

Chapter 24: Librarian

The biggest library if it is in disorder is not as useful as a small but well-arranged one.

Arthur Schopenhauer, “On Thinking for Yourself,”
in *Counsels and Maxims* (1886)

I’ve been drunk for about a week now, and I thought it might sober me up to sit in a library.

F. Scott Fitzgerald, dialogue in *The Great Gatsby* (1925)

A. Washington

As related in Chapter 21, my first job as a librarian was in Washington, in 1974, at Cohen & Uretz. It was a small Democratic tax firm, headed by Sheldon Cohen, who had been Commissioner of Internal Revenue under President Johnson. I knew nothing about taxation, not even having taken the subject in law school. But I had the job (see Chapter 21), so I started in. Our office was at 1730 M Street N.W., just across the street from St. Matthew’s Cathedral and around the corner from the Mayflower Hotel.

It was fortunate for me that my first professional library job was in a small firm with a limited practice. This meant that the collection was small and coherent, the sources of the law and range of relevant legal publications were reasonably restricted, and the information demands from my patrons would be relatively comprehensible. Although I didn’t understand taxation issues and had never worked with most of the materials before, unlike the concepts inside them the materials themselves were easy enough to understand. I already knew what federal statutes and decisions and regulations and legislative histories looked like and how to work them. There were virtually no state materials except for CCH reporters (special looseleaf services published by Commerce Clearing House), and I knew or soon learned how those worked too. The tax regulations and the semi-annual volumes of the IRS Memoranda and Revenue Rulings were pretty straightforward as long as I didn’t have to understand their meaning, which I didn’t – no one asked me to do any research.

I was the firm’s first librarian. There was no shelving plan and no shelf list, no organization at all, just books in a conference room, on shelves wherever they happened to have been put. My first task, therefore, was to learn what we had and arrange the collection so I could find things. I went through the treatises and other materials on the shelves, identified everything, and made a sort of card catalogue. Doing this allowed me not only to learn our own small collection but to get some idea of the topics in the field. For example, in reviewing the titles I learned that there was such a thing as a REIT (real estate investment trust). I’d never heard of this before, but now I knew it was a category.

Knowing the categories helped me organize the collection and expand it as I learned what was available for purchase.

In a collection with such a restricted scope I didn't think a universal catalogue system like Dewey Decimal or Library of Congress would be useful. Instead I devised my own system of call numbers. This consisted of a three-letter subject code and a three-number positioning code. Three letters seemed enough to distinguish one subject from another. Thus any book dealing with Real Estate Investment Trusts would have a call number beginning with REI. Then I would choose a three-digit number corresponding roughly to where I guessed the title would go on a scale of 1-1000. Thus a book in this field starting with A would, arbitrarily, become REI 100, because most other titles in this ground would come after it alphabetically. A book starting with W would be REI 900. M was more or less in the middle – give it 500. I started off not going below 100 or above 900 – this allowed me space to grow beyond the title that happened to come first at the time I started the system.

At first I didn't put the numbers closer together than 10 – thus if *Forming Real Estate Investment Trusts* was REI 300, *Forming Real Estate Investment Trusts Is Fun* would be REI 310. That left me 9 spaces for new titles alphabetically between those two – if in the future I bought *Forming Real Estate Investment Trusts Can Be Exciting* I would call it REI 315. Even if I had to put something between two consecutive numbers, I could do it by decimals – 315.5 would come between 315 and 316. It rarely got to decimals with our small collection. I later learned that I had invented a system which was already in use in some small libraries, but I had never heard of it before, and made the whole thing up from scratch.

This system worked very well and allowed me to give every book in the collection a unique call number, which in turn gave it a place in an alphanumeric series – letter code first, alphabetically, then numbers in sequence within the lettered prefix. This meant that every book now had a unique space on the shelves, so I could know at a glance if the book was in or out, and (if it was in) where to find it if it was needed, and where to put it if I had to reshelve it. It also allowed me to create not only a card catalogue (a catalogue is of little use if you can find a listing but not the actual book) and a shelf list (which told me what I had alphabetically by title), and a subject catalogue (listing books by call number, which made them automatically appear alphabetically by title within the alphabetical subject codes, with added entries for books with more than one subject). Nowadays of course this would all be done by computer, but in 1974 there were no computers in libraries.

