (2021 AALL/LexisNexis Research Grant), information about how long the survey would remain open for participation (30 days from initial invitation), and a link to the survey in Qualtrics. The email also described the incentives available for

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stressed students working in the law library than is typical is an indicator of the presence of final exams.

97.  Response set is the tendency of survey participants to answer questions without much thought due to participants' characteristics or habits (e.g., tendency to answer questions using the middle or the extreme ends of scales, desire to protect one's self-image) and/or survey characteristics (e.g., language used in a survey question, tendency for respondents to acquiesce to positively worded survey statements). Royce A. Singleton, Jr. & Bruce C. Straits, Approaches to Social Research 340–42 (5th Ed. 2010); William D. Crano & Marilynn B. Brewer, Principles and Methods of Social Research 53–56 (2nd Ed. 2002).

survey participation. Specifically, the first 90 survey participants who opted to provide their contact information automatically received a $25 electronic gift card to a national retailer with an online and brick and mortar presence. Remaining survey participants who opted to provide their contact information were entered into a drawing to receive one of 10 $25 electronic gift certificates to the same retailer. Participants were required to provide their names and email addresses so that gift cards could be routed to the appropriate people. After the gift cards were sent and before analyses began, all contact information was deleted from the survey dataset to protect participants' confidentiality. Two follow-up emails were sent to potential participants inviting them to complete the survey. People who had not yet participated or opted out of further communication received a general reminder about the survey eight days later. A third and final email asking people to participate was sent 18 days after the initial invitation.

## Survey Participants

¶99 Of the 462 law librarians invited to take the survey, 40.3% (186) participated. Initially, 207 people opened the survey. The six people who did not consent to participate and the person who did not respond to any questions after giving informed consent were removed from the dataset. People whose survey responses indicated that they were not eligible to participate were also removed (four people were not currently employed by academic law libraries; five people were in entry-level positions). The authors also removed people who only completed the demographic questions from the dataset. All other participants, regardless of whether they completed the entire survey, were retained in the dataset. The final sample size ($n$) for this study was 186.

¶100 Respondents had a range of experience and roles within law librarianship. Nearly half were law library directors (47.8%, 89). Remaining participants described themselves as middle managers (12.9%, 24) or as heads of an area or department (39.2%, 73, $n = 186$). On average, participants had 19.0 years ($sd = 9.4$, *Range* = 41) of experience in academic law libraries and had been in their current role for 7.2 years ($sd = 6.4$, *Range* = 32; see Table 5). The overwhelming majority of participants had worked only in academic law libraries (79.0%, 147, $n = 186$). Some participants (21.0%, 39, $n = 186$) had prior experience in firm/private law libraries, public/government/court law libraries, or other types of law libraries. Many respondents had previously worked directly on a survey or with an organization that collects or supports the collection of law library data (64.2%, 106, $n = 165$).

**TABLE 5**

Participants' Years of Experience

|  | Years in Academic Law Libraries<br>% (frequency) | Years in Current Role<br>% (frequency) |
|---|---|---|
| 0–5 | 5.4% (10) | 53.0% (98) |
| 6–10 | 14.0% (26) | 27.0% (50) |
| 11–15 | 20.4% (38) | 9.7% (18) |
| 16–20 | 22.0% (41) | 4.9% (9) |
| 21–25 | 15.1% (28) | 2.2% (4) |
| 26–30 | 10.8% (20) | 2.2% (4) |
| 31–35 | 5.9% (11) | 1.1% (2) |
| 36–40 | 4.8% (9) | 0.0% (0) |
| 41–45 | 1.6% (3) | 0.0% (0) |

*Note:* All participants indicated their years of experience in academic law libraries ($n$ = 186). All but one participant indicated their years of experience in their current role ($n$ = 185).

¶101 The librarians who participated in this study currently worked at 62.3% (124, $N$ = 199) of ABA-accredited law schools in the United States. Most participants reported working for law schools with university affiliation (46.2%, 86 public law schools; 48.9%, 91 private law schools). The remaining librarians work in law libraries at private, independent law schools (4.8%, 9, $n$ = 186). Participants also tended to work at law schools with larger student bodies (45.2%, 84) and more than 51 faculty who were eligible to use the library's faculty research services (44.6%, 83, $n$ = 186; see Table 6).

