

The Effect of COVID-19 on Law Libraries: Are These Changes Temporary or a Sign of the Future?

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I. INTRODUCTION

Monday, March 9, 2020, was the first day of spring break at Washburn University School of Law. It was also the first day the library staff met to discuss “just-in-case” scenarios regarding the COVID-19 public health issue that was escalating daily. Over the weekend, the law library director’s email listserv had the first message from a library director whose law school was already dealing with issues surrounding the virus.¹ Local events, such as St. Patrick’s Day parades² and the Big 12 Men’s and Women’s Basketball Tournaments,³ were still moving forward as scheduled. However, at this initial meeting, the librarians discussed scenarios that were starting to play out at other law schools: cancelling classes, moving classes online, implementing social distancing measures, and decreasing the number of people in the law school.

By Thursday, March 12, 2020, everything had changed.⁴ Washburn University made the decision to cancel classes through March 20, then

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1. See Jake Goldstein-Street, *Law Student Directed to Self-Isolate on Novel Coronavirus Suspicions*, DAILY (Mar. 5, 2020), http://www.dailyuw.com/news/article_2f831e00-5f16-11ea-bc8c-fbea712a5a3a.html [<https://perma.cc/8KUZ-D5PA>].

2. Lisa Gutierrez, *Will Coronavirus Stop Kansas City Area St. Patrick’s Day Parades? Organizers Watching*, KAN. CITY STAR (Mar. 10, 2020, 5:54 PM), <https://www.kansascity.com/news/business/health-care/article241059531.html> [<https://perma.cc/L63U-8RPX>].

3. Blair Kerkhoff, *Coronavirus Top of Mind as Big 12 Tourney Lands at Sprint Center with KU the Favorite*, KAN. CITY STAR (Mar. 10, 2020, 5:13 PM), <https://www.kansascity.com/sports/college/big-12/big-12-tournament/article241070566.html> [<https://perma.cc/P9UW-C4BU>].

4. See Robert A. Cronkleton, *Kansas City’s St. Patrick’s Day Parade Is Canceled to Prevent Spread of Coronavirus*, KAN. CITY STAR (Mar. 12, 2020, 6:33 AM), <https://www.kansascity.com/news/local/article241123346.html> [<https://perma.cc/48WJ-MERX>]; Blair Kerkhoff & Chris Fickett, *Big 12 Basketball Tournaments Are Canceled Before Thursday’s Games in Kansas City*, KAN. CITY STAR

move to distance-learning platforms.⁵ Other law schools were making similar decisions⁶ as cases of COVID-19 started appearing in law schools.⁷ Video conferencing platforms such as Zoom became common terms for professors and students.⁸ Over the course of the next few weeks, student routines were heavily disrupted.⁹ Bar exam dates were in flux in Kansas, with the Kansas Supreme Court creating an initial plan for administering the July exam based on contingencies regarding safety and test availability from the National Conference of Bar Examiners,¹⁰ and subsequently moving forward with both the July date and a September back-up date.¹¹ Utah became the first state to move to a diploma privilege for certain law

(Mar. 12, 2020, 11:00 AM), <https://www.kansascity.com/sports/college/big-12/big-12-tournament/article241129301.html> [<https://perma.cc/XU64-APRN>].

5. Phil Anderson, *Washburn University Cancels In-Person Classes Until March 20 amid COVID-19 Concerns*, TOPEKA CAP.-J. (Mar. 12, 2020, 1:46 PM), <https://www.cjonline.com/news/20200312/washburn-university-cancels-in-person-classes-until-march-20-amid-covid-19-concerns> [<https://perma.cc/4HY8-N3WV>].

6. Amanda Robert, *Coronavirus and Law Schools: Numerous Schools Canceling In-Person Classes*, ABA J. (Mar. 11, 2020, 10:15 AM), <https://www.abajournal.com/news/article/At-least-seven-law-schools-to-close-or-cancel-classes-because-of-coronavirus> [<https://perma.cc/VUG6-H2VM>].

7. See Tim Bryant, *UGA Law Library Staffer Awaits COVID Testing*, WGAU (Mar. 18, 2020, 4:19 AM), <https://www.wgauradio.com/news/local/uga-law-library-staffer-awaits-covid-testing/IP1lcaVKVLoSOF4n6sXw0K/> [<https://perma.cc/VD2E-FU6F>]; Carli Terproff, *FIU Student Who Visited the School's Law Library Tests Positive for COVID-19*, MIA. HERALD (Mar. 24, 2020, 10:25 PM), <https://www.miamiherald.com/news/coronavirus/article241485641.html> [<https://perma.cc/MZS4-4FES>].

8. See Joe Patrice, *You're All Attending Zoom School of Law Now—Show Your Pride!*, ABOVE THE L. (Mar. 18, 2020, 11:17 AM), <https://abovethelaw.com/2020/03/youre-all-attending-zoom-school-of-law-now-show-your-pride/> [<https://perma.cc/L2M4-QK8K>]; Daniel Sloan, *"Zoom"-ing Through Law School: A Law Student's Perspective on Learning During COVID-19*, J. KAN. BAR ASS'N, May/June 2020, at 40, 40.

9. Marilyn Odendahl, *Coronavirus Forces Law Schools Online, Leaves Students to Navigate New Reality, Learn Timeless Lessons*, IND. LAW. (Apr. 15, 2020), <https://www.theindianalawyer.com/articles/coronavirus-forces-law-schools-online-leaves-students-to-navigate-new-reality-learn-timeless-lessons> [<https://perma.cc/K95N-8WV9>].

10. KAN. SUP. CT., ANNOUNCEMENT ON 2020 BAR ADMISSION BY EXAMINATION (Apr. 17, 2020), <https://www.kscourts.org/KSCourts/media/KsCourts/Attorney%20Admissions/Announcement-on-2020-Bar-Admission-by-Examination.pdf> [<https://perma.cc/6JDD-GMM9>].

11. *Kansas Will Offer Uniform Bar Exam July 28-29*, KAN. JUD. BRANCH (May 14, 2020), <https://www.kscourts.org/Newsroom/News-Releases/News/2020-News-Releases/May-2020/Kansas-will-offer-Uniform-Bar-Exam-July-28-29> [<https://perma.cc/5KSJ-BSLL>].

school graduates.¹² Massachusetts¹³ and California¹⁴ made plans for a possible online bar exam, and the American Bar Association approved limited practice alternatives.¹⁵ Outside of the academic world, law firms and summer law clerks adjusted to the online environment.¹⁶ Law firms initiated furloughs and layoffs as a result of the economic issues related to the pandemic.¹⁷

These were all major changes for legal academia and the legal profession, and academic law libraries were not immune. Effective communication was key to implementing policies, which ranged from limiting—if not completely closing—access to print collections to library staff working remotely. Crisis management became the priority. Librarians

12. See Ryann Richardson, *Utah Supreme Court Permits Law Graduates Alternative to Bar Licensure*, DAILY HERALD (Apr. 22, 2020), https://www.heraldextra.com/news/local/crime-and-courts/utah-supreme-court-permits-law-graduates-alternative-to-bar-licensure/article_939307f2-6f0d-5e2d-a253-d5f5cfebab13.html [https://perma.cc/AR2T-9KQ5]; Order for Temporary Amendments to Bar Admission Procedures During Covid-19 Outbreak (Utah 2020), <http://www.utcourts.gov/utc/rules-comment/wp-content/uploads/sites/31/2020/04/04.09.20-PROPOSED-ORDER-re-Bar-Waiver-final.pdf> [https://perma.cc/6YY4-NFQ4].

13. See *Plan for Law School Graduates Announced*, MASS.GOV (Apr. 23, 2020), <https://www.mass.gov/news/plan-for-law-school-graduates-announced> [https://perma.cc/X9WF-MB2E]; Karen Sloan, *Unprecedented: Massachusetts to Offer Its Own Online Bar Exam—if Necessary—amid COVID-19*, LAW.COM (Apr. 24, 2020, 11:39 AM), <https://www.law.com/2020/04/24/massachusetts-will-offer-its-own-online-bar-exam-if-necessary-amid-covid-19/> [https://perma.cc/KA4E-UN5T].

14. See *California Supreme Court Orders Bar Exam Delayed, Administered Online*, CAL. CTS. NEWSROOM (Apr. 27, 2020), <https://newsroom.courts.ca.gov/news/california-supreme-court-orders-bar-exam-delayed-administered-online> [https://perma.cc/WDP7-93YQ]; Stephanie Francis Ward, *California Announces Online Bar Exam, But How Will It Work?*, ABA J. (May 5, 2020, 9:22 AM), <https://www.abajournal.com/web/article/after-california-announces-online-bar-exam-some-testing-experts-wonder-if-it-will-work> [https://perma.cc/FJF6-SARJ].

