

# THE REGENT UNIVERSITY LAW LIBRARY: *THE FIRST THIRTY YEARS*

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## INTRODUCTION

In anticipation of the 30th anniversary of the Regent University Law Library (the “Law Library”) in 2009,<sup>1</sup> numerous festivities and commemoratives are planned. It seems fitting that a historical account of its beginnings and continuum should be part of the celebration.

The Law Library’s development can be traced through three distinct periods that closely parallel those of the School of Law. The beginning years—from 1979 through 1985—can be characterized as a time of struggle, like the pangs of a prolonged birth.<sup>2</sup> Although it began with adequate facilities and an admirable collection for a new school, the Law Library suffered through fluctuating finances and inadequate staffing.<sup>3</sup> The period from 1986 through 1997 was a time of transition.<sup>4</sup> The most recent period of 1998 through the present can be identified with maturation and stability.<sup>5</sup>

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<sup>1</sup> The Law Library had its genesis in 1979 as the O.W. Coburn Law Library in Tulsa, Oklahoma. O.W. Coburn Sch. of Law, Oral Roberts Univ., American Bar Association Self-Study 15–17, 122 (Spring 1984) [hereinafter O.W. Coburn 1984 Self-Study] (on file with the Regent University Law Review).

<sup>2</sup> See *infra* Part I.

<sup>3</sup> Report from Charles A. Kothe, Dean, O.W. Coburn Sch. of Law, to the Faculty of Oral Roberts Univ. 20–21 (Oct. 1979) [hereinafter Kothe Report] (on file with the Regent University Law Review).

<sup>4</sup> See *infra* Part II.

<sup>5</sup> See *infra* Part III.

The Law Library has evolved through several name changes. It began as the O.W. Coburn Law Library of the O.W. Coburn School of Law located in Tulsa, Oklahoma.<sup>6</sup> In 1986, after the Oral Roberts University (“ORU”) gifted the library to CBN University, located in Virginia Beach, Virginia, it became the CBN University Law Library.<sup>7</sup> It received its current name, the Regent University Law Library, when the university changed its name in 1990.<sup>8</sup> The library began operations when the ORU Law School opened for classes in fall 1979.<sup>9</sup> The two institutions involved have some things in common; both are faith-based with charismatic leaders,<sup>10</sup> and each fought to achieve accreditation from the American Bar Association (“ABA”).

During the last thirty years, the American legal system has grown exponentially and the ability to harness new technologies has exploded, which has significantly affected the demands placed upon law libraries, librarians, and legal resources. This brief period has witnessed the transition from books, microforms,<sup>11</sup> and card catalogs to a variety of digital formats<sup>12</sup> and online catalogs that can be accessed from anywhere in the world. Books, however, are still a large and important part of every academic law library collection.<sup>13</sup>

This history is about books, buildings, databases, and a move halfway across the country. But more importantly, it is about the people who bring to life these inanimate objects. It is about the administrators,

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<sup>6</sup> The name was in recognition of a \$1 million gift to the law school by its benefactor, O.W. Coburn. ORAL ROBERTS, EXPECT A MIRACLE: MY LIFE AND MINISTRY 303 (1995).

<sup>7</sup> See *infra* note 116 and accompanying text, discussing the gifting.

<sup>8</sup> The name reflects the title of the governing board, Board of Regents, but also is defined as “one who governs a kingdom in the absence of a sovereign.” Philip Walzer, *CBNU Changing Name to Regent University*, VIRGINIAN-PILOT, Nov. 9, 1989, at D1 (quoting Pat Robertson, founder and chancellor of Regent University).

<sup>9</sup> O.W. Coburn 1984 Self-Study, *supra* note 1, at 122.

<sup>10</sup> Oral Roberts and Pat Robertson are both well-known television evangelists who founded universities. ALEC FOEGE, THE EMPIRE GOD BUILT: INSIDE PAT ROBERTSON’S MEDIA MACHINE 11–15 (1996) (containing biographical information of Pat Robertson); ROBERTS, *supra* note 6, at 103, 181–84 (discussing the achievements of Oral Roberts).

<sup>11</sup> Microforms are also commonly known as microfiche or microfilm. 13 ACADEMIC AMERICAN ENCYCLOPEDIA 385 (1987).

<sup>12</sup> These digital formats include compact discs (“CDs”), digital video discs (“DVDs”), and online legal databases such as LexisNexis and Westlaw.

<sup>13</sup> Penny Hazelton, professor of law and law librarian at the Marian Gould Gallagher Law Library at the University of Washington School of Law, followed an analysis of the print collection at Gallagher and concluded that only 13% of their academic law library collection was available online. Penny A. Hazelton, *How Much of Your Print Collection Is Really on WESTLAW or LEXIS-NEXIS?*, LEGAL REFERENCE SERVICES Q., 1999, at 3, 4; see also ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS Standard 606 (2008) [hereinafter ABA STANDARDS 2008–2009] (requiring law libraries to maintain a collection of “essential materials” accessible to students).

librarians, paraprofessionals, and student assistants who enable access to a world of legal information.

### I. A TIME OF STRUGGLE: 1979–1985

#### A. *Birth Pangs*

How does the founder of an unaccredited law school go about creating a law library that will pass muster with the ABA? Oral Roberts faced that question in the 1970s.<sup>14</sup> He resolved it by hiring a consultant, Roy M. Mersky, professor of law and director of legal research at the University of Texas School of Law, and charging him with the monumental task of building from scratch “a first-rate law library, capable of supporting a law school curriculum, while offering adequate resources for in-depth legal research.”<sup>15</sup> Oral Roberts probably could not have selected a more qualified individual for this task.<sup>16</sup>

From the beginning, the vision for the Law Library was grandiose. Professor Mersky was engaged as consultant in 1976, and was given less than three years to create a “first-rate law library” from scratch.<sup>17</sup> The law school was scheduled to open in fall 1979.<sup>18</sup> “[M]ost of the major

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<sup>14</sup> The law school received provisional accreditation from the ABA House of Delegates in 1981. Letter from James P. White, Consultant on Legal Educ. to the Am. Bar Ass’n, to Dr. Oral Roberts, President, Oral Roberts Univ., and Charles A. Kothe, Dean, O.W. Coburn Sch. of Law, Oral Roberts Univ. 2 (May 21, 1984) [hereinafter May 1984 Letter from James P. White] (on file with the Regent University Law Review).

<sup>15</sup> Memorandum from Roy M. Mersky, Professor of Law & Dir. of Legal Research, Univ. of Tex. Sch. of Law, to Charles A. Kothe, Dean, O.W. Coburn Sch. of Law, Oral Roberts Univ., and Dr. William W. Jernigan, Vice-President for Learning Res. & Instruction, O.W. Coburn Sch. of Law, Oral Roberts Univ. 2 (Sept. 1978) [hereinafter Mersky Memorandum] (on file with the Regent University Law Review). Professor Mersky compared his task to creating “an intricate mosaic” and proudly proclaimed that the library, when completed, would be “one of the finest in the country and, rightly, a credit to Oral Roberts himself.” *Id.*

<sup>16</sup> Yale Law School’s Law Library Director, S. Blair Kauffman, once called Professor Mersky “the emperor of world-wide law librarianship” in recognition of his enormous influence in setting the standard for service and professionalism in the field. S. Blair Kauffman, Tribute, *Tribute to Eileen Searls*, 44 ST. LOUIS U. L.J. 803, 803 (2000). Eulogizing Professor Mersky following his death on May 6, 2008, William Powers Jr., former dean of the University of Texas School of Law at Austin, said, “Roy Mersky was a giant figure at our [l]aw [s]chool and in legal education for almost half a century. He built one of the finest law libraries in the world, and helped other law schools and institutions around the world build their own. He was a scholar and teacher.” Press Release, The Univ. of Tex. at Austin, In Memoriam: Professor Roy M. Mersky, 1925–2008 (May 7, 2008), [http://www.utexas.edu/news/2008/05/07/law\\_mersky/](http://www.utexas.edu/news/2008/05/07/law_mersky/).

<sup>17</sup> O.W. Coburn Sch. of Law, Oral Roberts Univ., Self-Study for A.B.A. Accreditation Inspection Visit (Aug. 1980) [hereinafter O.W. Coburn 1980 Self-Study] (on file with the Regent University Law Review); Mersky Memorandum, *supra* note 15.

<sup>18</sup> O.W. COBURN SCH. OF LAW, ORAL ROBERTS UNIV., CATALOG 74 (1978–1979) [hereinafter O.W. COBURN 1978–1979 CATALOG].

acquisitions were obtained during the first year . . . .”<sup>19</sup> By the end of the second year, all negotiations with law publishers were concluded on terms favorable to the Law Library.<sup>20</sup>

“A first-class research collection must have a sufficient number of retrospective titles in all disciplines.”<sup>21</sup> Obtaining these titles presented some challenges, since many of them had been out of print for quite some time.<sup>22</sup> Toward this end, Professor Mersky and James K. McCue,<sup>23</sup> his assistant, made trips to used law book dealers and law libraries in order to secure over three thousand difficult-to-obtain titles.<sup>24</sup> Within two short years, the two had created “a first[-]rate library, second to none in the entire [s]tate.”<sup>25</sup> Professor Mersky even went so far as to say that his

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<sup>19</sup> Mersky Memorandum, *supra* note 15, at 4.

<sup>20</sup> *Id.* Professor Mersky proudly stated, “As in the past, I always attempted to get the best terms in the three areas of discount, current prices[,] and deferred delivery.” *Id.* Professor Mersky’s assistant throughout this project, James K. McCue, recalls that Professor Mersky was able to secure the best terms because he had previously dealt with, and knew personally, each of the representatives of every law publisher at the time. E-mail from James K. McCue, Assistant Law Librarian and Onsite Consultant, O.W. Coburn School of Law, to author (Feb. 22, 2008, 06:41 EST) [hereinafter Feb. 22, 2008 McCue E-mail] (on file with author). Terms were very important because the building in which the library was housed, the John D. Messick Learning Resources Center, then under renovation, was not ready to receive the materials, and yet prices had to be locked in and the materials scheduled for delivery when the library was ready for them. *Id.*; *see also* O.W. COBURN 1978–1979 CATALOG, *supra* note 18, at 52. One of McCue’s principal duties was to coordinate the receipt of legal materials on order. Feb. 22, 2008 McCue E-mail, *supra*.

<sup>21</sup> Mersky Memorandum, *supra* note 15, at 4; *see also* ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS Standard 602(a) (1979) [hereinafter ABA STANDARDS 1979]. The current version is found under Standard 606. ABA STANDARDS 2008–2009, *supra* note 13.

<sup>22</sup> Mersky Memorandum, *supra* note 15, at 4.

<sup>23</sup> James McCue of technical services and collection development at the University of Texas Tarlton Law Library was in the employ of Professor Mersky at the time. Feb. 22, 2008 McCue E-mail, *supra* note 20. His activities with the ORU project included “assisting [Professor Mersky] with the compilation of the collection, visiting periodically to report on our activity, working with the central library technical services department, and then living on campus for four months bringing to fruition the ordering activity and physically setting up the library.” E-mail from James K. McCue, Assistant Law Librarian and Onsite Consultant, O.W. Coburn School of Law, to author (Mar. 25, 2008, 12:13 EST) [hereinafter Mar. 25, 2008 McCue E-mail] (on file with author).

<sup>24</sup> Mersky Memorandum, *supra* note 15, at 4. Having a first-rate law library “meant back in those days the very best periodical collection (in hard copy whenever possible) and that meant dealing with a number of second hand out-of-print dealers, such as Rothman, Hein, Claitor, Gaunt and the John Marshall Division of Oceana Publications among others.” Feb. 22, 2008 McCue E-mail, *supra* note 20.

<sup>25</sup> Mersky Memorandum, *supra* note 15, at 7. Oral Roberts had this to say about the Law Library: “[w]e set ourselves to establish a strong law library, and soon many in the legal community believed it to be equal to any law library in Oklahoma. I knew that although a law school must have a strong faculty, the heart of a law school is its library.” ROBERTS, *supra* note 6, at 304.

efforts “create[d] the foundation for one of the best research collections in the Southwest.”<sup>26</sup>

### B. The Early Years

Like any academic law library, the law library at the O.W. Coburn School of Law was established to support the curriculum.<sup>27</sup> In addition, the library was to encourage extensive legal scholarship by “developing the finest research collection possible.”<sup>28</sup> The Law Library occupied some 25,000 square feet of the fifth floor of the John D. Messick Learning Resources Center,<sup>29</sup> which housed the libraries serving each school at ORU, and was part of a unified library system that provided access to various computer databases as well as print materials.<sup>30</sup> The print materials were initially accessed through a “central dictionary card catalog.”<sup>31</sup> It was not until circa 1983 that a “‘user-friendly’ public access, on-line catalog” became operational.<sup>32</sup>

It was assumed initially that “[t]he annual budget [would] insure[] adequate funding to maintain and add to the current collection.”<sup>33</sup> The budget also placed “[c]onsiderable emphasis . . . on developing collections in the areas of Medico-Jurisprudence, Comparative, and International Law.”<sup>34</sup>

### C. Recruiting Staff

As one might expect, recruitment of professional law librarians was made more difficult because of the uniqueness of ORU.<sup>35</sup> The fundamentalist, charismatic, religious nature of the school limited the pool of potential candidates.<sup>36</sup> The first professional law librarian hired

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<sup>26</sup> Mersky Memorandum, *supra* note 15, at 8. Seizing on this statement, one of the marketing pieces soliciting memorial-naming gifts boldly proclaimed that the Law Library “will be one of the finest in the South Western United States.” O.W. Coburn Sch. of Law, Oral Roberts Univ., Marketing Pamphlet 3 (Dec. 1977) (on file with the Regent University Law Review).

<sup>27</sup> O.W. COBURN 1978–1979 CATALOG, *supra* note 18, at 50.

<sup>28</sup> *Id.*

<sup>29</sup> Kothe Report, *supra* note 3, at 20; O.W. COBURN 1978–1979 CATALOG, *supra* note 18, at 50, 52. Amenities included seating for 100% of the law student body. *Id.* at 50.

<sup>30</sup> The unified library system would later prove to be problematic with the ABA. May 1984 Letter from James P. White, *supra* note 14, at 5; *see also* ABA STANDARDS 2008–2009, *supra* note 13.

<sup>31</sup> O.W. COBURN 1978–1979 CATALOG, *supra* note 18, at 51.

<sup>32</sup> O.W. Coburn 1984 Self-Study, *supra* note 1, at 124.

<sup>33</sup> O.W. COBURN 1978–1979 CATALOG, *supra* note 18, at 50.

<sup>34</sup> *Id.*

<sup>35</sup> Mersky Memorandum, *supra* note 15, at 9. According to Professor Mersky, “The lifestyle and environment at [ORU] are unique and this makes recruitment a little more difficult, particularly among those librarians with law library experience.” *Id.*

<sup>36</sup> *See generally id.*

was Ms. Adrienne deVergie for the position of assistant law librarian for reference.<sup>37</sup> She arrived in December 1977.<sup>38</sup> During the library's startup phase, deVergie and McCue were the key figures in establishing a law library that was ready for operation at the law school's opening in fall 1979.<sup>39</sup> They arranged "the overall layout of the library . . . to ensure effective access to the collection . . . [and] assisted in establishing effective administrative and bibliographic control over the collection."<sup>40</sup>

Other hires did not come so easily, even though advertisements for law librarian and acquisitions librarian were run in the major library journals and in the *New York Times*.<sup>41</sup> On one occasion, Professor Mersky professed keen disappointment when a candidate for acquisitions librarian was turned down by the administration, despite meeting all of the professional qualifications.<sup>42</sup>

Likewise, the cataloger position remained unfilled during 1977–1978.<sup>43</sup> This unfilled position became a source of anxiety because of the accumulating backlog of uncataloged legal materials.<sup>44</sup> The position was finally filled when Mr. Oon-Chor Khoo, an experienced original cataloger, transferred from the ORU Library to the Law Library.<sup>45</sup>

By the time his work was finished, Professor Mersky believed he had achieved a first-class legal research collection, both in quantity and quality.<sup>46</sup> The quantity was impressive, being in excess of 150,000 volumes.<sup>47</sup> But Professor Mersky was proudest of the quality and was confident that "[t]he collection . . . [would] meet the accreditation

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<sup>37</sup> *Id.* (considering this successful recruitment the "high point of the year"). After McCue's work at the ORU Law Library was finished, deVergie continued on and was virtually the acting law librarian until a permanent librarian was hired. Mar. 25, 2008 McCue E-Mail, *supra* note 23.