This cataloguing project required me to hold in my hands and actually encounter every title in the collection – to look at the title page and the copyright page and the contents pages, and get an impression of its coverage and organization and a mental image of what it looked like. This is another reason why it was good that it was a small collection. I

learned in this process the importance of a list of subject headings in making any kind of catalogue. It was OK to change the topics – combining topics with hardly any entries, dividing topics with too many entries – as long as I kept the *list* of topics accurate and up to date.

- A catalogue without a list of subject headings is *guaranteed* to become a mare's nest in short order, with duplicating topics and multiple possible places for individual titles, and categories so full they are not useful for segregating the collection, and categories so empty they needlessly complicate the system. You can always change the categories if you have an accurate list. Without the list – chaos. Lack of adequate subject headings also leads to creating categories like “Miscellaneous” – a sure path to lunacy and death. This is true of filing systems and other systems of organizing information as well as library catalogues.

Doing all this took a while, and when I finished I had not only a catalogue, a shelf list and a shelving plan, but a working knowledge of our collection and of the topics in the literature in our field. I was getting lots of advertising and catalogues from legal publishers, and this was quite valuable in helping me learn what was out there and begin acquiring new titles. Ruff Fant, the partner who hired me, was nominally in charge of my operation, so I had someone to ask for approval to buy new titles. As a collector (see Chapter 29.C) I knew the technique of filling in spaces, but not being a tax lawyer I didn't know which spaces it would be worthwhile for our practice to have filled. Ruff and others helped me with this.

I found it very useful not to work within a budget, but instead to have a policy to follow – certain titles we would always keep updated with supplements, or if they were serial sets buy new volumes in the series as they came out no matter what they cost. When the next volume of the Federal Reporter or the IRS Revenue Rulings came out I didn't need to ask if we needed it – of course we did, we had to have it, and I had a subscription. Certain items I would always buy; others I would ask about, or suggest a policy. New treatises I would sometimes order on approval, and see what a partner who worked with the topic thought of it. The result was that no one was ever able to say to me that the library was over budget – I didn't have a budget, I had pre-authorized policies, and as long as I followed the policies I was all right.

I made it my business to get on all the publishers' mailing lists, and also to change the address on all the mailing lists, *and* on all library subscriptions (of which there were a great many, not only serial sets and journals but primary sources and looseleaf treatises), to a uniform style. This allowed me to keep the mailing lists manageable and gain control over every subscription. Before I got there partners had just subscribed to things, and the subscriptions (and the billing for them) was chaotic and overlapping. I centralized all subscriptions under the library address, although partners with individual subscriptions still got their private copies. By changing the style of the subscription

address I could tell by the label on anything arriving at our firm whether I had integrated it yet into my subscription control system, and if not, to do it.

A good political stroke was not submitting library accounts to the office manager or a partner to approve payments, but establishing from the start that I would approve them all myself. When a book arrived there was an invoice on the package – my rule was that library invoices were to be paid if they had my initials, and not otherwise. I didn't ask anyone for this authority – I just assumed it from the first day, and no one ever questioned me. If I had asked for this authority it would almost certainly not have been given to me, and I would have had a headache. I kept careful accounts in a ledger of just what expenditures I approved, and gradually got it so that no one else authorized paying anything for any kind of information, but sent the invoice to me to approve and order it paid.

Some of the periodicals all the lawyers wanted to see, and some only a few wanted to see. For some items, when presented with this as an option, people only wanted to see the contents page; others no one cared about but we had to have anyway. I developed routing lists for each subscription, and worked out ways to ensure that the library always had a reference copy – it was a given that material routed from lawyer to lawyer made it back to the library only irregularly, and could not be counted on for reference purposes. There was always a tension between the impulse to make as many copies as we needed and obeying the copyright laws.

I had large outcards for signing books out, and for holding the space on the shelf when a book was out, and a parallel system for journals involving a huge clipboard. It was not always easy to get people to sign books out, and often I had to hunt for them, and when certain books ended up living in the offices of lawyers who needed them constantly I provided separate copies or subscriptions for them so a reference copy would be available in the library for the others. I was glad to do this where needed because my goal was not to corral all the books into the library, but to make sure that all the lawyers had their information needs met in the easiest possible way. If this meant we needed more copies of certain titles, then that's what it meant. But all subscriptions had to be *maintained by the library* – no more private subscriptions. I also inventoried the books lawyers had squirreled away in their offices so I knew where they were and could add them to the catalogue and find them if needed. The lawyers could still keep them if they needed to, but I had to know about it.