15. See Stephanie Francis Ward, *ABA Board of Governors Backs Limited Practice for Recent Law School Grads As They Await Bar Exam*, ABA J. (Apr. 7, 2020, 7:00 PM), <https://www.abajournal.com/news/article/aba-board-of-governors-approves-new-model-rule-on-supervised-limited-practice-for-recent-law-school-graduates-bar-exam-delayed> [https://perma.cc/68YA-C5RX].

16. See Katie Stancombe, *Working Through It: Law Firms Scramble to Practice Remotely amid Pandemic*, IND. LAW. (Apr. 1, 2020), <https://www.theindianalawyer.com/articles/working-through-it-law-firms-scramble-to-practice-remotely-amid-pandemic> [https://perma.cc/4VZM-38RS]; Kristina Bilowus, *Challenges for Summer Clerks in Pandemic*, MICH. LAWS. WKLY. (June 16, 2020), <https://milawyersweekly.com/news/2020/06/16/challenges-creativity-for-summer-associates-during-covid-19-crisis/> [https://perma.cc/Y5U5-6TPG].

17. See Debra Cassens Weiss, *Pay Cuts and Furloughs Continue As More Firms Trim Costs to Address COVID-19*, ABA J. (Apr. 9, 2020, 1:02 PM), <https://www.abajournal.com/news/article/pay-cut-and-furlough-juggernaut-continues-as-more-law-firms-trim-costs-to-address-covid-19> [https://perma.cc/3GH8-6RMC]; Debra Cassens Weiss, *At Least 19 More Law Firms Cut Pay and Furlough Employees; Will Partners Ultimately Benefit?*, ABA J. (Apr. 16, 2020, 3:48 PM), <https://www.abajournal.com/news/article/at-least-19-more-law-firms-cut-pay-and-furlough-employees-will-partners-ultimately-benefit> [https://perma.cc/UG29-PYBF]; Debra Cassens Weiss, *It Was Another Bad Week for Many BigLaw Lawyers and Staffers; Who Saw Pay Cuts and Furloughs?*, ABA J. (Apr. 23, 2020, 3:43 PM), <https://www.abajournal.com/news/article/it-was-another-bad-week-for-many-biglaw-lawyers-and-staffers-who-saw-pay-cuts-and-furloughs> [https://perma.cc/WS54-4N5K]. However, not all news from the legal world was negative on the job front. See Debra Cassens Weiss, *Top Law Firms Fared Surprisingly Well During COVID-19 Pandemic, Survey Says*, ABA J. (June 23, 2020, 11:49 AM), <https://www.abajournal.com/news/article/legal-industry-fared-surprisingly-well-during-pandemic-survey-says> [https://perma.cc/BFT4-W9NM].

were called on to become greater-than-usual experts in areas such as video conferencing and course management systems. Due to the public health crisis, many of the traditional roles of the library were being altered spontaneously. These sudden changes, coupled with the reality that libraries often struggle for relevance in an ever-changing legal education landscape, force one to ask the existential question: what will come from this crisis and what will academic law libraries look like on the other side? This Article examines the responses from academic law libraries to COVID-19-related changes and emphasizes the need for strong communication skills and effective crisis management strategies from our library leaders. This Article also discusses which of the changes necessitated by the pandemic should be temporary and which of the changes speak to the future of academic law libraries.

II. THE COVID-19 RESPONSE FROM ACADEMIC LAW LIBRARIES

The events of Spring 2020 were unique. While libraries managed the changes in a multitude of ways, the general responses to the pandemic focused on four areas: continuing service to patrons, managing print and electronic resources, enabling remote work for library staff, and adopting emergency roles. Each of these areas caused a significant disruption to the normal day-to-day activities of the library, and librarians reacted in an abundance of ways.

A. Service to Patrons

In a matter of days, libraries went from a hub of activity to silence. Students and faculty were no longer visiting the library. Many libraries closed along with their law schools and remained closed into the summer.¹⁸ The closed libraries at some schools still allowed access for specific patrons,¹⁹ while others gradually started to reopen to their law school communities.²⁰ With library closures or reduced hours, alternative methods for providing services to patrons became crucial. The key for libraries was

18. See WASHBURN UNIV. SCH. OF L. LIBR., <https://washburnlaw.edu/library/index.html> [<https://perma.cc/7AWA-RTTM>] (last visited Aug. 9, 2020) (announcing the library was closed until further notice); UNIV. OF KAN. SCH. OF L. WHEAT L. LIBR., <http://law.ku.edu/library-hours> [<https://perma.cc/4XKQ-TW4B>] (last visited Aug. 9, 2020) (announcing the library was closed in compliance with university policy).

19. See ST. LOUIS UNIV. SCH. OF L. VINCENT C. IMMEL L. LIBR., <https://www.slu.edu/law/library/index.php> [<https://perma.cc/3CET-UYFB>] (last visited Aug. 9, 2020) (announcing restricted access to the library to SLU Law students, faculty, and staff).

20. See UNIV. OF ARK. LITTLE ROCK WILLIAM H. BOWEN SCH. OF L. LIBR., <https://ualr.edu/lawlibrary/2-2/library-hours/> [<https://perma.cc/3CYD-MBRP>] (last visited Aug. 9, 2020) (announcing limited hours for students, faculty, and staff starting at the end of July 2020).

finding a way for patrons who were no longer in the building to get access to library materials.²¹

A major source for providing library information during the pandemic came from library guides, often using the LibGuides platform.²² These guides included general library information, information specific for faculty, and even ways for students to deal with the stress of law school while studying remotely. When dealing with general library information, law libraries focused on highly similar messages with some local deviations to deliver the information to students.

The Schmid Law Library at the University of Nebraska College of Law centered on materials new to their law school community, such as resources that vendors were providing free of charge.²³ Similar resource information, library opening statuses, and best ways to reach out to the librarians can be found in guides from the Moritz Law Library at The Ohio State University Moritz College of Law,²⁴ the Mabee Legal Information Center at the University of Tulsa College of Law,²⁵ and the University of Iowa Law Library.²⁶

For faculty, law schools stressed that law libraries provide assistance with research and teaching. The MacMillan Law Library at Emory University School of Law included information on document delivery, research requests, course reserves, and best practices for transitioning to online instruction.²⁷ The Chickasaw Nation Law Library at the Oklahoma City University School of Law focused on technological resources regarding classroom delivery.²⁸

21. Maya Miller, *How Do I Get My Hands on This Thing?': Librarians Adapt to Helping All Students, Faculty Virtually*, DUKE CHRON. (Apr. 10, 2020, 12:15 AM), <https://www.dukechronicle.com/article/2020/04/duke-university-librarians-adapt-online-instruction-increased-student-demand> [https://perma.cc/V6EZ-AFDJ].

22. LibGuides is a content management system used primarily by libraries to disseminate library information to patrons. See *LibGuides*, SPRINGSHARE, <https://springshare.com/libguides/> [https://perma.cc/VL84-CQF2] (last visited Oct. 9, 2020).

23. *New to Husker Law During COVID-19: Resources*, UNIV. OF NEB. COLL. OF L. SCHMID L. LIBR., <http://schmidguides.unl.edu/studyaids> [https://perma.cc/5ZEA-P68H] (last visited June 1, 2020).

24. *COVID-19 Library Updates*, OHIO STATE UNIV. MORITZ COLL. OF L. LIBR., <https://moritzlaw.osu.libguides.com/c.php?g=1014684> [https://perma.cc/JD7Q-YSKJ] (last visited June 1, 2020).

25. *COVID-19 MLIC Updates & Resources*, UNIV. OF TULSA MABEE LEGAL INFO. CTR., <https://mlic.utulsa.libguides.com/c.php?g=1009986&p=7316989> [https://perma.cc/V6PM-PRQT] (last visited June 1, 2020).

26. *Law Library Services, Resources, and Book Returns During the COVID-19 Closure*, UNIV. OF IOWA L. LIBR., <https://library.law.uiowa.edu/article/law-library-services-resources-and-book-returns-during-covid-19-closure> [https://perma.cc/4ZLS-FX7X] (last visited June 1, 2020).

27. *MacMillan Law Library Services and Response to COVID-19: Faculty Support*, EMORY UNIV. SCH. OF L. HUGH F. MACMILLAN L. LIBR., <https://guides.libraries.emory.edu/c.php?g=1010170&p=7318245> [https://perma.cc/Q2ZX-8FPM] (last visited June 1, 2020).