<sup>38</sup> Mersky Memorandum, *supra* note 15, at 9. Previously, deVergie had worked for Professor Mersky at Tarlton Law Library. *Id.*

<sup>39</sup> O.W. Coburn 1984 Self-Study, *supra* note 1, at 122.

<sup>40</sup> *Id.* According to McCue, "Adrienne continued on at ORU after I left and made great contributions to the program . . . . She eventually went back to the University of Texas." E-mail from James K. McCue, Assistant Law Librarian and Onsite Consultant, O.W. Coburn School of Law, to author (Mar. 6, 2008, 05:06 EST) [hereinafter Mar. 6, 2008 McCue E-Mail] (on file with author).

<sup>41</sup> Mersky Memorandum, *supra* note 15, at 9.

<sup>42</sup> *Id.* In the author's experience, it is not unusual to find candidates who are qualified professionally, but are not compatible with the religious mission of the school. See *generally id.* (noting that in light of ORU's unique environment, it is very important to hire staff who will be "genuinely happy" while employed there).

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* At about the same time, Gretchen Dudley, a paraprofessional in the ORU Library, also transferred to the Law Library to assist Khoo. *Id.*

<sup>46</sup> *Id.* at 4.

<sup>47</sup> *Id.* at 11, 13 (including microforms).

standards of both the [ABA] and the Association of American Law Schools.”<sup>48</sup> Knowing that a truly fine collection is almost meaningless without a qualified and competent staff, however, Professor Mersky concluded his report with the admonition that proper staffing was imperative.<sup>49</sup>

In response to Professor Mersky’s strong advice, the University “initiated an intensive search” to acquire needed professional librarians.<sup>50</sup> On March 1, 1979, Doris Lasley was hired as reference librarian.<sup>51</sup> But the new law school was still without a head librarian, and classes were scheduled to begin in several months.<sup>52</sup> Finally, on August 1, 1979, William R. Murray was hired as law librarian and assistant professor, merely days before classes began.<sup>53</sup> He held both the J.D. and Master’s in Law Librarianship degrees and had formerly served as law librarian at the Universities of Mississippi and Alabama.<sup>54</sup>

No sooner had classes begun than serious cracks began developing in the dike that Professor Mersky had so meticulously constructed. Charles A. Kothe, dean of the law school, in his first formal report following the commencement of classes, painted a rather bleak picture of the Law Library, noting serious deficiencies in the collection, staffing, and equipment needs.<sup>55</sup> Substantial budget cuts during the spring of

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<sup>48</sup> *Id.* at 11.

<sup>49</sup> *Id.* (“The one major area of concern that I have at present is the lack of staff, both professional and paraprofessional.”).

<sup>50</sup> O.W. Coburn 1980 Self-Study, *supra* note 17.

<sup>51</sup> *Id.* (remaining for only one year).

<sup>52</sup> *See generally id.* (noting the different staff members who were hired and subsequently resigned between October 1978 and May 1980).

<sup>53</sup> Kothe Report, *supra* note 3, at 2.

<sup>54</sup> O.W. Coburn 1980 Self-Study, *supra* note 17. Murray’s tenure was also brief, lasting just over nine months. *Id.*

<sup>55</sup> Kothe Report, *supra* note 3, at 20–21. Dean Kothe reported that the Law Library was so understaffed that it was “barely able to serve the current student body and faculty.” *Id.* at 21. As for the collection, he reported only 120,000 volumes, a figure which was 30,000 volumes less than Professor Mersky had reported in his consultant’s report. *Compare id.*, with Mersky Memorandum, *supra* note 15, at 11. Grounds exist to speculate that possibly they were unable to pay for many of the books that had been ordered due to budget cuts. Kothe Report, *supra* note 3, at 21 (confirming a disappointing volume count of 120,000 and an inadequate staff precipitated by substantial budget cuts during the spring of 1979). There was also a lack of equipment, as 35,000 volumes on microform could not be used due to a lack of storage cabinets to hold them and readers to view them. *Id.*

[T]he [L]aw [L]ibrary already shows signs of weakness on account of the Spring 1979 budget cuts. While the library collection was well on its way to becoming an outstanding academic and practice research source, acquisitions have come to a virtual standstill. With an outstanding contractual indebtedness of approximately \$150,000, there are not sufficient funds in the 1979–[19]80 budget to keep our present periodical and serial collection up-to-date.

1979 had created an ominous cloud over the Law Library that threatened to nullify much of what Professor Mersky had accomplished.<sup>56</sup> Dean Kothe lamented that these deficiencies, if not corrected with significant additional funding, would fall short of some of the ABA standards governing accreditation.<sup>57</sup>

Apparently Dean Kothe's request for a substantial budget increase was honored because, according to a local newspaper article, an ABA inspection team that visited the ORU campus during 1980 gave the Law Library holdings high marks, reporting that the Law Library had more than 164,000 volumes, ranking it 70th out of 168 ABA approved law schools.<sup>58</sup>

Following Murray's departure a mere nine months after his hire,<sup>59</sup> the position of head law librarian did not remain vacant for long. Less than one month later on June 1, 1980, Professor David W. Dunn was appointed acting law librarian.<sup>60</sup> Professor Dunn held both the J.D. and M.L.S. degrees from the University of Texas.<sup>61</sup> Professor Dunn was an experienced head law librarian, having served in that capacity a total of eight years at Cumberland School of Law and Albany School of Law.<sup>62</sup> During Professor Dunn's tenure, "the [L]aw [L]ibrary's period of initial and rapid growth . . . stabilized and library staff turnover was reduced."<sup>63</sup>

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Moreover, there has been recently discovered a major gap in the Anglo-American materials that must be filled to meet [ABA] accreditation standards.

The [L]aw [L]ibrary staff has also suffered from the Spring 1979 budget cuts. The staff is barely able to serve the current student body and faculty. It is hard-pressed to keep the serial and periodical publications up-to-date and part-time student assistants are being used in some bibliographically complicated work situations. Unless the staff is increased now, the library will fall farther and farther behind in keeping the library materials current and usable.

*Id.* at 20–21. *See also* ABA STANDARDS 1979, *supra* note 21, at Standards 602, 603 (setting the library requirements).

<sup>56</sup> *See generally* Kothe Report, *supra* note 3, at 21 (explaining that the Law Library's deficiencies could result in an ABA accreditation denial).

<sup>57</sup> *Id.*

<sup>58</sup> Gil Broyles, *Bar Association, ORU Law School Spar Over Religion*, THE OKLAHOMAN, July 15, 1981, at 45.

<sup>59</sup> O.W. Coburn 1980 Self-Study, *supra* note 17.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.* McCue recalls that Professor Dunn was "a first[-]rate individual who had worked at UT-Austin before becoming Director at both Samford University and subsequently Albany University. I [k]new him very well; sadly he has passed." Mar. 6, 2008 McCue E-mail, *supra* note 40.

<sup>63</sup> O.W. Coburn 1984 Self-Study, *supra* note 1, at 122–23.



Other hires included John Taylor, who was promoted from within as public services librarian on September 3, 1980.<sup>64</sup> Other staffing deficiencies were ameliorated by hiring “part-time student[s] . . . to assist in shelving books, in manning the circulation desk[,] and in other supporting tasks.”<sup>65</sup> The budget allowed for hiring up to thirty students because they were far less expensive than librarians.<sup>66</sup> To help lessen the work load, the administration had committed the Central Services staff of the ORU Library, both professional and clerical, to support the Law Library with any special needs it might have.<sup>67</sup>

As the second academic year began (1980–1981), things had improved considerably. Finally fully staffed, the Law Library was prepared to meet the needs of the eight-member law faculty and a student body of eighty-five to ninety.<sup>68</sup> The collection had grown to approximately 150,000 volumes, and “more than adequately support[ed] the school’s teaching and research programs at [that] time.”<sup>69</sup> The microform collection still lacked adequate housing, however, although the library had acquired a microform reader-printer.<sup>70</sup> The study areas, shelf space, and other physical facilities were considered adequate to accommodate the students and faculty.<sup>71</sup>

The third academic year (1981–1982) reflected continued improvement. The Law Library budget for the 1981–1982 school year was \$495,490.<sup>72</sup> This represented an increase in funding over the

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<sup>64</sup> O.W. Coburn 1980 Self-Study, *supra* note 17. “Mr. Taylor, a graduate of [ORU] and an M.L.S. candidate at the University of Arizona, worked in the [ORU] law library in 1978–79.” *Id.*

<sup>65</sup> David W. Dunn & Charles A. Kothe, O.W. Coburn Sch. of Law, Law Library Development Plan 1 (Aug. 25, 1980) [hereinafter Library Development Plan] (on file with the Regent University Law Review).

<sup>66</sup> *Id.*

<sup>67</sup> *Id.* at 2.

<sup>68</sup> O.W. Coburn 1980 Self-Study, *supra* note 17.

<sup>69</sup> *Id.* Acting Law Librarian Dunn had documented an even larger collection: more than 160,000 volumes and nearly 70,000 microform volumes, not including duplicate materials or incomplete sets that were not intended to be incorporated into the collection. Library Development Plan, *supra* note 65, at 2. There is no indication of whether microforms were included in the volume count. *Id.*

<sup>70</sup> Library Development Plan, *supra* note 65, at 6–7. Among Professor Dunn’s priorities, proper care of the microform materials was at the top of the list. Memorandum from David Dunn, Law Librarian, O.W. Coburn Sch. of Law, to Charles A. Kothe, Dean, O.W. Coburn Sch. of Law (June 9, 1980) (on file with the Regent University Law Review) (stating in a handwritten note, “order [ten] cabinets immediately”). Apparently, Dean Kothe was eager to oblige and remove any easy obstacles to accreditation. As the 1980–1981 school year began, there were already on order microfilm and microfiche cabinets sufficient to house existing microforms. Library Development Plan, *supra* note 65, at 6.

<sup>71</sup> *Id.* at 7.

<sup>72</sup> O.W. Coburn Sch. of Law, Oral Roberts Univ., Regents’ Report 39 (Nov. 1981) [hereinafter Regents’ Report] (on file with the Regent University Law Review).

previous 1980–1981 year budget of approximately \$138,000.<sup>73</sup> As of 1981–1982, expenditures for the Law Library collection had reached a cumulative total of \$2,447,457.<sup>74</sup> In his report, Professor Dunn boasted that the Law Library collection had grown to exceed 178,000 volumes under his watch, 11,000 volumes and volume equivalents having been added during the 1981–1982 school year.<sup>75</sup> After stating that “a law library is an expensive thing,” he likened a law student’s library to a scientist’s laboratory or a surgeon’s scalpel.<sup>76</sup> He then cautioned:

We must:

1. Keep our present collection up-to-date. Not to do this would be to lose much of the investment which has been made in the library and could jeopardize the continued functioning of the law school.
2. Acquire those materials which we do not have (mostly treatises) in areas of the law which are new to our curriculum.

If we fail to do the above, we may have put our school in a position with grave consequences.<sup>77</sup>

Professor Dunn’s immediate concern, however, was about staffing.<sup>78</sup> The number of law library staff had remained static since the Law Library opened more than three years earlier.<sup>79</sup> In particular, he lamented “[t]he lack of a reference librarian able to give legal reference in depth and the lack of a serials librarian knowledgeable about the peculiarities and complexity of law serials,” the lack of adequate clerical staff, the over-dependence on part-time student workers, and the absence of a professional librarian on duty at night as required by the ABA.<sup>80</sup>

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<sup>73</sup> See *infra* app. 1 (Annual Law Library Budgets, Volumes, and Titles).

<sup>74</sup> David W. Dunn, Annual Report on the O.W. Coburn Law Library of the O.W. Coburn School of Law 5 (Sept. 15, 1982) [hereinafter Dunn Annual Report] (on file with the Regent University Law Review). Professor Dunn, as law librarian, prepared this report to present to Dean Kothe and the Oral Roberts Board of Trustees. *Id.* at 1.

<sup>75</sup> *Id.* Professor Dunn proudly noted that the Law Library collection had steadily developed from its inception to become “one of the finest library collections in the Southwest.” *Id.*

<sup>76</sup> *Id.* This was an apparent reference to Christopher Columbus Langdell’s oft-quoted analogy. Langdell, the first dean of Harvard Law School and a strong proponent of law libraries, believed that “the Library was to law students what the laboratory was to scientists, and that its great importance demanded that vigilant improvement be made.” History of the Harvard Law School Library, Harvard Law School, [http://www.law.harvard.edu/library/about/history/special\\_history.php](http://www.law.harvard.edu/library/about/history/special_history.php) (last visited Nov. 24, 2008).

<sup>77</sup> Dunn Annual Report, *supra* note 74, at 8 (sensing the need for continued support for the law library budget).

<sup>78</sup> *Id.* at 11–12.

<sup>79</sup> *Id.* at 11. There were four clerical staff and one professional librarian (other than himself). *Id.*

<sup>80</sup> *Id.* at 13.

#### *D. Storm Clouds Gather*

As the fourth school year (1982–1983) was underway, Professor Dunn in his annual report began to reflect pessimism about the future prospects for the Law Library. Discussing law library operations, he began with the following: “It should be clearly stated and understood that we have not kept to the schedule of development originally planned for the Law Library and that we are not likely to be able to get back on track with our original projections.”<sup>81</sup> He attributed the negative state of affairs to three distinct causes: “1. Lack of budget growth and even budget *reductions* in the amount of money spent on the law collection[;] 2. Lack of trained and experienced law library personnel[; and] 3. Lack of space.”<sup>82</sup> He noted that law library materials would “continue to increase [in price] at a rate above that of inflation,” and included a chart showing projected cost increases of approximately 13% to 14% for each year of the subsequent four year period.<sup>83</sup> He then decried a decrease in the 1982–1983 budget of almost one-fourth from the planned figure.<sup>84</sup> He concluded that “budget reduction in the face of rising prices will ultimately result in an actual reduction in the volume count, as more and more material becomes useless due to the failure to update . . . and has to be discarded.”<sup>85</sup>

#### *E. Turbulent Times*

In a subsequent Special Study on the Law Library addressed to the Dean and Board of Trustees, dated October 29, 1982, Professor Dunn made a surprisingly disparaging remark: “It would appear that the Law Librarian[']s Annual Report of September 15, 1982 has either not been read or is not what the Administration wants.”<sup>86</sup> He then sought to justify maintaining the existing collection by pointing out the law school’s policy of permitting law students to “do their research in the law of their home jurisdiction, rather than doing it in the law of the jurisdiction in which the law school is located.”<sup>87</sup> He argued:

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<sup>81</sup> *Id.* at 3.

<sup>82</sup> *Id.* (emphasis added) (mentioning space for the first time).

<sup>83</sup> *Id.*

<sup>84</sup> *Id.* at 4. The budget decrease was a very substantial 24.2%. *Id.*

<sup>85</sup> *Id.* Once law material is out of date, particularly if it is updated by loose-leaf or pocket-part supplements, it is often economically advantageous to discard the out-of-date materials and buy replacement volumes when money is available, as opposed to later purchasing updates.

<sup>86</sup> David W. Dunn, Special Study on the O.W. Coburn Law Library of the O.W. Coburn School of Law, Oral Roberts University 1 (Oct. 29, 1982) (on file with the Regent University Law Review).

<sup>87</sup> *Id.* at 2.

This excellent policy has long been featured in the [L]aw [S]chool's Catalogue and may be instrumental in attracting many students to study law at ORU. The policy also demands that we must have [a] reasonably sound collection in the law of about forty (40) jurisdictions. Any reduction in this area of the law collection . . . should be questioned because of the commitment we have made to our students.<sup>88</sup>

He then added that "[i]f we eliminated all state materials except Oklahoma we would save approximately \$31,000.00, but we would also have become a marginal law library overnight."<sup>89</sup>

Finally, regarding staffing and other areas of law library operation, he concluded, "These areas are at or below the minimal level necessary for the [L]aw [L]ibrary to successfully operate. No reduction should be considered unless the [L]aw [L]ibrary and the law school are to be abandoned."<sup>90</sup> Several months later, Professor Dunn unexplainably signed his name to the library portion of the ABA Inspection Questionnaire over the title "Acting Law Librarian."<sup>91</sup> Shortly thereafter in July 1983, the position was filled when Edward R. Fishpaw became the law librarian.<sup>92</sup> But financial matters seemed to be worsening for the Law Library.