## Representativeness of Survey Participants

¶102 It was important to examine how representative the survey sample was given that survey participants tended to work in larger law schools and an oversampling of large law schools could influence the study's results. It was not surprising that the law schools in which participants work were larger law schools because larger law schools are more likely to have more law library personnel. By asking all library directors and managers or heads of public service departments to participate in the study, larger libraries are naturally oversampled.

**TABLE 6**

Participants' Description of JD Student Enrollment and Faculty Size

| Number | % (frequency) |
|---|---|
| *JD Students Enrolled, in FTE* | |
| 400 or fewer FTEs | 23.7% (44) |
| 401–600 FTEs | 31.2% (58) |
| More than 601 FTEs | 45.2% (84) |
| *Law Faculty Eligible to Use Library's Faculty Research Service* | |
| 1–20 | 2.7% (5) |
| 21–30 | 11.8% (22) |
| 31–40 | 19.4% (36) |
| 41–50 | 20.4% (38) |
| 51 or more | 44.6% (83) |
| Do not offer faculty research services | 1.1% (2) |

*Note: n = 186*

¶103 To ascertain the representativeness of the sample, data reported to *U.S. News* for the *2022 Best Law Schools* Rankings for the 124 law schools where participants worked was compared to the data available in this system for all law schools. As shown in Table 7, the process used in this study to identify and follow up with potential participants resulted in a sample that closely approximates ABA-accredited law schools and their academic law libraries.

**TABLE 7**

Comparison of Survey Respondents to Data about Law Schools

| | All Law Schools % (frequency) | Participants' Law Schools % (frequency) |
|---|---|---|
| *Law School Affiliation* | | |
| Public law school | 43.7% (87) | 47.6% (59) |
| Private law school | 56.2% (112) | 52.4% (65) |
| *JD Student FTE Enrollment[a]* | | |
| 400 or fewer FTEs | 37.5% (71) | 36.6% (45) |
| 401–600 FTEs | 33.8% (64) | 31.7% (39) |
| 601 or more FTEs | 28.5% (54) | 31.7% (39) |
| *Number of Faculty[b]* | | |
| 90 or fewer faculty FTEs | 34.7% (65) | 26.0% (32) |
| 91–140 faculty FTEs | 32.0% (60) | 37.4% (46) |
| 141 or more FTEs | 33.1% (62) | 36.6% (45) |
| *Number of Law Librarian FTE[c]* | | |
| 5 or fewer FTEs | 35.2% (66) | 28.5% (35) |
| 5.1–8 FTEs | 40.1% (75) | 43.1% (53) |
| 8.1 or more FTEs | 24.5% (46) | 28.5% (35) |
| *Law Library Operations Budget[d]* | | |
| Less than $700,000 | 32.9% (60) | 25.6% (31) |
| $700,001–$1,000,000 | 28.5% (52) | 28.1% (34) |
| $1,000,001 or more | 38.4% (70) | 46.3% (56) |

[a] Data for law school J.D. student enrollment was available for 189 law schools via *U.S. News & World Report*'s Best Law Schools 2022. Ten schools did not provide information about enrollment to *U.S. News & World Report*, so they are excluded from the analysis of all law schools. One school that did not provide data was also represented in the sample for this study. Therefore, the *n* to examine the representativeness of our sample was 123.

[b] Data for law school faculty size in FTEs, including adjunct equivalents, was available for 187 ABA-accredited law schools via *U.S. News & World Report*'s Best Law Schools 2022. Twelve schools did not provide information about number of faculty to *U.S. News & World Report*, so they are excluded from this analysis. One school that did not provide data was also represented in the sample for this study. Therefore, the *n* to examine the representativeness of our sample was 123.

[c] Data for FTEs of law librarians at law schools was available for 187 law schools via *U.S. News & World Report*'s Best Law Schools 2022. Twelve schools did not provide information about law librarian staffing to *U.S. News & World Report*, so they are excluded from this analysis. One school that did not provide data was also represented in the sample for this study. Therefore, the *n* to examine the representativeness of our sample was 123.

[d] Data for the law library operations budget was available for 182 law schools via *U.S. News & World Report*'s Best Law Schools 2022. Seventeen schools did not provide law library operations budget data to *U.S. News & World Report*, so they are excluded from the analysis of all law schools. Three schools that did not provide data were also represented in the sample for this study. Therefore, the *n* to examine the representativeness of our sample was 121.