28. *Law Library Resources During Closure: Faculty*, OKLA. CITY UNIV. SCH. OF L. CHICKASAW NATION L. LIBR., <https://libguides.okcu.edu/c.php?g=1012768&p=7560205> [https://perma.cc/K966-TMX2] (last visited June 1, 2020).

Finally, the concept of stressbusters for students, which has become more popular during finals periods, gained relevance during this pandemic semester. Library guides with non-academic information for students, including wellness resources, working from home tips, games, coloring pages, and pictures of the pets of library staff, were created by the MacMillan Law Library at Emory University School of Law,²⁹ the Hugh & Hazel Darling Law Library at the UCLA School of Law,³⁰ and the Georgetown Law Library.³¹

While general information was vital, other patron groups with specific library-related needs deserved special instructions during the COVID-19 closures. For students working on law journals, being away from the library posed a problem when needing resources for cite-checking. Law libraries worked to set up processes to assist law journal work. As examples, the Biddle Law Library at the University of Pennsylvania School of Law provided detailed information regarding interlibrary loans and suggestions for remote cite-checking,³² and the Pritzker Legal Research Center at Northwestern Pritzker School of Law reminded law journal students about the availability of electronic versions for cite assignments.³³

Services to the public were also severely interrupted as most academic law libraries were closed to the public.³⁴ This not only affected basic legal research needs for public patrons but also interfered with a library's role in the Federal Depository Library Program ("FDLP"), which requires a library to make its government documents collection available for use by the general public and to provide similar services for other library collections and amenities.³⁵ Recognizing this problem, the FDLP provided guidance to libraries and relaxed access standards regarding this portion of the collection during the pandemic.³⁶

29. *Stress Busters: Introduction*, EMORY UNIV. SCH. OF L. HUGH F. MACMILLAN L. LIBR., <https://guides.libraries.emory.edu/stressbusters> [<https://perma.cc/SA8G-GWRU>] (last visited June 1, 2020).

30. *Law Library Virtual Stressbusters for Spring 2020: "Traditional" Stressbusters Activities*, UCLA SCH. OF L. HUGH & HAZEL DARLING L. LIBR., <https://libguides.law.ucla.edu/c.php?g=1030597&p=7469860> [<https://perma.cc/9VC9-U6AS>] (last visited June 1, 2020).

31. *Virtual Stress Relief: Georgetown Law*, GEO. L. LIBR., <https://guides.ll.georgetown.edu/virtual-stress-relief> [<https://perma.cc/M2BJ-X7WH>] (last visited June 1, 2020).

32. *Student Services Continuity: Journal Students*, UNIV. OF PA. L. SCH. BIDDLE L. LIBR., https://law.upenn.libguides.com/student_services_continuity/journal_students [<https://perma.cc/5MJA-34CP>] (last visited June 1, 2020).

33. *Support for Journals*, NW. PRITZKER LEGAL RSCH. CTR., <https://library.law.northwestern.edu/COVID-19/journals> [<https://perma.cc/6WEP-9W33>] (last visited June 1, 2020).

34. See sources cited *supra* notes 18–20 (giving examples of libraries closed to the public).

35. See generally U.S. GOV'T PUBL'G OFF., OFF. OF THE SUPERINTENDENT OF DOCUMENTS, LEGAL REQUIREMENTS & PROGRAM REGULATIONS OF THE FEDERAL DEPOSITORY LIBRARY PROGRAM (Feb. 2018).

36. See *Superintendent of Documents Letter Regarding Reopening Libraries and Access*, FED. DEPOSITORY LIBR. PROG. (May 21, 2020), <https://www.fdlp.gov/file-repository/about-the-fdlp/policies/>

B. Managing Library Resources

Beyond library services, the next major issue involved the management of library resources—the print and electronic materials that make up a library’s collection. Library electronic resources can, for the most part, be accessed off-campus by the law school community.³⁷ However, print collections prove more problematic, and the pandemic closures highlighted these difficulties while forcing law libraries to consider more thoroughly the options for non-print materials.

For print materials to be effective, they need to be available for patrons to access. Obviously, this became a problem when many academic law libraries closed for the spring and most of the summer of 2020.³⁸ Traditional document delivery, such as scanning portions of print resources and emailing the scans to patrons,³⁹ continued to be an option, and some libraries adopted a curbside delivery model.⁴⁰ Although these methods allowed for limited access to print collections, libraries faced the question of how to allow patrons to return materials with the additional wrinkle that one-third of law school students had just graduated and potentially left the area. To address this problem, libraries created policies ranging from mailing materials back to the library⁴¹ to setting up individual plans for returns.⁴²

superintendent-of-documents-public-policies/4265-superintendent-of-documents-letter-regarding-re-opening-libraries-and-access [https://perma.cc/Y6M9-2GK9].

37. This off-campus access to electronic resources is often provided via a proxy service software allowing for authentication. One example of a proxy service is EZproxy from OCLC. See OCLC, <https://www.oclc.org/en/ezproxy.html> [https://perma.cc/B2HG-CSLN] (last visited Oct. 12, 2020).

38. See sources cited *supra* notes 18–20 (giving examples of libraries closed to the public).

39. One example is the “Scan on Demand” service offered by the Indiana University Bloomington Maurer School of Law Jerome Hall Law Library. See *Library Resources for Teaching & Working Remotely*, UNIV. OF ILL. BLOOMINGTON JEROME HALL L. LIBR., <https://law.indiana.libguides.com/remote> [https://perma.cc/U4JC-PRPK] (last visited Aug. 15, 2020).

40. The main university libraries at Washington University and Southern Methodist University both implemented curbside pick-up, as did public libraries including the Topeka & Shawnee County Public Library. See *Curbside Pickup Details*, WASH. UNIV. IN ST. LOUIS UNIV. LIBRS. (May 27, 2020), <https://library.wustl.edu/curbside-pickup-details/> [https://perma.cc/HY9P-4BJB]; see also *Curbside Pickup at SMU Libraries*, SMU LIBRS., <https://www.smu.edu/libraries/covid19/pickup> [https://perma.cc/AJR2-GNSY] (last visited Aug. 10, 2020); *How to Use Curbside Pickup*, TOPEKA & SHAWNEE CNTY. PUB. LIBR., https://tscpl.org/services/curbside-pickup?gclid=EAlaQobChMIzvfhk7-o6gIVkMDACh1P2QG1EAAAYASAAEgLnPD_BwE [https://perma.cc/CSG3-AJUS] (last visited Aug. 10, 2020).

41. See *GWU Law Library COVID-19 Operations*, GEO. WASH. L. JACOB BURNS L. LIBR., <https://law.gwu.libguides.com/COVID19> [https://perma.cc/SVAT-HQ2V] (last visited Aug. 10, 2020); *Coronavirus (COVID-19) Information and Resources: Library Resources*, PACE L. SCH. LIBR., <https://libraryguides.law.pace.edu/c.php?g=1011905&p=7329968> [https://perma.cc/MTQ6-9B98] (last visited Aug. 10, 2020).

42. *Remote Research Center Services: Research for Students*, FLA. STATE UNIV. COLL. OF L. RSCH. CTR., <https://guides.law.fsu.edu/remotelibrary> [https://perma.cc/2GNA-LLQN] (last visited Aug. 10, 2020); *COVID-19 Information: Information for the Law School Community*, BYU L. LIBR., <https://lawlibrary.byu.edu/information/covid-19-information/> [https://perma.cc/AJ3V-BCNK] (last visited Aug. 10, 2020).

The next problem with print materials was the need to quarantine the print resources upon their return to the library.⁴³ Initial reports indicated the virus could survive for extended periods on paper materials, and national organizations such as the Association of College & Research Libraries (“ACRL”) provided information on collection management during the pandemic to deal with this potential hazard.⁴⁴ Guidelines for the quarantining of print materials ranged from twenty-four to forty-eight hours⁴⁵ with a subsequent study showing no signs of the virus on print materials after seventy-two hours.⁴⁶ These quarantine periods may be acceptable for portions of the library’s collection; however, they complicate the situation for heavily-used print materials such as course reserves and study aids. To attempt to alleviate this problem, ultraviolet (“UV”) cleaning machines became a new discussion point for libraries.⁴⁷

These problems with print materials underscored the importance of e-resources during library closures, particularly with regard to e-books, electronic study aids, and electronic textbooks. E-books create complex issues for libraries, raising questions revolving around licensing (as opposed to ownership) and the multiple platforms available for e-books.⁴⁸ However, e-book sales increased during the pandemic,⁴⁹ as did e-book usage from

43. One interesting twist was the attempt by patrons to quarantine library books using microwaves. See Chanel Stitt, *People Are Microwaving Library Books and Masks to Kill COVID-19 – and That’s Bad*, DETROIT FREE PRESS (June 23, 2020, 5:27 PM), <https://www.freep.com/story/news/local/michigan/2020/06/23/library-officials-warn-stop-microwaving-books-kill-covid-19/3224299001/> [<https://perma.cc/8D6C-VX9R>]; McKenzi Davis, *TSCPL: Do Not Microwave Books to Disinfect, Sanitize*, KSNT.COM (July 2, 2020, 9:56 PM), <https://www.ksnt.com/health/coronavirus/tsepl-do-not-microwave-books-to-disinfect-sanitize/> [<https://perma.cc/VH5R-ECEW>].