Dean Kothe took up the financial fight that Professor Dunn had abandoned. In his report to the law school regents, Dean Kothe, after referencing the Law Library budget for 1983–1984 in the reduced amount of \$398,000, lamented:

The [L]aw [L]ibrary budget represents a drastic cut from the \$527,000 approved for 1982–[19]83 and seriously jeopardizes the ability of the [L]aw [L]ibrary to meet the curriculum and research needs of the law school. The budget for continuations and books was reduced from approximately \$300,000 to \$200,000, a 33%<sup>93</sup> cut which, if not restored, will require extensive cancellations in existing

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<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.* at 9.

<sup>91</sup> Library Development Plan, *supra* note 65, at 8, *reprinted in* Oral Roberts Univ., O.W. Coburn School of Law A.B.A. Inspection Questionnaire app. C, pt. V (Mar. 31, 1983) (on file with the Regent University Law Review). Professor Dunn had apparently chosen to resign as law librarian but remain in an interim capacity until his replacement could be found. Unexplainably, half of page five and all of page six are missing from the Law Library archive copy. Inflammatory language was notably lacking in the remainder of that document. *Id.*

<sup>92</sup> Regents' Report, *supra* note 72, at 11. Fishpaw was hired with the rank of assistant professor of law. *Id.*

<sup>93</sup> *Id.* at 14. Dean Kothe noted that the budget reduction from \$300,000 to \$200,000 was "real[ly] a 40[%] reduction when one considers that law continuations and books increase approximately 10–15[%] a year in price . . . [and that] [a]pproximately 90[%] of a [L]aw [L]ibrary's collection budget is for continuations, which must be renewed annually to keep legal authorities up to date." *Id.* at 33.

subscriptions. Such action at this time would most definitely jeopardize accreditation by the [ABA]. The total 1983–84 need for the [L]aw [L]ibrary is \$570,000. This includes funding to hire an experienced, professional law librarian as head of reference and research services.<sup>94</sup>

#### F. *The Beginning of the End: 1983–1984*

At its meeting in October 1983, the ABA Accreditation Committee confirmed one concern and raised another.<sup>95</sup> The committee concluded that there was (1) an insufficient number of full-time professional librarians and support staff,<sup>96</sup> and (2) a lack of sufficient administrative autonomy by the Law Library created by the shared responsibility of centralized functions with the Regent University Library (the “University Library”).<sup>97</sup> In response to these findings, retiring Dean Kothe and incoming Dean John W. Stanford both wrote letters to the Accreditation Committee addressing these issues.<sup>98</sup>

The Accreditation Committee met again in May 1984 and considered the assertions made by retiring Dean Kothe and incoming Dean Stanford.<sup>99</sup> The Committee’s concerns regarding adequate staffing were alleviated; however, the Committee members remained concerned that the “shared responsibility” concept produced insufficient autonomy of the Law Library in violation of ABA Standard 604.<sup>100</sup> The Committee’s action letter concluded with a notice to the president and dean of the school to appear before the Committee at its meeting in Nashville, Tennessee on November 9, 1984 “to show cause why the [s]chool should not be removed from the list of law schools provisionally approved by the

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<sup>94</sup> *Id.* at 14. Dean Kothe reminded the Board that the ABA site team accreditation report had criticized the library for its lack of adequate staffing, stating that the library was “understaffed to perform minimal services.” *Id.* at 34.

<sup>95</sup> May 1984 Letter from James P. White, *supra* note 14, at 3.

<sup>96</sup> This was alleged to be in violation of ABA Standards 601, 604, and 605(b). *Id.* at 7; Letter from James P. White, Consultant on Legal Educ. to the Am. Bar Ass’n, to Dr. Oral Roberts, President, Oral Roberts Univ., and John W. Stanford, Dean, O.W. Coburn Sch. of Law, Oral Roberts Univ. 7 (July 26, 1984) [hereinafter July 1984 Letter from James P. White] (on file with the Regent University Law Review) (verbatim).

<sup>97</sup> *Id.* Dean John W. Stanford replaced Dean Kothe, who resigned effective June 1984. See *Nomination of Clarence Thomas To Be Associate Justice of the Supreme Court of the United States: Hearings Before the S. Comm. on the Judiciary*, 102d Cong. 429 (1991) (statement of Charles A. Kothe, Former Dean, O.W. Coburn School of Law, Oral Roberts University).

<sup>98</sup> May 1984 Letter from James P. White, *supra* note 14, at 1. The deans reported the addition of one professional librarian and one paraprofessional to the library staff and asserted there was no conflict between the University Library and the Law Library resulting from the shared control of operations. *Id.* at 8–10.

<sup>99</sup> *Id.* at 8.

<sup>100</sup> *Id.* at 7, 10–11.

[ABA].”<sup>101</sup> As a result of the action letter, the University administration “agreed to substantial changes in policy for the administration of the Law Library” that would provide the autonomy that the Accreditation Committee required.<sup>102</sup>

*G. Musical Chairs: 1984–1985*

The 1984–1985 school year witnessed dramatic changes in library staffing. The biggest change was the loss of another head law librarian; Fishpaw’s resignation was effective at the end of June 1985.<sup>103</sup> In his stead, Lorin H. Lindsay was appointed acting law librarian.<sup>104</sup> Lindsay provides the following description of personnel turnover:

The past year has been one of dynamic change. Mrs. Siebert moved to the main circulation desk . . . at the end of January and came back the first of July. Chris Fernandez took over Mrs. Siebert’s responsibilities and then went to the TU Law Library at the end of May. Paula Michaels left at the end of March and Nelda Thomas took her place. Then she left in the middle of July.

. . . .

When Nelda Thomas left, Jan Wadkins started doing the Kardex [a]ssistant and [l]aw [s]erials [a]ssistant jobs.<sup>105</sup>

In the midst of these turnovers, “Mr. Fishpaw left at the end of June.”<sup>106</sup>

Just before his departure, Fishpaw summarized the problem areas and concerns that continued to plague the Law Library. The most pressing personnel need was to employ “a professional, experienced law

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<sup>101</sup> July 1984 Letter from James P. White, *supra* note 96, at 14. The ABA Accreditation Committee had additional concerns relating to the law school that are beyond the scope of this Article. Lewis Collens et al., Site Evaluation Report on Oral Roberts University, O.W. Coburn School of Law 3 (Mar. 21–24, 1984) (on file with the Regent University Law Review).

<sup>102</sup> Letter from John W. Stanford, Dean, O.W. Coburn Sch. of Law, to Dean James P. White, Consultant on Legal Educ. to the Am. Bar Ass’n, Ind. Sch. of Law 6 (Sept. 28, 1984) (on file with the Regent University Law Review). The new policy directed “that the Law Library will have substantial autonomy, and that the [d]ean, [l]aw [l]ibrary [d]irector, and the faculty shall be responsible for the policies and activities of the Law Library, without supervision or joint control by administrators of the general University [L]ibrary and the Learning Resources Center.” *Id.*

<sup>103</sup> Lorin H. Lindsay, Annual Report of the O.W. Coburn Law Library (Aug. 29, 1985) [hereinafter Lindsay Annual Report] (on file with the Regent University Law Review). Stating that he sincerely regretted the need to leave Oral Roberts University School of Law, Fishpaw indicated that his reason for leaving was to “serve the poor and elderly in Virginia as a poverty attorney.” Edward R. Fishpaw, Report on the ORU Law Library 1 (June 19, 1985) [hereinafter Fishpaw Report] (on file with the University Law Review).

<sup>104</sup> See Lindsay Annual Report, *supra* note 103.

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

reference librarian.”<sup>107</sup> His second priority for staff hiring was a paraprofessional for circulation.<sup>108</sup> Finally, noting that “[t]he position of law library director is pivotal to the smooth and successful operation of the [L]aw [L]ibrary,” he strongly recommended that his replacement be “a law library director with both the J.D. and M.L.S. degrees who has had several years of significant law library administrative experience.”<sup>109</sup>

Among other shortcomings in the Law Library, Fishpaw identified the need for stability in the Law Library budget and a predictable cash flow,<sup>110</sup> funds for professional development and training,<sup>111</sup> the addition of two new services at the time that would support law faculty research, Nexis<sup>112</sup> and the Electronic Legislative Search System (“ELSS”),<sup>113</sup> and the cataloging of several parts of the collection that had not yet been cataloged.<sup>114</sup>

It is clear that adequate funds were not being provided to the Law Library sufficient to meet its needs. This is somewhat surprising considering the large financial investment in the Law Library.<sup>115</sup> With provisional accreditation in jeopardy, budget cuts, and long term inadequate staffing, the stage was set for a major announcement.

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<sup>107</sup> Fishpaw Report, *supra* note 103, at 1. This shortcoming was also documented by the ABA Accreditation Committee. July 1984 Letter from James P. White, *supra* note 96, at 7. The Accreditation Committee’s concerns regarding adequate staffing, however, were alleviated by the assertions made by retiring Dean Kothe and incoming Dean Stanford that one professional librarian and one paraprofessional had been added to the library staff during 1984. *Id.* at 8, 10–11.

<sup>108</sup> Fishpaw Report, *supra* note 103, at 1.

<sup>109</sup> *Id.* at 2. Fishpaw undoubtedly realized that a fully credentialed and experienced head law librarian was needed at a crucial time to captain a ship that was taking on water and was in danger of sinking.

<sup>110</sup> He bemoaned that in the two years during his tenure, “no new purchases are possible after May 1st,” and “[i]n the two years that I have been here we have spent less than \$15,000 to add new materials to the collection.” *Id.*

<sup>111</sup> *Id.* at 3. Fishpaw added: “During the past year we have not invested any funds for training and development of professional staff.” *Id.*

<sup>112</sup> *Id.* Nexis is an extensive database of comprehensive news, business, and legal information sources. Nexis Content, LexisNexis, <http://www.lexisnexis.com/businessonline/content.asp> (last visited Nov. 24, 2008).

<sup>113</sup> “The ELSS system offered by the Commerce Clearing House provide[d] an on line data base to all bills introduced in the current year for all 50 states.” Fishpaw Report, *supra* note 103, at 3.

<sup>114</sup> Several of the loose leaf services, the periodicals, and the administrative law materials, as well as some materials in the state collection, were not cataloged. *Id.* at 5.

<sup>115</sup> Oral Roberts said that, “We originally invested some \$12 million in the library, and we kept adding to it as the need arose each year.” ROBERTS, *supra* note 6, at 304. It was previously reported, however, that some \$3 million was spent establishing the Law Library, whereas an additional half-million dollars was spent each following year on subsequent acquisitions. Emily Couric, *The Cross and the Casebook*, STUDENT LAW., Dec. 1986, at 15, 19.

### *H. A Generous Gift*

On November 1, 1985, ORU's Board of Regents gifted its law school and law library to CBN University in Virginia Beach, Virginia.<sup>116</sup> "The transfer of the law school from ORU to [CBN University] was heralded both by ORU President Oral Roberts and CBN University Chancellor Pat Robertson as a[] historic occasion of cooperation between two educational institutions affiliated with two Christian ministries with compatible missions."<sup>117</sup> Delivery was to be effective on June 1, 1986.<sup>118</sup> This timetable would allow for the books to be packed and moved after

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<sup>116</sup> Sch. of Law, CBN Univ., Transition Feasibility Study 1 (Spring 1986) [hereinafter Transition Study] (on file with the Regent University Law Review). "[P]rior to the announcement of the gift . . . CBN University had included a law school in its long-range plan, and had already begun preparations for the addition of a law school to the existing graduate programs." *Id.* But there is more to the story. At a meeting with Oral Roberts and his Board of Regents just prior to the announcement of the gift, Chancellor Pat Robertson revealed the following:

Last May our Board of Regents met . . . and voted to start a law school in 1987. I wanted to do it but I thought, *How will we ever be able to afford the library that it takes to do it?* Because it is a monumental task as you know.

But this fall, by faith, we began building a building which is suitable to house a law school and it's going to be completed by August of 1986 . . . . Now that is a miracle. I did not communicate one word of that to you. You knew nothing about it. The Holy Spirit showed you and all that I can say is, all glory to Jesus and my profound thanks to each one of you.

Oral Roberts, *Oral Roberts University Transfers O.W. Coburn Law School to CBN University*, ABUNDANT LIFE, Jan./Feb. 1986, at 7, 8. Oral Roberts responded:

The Board of Regents . . . and I had the commitment that the Body of Christ must have a fully Christian, Holy Spirit-filled law school. We didn't feel led to close it, and we didn't feel led to sell it. We felt led to Seed-Faith it into a ministry that we believe in . . . .

*Id.*

<sup>117</sup> Transition Study, *supra* note 116, at 1. One might wonder what prompted Oral Roberts and the Board of Regents to give away such a valuable asset. Oral Roberts provides some insight into his motivation:

Dean Kothe believed the ABA and the media simply didn't want a healing evangelist starting a law school.

In spite of all opposition, in 1982 the [provisionally] accredited ORU Law School graduated its first class, having successfully challenged the most powerful legal association in the nation on the constitutionality of its own rules.

But we discovered the battle wasn't over. In fact, I was afraid that the ABA would never relent, that it would keep us in court over the next ten years at a cost to us of \$1 million a year in legal fees. I knew that would wear us down, not in our right or our determination, but in our willingness to pay that outrageous amount of money for the legal defense of our position.

ROBERTS, *supra* note 6, at 307.

<sup>118</sup> Sch. of Law, CBN Univ., Information Supplement to the American Bar Association Law School Inspection Questionnaire Submitted by the O.W. Coburn School of Law, Oral Roberts University 3 (Spring 1986) (on file with the Regent University Law Review).



classes were over in spring 1986, then unpacked and shelved in their new location in time for classes in fall 1986.<sup>119</sup>

Extensive planning both at ORU and CBN University between January and May prepared the way for a smooth relocation of ten truckloads containing books and equipment across 1,300 miles.<sup>120</sup> “Overloading the last two trucks caused a delay in receiving and unloading since both loads were stopped for being overweight.”<sup>121</sup> The total cost of the move was \$44,663.<sup>122</sup> The moving process was captured on video.<sup>123</sup>

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<sup>119</sup> *Id.* Barbara Baxter, the librarian responsible for the move, recounts the following:

I worked at the ORU Law Library from Jan[uary] 1986 through May of that year. Basically, I surveyed the collection and determined what was to be moved to CBN. All the microform materials and cabinets[,] as well as most of the print collection[,] were to be shipped to Virginia Beach. I worked closely with Dean Lois Lehman and Dr. Eva Kiewitt at the CBN University Libraries to plan the move . . . how many boxes, how much each box weighed, how to download the data records so each record could be uploaded and integrated into [CBN University] Law Library records. Paul Teja was very helpful in figuring out how these records would be uploaded and merged.

. . . .

Because of all the planning that had taken place six months prior to the physical move, the unloading and shelving of the books went quickly and smoothly. Overloading the last two trucks caused a delay in receiving and unloading since both loads were stopped for being overweight.

E-mail from Barbara A. Baxter, Law Library Director and Assistant Professor, Liberty University School of Law, to Brent Rowlands, Assistant Research Services Librarian, Regent University Law Library (June 11, 2008, 03:01 EST) (on file with author).

<sup>120</sup> Barbara A. Baxter et al., Law Library Transfer Report II, CBN University Libraries (Nov. 1986) [hereinafter Library Transfer Report II] (on file with the Regent University Law Review); *see also* Memorandum from Ken Zenzel to the Law Sch. Transition Team at CBN Univ. (Feb. 19, 1986) [hereinafter Zenzel Memorandum] (on file with the Regent University Law Review) (providing minutes of a planning meeting). Following a careful comparison of services offered by three movers, Hallett and Sons Movers of Summit, Illinois, were selected to move the Law Library. *See id.* (comparing the three companies). Specializing in moving libraries, Hallett had an efficient system for packing the books in specially constructed boxes, resulting in a minimal disordering of books. Library Transfer Report II, *supra*.