In those days law books were (and largely still are) kept up to date either as looseleafs, or by pocket parts, which are periodic cumulative supplements with a piece of cardstock attached which slips through a slit inside the book's back cover. Looseleaf services, of which individual titles can run to many volumes, are updated by transmission of sets of new pages, which come with an instruction sheet. The instruction sheet will say, for example, remove pages 101 through 109 and substitute new pages 101 through 109.3.

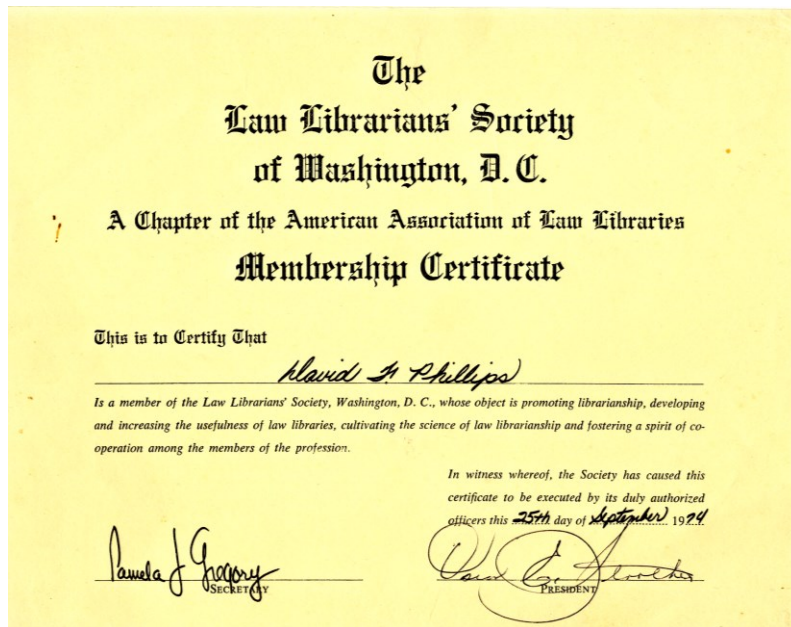
This allows the publisher to update the text by replacing only those pages which have changes, and add text at will by adding new interstitial pages (the decimal idea again). Unlike the pocket part, this allows the user to avoid looking in two places because the main text is always current and complete (by pre-computer standards). It also allows for replacing individual pages which get lost or damaged. After filing the new pages, you initial the instruction sheet and file it behind its own tab – this allows you to verify that every transmission had been filed, because missing even one messes up the entire text. The list of instructions can be quite long, and the task of taking out the old pages and putting in the new ones can be quite tedious, and there were lots of services to file. I got very good at it, but it took a lot of my time. (Eventually, at Farella, Braun & Martel, it took up so much of my time that I needed to have an assistant do it instead.)

The task was basically administrative, but I like administration. It satisfies my Virgo/Sulfur nature.¹ A lot of my earlier work in politics (see Chapters 12.C and 13) and draft counseling (see Chapter 12.B) had been administrative too. The library was very cozy – it had a clearly defined scope, and I was responsible for seeing that it worked smoothly, and when it did (which I made sure it *always* did) no one interfered. I regarded my job broadly – I was taking care of *information needs*, however manifested. If people got all the information they needed without spending time or effort doing it, I was doing my job right and no one thought it was necessary to supervise me. The lawyers' job was practicing law, not securing information – it was my job to make sure they had what they needed. And keeping everything shipshape was satisfying – I had my ledgers and shelf list and subscription records and knew where to find whatever was wanted, whether we had it on hand or not. I had special equipment like magazine binders and newspaper sticks and special irons with white tape, bought from the Highsmith library supply catalogue for applying call numbers to book spines. It was nice.

At first I was nervous – no one had taught me any of this in library school, and I had to figure it all out myself. I bummed cigarettes from the secretaries. But gradually I got used to it, and it became much easier to handle. Soon it got to be so easy that I had little to do. This should have been satisfying, as a sinecure was just what I had become a librarian in order to find – I should have sat in my office reading Tolstoy, as I did at the San Francisco School Board (see Chapter 16). But I had made a vital mistake, and assumed uncritically that my job was a 5-day-a-week job – that's what a job *was*, after all, by unexamined definition. I could have done that job easily two days a week – if I had I would probably have stayed longer. But having structured it as a full-time occupation, I was soon bored and restless, and ended up leaving after a year (see Chapter 21). When I went back to work as a librarian in San Francisco I didn't make that mistake again, and designed the job for three days a week – much better.