44. *Pandemic Resources for Academic Libraries: Collection Maintenance*, ASS’N OF COLL. & RSCH. LIBRS., <https://acrl.libguides.com/pandemic/collection> [<https://perma.cc/B4MD-V8AL>] (last visited Aug. 10, 2020).

45. See Ne. Document Conservation Ctr., *Disinfecting Circulating Books*, http://www.ala.org/tools/sites/ala.org/tools/files/content/NEDCC%20recommendations%20for%20disinfecting%20books_Mar2020-converted.pdf [<https://perma.cc/QT87-695H>] (last visited Aug. 10, 2020).

46. See *Research Shows Virus Undetectable on Five Highly Circulated Library Materials After Three Days*, INST. OF MUSEUM & LIBR. SERVS. (June 22, 2020), <https://www.ims.gov/news/research-shows-virus-undetectable-five-highly-circulated-library-materials-after-three-days> [<https://perma.cc/6S YG-JCCV>].

47. For one example of an ultraviolet (“UV”) cleaning machine, see *Steri-Book SB-601 Public: Book Sterilizer*, RISTECH, <https://www.ristech.com/steri-book-book-sterilizer/> [<https://perma.cc/CA7U-ZCZ4>] (last visited Aug. 10, 2020).

48. This is a well-chronicled issue in the library community, but for a brief overview of the problem, see Heather Schwedel, *Why Angry Librarians Are Going to War with Publishers over E-books*, SLATE (Sept. 11, 2019, 1:06 PM), <https://slate.com/business/2019/09/e-book-library-publisher-buying-controversy-petition.html> [<https://perma.cc/335L-58W7>].

49. See Adam Rowe, *As Print Book Sales Fall, Publishers and Others Offer Free Ebook Deals*, FORBES (Mar. 21, 2020, 11:20 AM), <https://www.forbes.com/sites/adamrowe/2020/03/21/as-print-book-sales-fall-publishers-and-others-offer-free-ebook-deals/#507539044189> [<https://perma.cc/5D2V-NRXX>].

public libraries.⁵⁰ To add to the quandary, vendors allowed emergency access to textbooks⁵¹ and study aids⁵² at minimal cost for the Spring 2020 semester, forcing libraries to make decisions whether to add these costly resources to their collections on a permanent basis.

C. Working from Home

Not only did things change with regard to library services and materials in March 2020, but library staff also shifted to working remotely. For the Washburn Law Library, this included ensuring everyone had access to both computer equipment and the internet. Although some staff were allowed in the law school to manage the mail and handle essential on-site duties, off-site meet ups were necessary to provide library staff with invoices to process and continuation filings to collate. The remote work environment also required alternatives to in-person group and individual meetings and the exploration of new ways to interact with patrons.⁵³

Beyond academic law libraries, working remotely was more common for law firm librarians prior to the pandemic.⁵⁴ Firm librarians who transitioned to working from home often found themselves working longer hours as their commute times turned into additional work hours.⁵⁵ In the law firm world, the question has been raised whether legal professionals

50. See Thomas Wilburn, *Libraries Are Dealing with New Demand for Books and Services During the Pandemic*, NPR (June 16, 2020, 10:00 AM), <https://www.npr.org/2020/06/16/877651001/libraries-are-dealing-with-new-demand-for-books-and-services-during-the-pandemic> [https://perma.cc/WQR4-PE65].

51. This included Wolters Kluwer with their CasebookConnect product for casebooks. See CASEBOOKCONNECT, <https://www.casebookconnect.com/free> [https://perma.cc/F4WZ-UCUV] (last visited Apr. 9, 2020); *Wolters Kluwer Response to COVID-19 Impact on Higher Education Community*, WOLTERS KLUWER LEGAL EDUC., <https://support.wklegaledu.com/hc/en-us/articles/360041178611-Wolters-Kluwer-Response-to-COVID-19-Impact-on-Higher-Education-Community> [https://perma.cc/EQP6-W5NT] (last visited Apr. 9, 2020).

52. The Cleveland-Marshall College of Law Library provided LibGuides and blog posts to forward online study aid information to students. See *Research Databases: Temporary Textbook & Study Aid Access*, CLEVELAND-MARSHALL COLL. OF L. LIBR., <http://guides.law.csuohio.edu/c.php?g=190492&p=7350944> [https://perma.cc/K9MS-K5XB] (last visited June 29, 2020); *Free Access to Study Aids from West*, CLEVELAND-MARSHALL L. LIBR. BLOG (Mar. 30, 2020), <https://cmlawlibraryblog.classcaster.net/2020/03/30/free-access-to-study-aids-from-westlaw/> [https://perma.cc/Q22C-QZA5]; *Free Online Study Aids Available from Wolters Kluwer*, CLEVELAND-MARSHALL L. LIBR. BLOG (Mar. 31, 2020), <https://cmlawlibraryblog.classcaster.net/2020/03/31/free-online-study-aids-available-from-wolters-kluwer/> [https://perma.cc/RD72-CD8W].

53. Washburn Law Library added the LibAnswers platform to allow for remote chat questions from patrons. See *LibAnswers*, SPRINGSHARE, <https://www.springshare.com/libanswers/> [https://perma.cc/57RJ-G57V] (last visited Oct. 13, 2020).

54. See Caren Luckie, *Working Remotely—Good or Bad?*, RIPS L. LIBR. BLOG (Feb. 28, 2019), <https://ripslawlibrarian.wordpress.com/2019/02/28/working-remotely-good-or-bad/> [https://perma.cc/3UAE-F3X4].

55. See Jean O'Grady, *Law Librarians Helping Law Firms Meet COVID-19 Research and Practice Challenges*, ABOVE THE L. (June 1, 2020, 2:14 PM), <https://abovethelaw.com/2020/06/law-librarians-helping-law-firms-meet-covid-19-research-and-practice-challenges/> [https://perma.cc/E9EA-NUMW].

ever want to go back to the office,⁵⁶ with an example coming from the Kansas City-based firm of Husch Blackwell.⁵⁷

With working remotely being new for academic law library staff, it was important for library managers and leaders to determine best practices for enabling their employees' success. An article in the *Harvard Business Review* from early April, when the implications of the pandemic were first taking hold, provides a starting point for this discussion.⁵⁸ In her article, Sabina Nawaz discusses various strategies for working with remote employees, all of which focus on an aspect of communication.⁵⁹ The strategies include frequent connections, office hours, rituals, boundaries, inviting problems, and positive feedback.⁶⁰ The topic of communication played a major role in the response of libraries—and frankly, all workplaces—during the pandemic and warrants additional discussion later in this Article.

Although working remotely became the norm for many law librarians, some in the profession continued to come to the library on a semi-regular basis. At the Washburn Law Library, three out of eleven library staff members periodically entered the building to handle mail, to prepare classroom technology for the fall semester, and to perform other tasks around the law school in the absence of law school staff. Ben Doherty, Head of Instructional Services at the Arthur J. Morris Law Library at the University of Virginia School of Law, created a regular blog post detailing his experience working in an academic law library that was less crowded than usual. Doherty eloquently chronicled the unique aspects of being almost alone in the law library—such as attempts at cartwheels down long library hallways⁶¹—while also acknowledging the downsides of missing the human contact that is an integral part of working in a library.⁶²

56. Brenda Sapino Jeffreys, *Legal Professionals Want to Keep Working from Home, But Will That Last?*, AM. LAW. (June 11, 2020, 4:36 PM), <https://www.law.com/americanlawyer/2020/06/11/legal-professionals-want-to-keep-working-from-home-but-will-that-last/> [<https://perma.cc/XG62-236L>].