<sup>121</sup> Library Transfer Report II, *supra* note 120.

<sup>122</sup> *Id.* In addition to Hallett’s charges of \$37,500, a contract worker and student packers and unpackers added another \$7,163. *Id.* It is interesting to note that CBN University proceeded with planning the move without any assurances from ORU that it would pay any part of the move. *See generally* Zenzel Memorandum, *supra* note 120, at 1. In late June, it was learned that a CBN donor had given an amount that covered almost the entire cost of moving. Library Transfer Report II, *supra* note 120. Baxter, the newly appointed law librarian, added that

[i]n late June we knew again the significance of Isaiah 64:24: “It will also come to pass, that before they call, I will answer; and while they are still speaking, I will hear.” We learned that a close friend of [CBN University] had given

## II. A TIME OF TRANSITION: 1986–1997

## A. CBN University

ORU had petitioned the ABA to allow provisional accreditation to be transferred to CBN University.<sup>124</sup> The ABA denied the petition and decided to treat CBN University School of Law as a new law school.<sup>125</sup> Despite this adverse ruling, fourteen third-year and eight second-year law students from ORU followed the law school to its new location to join a first-year class of eighty-three students, none of whom had any assurance of being able to sit for the bar exam in their state of choice.<sup>126</sup>

Once the dust settled, it appeared that the Law Library was the only asset of value transferred because the ABA denied the transfer of provisional accreditation to the new law school.<sup>127</sup> But the Law Library was a very substantial asset consisting of approximately 200,000 hard bound and microform volumes,<sup>128</sup> valued in excess of \$9 million.<sup>129</sup>

The Law Library collection was to be housed on part of the first, second, and fourth floors of the University Library building,<sup>130</sup> and was

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\$43,436 to help cover the cost of transferring the Law Library from ORU to [CBN University]. This news was an additional confirmation that what we were about was indeed in God's plans, no matter how difficult and time-consuming the task.

*Id.*

<sup>123</sup> Videotape: Law Library Move 5/86 (CBN University 1986) (on file with the Regent University Law Library), *available at* [http://media.regent.edu/lib/LawLibrary\\_archive.wmv](http://media.regent.edu/lib/LawLibrary_archive.wmv) (covering forty minutes of packing, loading, transporting, unloading, and reshelving of books).

<sup>124</sup> Sch. of Law, Coll. of Law and Gov't, CBN Univ., Notice of Appeal to the Council of the Section of Legal Education and Admissions to the Bar 1, 4 (Dec. 7, 1987) [hereinafter Dec. 1987 Notice of Appeal] (on file with the Regent University Law Review).

<sup>125</sup> *Id.* at 4.

<sup>126</sup> *Id.* For the following 1987–1988 academic year, 117 students enrolled, including 6 third-year transfer students from ORU. Letter from James P. White, Consultant on Legal Educ. to the Am. Bar Ass'n, to Bob G. Slosser, President, CBN Univ., and Herbert W. Titus, Dean, Coll. of Law & Gov't, CBN Univ. 8 (Nov. 9, 1987) [hereinafter Nov. 1987 Letter from James P. White] (on file with the Regent University Law Review). There was, however, a 39.8% decrease in the first-year class from eighty-three in 1986 to fifty in 1987. *Id.*

<sup>127</sup> *See generally* Nov. 1987 Letter from James P. White, *supra* note 126, at 10–12 (listing reasons for the rejection of provisional accreditation). This statement does not reflect on the value of the students and faculty who transferred.

<sup>128</sup> Couric, *supra* note 115, at 17.

<sup>129</sup> *Id.* at 20. ORU announced during the transfer that the law school was worth \$10 million, and CBN University's own independent appraiser valued the Law Library to be worth in excess of \$9 million as an ongoing capital asset. Letter from Mortimer Schwartz, Sch. of Law, Univ. of Cal., to Herbert W. Titus, Professor, CBN Univ. 1 (May 21, 1986) (on file with the Regent University Law Review).

<sup>130</sup> Transition Study, *supra* note 116, at 17–18. The law librarian's office and supporting staff were located in the entire south wing of the second floor where the

to consume approximately 15,000 square feet of the library building.<sup>131</sup> This was some 10,000 square feet less than the Law Library had occupied at ORU, and allowed for very little future expansion.<sup>132</sup> The Law Library was to receive technical services support from the University Library, including “computer services, cataloging, circulation, acquisitions and interlibrary loan[s].”<sup>133</sup> The Law Library budget, collection, and staff, however, were to be formulated and administered as part of the law school’s overall budget.<sup>134</sup>

### B. The Barbara Baxter Era

On January 1, 1986, Barbara A. Baxter was appointed law librarian. As an assistant professor on the law faculty, she taught first year legal research and writing.<sup>135</sup> With both the M.L.S. and J.D. degrees, Baxter was an experienced lawyer and law librarian.<sup>136</sup> It did not take long for her to assemble an able support staff that included Eric Welsh, a professional law reference librarian with ten years experience in a large county law library in Miami, Florida,<sup>137</sup> Joyce Jenkins as law serials supervisor,<sup>138</sup> Christine Carmen as public services assistant, and Jane Fairchild as serials assistant.<sup>139</sup>

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professional law materials most often used in the practice of law were also located. *Id.* at 17. This area also included “ample study carrels and large tables with chairs accommodating 100 people.” *Id.* The non-professional microforms and the international law collection were located in the north wing of the same floor. *Id.* Law periodicals and reference materials were located in the north wing of the first floor. *Id.* Also located on the first floor were the main reference desk, the general circulation and reserves desk, and the technical services area responsible for acquisitions, receiving, cataloging, and data processing for the law collection. *Id.* Seldom used materials and some duplicates were housed on the fourth floor. *Id.* at 18.

<sup>131</sup> *Id.* at 17–18.

<sup>132</sup> *Id.* at 16–18; O.W. COBURN 1978–1979 CATALOG, *supra* note 18, at 50.

<sup>133</sup> Penny Hazelton, Draft report about the Law Library and physical facilities at Regent University (July 17, 1990) [hereinafter Hazelton Draft Report] (on file with the Regent University Law Review). This arrangement clearly risked violating ABA Standard 604 regarding separateness and autonomy. May 1984 Letter from James P. White, *supra* note 14, at 7.

<sup>134</sup> Transition Study, *supra* note 116, at 15.

<sup>135</sup> Hazelton Draft Report, *supra* note 133.

<sup>136</sup> *Id.* Baxter began working at ORU in order to become familiar with the Law Library collection prior to the move so as “to ensure a smooth transition of the collection from its location in Tulsa to its new location in Virginia Beach.” Transition Study, *supra* note 116, at 14. Prior to coming to the law school, Baxter practiced law in Los Angeles, California, managed a law firm library in Billings, Montana, and performed extensive indexing work for major law book companies. *Id.*

<sup>137</sup> Hazelton Draft Report, *supra* note 133; Eric Welsh, Head of Research Services, Regent Law School, [http://www.regent.edu/acad/schlaw/faculty\\_staff/welsh.cfm](http://www.regent.edu/acad/schlaw/faculty_staff/welsh.cfm) (last visited Nov. 24, 2008).

<sup>138</sup> E-mail from Joyce Jenkins, Law Serials Supervisor, Regent University, to author (June 11, 2008, 12:16 EST) (on file with author). Jenkins began in June 1988 as law serials

The following year, CBN University School of Law was denied provisional accreditation.<sup>140</sup> Thirteen deficiencies were identified, five of which related to the Law Library.<sup>141</sup> Among the Library's shortcomings, the Committee noted that the Law Library was closed on Sundays and during chapel hours,<sup>142</sup> and that "it relie[d] heavily on the University [L]ibrary for technical services and support," although it was a separate administrative unit.<sup>143</sup> In the appeal that followed, the Law Library made a commendable showing that many of the Committee's conclusions were erroneous.<sup>144</sup>

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assistant on a three-month trial basis and then was promoted to law serials supervisor. *Id.* She continues in that position to this day, though now part time.

<sup>139</sup> Library Transfer Report II, *supra* note 120. Additionally, student assistants were hired for 200 hours weekly. *Id.* "[T]he [t]echnical [s]ervices division of the [University] [l]ibrary [contributed] an additional half-time serials assistant to service law journals and a catalog assistant to help with the law materials cataloging." *Id.* Baxter opined that "countless hours of work remain[ed] to achieve bibliographic control of all the materials." *Id.* She estimated that the technical services staff would "need two or three years to catalog all the transferred materials . . . and make all areas of the collection readily accessible to library patrons." *Id.*

<sup>140</sup> Nov. 1987 Letter from James P. White, *supra* note 126, at 12. CBN University School of Law had "filed its application for provisional approval with the [ABA] on June 30, 1987." Dec. 1987 Notice of Appeal, *supra* note 124, at 1. "An ABA Site Team visited the [l]aw [s]chool during the week of September 20, 1987 . . ." *Id.* On November 9, 1987, the ABA Accreditation Committee issued its action letter denying provisional accreditation. Nov. 1987 Letter from James P. White, *supra* note 126, at 12. "[O]n December 8, 1987, the [l]aw [s]chool filed [a] . . . timely Notice of Appeal . . ." Dec. 1987 Notice of Appeal, *supra* note 124, at 1.

<sup>141</sup> Nov. 1987 Letter from James P. White, *supra* note 126, at 10-12. The Law Library deficiencies noted were two budget deficiencies (ABA Standards 601 and 604), inadequate salaries for professional law librarians (ABA Standards 601 and 605), insufficient hours open for law use and reference availability (ABA Standards 601 and 604), and the sharing of facilities with the University and the Library's large distance from the classrooms and students (ABA Standard 701). *Id.* at 11-12.

<sup>142</sup> *Id.* at 7. This would not change until January 4, 1993, when the Law Library began remaining open during the lunch hour, staffed by students while full-time and professional staff attended chapel. Richard A. Leiter, *From the Director's Pen*, TESTIMONY (The Regent Univ. Law Library, Virginia Beach, Va.), Jan. 1993, at 1, 1.

<sup>143</sup> Nov. 1987 Letter from James P. White, *supra* note 126, at 6.

<sup>144</sup> *See generally* Dec. 1987 Notice of Appeal, *supra* note 124 (rebutting each specific factual finding made by the ABA Accreditation Committee). CBN University began by asserting the following: "The [L]aw [L]ibrary is adequate and responsive to the needs of the law school." Sch. of Law, CBN Univ., Outline Statement for the Meeting of the Council of the Section of Legal Education and Admissions to the Bar 3 (Feb. 7, 1988) (on file with the Regent University Law Review). The University continued on to assert as follows:

1. The [L]ibrary's collection is a large one that contains every volume required by the [ABA] Standards.
  - a. The collection is larger than that of all four law libraries of law schools listed as provisionally approved by the ABA in 1986.
  - b. The law school library's collection is larger than that of [forty-six] law schools fully accredited by the ABA as of 1986.

It would be two more years of intense struggle with the ABA before provisional accreditation was received on June 16, 1989.<sup>145</sup> During the intervening time, there were additional site visits, additional denials of accreditation, appeals, and even a lawsuit filed by forty-nine third-year law students in federal court seeking injunctive relief to require the ABA to accelerate the accreditation process in order to allow them to graduate on time and be free to take bar exams without restriction.<sup>146</sup> The issues raised by the ABA dealt mostly with religious matters pertaining to the law school and are beyond the scope of this Article.<sup>147</sup>

By 1990, there were more improvements. Legal periodicals were removed from the first to the third floor to allow better access, and new volumes totaling 2,547 had been added.<sup>148</sup> “The number of patrons (excluding Regent . . . law students) using the [L]aw [L]ibrary tripled between 1988 and 1989[.]”<sup>149</sup> But law student usage was disappointing because of the four-minute walk from the classroom to the library building.<sup>150</sup>

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- c. Budget adjustments from last year have been small and have not affected the collection’s adequacy; additional funds have been made available for acquisitions.
  2. The [L]aw [L]ibrary’s association with the University [L]ibrary has provided the law school with a number of specific benefits, including automated record keeping, circulation, and additional staff support.
  3. [ABA] Standard 601, which requires a law school to “maintain and administer a library adequate for its program” cannot be read to require the library to be kept open at times when it will not be used. The [L]ibrary’s hours are reasonable and consistent with the law school’s mission.

*Id.* at 4 (citations omitted).

<sup>145</sup> Annual Report Memorandum from Herbert W. Titus, Dean, Coll. of Law & Gov’t, CBN Univ., to Alumni of CBN Univ. Sch. of Law and O.W. Coburn Sch. of Law 1 (Nov. 15, 1989) [hereinafter Titus Annual Report Memorandum] (on file with the Regent University Law Review).

<sup>146</sup> *Id.* at 2–3. The injunctive relief was denied and the case was dismissed on the merits. *Id.* at 3. Author’s note: CBN University graduates in 1989 achieved “an 84% pass rate on the Virginia bar as compared to a statewide 80% passage rate.” *Id.* at 5. Of the law school’s 1987 and 1988 graduates, the bar passage rate was a very impressive 95%. *Id.* This prompted a piece in the local newspaper in which the editorial board wrote:

CBN University’s Law School got a bit of poetic justice the other day. . . . [R]ecent CBN law graduates did better on the Virginia bar examination than the statewide average.

That was good news for the school and its graduates and somewhat embarrassing for the [ABA], which tried for three years to discredit the program at CBN.

*Passing the Bar*, VA. BEACH BEACON, Oct. 31/Nov. 1, 1989, at 6.

<sup>147</sup> See Titus Annual Report Memorandum, *supra* note 145, at 3.

<sup>148</sup> Hazelton Draft Report, *supra* note 133.

<sup>149</sup> *Id.* Lawyers, paralegals, students from other institutions, and members of the public had discovered this new resource. *Id.*

<sup>150</sup> See *id.*

There were several new additions to the staff during this period. Donna Bausch was hired in January 1990 as senior reference librarian,<sup>151</sup> Jan Beard joined the staff in 1990 as public service supervisor, and Anna Dinkins began in March 1991 as public services assistant.<sup>152</sup>

With the improvements came the need for more space. At the current rate of growth, there would be no available shelf space in 2.8 years.<sup>153</sup> The increased volume of serial materials had further cramped the available work space, and the additional staff had created the need for more office space.<sup>154</sup> Worse still, there was no permanent plan in place regarding an integrated law school facility, particularly with regard to more space for the Law Library.<sup>155</sup>

### *C. Acting Librarian Donna Bausch*

In August of 1990, Baxter resigned and was replaced by Acting Librarian Donna Bausch. Bausch was dual degreed with J.D. and M.S.L.S. degrees and had been a law librarian for the previous seven years.<sup>156</sup> Bausch was “not a member of the law faculty” because of her interim status, but she did serve as “an ex-officio member of the faculty Library Advisory Committee,” and coordinated the Legal Research and Writing I course.<sup>157</sup>

Another ABA site inspection occurred in April of 1991. The Site Team Report noted several areas of improvement over the previous year. Particular mention was made of new ten and one-half month librarian contracts, in lieu of the former nine-month contracts, for the reference librarians.<sup>158</sup> This was considered important because it would enable the librarians to be available during much of the summer when their assistance would be most needed by faculty engaged in scholarly

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<sup>151</sup> *Id.*

<sup>152</sup> Frank T. Read et al., Report on Regent University School of Law 41–42 (Apr. 7–10, 1991) [hereinafter Apr. 7–10, 1991 ABA Report] (findings of ABA site evaluation prepared by visitation team members) (on file with the Regent University Law Review).

<sup>153</sup> Hazelton Draft Report, *supra* note 133.

<sup>154</sup> *Id.*

<sup>155</sup> *Id.* These shortcomings threatened noncompliance with ABA Standards 704(a) and 705. *Id.* Other problems were nine-month contracts for the professional librarians (except the director, who was on a twelve-month contract), low salaries for the support staff, and only \$704 spent the previous year on professional and staff development. *Id.* Full-year contracts were strongly encouraged in order to assist faculty research for scholarly publications during the summer months and to work on summer projects when more time was available. *See* Apr. 7–10, 1991 ABA Report, *supra* note 152, at 41.

<sup>156</sup> Hazelton Draft Report, *supra* note 133.

<sup>157</sup> Apr. 7–10, 1991 ABA Report, *supra* note 152, at 40.

<sup>158</sup> *Id.* at 41.

research and writing.<sup>159</sup> Other improvements over the previous year included a substantial increase in funding for staff development<sup>160</sup> and approved plans to increase the usable space on the third floor of the library building.<sup>161</sup> An additional reference librarian, Jack Kotvas, was added during this time.<sup>162</sup>

Bausch stepped aside when Richard Leiter was chosen to be director of the Law Library; however, she continued to serve as senior law reference librarian until August 1992, when she left to become director of the Norfolk Law Library.<sup>163</sup>

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<sup>159</sup> *Id.*

<sup>160</sup> *Id.* at 42. The funding more than doubled each year for several years thereafter. *Id.*

<sup>161</sup> *Id.* at 46–47. The plans provided for “an additional 6,323 square feet of contiguous space” to be used for “at least 50 additional seats, new shelving, and expanded staff work areas.” *Id.* at 46. It was also noted that plans were underway for a new building adjacent to the library building that would house the law school and possibly the Law Library. *Id.* at 47.

<sup>162</sup> *Id.* at 40. Kotvas was hired in September 1990. *Id.*

<sup>163</sup> E-mail from Donna Bausch, Law Librarian, Norfolk Law Library, to author (June 11, 2008, 09:54 EST) (on file with author). She recalls as follows:

Some of my fondest memories of the short time I spent as acting law librarian at Regent Law Library were the wonderful colleagues with whom I worked so closely. At the [m]ain [l]ibrary, which, at that time, was located in the same building, Dean of Libraries Lois Lehman and Associate Dean Eva Kiewitt were incredible leaders and role models from whom I learned so much. They were completing lifelong careers in librarianship and they will always represent to me the best of our profession when I remember their standards of excellence, their common sense, their kindness[,] and their generosity. Everyone who had the privilege of knowing them sensed they were in the presence of both goodness and greatness, and I'll always remember them fondly. Their advice and counsel was invaluable at a time when Regent Law School was in its infancy and ABA accreditation teams were nearly in residence, or so it often seemed.

Likewise, at the Law Library, it is the loyal, hard working, dedicated[,] and long-serving colleagues I think of often with affection and respect. For example, paraprofessional Joyce Jenkins has been talking about retirement for many years, but I'm not sure the [L]aw [L]ibrary could operate without her. Joyce has probably touched every book in the collection once and moved most of them [five] or [ten] times over the years. Her spirit of joyful labor was contagious and it was a pleasure to see her smiling face each day as she prepared for whatever tough project needed to be done.

Because I was new to the Tidewater Virginia area, the colleagues with whom I worked at Regent made transition to life here an easy one. When I finally found my professional niche at Norfolk Law Library, I had Regent to thank for providing me a place to temporarily practice librarianship in a region with very few law library positions. Most of all, the people at Regent made it memorable and a positive experience—from Rich Leiter to Barbara Baxter to Eric Welsh, I am grateful to have had the opportunities, challenges[,] and chuckles that working with each of them provided.

E-mail from Donna Bausch, Law Librarian, Norfolk Law Library, to Brent Rowlands, Assistant Research Services Librarian, Regent University Law Library (June 9, 2008,

#### *D. The Richard Leiter Era*

Richard A. Leiter, on September 1, 1991, began serving as the new Law Library director with the rank of associate professor of law.<sup>164</sup> Leiter was dual degreed with J.D. and M.L.I.S. degrees, and he had ten years of experience in law librarianship before coming to Regent.<sup>165</sup> His responsibilities included teaching Legal Research and Writing I beginning in fall 1992.<sup>166</sup>

The Law Library's collection at that time had grown to "approximately 275,000 volumes, including microform equivalents."<sup>167</sup> "[C]ollection strengths [were, and] are[,] in legal history, law and religion[,] and Anglo-American constitutional law."<sup>168</sup>

The next few years would be challenging for the Law Library, as it would be growing in staff and collections, consolidating operations to the entire third floor of the library building, migrating to a new online library system,<sup>169</sup> offering new services, and adjusting to newly acquired technology products.<sup>170</sup>

Members of the bar and other outside patrons benefited by some changes made during 1993. These changes included allowing circulation privileges to members of the bar,<sup>171</sup> and making "Westlaw . . . available to library patrons on a contract basis."<sup>172</sup>

18:48:32 EST) (on file with author). Author's note: Donna Bausch is a much loved and respected law librarian who is a leader in her profession and a mentor to many. I am indebted to her for assisting and encouraging me throughout my law library career, and have great admiration for her as a professional colleague and person.

<sup>164</sup> See *infra* app. 1.

<sup>165</sup> Regent Univ. Sch. of Law, Self-Study 71–72 (Mar. 1992) [hereinafter Mar. 1992 Self-Study]. Leiter was active in the American Association of Law Libraries and co-authored *The Spirit of Law Librarianship* with Professor Mersky in 1991. *Id.* at 72–73.

<sup>166</sup> *Id.* at 79.

<sup>167</sup> *Id.* at 76. "According to the Fall 1991 ABA survey[,] Regent's collection size placed it 90th out of 175 ABA-approved law school library collections, a respectable showing for a young program, and more than adequate to serve the needs of our students, faculty[,] and community users." *Id.*

<sup>168</sup> *Id.*

<sup>169</sup> *Id.* at 81–82. INNOPAC library system was selected among several alternatives. See Shelia Walker, Professional Staff Meeting Minutes (Feb. 5, 1997) (on file with the Regent University Law Review).

<sup>170</sup> See Mar. 1992 Self-Study, *supra* note 165, at 76.

<sup>171</sup> Richard A. Leiter, *From the Director's Pen*, TESTIMONY (The Regent Univ. Law Library, Virginia Beach, Va.), Mar. 1993, at 2 [hereinafter Mar. 1993 TESTIMONY].

<sup>172</sup> *Services for the Regent Regulars: Contract Westlaw Services Are Now Available*, TESTIMONY (The Regent Univ. Law Library, Virginia Beach, Va.), June 1993, at 1. The "cost [was] \$35.00 for five minutes of searching." *Id.* Additional time was charged at the rate of \$4.00 per minute. *Id.*



The 1993–1994 school year brought profound changes to the law school and library. A record number of 132 students was admitted.<sup>173</sup> This student growth placed new demands on the Law Library. In response, several staff members were added during the school year. The March issue of *Testimony*, the Law Library’s newsletter, announced the addition of Kathleen Miller as head of reference.<sup>174</sup> Shortly thereafter, Karen Papasodora, reference librarian, and Rebecca Perry, head of Technical Services, joined the professional staff.<sup>175</sup> Other hirings around that time included Joan Antonucci as Public Services supervisor, Sheri Egress as serials assistant, and Vauna Hyatt as the new secretary for the Law Library.<sup>176</sup>

The Law Library was scheduled to relocate to the entire third floor of the library building during spring 1994, and plans were underway for a separate building for the Law Library to be located between the new Law and Government building and the University Library building.<sup>177</sup> By the time of the ABA site visit in March 1994, a new law school building, named Robertson Hall,<sup>178</sup> had recently been completed, and the Law Library had been relocated, not to a new building, but to the entire third floor of the library building.<sup>179</sup> Remarkably, the work of moving the

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<sup>173</sup> See Regent Univ. Sch. of Law, 1993–1994 Self Study, at 93 (Feb. 1994) [hereinafter Feb. 1994 Self Study] (on file with the Regent University Law Review).

<sup>174</sup> Mar. 1993 TESTIMONY, *supra* note 171, at 2. Assuming her duties on March 1, 1993, Miller was “a graduate of the University of Pittsburgh’s Library School and Ohio Northern University Law School.” *Id.* “She [came] to [the Library] with . . . six years of library experience in the Pittsburgh area.” *Id.*

<sup>175</sup> *Welcome Wagon*, TESTIMONY (The Regent Univ. Law Library, Virginia Beach, Va.), Apr. 1994, at 1. Perry, assistant law librarian, had received the M.L.S. degree from the University of Kentucky, and had previously worked as head librarian at the Lloyd Library and Museum in Cincinnati, Ohio for 15 years. *Id.* Papasodora, reference librarian, had received a J.D. degree from Regent University in 1992 and was then pursuing a library degree. Feb. 1994 Self Study, *supra* note 173, at 60.

<sup>176</sup> *Welcome Wagon*, TESTIMONY (The Regent Univ. Law Library, Virginia Beach, Va.), Oct. 1993, at 1 (welcoming Antonucci and Hyatt); Regent Univ. Sch. of Law, 1995–1996 Self Study, at 41 (Oct. 1995) [hereinafter Oct. 1995 Self Study] (documenting the hiring of Egress) (on file with the Regent University Law Review).

<sup>177</sup> Regent Univ. Sch. of Law, 1992–1993 Self Study, at 73 (Feb. 1993) (on file with the Regent University Law Review).

<sup>178</sup> Robertson Hall was named in honor of Pat Robertson’s father, A. Willis Robertson, a former U.S. Congressman and U.S. Senator from Virginia. Esther Diskin, *Quayle, Speaking at Regent, Backs Health Care Reform*, VIRGINIAN-PILOT & LEDGER STAR, Oct. 2, 1994, at B2, available at 1994 WLNR 1901996.

<sup>179</sup> Arthur R. Gaudio et al., Report on Regent University College of Law 34 (Mar. 20–23, 1994) [hereinafter Mar. 20–23, 1994 ABA Report] (findings of ABA site evaluation prepared by visitation team members) (on file with the Regent University Law Review). Leiter recalls that he “remodeled the [Law] [L]ibrary so that it was independent of the main library. It used to be on three floors without a separate entrance.” E-mail from Richard A. Leiter, Director, Schmid Law Library, and Professor, University of Nebraska College of Law, to Brent Rowlands, Assistant Research Services Librarian, Regent

great majority of the Law Library materials was accomplished in two weeks with no budgeted funds, using Law Library staff and other resources.<sup>180</sup> The renovation included new ceilings and comfortable lighting, full carpeting for a quiet study space, and six well-lit study rooms that could be reserved by students with special research needs.<sup>181</sup> “There [were] 140 assignable carrels and 100 . . . reading tables providing seating for more than 250 students . . . .”<sup>182</sup> The usable space more than doubled from some 15,000 square feet to 33,000 square feet.<sup>183</sup> The study rooms located in the University Library were also available to law students. Things seemed to be improving.

But the campus was in turmoil. The law school dean had recently been dismissed and a new administration was installed.<sup>184</sup> Several of the law faculty had filed a complaint for a Rule 34 violation with the ABA,<sup>185</sup> as well as lawsuits against Regent University alleging infringements of tenure, faculty governance[,] and academic freedom. Faculty and student loyalties were divided.<sup>186</sup> Yet, the site team was complimentary of the Law Library.<sup>187</sup>

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University Law Library (June 6, 2008, 04:28 EST) [hereinafter June 6, 2008 Leiter E-mail] (on file with author).

<sup>180</sup> See generally June 6, 2008 Leiter E-mail, *supra* note 179. Leiter further recalls that the renovations were accomplished solely with 700 Club carpenters, used shelving, and the Law Library staff, which moved all the books and fiche. *Id.*

<sup>181</sup> Mar. 20–23, 1994 ABA Report, *supra* note 179, at 38.

<sup>182</sup> *Id.* According to the April 1994 issue of *Testimony*, the Law Library was closed in 1994 from February 23 until March 7 to accomplish the relocation, which created approximately 25% more shelf space and 50% more floor space. Richard Leiter, *From the Director’s Pen*, TESTIMONY (The Regent Univ. Law Library, Virginia Beach, Va.), Apr. 1994, at 2 [hereinafter Apr. 1994 TESTIMONY]; *Winter Update*, TESTIMONY (The Regent Univ. Law Library, Virginia Beach, Va.), Apr. 1994, at 1. Seating capacity more than doubled, and for the first time at Regent, the Law Library had its own circulation desk and reserve room. Apr. 1994 TESTIMONY, *supra*. The reference desk was new, and reference services were enhanced. *Id.*

<sup>183</sup> Compare Feb. 1994 Self Study, *supra* note 173, at 144, 146 (describing the floor plan as it existed in 1994, after the move to the third floor), with Transition Study, *supra* note 116, at 17–18 (describing the floor plan in 1986, before the move to the third floor).

<sup>184</sup> Mar. 20–23, 1994 ABA Report, *supra* note 179, at 17–18.

<sup>185</sup> Under Rule 34, a faculty member may file with the consultant to the ABA a complaint alleging that a school is not in compliance with the standards of the ABA. ABA RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS R. 34 (1983) (current version at R. 24 (2008–2009)). If the consultant deems that there may be cause for further inquiry, the law school dean is notified and allowed a chance to respond. *Id.* Further investigation and prosecution may occur. *Id.*

<sup>186</sup> See Mar. 20–23, 1994 ABA Report, *supra* note 179, at 17–18, 31–32.

<sup>187</sup> *Id.* at 32. The Report included the following:

The overriding thrust of this report on the [L]aw [L]ibrary, computer resources[,] and physical facilities, all of which are entitled to high marks *per se*, is to emphasize the need for *improved personnel administration* at all levels. Morale at Regent is grim in the face of uncertainty. The muddle over authority

There were now four full-time professional librarians.<sup>188</sup> The three reference librarians participated in teaching the first-year legal research class.<sup>189</sup>

The Law Library housed a computer laboratory capable of accessing Lexis, Westlaw, and the Internet, and would soon have CALI (Computer Assisted Legal Instruction) programs available.<sup>190</sup> There were twelve work stations students could use for word processing.<sup>191</sup> The University computer services department was responsible for the computers and maintenance; the Law Library was responsible for the law applications.<sup>192</sup>

The collection now consisted “of approximately 280,000 volumes, 125,000 in hard copy and 155,000 in microform equivalents.”<sup>193</sup> “There [were] three plain paper microfiche reader-printers,” two of which had the capability of reading either fiche or film; the other read all types of fiche.<sup>194</sup>

Among Leiter’s bibliophilic accomplishments were acquiring several important collections, including the Transylvania Collection,<sup>195</sup> the First

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as to how the School of Law is managed, how personnel are selected and evaluated (including the [d]ean, faculty[,] and students), the dismissal of the former [d]ean, tenure, the hiring of the new [d]ean, faculty governance, the Rule 34 Complaint, personnel management, salary policy and academic freedom, rulemaking, and a perception, justified or not, that rules change as time goes by and situations demand, must be addressed and solved forthwith if the present malaise is to be cured. Once treated effectively, typical academic activities, regrettably low during the period of inspection, should return to acceptable levels. Thus, utilization of the premier library facilities by students who study and write their papers and briefs at Regent with access to splendid resources should resume at an accelerated pace when the distraction of controversy is diminished and the faculty applies its energies to scholarship.

It is tragic to observe a well-planned and stocked multi-million dollar library lie fallow because of internal strife.

*Id.* The Report added: “It is heartening to note that intellectual freedom in terms of library acquisitions has not been compromised in favor or support of any dogma or cause and that works representing opposing and supporting views on various issues are part of the library collection.” *Id.*

<sup>188</sup> *Id.* at 35.

<sup>189</sup> *Id.* at 36.

<sup>190</sup> *Id.* at 37.

<sup>191</sup> *Id.* at 38. This was one of several computer labs available to law students, but the only one located exclusively in the Law Library.

<sup>192</sup> *Id.* at 37. The Report added: “The entire library is well organized. A modern approach to information retrieval is evident in the integrated library automation system and the computer laboratory. Regent is coping well in the transition period from the time all information was found in books to modern day multi-media sources.” *Id.* at 38.

<sup>193</sup> *Id.* at 37.

<sup>194</sup> *Id.*

<sup>195</sup> Section of Legal Educ. & Admissions to the Bar, Am. Bar Ass’n, Fall 1994 Law School Annual Questionnaire 8 (Fall 1994) [hereinafter ABA Annual Questionnaire] (as

Amendment and Civil Rights Collection,<sup>196</sup> and a collection of individually bound Early American Election and Political Sermons that date from 1700 to the mid-1800s.<sup>197</sup> These distinctive additions were nice

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completed by the acting director of the Regent Law Library) (on file with the Regent University Law Review); Telephone Interview with Richard Leiter, Dir. of the Law Library & Professor of Law, Univ. of Neb. Coll. of Law (June 9, 2008) [hereinafter Leiter Telephone Interview]. Also known as the Founders Collection, it “once comprised the library of the first law school west of the Appalachians.” Regent Univ. Sch. of Law, Self Study 2005, at 82 [hereinafter Self Study 2005] (on file with the Regent University Law Review).