57. See Debra Cassens Weiss, *38 Lawyers Will Work at Husch Blackwell's New Virtual Office*, ABA J. (July 15, 2020, 3:45 PM), <https://www.abajournal.com/news/article/38-lawyers-will-work-at-husch-blackwells-new-virtual-office> [<https://perma.cc/G85N-62WC>]. Husch Blackwell announced plans to start a virtual office called “The Link” in the midst of the pandemic. *Id.*

58. Sabina Nawaz, *How Managers Can Support Remote Employees*, HARV. BUS. REV. (Apr. 1, 2020), <https://hbr.org/2020/04/how-managers-can-support-remote-employees> [<https://perma.cc/29X9-95D5>].

59. *Id.*

60. *Id.*

61. Ben Doherty, *A Diary of a Lonely Librarian, Part 2*, MOREUS: BLOG OF THE ARTHUR J. MORRIS L. LIBR., UNIV. OF VA. SCH. OF L. (Apr. 20, 2020), <http://library.law.virginia.edu/ajm-blog/2020/04/20/a-diary-of-a-lonely-librarian-part-2/> [<https://perma.cc/9TMX-98EF>].

62. Ben Doherty, *A Diary of a Lonely Librarian, Part 7*, MOREUS: BLOG OF THE ARTHUR J. MORRIS L. LIBR., UNIV. OF VA. SCH. OF L. (May 26, 2020), <http://library.law.virginia.edu/ajm-blog/2020/05/26/a-diary-of-a-lonely-librarian-part-7/> [<https://perma.cc/2P6P-G3BF>].

D. Taking on Other Roles

As if the changing library landscape were not enough, librarians were called upon to assist in other emergency roles around the law school. At Washburn Law, librarians became the facilitators for setting up contactless pick-up times for students needing to retrieve materials from both library carrels and law school lockers. Washburn Law librarians also played a major role in the transition to online learning for the law school. The law school appointed “tech deputies” from multiple departments to assist with the Zoom classroom experience. These deputies included librarians and staff from the admissions, alumni, and Dean’s offices. With minimal, last-minute training, the tech deputies attended virtual classes and helped troubleshoot technology problems to avoid distractions for faculty and students during class time.

Other law schools and universities also saw librarians taking on emergency roles to benefit their organizations. Although online class assistance was a common point of emphasis,⁶³ it was only one of many new endeavors for libraries. While libraries provided guides for services and access, as discussed earlier, they also focused on the substantive legal issues related to the COVID-19 outbreak⁶⁴ and the events surrounding the murder of George Floyd.⁶⁵ Beyond the academic world, librarians from public libraries assumed roles with food pantries, contact-tracing initiatives, and staffing for emergency shelters.⁶⁶

III. TAKEAWAYS FROM THE COVID-19 EXPERIENCE

If we do not learn from our experiences, we waste an opportunity. This is certainly true with the COVID-19 closures and the many changes academic law libraries experienced as a result. For this author, there are two primary takeaways from the experiences of the pandemic. First, communication is crucial in normal situations, and its importance heightens in times of change. Second, crisis management became a focal point of library activities in 2020,

63. See Miller, *supra* note 21.

64. See Joshua Rich, *UCLA Law Librarian Crafts Extensive Guide on Coronavirus and the Law*, UCLA NEWSROOM (Mar. 20, 2020), <https://newsroom.ucla.edu/releases/ucla-law-coronavirus-legal-guide> [<https://perma.cc/K8JH-5DS8>]; MONITORING THE LEGAL RESPONSE TO COVID-19 IN LAT. AM. AND THE CARIBBEAN, <https://lawlibrariansmonitoringcovid19.com/> [<https://perma.cc/YSM6-GSK9>] (last visited Aug. 11, 2020).

65. Examples include the University of New Mexico Law Library, *Racial Justice Resources at UNM School of Law and Beyond*, UNM L. LIBR. (Aug. 12, 2020, 4:20 PM), <https://libguides.law.unm.edu/RacialJustice> [<https://perma.cc/N3JC-UBN4>] and Drake Law Library, *Racial Justice in the U.S.: Overview*, DRAKE L. (July 25, 2020, 7:59 PM), <https://libguides.law.drake.edu/c.php?g=1046847&p=7596204> [<https://perma.cc/PYG4-8G9U>].

66. Anne Ford, *Other (Pandemic) Duties as Assigned*, AM. LIBRS. (Apr. 24, 2020), <https://americanlibrariansmagazine.org/blogs/the-scoop/other-pandemic-duties-as-assigned/> [<https://perma.cc/29XX-GC9R>].

leading to change in the ways many libraries provide services. With these new experiences fresh in the minds of library leaders, it will be interesting to see if these new ways of operating continue in the future. What will academic law libraries look like after the pandemic ends?

A. *Communication Is Crucial*

Consider how much communication occurs in a work setting. In any given day, there will be person-to-person conversations, multiple emails, phone calls, virtual chats, and texts. All of these forms of communication continued during the COVID-19 closures, but with the added element of distance and with a greater emphasis on the electronic options. At the Washburn Law Library, the communication style for the staff changed during the pandemic. In the beginning of the work-from-home experience, emails circulated quickly and looked more like texts, with short communications constantly being forwarded between the staff to decide the nuances of the work-from-home cycle. Following this initial shock, email usage returned to normal, but video conferencing took on a major role in the communication pattern. The Law Library started out with three all-staff Zoom meetings per week, coupled with a once-a-week individual check-in for each librarian with the library director. After a few months, the staff meetings backed off to once a week, but the weekly individual check-ins continued. Like other segments of society, the Library experienced problems with effective communication while using technology—ranging from lack of quality internet service⁶⁷ to concerns about the use of a virtual conference system in an at-home environment.⁶⁸

Under normal circumstances, communication can be difficult, and this was heightened during the COVID-19 closures. As a new manager, librarian Liz Manriquez found communication to be the hardest hurdle for her to overcome due to her preference for face-to-face conversations.⁶⁹ Other articles published during the pandemic also addressed the complexity of communication during a crisis. Brooks Holtom, Amy Edmonson, and David Niu articulated advice for communicating with employees during a

67. See generally Stuart Andreason, Pearse Haley, Sarah Miller & Mels de Zeeuw, *The Digital Divide and the Pandemic: Working from Home and Broadband and Internet Access*, WORKFORCE CURRENTS (June 24, 2020), <https://www.frbatlanta.org/cweo/workforce-currents/2020/06/29/the-digital-divide-and-the-pandemic-working-from-home-and-broadband-and-internet-access.aspx> [<https://perma.cc/3BK8-TD8F>].

68. Nicholas Casey, *College Made Them Feel Equal. The Virus Exposed How Unequal Their Lives Are.*, N.Y. TIMES (May 5, 2020), <https://www.nytimes.com/2020/04/04/us/politics/coronavirus-zoom-college-classes.html> [<https://perma.cc/K3SQ-YWG3>].

69. Liz Manriquez, *Let's Hang*, RIPS L. LIBR. BLOG (Apr. 21, 2020), <https://ripslawlibrarian.wordpress.com/2020/04/21/lets-hang/> [<https://perma.cc/GT8E-3XFR>].

crisis.⁷⁰ This includes frequent communication, allowing avenues for feedback that employees trust, and providing a plan for when the crisis is over.⁷¹ Carmine Gallo emphasized the need to choose words correctly when in crisis communication mode.⁷² For instance, leaders need to use simple language and analogies to keep things familiar; personalizing the crisis with stories is also helpful.⁷³ Although communication during a crisis is not easy, times of trouble can also be an opportunity to consider organizational improvement. In her article *Communication as a Tool of Organizational Renewal in Law Libraries*, Nancy Carol Carter examined how libraries can use communication to assist with rejuvenation,⁷⁴ which is a prime concept as libraries continue to navigate and emerge from the pandemic work environment.

If communication is not easy, adding the distance component makes communication even more difficult. In the 1970s, Thomas Allen examined the concept of distance with regard to communication by looking at the technology industry.⁷⁵ Allen's study found that co-workers located within thirty meters of each other at work are more likely to communicate on a weekly basis than those co-workers outside that range.⁷⁶ Additionally, Allen found vertical separation to be a major concern as people are reluctant to use stairs or an elevator to facilitate communication with a co-worker.⁷⁷ But how can an organization replicate proximity during a period of remote work? Again, looking at the Washburn Law Library; proximity was replicated through frequent meetings via video conferencing software. Zoom meetings several times a week with the entire library staff along with frequent smaller group meetings attempted to reproduce the closeness of the office setting and avoid the problem of distance. Even the traditional phone call played a much larger role than it had during normal work times, as in-person meetings were no longer an option.