This pioneer law school was one of the most renowned of its day, praised by Thomas Jefferson, Justice Story, and John Marshall Harlan. The volumes of its library were used to train many of our young nation’s finest lawyers, legislators, and statesmen. Henry Clay was among the first faculty[] and was a strong force in helping to support and expand the library.

*Id.* at 83. The Founders Collection totals 1,013 volumes and spans four centuries, from Fitzherbert’s *La Grande Abridgement*, published in 1577, through early American imprints such as Chitty, Story, and others during the first half of the nineteenth century. Regent Univ. Sch. of Law, The Founders Collection: An Opportunity To Be a Part of History [hereinafter The Founders Collection] (on file with the Regent University Law Library); Charles H. Oates, *Foraging The Transylvania Law Library: A Unique and Valuable Collection*, \_\_ LAW LIBR. J. (forthcoming) (manuscript at 4, 5 & n.9, on file with author). Much of the collection is comprised of early American imprints consisting of treatises, reports, and early state and federal materials such as legislative acts, state papers, journals, and congressional debates. The Founders Collection, *supra*. The remainder consists of British imprints, including many eighteenth-century treatises and compilations. *Id.* Leiter learned about the Transylvania Collection through his mentor, Professor Mersky, who was aware that it was being offered for sale by Phil Cohn of Oceana Publications. Leiter Telephone Interview, *supra*. Leiter entreated Dean Nelson Happy to enable the purchase. *Id.* Dean Happy found a donor to make the purchase a reality, and this unique collection was purchased for \$100,000 in 1994. *Id.* Leiter and McCue, who worked for Oceana Publications at the time, packed and drove the collection from New York to Virginia. *Id.*; see also Oates, *supra* (detailing treatment of the Transylvania Law Department and Law Library). Author’s note: McCue, currently a dealer in rare law books and a man of great integrity, continues to send additional volumes from the collection as he finds them. Several newly discovered volumes have been received in recent years.

<sup>196</sup> ABA Annual Questionnaire, *supra* note 195. Acquired from Professor Mersky’s personal collection, the more than 300 monographs and government documents in this collection were gathered by a private party with a strong interest in the development of civil rights law and its impact on American life, particularly after World War II. Works in this collection focus on personal freedoms, constitutional rights, or specific events such as the Kent State civil disturbances of 1970 that have implications on how broadly or narrowly constitutional rights should be interpreted. Also included is the text of U.S. Congressional hearings of the House Un-American Activities Committee and the Senate Sub-Committee on Internal Security. These hearings were held during the “Red Scare” period following World War II. These reports give researchers insight into Congress’s struggle to balance national security with the civil rights guaranteed by the Constitution.

<sup>197</sup> Receipt from Jack Hamilton to Richard Leiter, Law Library Dir., Regent Univ. Law Sch. Library (Oct. 21, 1991) (on file with the Regent University Law Review). The collection was purchased from Hamilton’s Book Store in Williamsburg, Virginia for \$1,750 on October 21, 1991. *Id.* A bibliography of the collection can be viewed at <http://www.regent.edu/acad/schlaw/library/guests/sermons.cfm>.

enhancements to an already fine collection and furthered the mission of the law school.<sup>198</sup>

Notwithstanding Leiter's accomplishments, there were challenges. He recounts that ABA site visits and accreditation issues consumed much of his time and energies while at Regent, stating, "I worked hard to get the [L]aw [L]ibrary in a position to earn accreditation. That was my mission while I was there."<sup>199</sup> Because the ABA accreditation status for the law school was *provisional*, the site checks were an annual occurrence.<sup>200</sup>

The close integration and interaction with the University Library brought additional hardships. When he arrived, the Law Library was spread out over all four floors of the University Library. The Law Library was "subject to the main library's rules and hours of operation."<sup>201</sup> The lack of autonomy caused it to function in many ways as a part of the University Library.<sup>202</sup>

Leiter resigned "effective July 31, 1994, to accept a new position with Howard University School of Law," and a search committee was formed to receive applications for his replacement and conduct interviews.<sup>203</sup>

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<sup>198</sup> See Regent University Law Library, Statement of Mission, <http://www.regent.edu/acad/schlaw/library/guests/mission.cfm> (last visited Nov. 24, 2008).

The primary mission of the *Law Library* is to assist the School of Law in fulfilling its mission, and to anticipate and support the curricular, research, and technological needs of the faculty, students[,] and administration of the School of Law, as well as the entire Regent University community.

The secondary mission is to support the legal research needs of patrons outside the Regent University community, including attorneys, paralegals, *pro se* individuals, and others.

*Id.* (emphasis added). The mission of the *law school* includes "the grounding of students in biblical foundations of law, legal institutions, and processes of conflict resolution; recognition of questions of righteousness in the operation of law; and pursuit of true justice through professional legal service." Regent University School of Law, Admissions, <http://www.regent.edu/acad/schlaw/admissions/abouthome.cfm> (last visited Nov. 24, 2008) (emphasis added).

<sup>199</sup> June 6, 2008 Leiter E-mail, *supra* note 179.

<sup>200</sup> Leiter Telephone Interview, *supra* note 195.

<sup>201</sup> June 6, 2008 Leiter E-mail, *supra* note 179.

<sup>202</sup> Leiter Telephone Interview, *supra* note 195. For example, because all new books were processed through University Library cataloging, "any law theology books, sections H, J, or Z were not located with the law books, but were mixed in with the University [L]ibrary collection. In addition, there was a pretty significant history section that was not out on the floor." *Id.* Only the "K" section volumes consisting of law reviews, periodicals, and national reporters, and so on, were under the control of the Law Library. *Id.*

<sup>203</sup> Regent Univ. Sch. of Law, Site Team Report Update 13 (Oct. 25, 1994) (on file with the Regent University Law Review).

*E. The Charles Oates Era*

Upon Leiter's resignation, Charles H. Oates, an adjunct professor at Regent since 1986, and at the time a practitioner-in-residence, was appointed interim director by Dean J. Nelson Happy.<sup>204</sup> With a J.D. degree and twelve years of law practice, but no experience in librarianship, Professor Oates enrolled in Catholic University of America's M.L.S. program.<sup>205</sup>

The first two years were particularly challenging: adapting to the library environment; taking two library courses at Old Dominion University per semester; commuting to Richmond one semester to take a course not available locally; spending much of the summers commuting to Washington, D.C. to take additional courses; and living on campus at Catholic University two weeks each summer to meet residency requirements—all while managing the Law Library—was quite arduous, particularly given the future uncertainty as to the directorship appointment. Fortunately, Dean Happy was understanding and had waived teaching responsibilities during that period.<sup>206</sup>

The search committee offered the directorship to an experienced law librarian who accepted the offer, then withdrew the acceptance.<sup>207</sup> No other candidate was deemed suitable at that time for a permanent appointment. The search for director was deferred, and Professor Oates was continued in the interim position provided he “diligently pursued a

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<sup>204</sup> Oct. 1995 Self Study, *supra* note 176, at 39.

<sup>205</sup> *Id.* But Professor Oates did have more than six years of experience managing a legal department. Arthur Gaudio et al., Report on Regent University School of Law 21 (Nov. 29–Dec. 2, 1995) [hereinafter Nov. 29, 1995 ABA Report] (findings of ABA site evaluation prepared by visitation team members) (on file with the Regent University Law Review). “To overcome his lack of familiarity with academic law library practices, [Professor Oates] has created a Law Library Advisory Council composed of one academic law library director, three local law librarians[,] and the University Library Director.” *Id.* This group provided helpful advice and guidance. As a result of their tutelage, a formal collection development policy was in place the following year. Oct. 1995 Self Study, *supra* note 176, at 42. Professor Oates received his J.D. degree from Stetson University College of Law and practiced law in Jacksonville and St. Petersburg, Florida. *Id.* at 39. Because of a distance education arrangement between Catholic University in Washington, D.C. and Old Dominion University in nearby Norfolk, Virginia, managing the Law Library and attending library classes could be achieved concurrently. The ABA Standards at the time stated that the director of a law library should have a law degree and a degree in library or information science. ABA STANDARDS FOR APPROVAL OF LAW SCHOOLS Standard 605(a) (1983) (current version at Standards 401–04 (2008–2009)). If there was to be any hope of permanency to the position, it would be necessary to have the library degree. *See id.*

<sup>206</sup> Until that time, Professor Oates had taught seven different substantive courses as an adjunct at Regent.

<sup>207</sup> Nov. 29, 1995 ABA Report, *supra* note 205, at 20. The name is withheld to protect confidences.

degree in librarianship.”<sup>208</sup> Once the M.L.S. coursework was completed, the position of director was offered to Professor Oates, and Professor Oates accepted.

During academic year 1994–1995, the library added 1,051 titles, totaling 6,842 volumes and volume equivalents, for a grand total of 296,606 volumes.<sup>209</sup> During this period, 82 of the 107 interlibrary loan (“ILL”) requests made by the Law Library were filled by other libraries, whereas 1,134 of the 1,315 ILL requests received were filled by the Law Library.<sup>210</sup> “Most of the borrowing was by local academic institutions.”<sup>211</sup>

“The Law Library’s computer lab [of fifteen workstations] include[d] two dedicated Westlaw and two dedicated Lexis terminals, plus [eleven] non-dedicated computers on the University network, with access to the online databases . . .”<sup>212</sup> Subscriptions were maintained “to Legaltrac and First Search (nine databases), with access through the University [L]ibrary’s gateway.”<sup>213</sup>

Early on, challenges were confronted. Budgetary restraints had begun to force cutbacks in acquisitions and cancellations of titles.<sup>214</sup> Four staff members were to resign, some in the face of deficiencies in performance evaluations, creating positions that needed to be filled,<sup>215</sup> while a growing student body was creating a need for additional staffing for which there was insufficient office space.

Several professionals and paraprofessionals joined the Law Library staff during this period, replacing those who had departed and filling other positions.<sup>216</sup> Hermeen Speller was hired as technical services

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<sup>208</sup> *Id.* at 21. “Both the original and the renewed appointment were made with the unanimous consent of the law faculty.” *Id.* Throughout this process there was a calm assurance that God was in control of the process, and that all things work together for good for those who love God and are called according to His purpose. *See Romans* 8:28 (KJV).

<sup>209</sup> Nov. 29, 1995 ABA Report, *supra* note 205, at 23. Of the total 296,606 volumes, 114,241 were hard copy and 182,365 were microform. *Id.* “The major microform holdings include[d] an almost complete CIS collection, the serial set[,] and the Congressional Record.” *Id.*

<sup>210</sup> *Id.* at 22.

<sup>211</sup> *Id.*; *see also id.* at 22–23 (demonstrating how the Law Library, while primarily meeting the needs of its constituents, was also able to meet the needs of the community).

<sup>212</sup> *Id.* at 23.

<sup>213</sup> *Id.*

<sup>214</sup> Oct. 1995 Self Study, *supra* note 176, at 44. The goal was to “trim fat without sacrificing meat.” *Id.* They made “significant progress . . . by cancelling excessively redundant titles, materials that [were] rarely requested, and materials that [were] available in the [main] library within the same building and [were] more appropriate to a university library than a[] . . . law library.” *Id.*

<sup>215</sup> *Id.*

<sup>216</sup> *See id.* at 41–42 (documenting the hiring of paraprofessional staff).

assistant in October 1994.<sup>217</sup> Shortly thereafter, she was promoted to cataloger.<sup>218</sup> Julie Adams joined the Law Library staff in August 1995 as assistant reference librarian to fill a vacant position.<sup>219</sup> That same month Margaret Dempsey (Christiansen) transferred from the law school staff to the Law Library as faculty liaison for the Law Library, a newly created position.<sup>220</sup> Shortly thereafter, Tracy Carter was hired as serials assistant,<sup>221</sup> and Shelia Walker became the Law Library secretary, moving Hyatt to the position of circulation supervisor.<sup>222</sup> Stephanie Gehring joined the Law Library staff as serials assistant in September 1997,<sup>223</sup> replacing Carter. Shannon Howard began serving as assistant circulation supervisor in July 1997.<sup>224</sup> Kim Griner joined the Law Library staff as assistant circulation supervisor in January 1998.<sup>225</sup> Marvin Stutzman joined the Law Library staff in June 1998, as law technical services graduate assistant supervisor.<sup>226</sup> Deborah Southerland became the bookkeeper in August 1998.<sup>227</sup>

Realizing that the faculty and staff of the law school and the Law Library were overly dependent on irregular and sometimes unsatisfactory service from the University computer services

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<sup>217</sup> *Id.* at 42. Speller had previously served at CBN and on the Regent University Library staff for ten years. *Id.*

<sup>218</sup> Shelia Walker, Professional Staff Meeting Minutes 2 (May 12, 1998) (on file with the Regent University Law Review).

<sup>219</sup> Oct. 1995 Self Study, *supra* note 176, at 41. Prior to her appointment, Adams “served as [a]ssistant [c]irculation [s]upervisor and as an adjunct reference librarian at Regent Law Library.” *Id.* She received a J.D. degree several years earlier from Regent University School of Law. *Id.*

<sup>220</sup> *Id.* Later, Dempsey (Christiansen) assumed additional duties as assistant circulation supervisor. *Id.*

<sup>221</sup> Carter was serials assistant from May 1, 1996 until August 29, 1997. Email from Shelia Walker, Administrative Assistant, Regent University Law Library, to author (Oct. 22, 2008, 10:25 EST) (on file with author).

<sup>222</sup> See *Congratulations*, TESTIMONY (The Regent Univ. Law Library, Virginia Beach, Va.), Feb. 1996, at 3; *Welcome Sheila* [sic], TESTIMONY, *supra*. Thirteen years later, Shelia Walker is still secretary to the law library staff and administrative assistant to the director. Previously, Walker had “fifteen years . . . of professional experience in the CBN and Regent [c]ommunity.” *Welcome Sheila* [sic], *supra*. With unparalleled institutional knowledge, she has been of inestimable value to the law library staff and the Director.

<sup>223</sup> Regent Univ. Sch. of Law, Self-Study 1998–1999, at 43 [hereinafter Self-Study 1998–1999] (on file with the Regent University Law Review); see also Shelia Walker, Professional Staff Meeting Minutes 2 (July 16, 1997) (on file with the Regent University Law Review). She was later promoted to cataloger. See *Law Library Staff*, TESTIMONY (The Regent Univ. Law Library, Virginia Beach, Va.), Fall 1999, at 4 [hereinafter Fall 1999 TESTIMONY].

<sup>224</sup> Fall 1999 TESTIMONY, *supra* note 223.

<sup>225</sup> Self-Study 1998–1999, *supra* note 223, at 43.

<sup>226</sup> *Id.* As a temporary employee, his duties included overseeing the daily duties and schedule of the graduate assistant staff and performing book repairs. *Id.*

<sup>227</sup> *Id.* at 44. This was a part-time position. *Id.*



department, Professor Oates sought to hire a computer services administrator to be stationed in the Law Library and to be part of the library staff. The position was created, funded, and filled in short order. Robert E. Maxey, Jr., a Novell-certified third-year law student, was hired on an interim basis in May 1997 as acting computer services administrator.<sup>228</sup> Shortly thereafter, Bob Fritz was appointed computer services administrator.<sup>229</sup> When he resigned approximately a year later, Maxey was promoted to computer services administrator following his graduation from law school.<sup>230</sup> Vicki Boggs was hired as deputy computer services administrator in October 1998.<sup>231</sup> Other staffing changes during 1998 included Anna Maciak replacing Hyatt as access services supervisor, then a part-time position.<sup>232</sup>

During this period, further progress was made toward reducing dependence on the main library. “[R]esponsibility for all of the Law Library’s technical processing and interlibrary loans [was] . . . transferred from the University [l]ibrary to the Law Library.”<sup>233</sup> Shortly thereafter, the position of technical services librarian was created, and later filled when Teresa Parker-Bellamy joined the professional staff in October 1996.<sup>234</sup> Following an extended search for a cataloger, Ann Cannon was hired as catalog librarian in April 2000.<sup>235</sup>

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<sup>228</sup> Shelia Walker, Professional Staff Meeting Minutes 1 (May 7, 1997) (on file with the Regent University Law Review).

<sup>229</sup> Shelia Walker, Professional Staff Meeting Minutes 1 (June 26, 1997) (on file with the Regent University Law Review).

<sup>230</sup> Self-Study 1998–1999, *supra* note 223, at 43.

<sup>231</sup> Shelia Walker, Professional Staff Meeting Minutes 2 (Sept. 23, 1998) (on file with the Regent University Law Review). Boggs had both M.B.A. and M.A. in Biblical Studies degrees from Regent University. Self-Study 1998–1999, *supra* note 223, at 43. The Law Library’s computer services administrator and staff were readily available to assist faculty, staff, and even law students (as time was available) “with laptop questions, email and network configurations, and many other computer-related issues.” Charles H. Oates, *From the Director’s Desk*, TESTIMONY (The Regent Univ. Law Library, Virginia Beach, Va.), Fall 1999, at 1. Later, budget constraints, and a new University computer services administration that was much more capable and responsive to requests, eventually reduced—and then eliminated—this service.

<sup>232</sup> See Shelia Walker, Professional Staff Meeting Minutes 2 (Jan. 27, 1998) (on file with the Regent University Law Review). “Prior to this, Ms. Maciak was the [a]ssistant [c]irculation [s]upervisor. She graduated from Regent University with a Master’s Degree in Counseling in 1995, and . . . earn[ed] a Ph.D. in Psychology in 2001.” Self-Study 1998–1999, *supra* note 223, at 44.

<sup>233</sup> Nov. 29, 1995 ABA Report, *supra* note 205, at 20. The libraries continued to share a CD-ROM tower and an internet gateway with twenty ports for accessing subscription databases. *Id.* Half of the ports were assigned to the Law Library. *Id.*

<sup>234</sup> Self-Study 1998–1999, *supra* note 223, at 42. For almost fifteen years before being appointed to this position, Parker-Bellamy was the library assistant and ordering supervisor at Old Dominion University Library in the bibliographic services department. *Id.* “She received the M.S.L.S. degree from Catholic University of America in 1995.” *Id.*

For three and one-half years, Professor Oates had managed all of the administrative responsibilities of the Law Library, including budgeting, without assistance. Approval to create and fill the position of assistant director was sought from Dean Happy, and happily granted. In December 1997, Christiansen was appointed assistant director.<sup>236</sup>

### III. MATURATION AND STABILITY: 1998–2008

In spite of a fluctuating budget during these years, and maybe partly because of it, there has been unprecedented growth and achievement in the Law Library and among the staff. Financial constraints have sometimes been the catalyst for creative solutions. Lack of space has prompted aggressive weeding and creative storage solutions on more than one occasion.

Early in this period, the Law Library was called upon to support three major new law school initiatives: (1) a summer program in International Human Rights to be held in Strasbourg, France; (2) a distance education program offering an LL.M. in International Taxation and a Master's of International Taxation (MIT); and (3) an evening program leading to a law degree for local part-time students. The first two programs involved students living or residing in other parts of the world and required materials to support the curricula and reliable remote access to those materials. The third necessitated extended hours of professional staff availability.

Materials were added to support the summer program in Strasbourg, France in subjects relating to the courses initially being offered: International and Comparative Human Rights, International Comparative Law, and The Origins of the Western Legal Tradition.<sup>237</sup> Civil Liberties and National Security was added later and taught in 2005 by Distinguished Professor John Ashcroft.<sup>238</sup>

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Parker-Bellamy was responsible for overseeing “the daily operations of the [t]echnical [s]ervices department, and a staff of [five] employees and [eight] to [ten] students.” *Id.*

<sup>235</sup> She resigned in May 2001, and has since filled in on a temporary basis during times when the catalog librarian position was vacant.

<sup>236</sup> Self-Study 1998–1999, *supra* note 223, at 40. Since her appointment two years earlier, Christiansen had been serving faithfully as law faculty liaison, webmaster for the Law Library, assistant librarian, and project coordinator for the Founders Collection. *See id.* at 40–41. Her new administrative duties included supervision of the day-to-day operations of the Law Library and budgeting, as well as any other matters delegated by the Director. *Id.* Christiansen had received her J.D. degree from Regent University in 1994, and later received her M.S.I.S. degree from Florida State University, and also became a member of the Virginia State Bar. *Id.*; *see also* Memorandum from J. Nelson Happy, Dean, Regent Univ. Sch. of Law, to Regent Univ. Cmty. (Jan. 6, 1998) (on file with the Regent University Law Review).

<sup>237</sup> Self-Study 1998–1999, *supra* note 223, at 78.

<sup>238</sup> Regent University School of Law, Former Attorney General John Ashcroft, <http://www.regent.edu/acad/schlaw/academics/ashcroft.cfm> (last visited Nov. 24, 2008). He

The new distance education LL.M. and MIT programs in International Taxation commenced January 1, 1999. Because students and faculty were to be found across countries and continents, curricular materials needed to be accessible online via the Internet. To support this program, the Law Library subscribed to the Commerce Clearing House (“CCH”) and Research Institute of America (“RIA”) online tax databases.<sup>239</sup> These databases were easily accessible through the Internet. All LL.M. students also had Internet access to Westlaw and Lexis legal research databases under the Law Library’s contracts with those companies. Additionally, the Law Library’s circulation policy was modified to allow for mailing materials to distance students.<sup>240</sup> The Law Library also cooperated “with the University [L]ibrary to install and implement an electronic reserves system to accommodate distance program needs.”<sup>241</sup>

The new evening program leading to a law degree for part-time students required expanded reference hours on evenings and Saturdays.<sup>242</sup> In response to this new demand, a part-time reference position was created. It was filled in July 1998 when Cherie Duggan joined the team of reference librarians.<sup>243</sup> Additional reference hours would be covered by third-year law students, to be trained by Welsh, the head reference librarian. Known as the Honors Reference Program, this was a special way to recognize and honor top research and writing law students and to utilize their abilities to expand our reference services at

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served as 79th Attorney General of the United States from 2001 to 2005. Northwest News, *U.S. Attorney General John Ashcroft to Speak at Northwest University*, May 3, 2005, <http://www.northwestu.edu/news/05/050503.php>.

<sup>239</sup> CCH and RIA were two of the largest tax law information providers in the world.

<sup>240</sup> Self-Study 1998–1999, *supra* note 223, at 49.

<sup>241</sup> *Id.* at 48. The function and purpose of electronic reserves was to “enable distance students to access reserve library materials via the Internet without infringing on copyright.” *Id.* at 49.

<sup>242</sup> Laura N. Gasaway, Professor, Univ. of N.C. at Chapel Hill, Law Library, Report on the Proposed LL.M. Program for International Taxation at Regent University School of Law 3 (May 5, 1998) [hereinafter Gasaway LL.M. Report] (findings of ABA site evaluation) (on file with the Regent University Law Review). The evening program was initiated in fall 1998. *Id.* at 2. The evening program would allow students to continue their current employment during the day, and attend law classes at night and on Saturdays.

<sup>243</sup> Self-Study 1998–1999, *supra* note 223, at 42. Duggan’s rank was part-time assistant reference librarian, and she was responsible for “provid[ing] reference assistance to students two nights a week and on Saturday.” *Id.* Duggan, who received her J.D. from Regent University in 1994, became a member of the Virginia State Bar, and had been employed by the Regent University Law School since 1996, serving as an adjunct law professor for the first-year legal research and writing course. *Id.*

a minimal cost.<sup>244</sup> Marie Hamm and Kaaren Jurack were the first Honors Students selected for the program.<sup>245</sup>

The Honors Reference Program proved to be serendipitous. When Duggan left a year later to follow her husband's employment, she was replaced by Kaaren Jurack. Hamm, who had grown to enjoy the academic Law Library environment, accepted a then newly created third reference librarian position and decided to pursue law librarianship as a career.<sup>246</sup>

To support these new programs, the Law Library had begun a significant collection development initiative, buttressed by a \$2.6 million supplement to the materials budget approved by the Board of Trustees.<sup>247</sup> These monies were in addition to the existing materials budget and were specifically designated for the purchase of new materials and the restoration of subscriptions that had been allowed to lapse due to budget constraints of past years. With the planned additions, the collection was deemed adequate for the current and anticipated academic programs. The collection development policy was revised to reflect these changes.<sup>248</sup> Traditional library nomenclature was changed at this time to better reflect contemporary usage and function:

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<sup>244</sup> Shelia Walker, Professional Staff Meeting Minutes 2 (June 3, 1998) (on file with the Regent University Law Review). While conducting the ABA site visit for the proposed LL.M. and MIT programs in May 1998, Professor Laura (Lolly) Gasaway, law library director at the University of North Carolina at Chapel Hill Law Library, suggested that this solution had worked for her.

<sup>245</sup> Shelia Walker, Professional Staff Meeting Minutes 3 (Sept. 8, 1998) (on file with the Regent University Law Review).

<sup>246</sup> Hamm received her J.D. from Regent in May 1999 and was hired on July 1, 1999, as assistant research services librarian. She received her M.L.S. degree from Syracuse University in 2001, and also became a member of the North Carolina Bar. Regent Law School, Marie Summerlin Hamm: Research Services Librarian, [http://www.regent.edu/acad/schlaw/faculty\\_staff/hamm.cfm](http://www.regent.edu/acad/schlaw/faculty_staff/hamm.cfm) (last visited Nov. 24, 2008). See also Fall 1999 TESTIMONY, *supra* note 223.

<sup>247</sup> Self-Study 1998–1999, *supra* note 223, at 47. The money budgeted for this first year of a planned five-year collection development restoration and enhancement program was \$600,000. *Id.* “Initially to be expended over four years, these funds [were actually] spread in steadily declining amounts over a seven-year period. The last \$100,000 of this extra funding [was] . . . expended in the 2005–2006 academic year.” Self Study 2005, *supra* note 195, at 92.

<sup>248</sup> Shelia Walker, Professional Staff Meeting Minutes 1 (Aug. 14, 1998) [hereinafter Aug. 14, 1998 Staff Meeting Minutes] (on file with the Regent University Law Review). The revision was approved by the professional staff in August 1998, and approved by the Law Faculty Library Committee shortly thereafter. *Id.* The policy addresses the criteria to be used for selecting, as well as eliminating, materials from the collection and sets out the mechanics of material selection, selection criteria, and guidelines for de-selection and weeding.

*reference* was changed to *research services*, *circulation* became *access services*, and *technical services* morphed into *bibliographic services*.<sup>249</sup>

Chancellor Pat Robertson had announced his expectation that the law school would be among the premier law schools in the country. Premier law schools are supported by premiere law libraries. The Law Library needed to grow exponentially in collection, service, and facilities. Collection growth was well supported by the \$2.6 million infusion of materials funding. To provide the professional staffing needed to accommodate the Chancellor's expectations and these new initiatives, the Director sought approval for the following new positions: acquisitions/collection development librarian; full-time reference librarian; international, foreign, and comparative law librarian; intellectual property law librarian and copyright expert; government documents librarian; and archivist.<sup>250</sup>

According to the 1998–1999 ABA Self-Study, the collection had grown to approximately 300,000 volumes, including microform equivalents.<sup>251</sup> “This is approximately 21,000 more volumes than were in the collection as of the 1995 Self-Study.”<sup>252</sup> The new \$2.6 million boost for materials also allowed for significantly enhanced growth in the collection.

Several special collections were acquired during Professor Oates's tenure. These include the Ken North Collection,<sup>253</sup> the Ken North Canon Law Collection,<sup>254</sup> the John Brabner-Smith Library,<sup>255</sup> the John Brabner-

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<sup>249</sup> *Library Services by Any Other Name . . .*, TESTIMONY (The Regent Univ. Law Library, Virginia Beach, Va.), Fall 1999, at 4.

<sup>250</sup> Self-Study 1998–1999, *supra* note 223, at 53. To date, two of these positions have been filled: acquisitions/collection development librarian and full-time reference librarian. A reference librarian also provides preservation and conservation assistance in lieu of an archivist.

<sup>251</sup> *Id.* at 46.

<sup>252</sup> *Id.* This placed Regent 111th out of 180 among law schools in volumes and equivalents held. *Id.*

<sup>253</sup> The Ken North Collection was donated by Suzi North in memory of her late husband and a former member of the law faculty. It includes a number of beautifully bound legal classics and works reflecting Professor North's interest in criminal law, constitutional law, and politics.

<sup>254</sup> Another of Professor North's passions was the Canon Law Institute, which he helped found in 1990. The Ken North Canon Law Collection consists of his library of Canon Law Institute materials, which focus on church conflict, conflict resolution, protestant canon law (though some Catholic works are included), and related historical works.

<sup>255</sup> John Brabner-Smith, Wall Street and Washington, D.C. attorney, prosecutor of Al Capone, Law Professor and founding dean of the International School of Law, was a brilliant scholar and expositor of Christian Jurisprudence and Natural Law. The John Brabner-Smith Library consists of books on the foundations of our nation that was created under the “laws of nature and of nature's God,” jurisprudence, history, and science. These books were donated to Regent University School of Law without restriction, and are maintained as a special collection in the Law Library.

Smith Professional Papers,<sup>256</sup> the Ralph Johnson Bunche Personal Library,<sup>257</sup> and the Mary Elizabeth Menefee Collection of Law and Film.<sup>258</sup>

During this time of growth, it was anticipated that either “a new [law] library building [would] . . . be constructed” between the law school and the Law Library “or [that] a new University [l]ibrary [would] be built and the Law Library [would] occupy all of the existing library [building].”<sup>259</sup> Either alternative would produce the added space considered necessary to accommodate the expected growth in the student body, the collection, and the staff.<sup>260</sup>

Budget constraints, however, forced a lesser alternative. In 1999, the Law Library was remodeled to maximize the utilization of existing

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<sup>256</sup> The John Brabner-Smith Professional Papers consists of professional papers, correspondence and archives collected by John Brabner-Smith throughout his career. This is a research collection, and may be made available only to attorneys, students, scholars and other persons doing serious research on jurisprudence and the Judeo-Christian foundation of the United States of America, according to a stipulation in the donation agreement.

<sup>257</sup> Dr. Ralph Johnson Bunche served the United States and the world brilliantly, and in countless ways. Credited with many accomplishments in diplomacy and political science, he reached the pinnacle of his career as the recipient of the 1950 Nobel Peace Prize for his armistice negotiation between Israel and four separate Arab nations (Egypt, Jordan, Lebanon, and Syria). Charles H. Oates, *Ralph Bunche: Distinguished Scholar, International Statesman and Equal Rights Activist*, 3 REGENT J. INT'L L. 75, 76 (2005). He was also the first African American recipient of that prize. The Ralph Johnson Bunche Personal Library consists of over 400 items, books, journals, journal articles, newspapers, magazines, news clippings, correspondence, and other miscellaneous documents and personal items dating from the 1930s until the 1960s. These items comprised the personal library of Dr. Bunche at the time of his death. For an article about Ralph Bunche's achievements, see *id.*

<sup>258</sup> The Mary Elizabeth Menefee Collection of Law and Film (the “Menefee Collection”) was established in 2001 as a research collection in loving memory of Mary Elizabeth Menefee, infant daughter of Regent Law Professor Samuel Pyeatt Menefee and his wife, Mary. It has since become one of the foremost collections of law and film in the United States. The Menefee Collection focuses on law and lawyers in the visual media and related topics. Though most titles are in contemporary format (DVD or VHS), the films themselves are from every era and genre of filmmaking, and include films about law, lawyers and courts, and films which portray society's view of the same. Dr. Menefee, a confirmed bibliophile, served for several years on the Faculty Law Library Committee and was a true friend of the Law Library. Always on the lookout for a bargain in antiquarian law materials, Sam was instrumental in our purchase of the Ralph Johnson Bunche Personal Library.

<sup>259</sup> Gasaway LL.M. Report, *supra* note 242, at 3.