Trust and transparency are two major components of effective communication, and both played a major role during the COVID-19 closure period. For this author, it was important to talk about things the library staff

70. Brooks Holtom, Amy C. Edmondson & David Niu, *5 Tips for Communicating with Employees During a Crisis*, HARV. BUS. REV. (July 9, 2020), <https://hbr.org/2020/07/5-tips-for-communicating-with-employees-during-a-crisis> [https://perma.cc/PUZ2-EKRG].

71. *Id.*

72. Carmine Gallo, *Finding the Right Words in a Crisis*, HARV. BUS. REV. (Apr. 17, 2020), <https://hbr.org/2020/04/finding-the-right-words-in-a-crisis> [https://perma.cc/9T7P-GMZQ].

73. *Id.*

74. Nancy Carol Carter, *Communication as a Tool of Organizational Renewal in Law Libraries*, 81 L. LIBR. J. 221, 231 (1989).

75. THOMAS J. ALLEN, *MANAGING THE FLOW OF TECHNOLOGY: TECHNOLOGY TRANSFER AND THE DISSEMINATION OF TECHNOLOGICAL INFORMATION WITHIN THE R&D ORGANIZATION* (1977).

76. *Id.* at 239–40.

77. *Id.* at 244.

wanted to talk about, as one of the author's primary duties was to be a communicator to those who work in the library. Following the advice from Amy Edmondson in her article *Don't Hide Bad News in Times of Crisis*, the author tried to create a safety net of transparency in which employees could speak about the issues affecting them.⁷⁸ This meant building trust was key, and focusing on authenticity, empathy, and logic were primary goals.⁷⁹ Regularly scheduled meetings included updates on the law school and university plans, along with discussions of plans for the library. The author shared as much information as possible to prevent guessing and false assumptions by the staff. All meetings, both group and one-on-one, included personal discussions about grandkids, music choices, pets, and anything else the library staff members felt comfortable talking about. Building trust also includes giving proper credit for work done and taking the extra step of regularly saying "thank you,"⁸⁰ both of which can be morale builders during times of crisis and unique remote work situations.

B. Dealing with a Crisis Management Situation

Crisis management is the process by which a business or other organization deals with a sudden emergency situation.⁸¹ Dictionary.com defines crisis management as the techniques used, by an employer or government, to avert or deal with strikes, riots, violence, or other crisis situations.⁸² For a more nuanced discussion, Deborah Rhode addresses the concept of crisis management in her seminal book *Lawyers as Leaders*.⁸³ Rhode examines crisis situations that are the result of the conduct of a person, as opposed to a pandemic, and her analysis focuses on public statements to address the crisis, ranging from denial to a full apology.⁸⁴ Each of these definitions of crisis management address aspects of the response seen by law libraries during the COVID-19 experience.

The Washburn Law Library certainly experienced a sudden emergency in the spring of 2020. Multiple decisions needed to be made quickly that would impact students and faculty, along with the library staff. Within the

78. See Amy C. Edmondson, *Don't Hide Bad News in Times of Crisis*, HARV. BUS. REV. (Mar. 6, 2020), <https://hbr.org/2020/03/dont-hide-bad-news-in-times-of-crisis> [<https://perma.cc/G2SU-BT7E>].

79. See Frances X. Frei & Anne Morriss, *Begin with Trust*, HARV. BUS. REV. (May 2020), <https://hbr.org/2020/05/begin-with-trust> [<https://perma.cc/ZV3K-UH2J>].

80. See Sabina Nawaz, *In Times of Crisis, a Little Thanks Goes a Long Way*, HARV. BUS. REV. (May 22, 2020), <https://hbr.org/2020/05/in-times-of-crisis-a-little-thanks-goes-a-long-way> [<https://perma.cc/466Y-LK6C>].

81. *Crisis Management*, LEXICO, https://www.lexico.com/en/definition/crisis_management [<https://perma.cc/HZE6-6MH3>] (last visited Aug. 12, 2020).

82. *Crisis Management*, DICTIONARY.COM, <https://www.dictionary.com/browse/crisis-management> [<https://perma.cc/QU96-Y2JW>] (last visited Aug. 12, 2020).

83. See DEBORAH L. RHODE, *LAWYERS AS LEADERS* (2013).

84. *Id.* at 124.

first few days of the pandemic, the law school made the decision to close the library and for library staff to work from home. Not only did the library staff begin working from home, but law school faculty also needed to start teaching from home, and other law school staff transitioned to remote work. Organizationally, the Information Technology (“IT”) department for the law school is part of the law library. The sudden move to online education forced both library and IT staff to quickly become familiar with the basics of online teaching pedagogy and the associated technology systems. As discussed in the previous section, using different methods of communication became a necessity for both work communications and getting information to library patrons. As the closure went on, the focus changed to the processes for reopening and how to deliver library services in a completely new environment. This included thinking differently about the library’s budget and considering shifts to the resources that the library should acquire. This crisis management situation had a multitude of layers.

The *Harvard Business Review* actively addressed the topic of crisis management in the months following the start of the COVID-19 pandemic. A review of the articles’ topics included achieving small wins to build up for success with bigger projects,⁸⁵ overcoming institutional inertia,⁸⁶ the psychological issues of leadership in a crisis,⁸⁷ and speculation on ways to lead after the pandemic is over.⁸⁸ While these all speak to important aspects of crisis management, three *Harvard Business Review* articles from the period stand out for their straightforward suggestions and unique approaches to the topic. First, Chris Nichols, Shoma Chatterjee Hayden, and Chris Trendler offered four behaviors to help leaders during a crisis.⁸⁹ Each of the behaviors had an associated catchphrase: deciding with speed over precision, adapting boldly, reliably delivering, and engaging for impact.⁹⁰ However, the nuances for each behavior were possibly more important than the catch phrase, reminding readers to process information quickly and make decisions, not to be afraid to admit what they do not

85. See Bill Taylor, *To Solve Big Problems, Look for Small Wins*, HARV. BUS. REV. (June 5, 2020), <https://hbr.org/2020/06/to-solve-big-problems-look-for-small-wins> [<https://perma.cc/TJ6E-X6ZG>].

86. See Michael G. Jacobides, *Good Leaders Can Overcome Institutional Inertia in a Crisis*, HARV. BUS. REV. (May 18, 2020), <https://hbr.org/2020/05/good-leaders-can-overcome-institutional-inertia-in-a-crisis> [<https://perma.cc/KH86-8PUM>].

87. See Gianpiero Petriglieri, *The Psychology Behind Effective Crisis Leadership*, HARV. BUS. REV. (Apr. 22, 2020), <https://hbr.org/2020/04/the-psychology-behind-effective-crisis-leadership> [<https://perma.cc/BXL2-PGJY>].

88. See Hubert Joly, *Lead Your Team into a Post-Pandemic World*, HARV. BUS. REV. (May 8, 2020), <https://hbr.org/2020/05/lead-your-team-into-a-post-pandemic-world> [<https://perma.cc/D4AJ-7D3X>].

89. Chris Nichols, Shoma Chatterjee Hayden & Chris Trendler, *4 Behaviors that Help Leaders Manage a Crisis*, HARV. BUS. REV. (Apr. 2, 2020), <https://hbr.org/2020/04/4-behaviors-that-help-leaders-manage-a-crisis> [<https://perma.cc/C34L-MRBQ>].

90. *Id.*

know, and to take personal ownership in a crisis.⁹¹ The other two articles look to history and to the military for examples of crisis management. In the second article, Nancy Koehn discussed how leaders such as Presidents Franklin D. Roosevelt, Abraham Lincoln, and John F. Kennedy reacted to the major crises during their times in office, focusing on the need to acknowledge people's fears and giving charge to individuals to act in service.⁹² In the third article, Marc Feigen, Benjamin Wallach, and Anton Warendh examine military leadership during times of crisis, reminding leaders to be in the trenches and to rest the troops.⁹³

Additionally, two law library related articles stand out for addressing the concept of crisis management. The first is from David E. Matchen Jr. and Jason Hawkins and discusses the need for libraries to have a crisis management plan.⁹⁴ According to Matchen and Hawkins, libraries bear an obligation to plan for the unexpected, and librarians witnessed this first hand following the police shooting of Freddie Gray in Baltimore.⁹⁵ Their article proceeds to describe best practices for developing a crisis management plan,⁹⁶ best practices for disaster planning via the Library of Congress,⁹⁷ and the need for training based on the plan.⁹⁸ While Matchen and Hawkins address the logistics of a crisis management plan, the work of Carl Yirka focuses on the need for law libraries to address higher priority initiatives.⁹⁹ Yirka's article is not particularly focused on the concept of crisis management; however, his theories and suggestions extrapolate well to crisis situations. According to Yirka, libraries often do things a certain way because it is the way things have been done in the past.¹⁰⁰ However, opportunities arise when things are not going well, and, in those cases, new policies and roles for the law library should be considered.¹⁰¹ A crisis situation would seem to be a perfect opportunity to implement Yirka's suggestions. His article was the *AALL Spectrum* Article of the Year for

91. *Id.*

92. Nancy Koehn, *Real Leaders Are Forged in Crisis*, HARV. BUS. REV. (Apr. 3, 2020), <https://hbr.org/2020/04/real-leaders-are-forged-in-crisis> [<https://perma.cc/PC49-RV2V>].

93. Marc Feigen, Benjamin Wallach & Anton Warendh, *Look to Military History for Lessons in Crisis Leadership*, HARV. BUS. REV. (July 1, 2020), <https://hbr.org/2020/07/look-to-military-history-for-lessons-in-crisis-leadership> [<https://perma.cc/S2TW-XXGW>].

94. David E. Matchen, Jr. & Jason Hawkins, *Faced with Crisis: The Importance of Establishing a Comprehensive Management Plan*, AALL SPECTRUM, Nov.–Dec. 2015, at 19, 19 (2015).

95. *Id.* at 19–20.

96. *Id.* at 21.

97. *Id.* at 22.

98. *Id.* at 23.

99. Carl A. Yirka, *The Yirka Question and Yirka's Answer: What Should Law Libraries Stop Doing in Order to Address Higher Priority Initiatives?*, AALL SPECTRUM, July 2008, at 28, 28.

100. *Id.* at 29.

101. *Id.* at 30.

2009¹⁰² and has influenced the thinking of librarians both in academic law libraries and in other types of libraries.¹⁰³

IV. WILL THE PANDEMIC LEAD TO LIBRARY CHANGES?

Although a pandemic may not have been on Yirka's mind, the COVID-19 crisis is a perfect opportunity for law libraries to ask questions regarding what they could stop doing in order to take on higher priorities. Academic law libraries should be thinking about their plans following the pandemic, including what should remain the same and what should change. Law school libraries across the world must be examining and thinking about what their academic law library will look like in a post-COVID-19 world.

A. The Print v. Electronic Question

Beyond the issues that defined the office environment, the services of the library were deeply affected by the pandemic. Immediately, the question became how to deal with the library's collections, particularly the print collection. As discussed earlier, electronic materials are generally available off-campus, but books live in the library.¹⁰⁴ The Washburn Law Library struggled with what to do with its print collection. The library tried to distribute print materials to faculty via drop-offs and by scanning chapters, but the library was not able to be as flexible with students. Scanning was the only real option, as the library had no perfect method on such short notice, to distribute print materials to students who had scattered all over the country. Washburn Law is a small school and the requests were minimal, with only a small negative impact in the short term. But what about larger schools with more students needing print library resources for a multitude of reasons, including upper-level writing requirements?

A key takeaway from the pandemic will be the emphasis law libraries put on any transition toward larger electronic collections. E-books implicate complex issues that have not yet been perfected.¹⁰⁵ During the pandemic, the Congressional Research Service issued a report on e-books, identifying the many potential problems for libraries on the e-book front.¹⁰⁶

102. *AALL Spectrum Article of the Year Award*, AALL, <https://www.aallnet.org/community/recognition/awards-program/spectrum-article-of-the-year-award/> [https://perma.cc/PUF3-JKE6] (last visited Oct. 13, 2020).

103. See Cathy Hardy, *Applying the Yirka Question in Tough Times: Question Asked of Academic Law Libraries Can Be Applied to Struggling Law Firm Community*, AALL SPECTRUM, Sept.–Oct. 2011, at 9, 9.

104. See discussion on print collection issues *supra* Section II.B.

105. See discussion on library issues with e-books *supra* notes 48–52 and accompanying text.

106. KEVIN T. RICHARDS, CONG. RSCH. SERV., LSB10453, COVID-19 AND LIBRARIES: E-BOOKS AND INTELLECTUAL PROPERTY ISSUES (2020).

With this in mind, libraries—in conjunction with organizations such as the New England Law Library Consortium (“NELCO”), the American Association of Law Libraries (“AALL”), and the Association of American Law Schools (“AALS”)—must urge publishers to come up with solutions, such as better licensing agreements for libraries. New endeavors, including controlled digital lending, should be further examined to allow expanded digital access to print materials.¹⁰⁷ Finally, law library patrons, particularly law faculty, will be a major roadblock to a largescale transition to electronic materials. Community acceptance of any change of this magnitude needs supporters within this primary patron group for the academic law library.

While increases in electronic resources will be a potential outgrowth of the pandemic, law libraries must also be cognizant of other issues around print collections. One mission of a library, particularly an academic library, is to archive past scholarship. This historical role of the library is currently best preserved via print collections. Although great strides have been made to digitize historical texts,¹⁰⁸ some legal scholarship and other resources are only available in print and the academic library is the sole source.

B. *The Library Space Is Changing*

Any move to larger electronic collections will bring on other questions for law libraries: If print collections decline as a response to the COVID-19 period, how will this affect library space? Will a move to more electronic resources result in the need for a smaller library footprint? What if, because of the movement to online classes during the pandemic closures, law schools move to more online classes, so fewer students are in the building to demand a library space for study and collaboration? Finally, what if social distancing becomes a more accepted part of everyday life, and fewer students want to study in proximity to others in a library setting? These questions will no doubt be at the forefront for academic law libraries in the coming years.

Smaller library spaces are not a new phenomenon in the legal world and have been the trend in the law firm world for years. In her article, *The New Normal Library Space*, Lucy Rieger concluded that reduction was the correct move for law firm libraries, allowing librarians to focus on services

107. Controlled Digital Lending allows libraries to loan print books to digital patrons, with technical controls ensuring that only the number of copies owned by a library are circulated. See CONTROLLED DIGIT. LENDING BY LIBRS., <https://controlleddigitallending.org/> [<https://perma.cc/5USJ-CS4E>] (last visited Oct. 13, 2020).

108. One example of a law library heavily investing in digitation projects is the Library Innovation Lab at the Harvard Law Library. See LIBR. INNOVATION LAB, <https://lil.law.harvard.edu/> [<https://perma.cc/HAL4-6SV9>] (last visited Oct. 13, 2020). Projects from the Library Innovation Lab include the Caselaw Access Project, which is making all U.S. case law freely available online. *Id.*

and creating space for renovation to have a greater impact on the law firm.¹⁰⁹ David Dunlap also covered the issue in the New York Times following the move of Kaye Scholer, during which the library discarded 95 percent of the print collection, reducing the original need for 10,000 feet of linear shelving to 700 feet.¹¹⁰

Washburn Law is currently in the planning stages for a new law school building, with the plans including a smaller footprint for the law library.¹¹¹ The previous questions regarding law library space following the pandemic have already been a part of the planning for this new building. If faced with the potential for a smaller library space, librarians need to advocate for the library because the space is every bit as important for the mission of educating future lawyers as the other sections of the building. The size of the library may change, but it remains important for reasons beyond the physical materials housed within the library.

The library space is crucial for the librarians to build trust with students through the regular and frequent interaction that occurs by sharing a common area, whether for work or for study. Trust is key for successful communication.¹¹² Trust and familiarity also break down barriers and may give a reluctant student the confidence to approach a librarian for assistance with a research problem. Stephen Young takes this concept a step further and argues that the library space is key for building social capital, thereby facilitating a sense of community.¹¹³ The library space is not just a study hall, but an extension of the learning environment for the law school community.

The library space is also important to the law school from an admissions perspective and for alumni support. Lee Peoples addresses this issue in his article, *Designing a Law Library to Encourage Learning*.¹¹⁴ The library is a place where prospective students can see current students interacting in a visually-appealing showroom for the law school. Students may also have strong attachments to the library, while classroom spaces do not create this same type of feeling.¹¹⁵ A specific table in the library may

109. Lucy Rieger, *The New Normal Library Space*, AALL SPECTRUM, Dec. 2011, at 24, 25.

110. David W. Dunlap, *So Little Paper to Chase in a Law Firm's New Library*, N.Y. TIMES (Oct. 22, 2014), <https://www.nytimes.com/2014/10/23/nyregion/so-little-paper-to-chase-in-a-law-firms-new-library.html> [<https://perma.cc/CZ59-WKMJ>].

111. *See Ideal Place: The Building Campaign for Washburn University School of Law*, WASHBURN UNIV. SCH. OF L., <https://washburnlaw.edu/newbuilding/index.html> [<https://perma.cc/S2NU-3P3M>] (last visited Aug. 14, 2020).