<sup>260</sup> *Id.* To date, neither alternative has come to fruition. The part-time evening program was reduced to a part-time day program in fall 2003, and the International Taxation program ceased operations in spring 2004. Instead, alterations in existing facilities combined with extensive weeding projects have sufficed to date. See Aug. 14, 1998 Staff Meeting Minutes, *supra* note 248, at 3. The technical services area was remodeled to accommodate new staff and enhanced to include extra shelving for additional volumes to be purchased with the new monies. *Id.* at 2.

space and to improve functionality. Partial walls between the study rooms were raised to the ceiling to enhance the study environment, carrel lighting was improved to accommodate modified full-spectrum lighting, and 188 LAN ports were installed throughout the public areas of the Law Library for student laptop access. Research services librarians' offices were moved to the front of the library, immediately adjacent to the reference area and the access services desk. The bibliographic services workroom was significantly enlarged "by transferring paraprofessional staff from enclosed offices to cubicle spaces, and the conference room was expanded to accommodate a [growing] staff."<sup>261</sup>

In response to the 1998 Site Team's recommendation that the Law Library be open longer hours, as well as to student initiatives asking for Sunday hours, during fall 2002, the Law Library began to be open on Sundays from 5:00 p.m. to 11:00 p.m. Beginning in fall 2008, Sunday hours in the Law Library increased, and it is now open from 2:00 p.m. to 12:00 a.m.<sup>262</sup> Professional librarian assistance, previously unavailable on weekends, is now provided on Saturdays from noon until 7:00 p.m.

On June 30, 1999, Dean Happy resigned and was replaced by Interim Dean Jeffrey Brauch.<sup>263</sup> Both of these deans have been highly supportive of the Law Library. Dean Happy persuaded a donor to contribute \$100,000 to enable the purchase of the Transylvania Law Collection;<sup>264</sup> he also facilitated the purchase of the Civil Rights Collection<sup>265</sup> and the collection of Early American Political Sermons.<sup>266</sup> Dean Brauch meets with the Law Library staff at least annually, is keenly interested in issues facing the Law Library, and has been cultivating relationships with potential donors over a period of time for the purpose of enhancing the collection and financing current renovations.

In June 2000, Bill Magee was hired to fill the position of assistant research services librarian recently vacated by Adams.<sup>267</sup> As of 2005, the

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<sup>261</sup> Self Study 2005, *supra* note 195, at 99.

<sup>262</sup> Once the University and Law Libraries were physically connected, it became important that both have the same hours.

<sup>263</sup> Regent University School of Law, Jeffrey A. Brauch: Dean, [http://www.regent.edu/acad/schlaw/faculty\\_staff/brauch.cfm](http://www.regent.edu/acad/schlaw/faculty_staff/brauch.cfm) (last visited Nov. 24, 2008). Brauch became dean of the law school in September 2000.

<sup>264</sup> See *supra* note 195.

<sup>265</sup> See *supra* note 196.

<sup>266</sup> See *supra* note 197.

<sup>267</sup> Regent University School of Law, William E. "Bill" Magee: Research Services Librarian, [http://www.regent.edu/acad/schlaw/faculty\\_staff/magee.cfm](http://www.regent.edu/acad/schlaw/faculty_staff/magee.cfm) (last visited Nov. 24, 2008). Bill Magee was dual-degreed, having received the J.D. degree from Regent in 1999, and the M.S.L.S. degree from Catholic University of America in August 2000. *Id.* Magee

Law Library staff consisted of a team of six professional librarians and six paraprofessionals. The research services department consisted of three full-time, dual-degreed faculty who provided customized liaison services to law faculty. "They assist[ed] with instruction in the Legal Research and Writing [c]lasses, and [had] designed hands-on skills training workshops for students, which correlate[d] with the Legal Research and Writing curriculum. The access services department consist[ed] of one full-time [s]upervisor, one part-time . . . supervisor, and [ten]to [fifteen] [graduate assistants]."<sup>268</sup> The head of bibliographic services supervised "a staff of one catalog librarian, two full-time serials staff, one part-time bookkeeper and five part-time temporary and student staff."<sup>269</sup>

The decision by the law school in 2002 to teach out the LL.M. program, and in 2004 to scale back the part-time program, reduced the need for additional space somewhat and permitted the Law Library to focus on increasing the breadth and depth of services to the faculty and students of the School of Law.

In the spring of 2005, the School of Law engaged the architect[, Hardwicke Associates, Inc.,] who had designed both the Library Building and Robertson Hall to design a new law library facility. Specifications were drafted and a program was [drawn up] for a four-story building, to be directly attached to Robertson Hall at three levels, with an enclosed courtyard between the two buildings. This 109,000 square-foot facility is designed to house collections, study space, and space for the [L]aw [L]ibrary staff and faculty, as well as classrooms, law review and law journal suites, and a new [U]niversity loading dock and mail distribution center.<sup>270</sup>

While this building was not immediately funded, its footprint remains on the University master plan.

In recent years, there have been several significant staffing changes. After a lengthy search for a cataloger, Leanne Hillery was hired in January 2005. In June 2007, Christiansen was promoted to the position of associate director, and Hamm, research services librarian since 1999, was promoted to assistant director for collection development, thereby relieving Welsh, head research services librarian, of the added responsibility that he had carried for many years. Brent Rowlands joined the professional staff to become assistant research

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also serves as the Law Library's preservationist and conservationist in charge of the Rare Book Room. *Id.*

<sup>268</sup> Self Study 2005, *supra* note 195, at 91.

<sup>269</sup> *Id.*

<sup>270</sup> *Id.* at 99. At the time of this writing three years later, this plan for a highly functional building has not moved beyond the drawing boards.



services librarian,<sup>271</sup> filling the position vacated by Hamm, and Hillery resigned as catalog librarian in June 2007 to take a position as public relations librarian in the University Library.<sup>272</sup> At the time of this writing, the catalog librarian position is still vacant.

*The Staff That Prays Together . . .*

The new millennium ushered in a period of unprecedented stability in staffing. With little to no turnover, both the professional staff and the paraprofessionals have developed into a cohesive unit that could only have been hoped for in prior years. As we approach the Law Library's 30th anniversary, the librarians are dual-degreed<sup>273</sup> except for one,<sup>274</sup> and function as a highly competent team of professionals, contributing strengths and talents for the common good in a spirit of unity. There is an unusual sense of caring and concern for the well-being of each. Prayer is an integral part. One of our librarians has undergone three brain surgeries over the past several years. She is regularly prayed for by the entire staff. Her indomitable spirit is an inspiration to us all.<sup>275</sup>

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<sup>271</sup> Regent University School of Law, Brent Rowlands: Research Services Librarian, [http://www.regent.edu/acad/schlaw/faculty\\_staff/rowlands.cfm](http://www.regent.edu/acad/schlaw/faculty_staff/rowlands.cfm) (last visited Nov. 24, 2008). Rowlands received his J.D. degree from Regent in 1990 and LL.M. in Taxation from The College of William and Mary's Marshall-Wythe School of Law in 1991. *Id.* He practiced law in Virginia until 2007, and has served as an adjunct professor, teaching the Federal Income Tax and Partnership Taxation classes at Regent. *Id.*

<sup>272</sup> Professional Staff Meeting Minutes 2, 7 (Sept. 5, 2007) (on file with the Regent University Law Review).

<sup>273</sup> Ten years earlier, only the Director had dual graduate degrees. Self-Study 1998–1999, *supra* note 225, at 52.

<sup>274</sup> Teresa Parker-Bellamy was a first-year law student at Regent when a brain tumor was discovered. To date, she has not completed the requirements for a J.D. degree.

<sup>275</sup> These are her own words (including bold emphasis):

**A Law Library that Prays Together Stays Together**

The Lord is truly working in the lives of the Law Library staff, and miracles are happening.

I'm Head of the Bibliographic Services Department in the Law Library, and, I have had 3 brain surgeries. The last surgery was in August 2007 and lasted 10 hours. The doctors were sure that I would lose the sight completely in my left eye and possibly have other neurological problems, but God decided otherwise. When God awakened me from the surgery, I was very alert and talkative. The doctors said that they had never seen anything like this. I was in NICU 2 days and in the hospital for a total of 7 days. I left the hospital with my sight and no known neurological problems. God is so awesome! Six weeks outside of the surgery, I was preparing to come back to work and found that I had a serious infection which caused the doctors to have to remove my bone plate to relieve the pressure. I was in the hospital another 10 days. Even after I was sent home, I had to continue antibiotics for a total of 6 weeks. Originally, the doctors told my husband that I would be in the hospital until Christmas, but guess what? God decided otherwise! I came home on October 22, 2007 and went back to work on December 14, 2007. ***No weapon formed against thee shall prosper.*** I have claimed my healing and victory, knowing that my

## IV. THE FUTURE OF THE REGENT UNIVERSITY LAW LIBRARY

Several new law school initiatives, such as the LL.M. in American Legal Studies; the summer abroad program in Israel; and exchange programs with Handong University, Oxford University, Universitat Abat Oliba CEU in Barcelona, Spain, Universidad CEU San Pablo in Madrid, Spain, and Universitatea Emanuel din Oradea in Oradea, Romania will require support from the Law Library. With continued growth in the number of law students and these new law school initiatives, as well as the high standard set by Chancellor Robertson, more will be expected from the Law Library and its staff.

To help meet these growing demands, the Law Library is currently undergoing a major renovation to: (1) remove an artificial barrier erected in 1994 that prevented access from the second floor to the third floor in order to emphasize the Law Library's autonomy from the University Library;<sup>276</sup> (2) centralize professional services and make them more accessible; (3) create more and better study space for students and a casual reading area; and (4) recarpet the Law Library. The improvements are being constructed in three stages. At the time of this writing, we are in Phase I. Phase II will begin when funds are available and will consist of nine new individual study rooms, retrofitting the computer lab to accommodate two offices for librarians and relocating PCs to perimeter locations within the Law Library, relocating four additional offices, constructing a new Special Collections Room with controlled temperature and humidity, as well as a gas fire-suppression system, and creating new office space for the Regent Journal of International Law. Phase III will involve retrofitting existing carrels to a fifty-inch width,<sup>277</sup> and replacing current library chairs with fully

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journey to complete healing is about to come to a close. I will close the last chapter of this book for good when I have my bone plate replaced this month. Anything is possible when you trust and believe in God! **[B]y His stripes I am healed.** The Law Library [staff] was joined together in prayer throughout this process and will continue. We are so blessed to be able to band together and pray whenever we [feel] led to do so.

<sup>276</sup> Regent University School of Law, Stairs to Nowhere, <http://www.regent.edu/acad/schlaw/library/images/Stairs%20to%20Nowhere.JPG> (last visited Nov. 24, 2008) (photo of the "stairway to nowhere"); see also Regent University School of Law, The Jericho Project, <http://www.regent.edu/acad/schlaw/library/guests/renov080509.cfm> (last visited Nov. 24, 2008) (displaying additional photos taken during the renovation); Regent University School of Law, <http://www.regent.edu/acad/schlaw/library/Jericho.mov> (last visited Nov. 24, 2008) (displaying video footage of the celebration on May 8, 2008 of the "Jericho Project").

<sup>277</sup> The existing carrels were built before the age of laptops and are too small to accommodate books and a laptop.

ergonomic seating.<sup>278</sup> With these improvements and the support of Dean Brauch and the administration, the Regent University Law Library should be well-positioned in the foreseeable future to meet the challenges that lie ahead.

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<sup>278</sup> See Margaret L. Christiansen, *By Faith the Walls Fell: Law Library Renovations to Commence Soon, Regent University Library Link* (Apr./May 2008), [http://www.regent.edu/general/library/about\\_the\\_library/news\\_publications/2008\\_04.cfm#](http://www.regent.edu/general/library/about_the_library/news_publications/2008_04.cfm#).

## APPENDIX ONE: TIMELINE OF SIGNIFICANT EVENTS

<i>1976</i>	Professor Roy M. Mersky of the University of Texas School of Law is engaged as consultant to provide guidance in selecting and acquiring the Law Library collection.
<i>1979–1980</i>	William Murray is the first law librarian. Tenure is less than one year.
<i>Aug. 1979</i>	Classes start at ORU School of Law.
<i>June 1980–1983</i>	David Dunn serves as law librarian.
<i>1980</i>	John Taylor is hired as assistant law librarian.
<i>1981</i>	ABA grants provisional approval to the law school.
<i>Nov. 1983</i>	Lexis computer database is acquired.
<i>Apr. 1984</i>	Westlaw computer database is acquired.
<i>July 1983–1985</i>	Edward Fishpaw serves as law librarian.
<i>July 1, 1985</i>	Lorin Lindsay becomes acting law librarian.
<i>Nov. 1, 1985</i>	Oral Roberts announces gift of Law Library to CBN University, effective June 1, 1986.
<i>Jan. 1986</i>	Barbara Baxter begins as law librarian.
<i>May 19, 1986</i>	First truck arrives with ORU Law Library.
<i>June 2, 1986</i>	Last truck arrives. Total of 200 tons of books and equipment transported.
<i>Sept. 1986</i>	Classes start at CBNU School of Law.
<i>Nov. 1986–current</i>	Eric Welsh serves as law reference librarian.
<i>June 16, 1989</i>	ABA grants provisional approval to the law school.
<i>Nov. 9, 1989</i>	Law school changes name to Regent University School of Law.
<i>Jan. 8, 1990</i>	Donna Bausch hired as senior reference law librarian.
<i>Aug. 1, 1990</i>	Barbara Baxter resigns as law librarian, Donna Bausch becomes acting law librarian.
<i>Aug. 10, 1990</i>	Jack Kotvas hired as law reference librarian.
<i>Oct. 4, 1991</i>	Richard Leiter begins as law librarian.

<i>Feb. 1994</i>	Law Library relocates to the third floor.
<i>1994</i>	Transylvania Law Collection purchased.
<i>July 1994</i>	Richard Leiter resigns as law librarian. Charles H. Oates appointed interim director.
<i>Aug. 1994–current</i>	Charles H. Oates serves as director of the Law Library.
<i>Aug. 6, 1996</i>	ABA grants full accreditation to the law school.
<i>2003</i>	Law Library gets Wi-Fi.
<i>2004</i>	Law Library gets CALI (Computer Assisted Legal Instruction).
<i>2005</i>	Law Library gets new portal website.
<i>2005</i>	Law Library gets new electronic ILL system.
<i>Sept. 2005</i>	First Regent campus celebration of Constitution Day jointly sponsored by University and Law Libraries.
<i>May 8, 2008</i>	Wall dividing the University and Law Libraries comes down (The Jericho Project) and renovations begun.
<i>Aug. 2008</i>	Renovations finished (Phase I).

## APPENDIX TWO: ANNUAL LAW LIBRARY BUDGETS, VOLUMES, AND TITLES

ABA Reports	Total Annual Budget	Volumes	Titles
2006–2007	1,805,845	395,655	90,305
2005–2006	1,790,465	392,049	76,658
2004–2005	1,588,680	387,451	66,988
2003–2004	1,606,990	382,759	44,423
2002–2003	1,626,700	374,024	42,989
2001–2002	1,629,712	364,374	42,509
2000–2001	1,635,327	359,059	41,291
1999–2000	1,550,009	354,351	41,726
1998–1999	1,801,209	315,436	41,364
1997–1998	1,217,350	308,355	40,936
1996–1997	1,026,839	302,613	40,807
1995–1996	936,984**	299,151	40,231
1994–1995	1,143,730**	296,606	39,913
1993–1994	1,100,505*	297,475	38,865
1992–1993	649,253	288,427	37,760
1991–1992	505,051	275,000 <sup>279</sup>	unavailable
1990–1991	580,021	unavailable	"
1989–1990	548,576	"	"
1988–1989	512,427	"	"
1987–1988	459,350	"	"
1986–1987	421,035	200,000 <sup>280</sup>	"
1985–1986	unavailable	unavailable	"†
1984–1985	447,650	"	"
1983–1984	408,587	"	"
1982–1983	515,056	"	"
1981–1982	495,490	178,000 <sup>281</sup>	"
1980–1981	359,842	164,000 <sup>282</sup>	"‡

All stats from ABA reported data

\*\*decrease FY94–FY95 function of one-time enhancement

† Reported from O.W. Coburn School of Law

‡ Spring 1979 budget cuts – ORU

<sup>279</sup> See *supra* note 166 and accompanying text.

<sup>280</sup> See *supra* note 127 and accompanying text.

<sup>281</sup> See *supra* note 74 and accompanying text.

<sup>282</sup> See *supra* note 57 and accompanying text.