112. *See* discussion on building trust *supra* notes 78–80 and accompanying text.

113. Stephen E. Young, *Looking Beyond the Stacks: The Library as Place*, AALL SPECTRUM, July 2010, at 16, 18.

114. Lee F. Peoples, *Designing a Law Library to Encourage Learning*, 63 J. LEGAL EDUC. 612, 638–39 (2014).

115. *Id.* at 638.

have been a law student's study spot for three years¹¹⁶ and, borrowing from Young's concept of social capital, this sense of community may help play a role in graduates becoming benefactors to the law school.¹¹⁷

Finally, there may be something to simply being in the library space. In his article, *Keep the Books on the Shelves: Library Space as Intrinsic Facilitator of the Reading Experience*, James Donovan explores the theory that there are benefits to studying in a place filled with books.¹¹⁸ To test this theory, Donovan provided subjects with SAT-style questions and tested them in one of two settings: a traditional library or a renovated chapel that resembled a library but without the books.¹¹⁹ The test found that "libraries are better designed than even closely similar environments to assist readers to exclude distracting external stimuli so as to facilitate active mental work."¹²⁰

C. Working from Home

The next takeaway from the COVID-19 closures comes from the work-from-home experience. If our library spaces have the potential for becoming smaller—or even if they remain the same size—do libraries need to continue to have as many library staff in the building? Again, looking at the example of the Washburn Law Library, the law library successfully transitioned to a work-from-home environment for the library staff, albeit with a significant amount of behind the scenes work.¹²¹ Could this continue during normal times?

The Washburn Law Library is divided into two library departments: a public services department and a technical services department. For the public services department's staff, working from home is a more natural transition. One of the primary job duties for public services librarians is answering research questions from students and faculty, which can often be managed via electronic research options. However, issues still exist. One issue arises due to distance from the library's print materials. Some resources are still only available in print format. A librarian working remotely would cause a delay in retrieving a needed book, article, or

116. The author's office is in the heart of the law library with a prominent set of tables and chairs outside of the office door. These spots tend to be occupied by the same students at the same times during the day, allowing the author to get to know these students from the constant interaction provided by the proximity.

117. Peoples, *supra* note 114, at 638.

118. James M. Donovan, *Keep the Books on the Shelves: Library Space as Intrinsic Facilitator of the Reading Experience*, J. ACAD. LIBR'SHIP, Mar. 2020, at 1, 2.

119. *Id.* at 3–4.

120. *Id.* at 5.

121. See discussion on the Washburn Law Library's preparation for work from home *supra* Section II.C.

document or would require bringing in an on-site colleague to assist with the request. A more long-term impact to public services staff working from home would be the lack of opportunity for building trust with students. Distance affects communication,¹²² which in turn affects the ability to bond with students during the formative period of legal research development.

Remote work becomes more complex for library staff in technical services positions. Although technical services staff have duties working with non-print materials, a sizeable amount of the work of a technical services department involves interacting with the print collection of a library. This requires significant planning and preparation to adequately accomplish these tasks while working from home. A staff member in the building would be required to gather materials for the remote employees, or the remote employees would need to come into the building to do the preparatory work to return home. A level of efficiency can be lost, and long-term planning to properly manage these changes is key. At the beginning of the pandemic, libraries did not have the luxury of planning, and thus, libraries will need to implement detailed processes if remote work becomes more permanent.

In addition to the strategies for working with remote employees discussed in Nawaz's article,¹²³ there are other points of emphasis if working from home becomes more widespread. First, organizations need to think about what it means to not have an office and the subsequent importance of keeping motivation at a high level. Without a workplace office, the home will become the office for many, potentially adding spouses, children, pets, and even neighbors to the work environment. According to survey results published in *The Implications of Working Without an Office*, job satisfaction drops at the beginning of the work-from-home experience, but rebounds by the end of the second month, because adjusting to the new situation takes time.¹²⁴ This phenomenon speaks to the importance of focusing on employee motivation from managers. Lindsay McGregor and Neel Doshi conducted a survey on motivation and found that those who worked remotely were less motivated, with those who were forced to work remotely being the least motivated.¹²⁵ McGregor and Doshi point out that one of the best ways to build motivation is to allow

122. See discussion on distance, communication, and building trust *supra* Section III.A.

123. Nawaz, *supra* note 58.

124. Ethan Bernstein, Hayley Blunden, Andrew Brodsky, Wonbin Sohn & Ben Waber, *The Implications of Working Without an Office*, HARV. BUS. REV. (July 15, 2020), <https://hbr.org/2020/07/the-implications-of-working-without-an-office> [<https://perma.cc/32BJ-G33T>].

125. Lindsay McGregor & Neel Doshi, *How to Keep Your Team Motivated, Remotely*, HARV. BUS. REV. (Apr. 9, 2020), <https://hbr.org/2020/04/how-to-keep-your-team-motivated-remotely> [<https://perma.cc/9PD8-REXX>].

employees more flexibility with problem solving and creativity and to resist the temptation to force adherence to strict processes and procedures.¹²⁶

It is also important to remember that working from home may not be the best option in the long term. Companies such as IBM, which initiated a work-from-home program in 1979, started to bring employees back to the office over the last few years.¹²⁷ Jerry Useem's theory for this return-to-the-office movement focuses on the need for collaborative efficiency, or the speed at which problems need to be solved, and in-office communication remains the best way to do this quickly.¹²⁸ Beyond the communication issues, remote work can also lead to fatigue from missing the normal; moreover, the nature of some businesses makes working remotely impossible.¹²⁹ Libraries will have difficult decisions regarding work-from-home issues, and it will be interesting for the profession to see if this is a long-term workable model.

D. Taking on Other Roles

The pandemic period saw law libraries taking on new roles,¹³⁰ and the Washburn Law Library was no exception.¹³¹ Taking on additional duties is not new to academic law libraries, and these added duties can create benefits with increased exposure and goodwill around the law school.¹³² But when do the extra duties become too much and take away from the core mission of the law library? In the post-COVID-19 world, law libraries will need to look back at the duties added during the pandemic and make decisions on what duties they can continue doing. The key will be to look for synergies, particularly with duties that fit in with the bailiwick of the library. This could include more libraries working with IT departments and taking on greater roles with instructional technology. Law libraries must be careful not to become overextended. Librarians often serve as what Joshua Kim calls "nonfaculty educators," or staff of a university who tend to be excluded from university governance, and the pandemic has exacerbated this division

126. *Id.*

127. Jerry Useem, *When Working from Home Doesn't Work*, ATLANTIC (Nov. 2017), <https://www.theatlantic.com/magazine/archive/2017/11/when-working-from-home-doesnt-work/540660/> [<https://perma.cc/8DUN-FHVT>].

128. *Id.*

129. See Chip Cutter, *Companies Start to Think Remote Work Isn't So Great After All*, WALL ST. J. (July 24, 2020, 11:10 AM), <https://www.wsj.com/articles/companies-start-to-think-remote-work-isnt-so-great-after-all-11595603397?st=8xuwlmfmyg630q> [<https://perma.cc/99RU-X54S>].

130. Robert Ambrogi, *The Increasingly Essential Role of the Law Librarian*, ABOVE THE L. (July 13, 2020, 1:16 PM), <https://abovethelaw.com/2020/07/the-increasingly-essential-role-of-the-law-librarian/> [<https://perma.cc/P2XS-7L6W>].

131. See discussion on taking on other roles *supra* Section II.D.

132. See Mark Engsborg, *Courage amid the Chaos: Observations on Contemporary Academic Law Librarianship*, AALL SPECTRUM, July 2014, at 7, 7.

from traditional faculty.¹³³ Taking on roles that do not fit well within the library environment will not be beneficial for the library in the long run and will take away from the primary responsibilities of this crucial law school department.

V. CONCLUSION

The COVID-19 pandemic has not been an easy time for academic law libraries. The changes have been great, and the work has been extensive. New methods have been tried, with both successes and failures. However, this period can also be viewed as an opportunity for real, positive change. The outgrowth of the pandemic may manifest as smaller libraries, as libraries with different collections, or both. Librarians may more often work remotely and may take on new roles within the law school. Libraries should already be thinking about these possibilities and, hopefully, the library community will be prepared for the next major event that comes down the road.

133. Joshua Kim, *Nonfaculty Educators, COVID-19 and the Faculty/Staff Divide*, INSIDE HIGHER ED #BLOGS (Aug. 2, 2020), <https://www.insidehighered.com/blogs/learning-innovation/nonfaculty-educators-covid-19-and-facultystaff-divide> [<https://perma.cc/7EWE-LRT5>].