¹ Virgo is astrology, and Sulfur is homeopathy. Both are in part systems for classifying personalities.

I learned lots of techniques. As a lawyer (and a political science student before that) I had a pretty good idea how government worked, and knew how to reach into government, or out to interest groups, to find information (a much more difficult process before Al Gore invented the Internet).² One good technique was to acquire internal government telephone directories, either from government or from interest groups or information companies. These were vital resources for finding the person in government who could answer a question or send me a document, or direct me to the person who could. Calling the main listed number for any government department, then as now, was guaranteed to be ineffective – even using my phone books it became a sort of game to see how many times my call would be redirected (this was before the dreaded automated answering system with its nine useless options). But it was a faster way to answers than anyone else had.



Inter-library loan was another technique I learned how to use, and so was networking with other librarians in the so-called “special library” world. It was easier to borrow from people you knew, and you had to lend in order to be able to borrow. I went to the monthly brown-bag lunches and listed our firm in the union lists, although due to our size we rarely had anything anyone else needed.

I also learned other technical skills they didn’t teach at library school. For example, don’t fill a shelf all the way (except with a serial set) because you’ll have no room to add something in the middle, which your shelving system may force you to do. Consider a shelf full at 80%. I also learned how to plot shelving on graph paper and estimate by present linear foot count and past subscription and accession data what future shelving needs would be. These sound like dull tasks, but I found them very satisfying. I think I was wise to decide to be a librarian – it was just the right profession for me. I might still be doing it if it paid well, and if I didn’t have to come to an office to do it. It was easier

² Future researchers – this is a 20th century political joke. In 1999 then-Senator Gore told the television reporter Wolf Blitzer that while in Congress he “took the initiative” in creating a lot of things, including the Internet, and it became a point of ridicule in the 2000 presidential election. He didn’t really either invent it or claim to. See <http://www.snopes.com/quotes/internet.asp> for the full story and what Gore actually said.

in the end for me to work as a lawyer at home for much more money than I could ever make as a librarian. But the lawyer work itself was no fun at all, and running a library was fun.

- A serial set (like the *Supreme Court Reporter*) begins with volume 1 and just continues number by number to infinity (or to a second series after volume 999). There is no need to reserve shelf space where these are housed because new volumes are added only at the end. But a treatise in 10 volumes could easily split volume 7 into 7A and 7B, and the existing volumes will grow fatter with supplements, but must still all be kept together in order, so room for growth has to be built in on every shelf.



Similarly on a shelf with free-standing treatises, who knows where the system of sequential call numbers will require new ones to be put? Better leave some space, because if you outgrow your shelf you have to push back the contents of all the shelves that follow. So also build in some shelf breaks to isolate expanding sections. It's an amusing puzzle.

In 1975 we moved from 1730 M Street to 1775 K Street N.W., right in the heart of lobbyist country. It was my job to move the library – not physically, of course, but to figure out how to do it and accomplish it with minimum disruption. Part of this task was designing a new library which would be good for some years to come. I figured out how to do this, with the help of some equations I found in back numbers of *Law Library Journal* (accessed through the Index of ... never mind). I laid it all out and worked with the architects and the partners, and when it was done it looked pretty good and worked far better than our old library, which was really just a conference room with shelving. I included lots of adjustable shelving in the new plan, and tilted display shelving for periodicals, and an alcove for journals, and study carrels, and an office for myself, built against a back wall and with a special window so I could see what was happening in the library. I kept the ceiling lights off in my office and used only a draftsman's lamp – very snug. I had an IBM Selectric typewriter (below left) – for historians in the year 2319, this was an electric typewriter on which the carriage did not move like earlier typewriters, because all the type was on a ball (called a “golf ball”, below right) which moved, and which rotated to the right position for the chosen character and hit the ribbon faster than



the eye could see. It also had a white ribbon for correcting errors. These machines are still (2010) seen in some offices for addressing envelopes and special labels – otherwise the whole order of which this was a leading species is quite extinct.



Anyway we worked all weekend, just me and the office boy and a specialized moving company. We loaded all the books onto special huge wheeled book carts and then burly men physically rolled them from M Street to K street. This process is harder than it looks, because you have to load the books in an order so that when you unload them they are in the order you want them to be when filling up the new shelves. You can't have the Ws arriving before the A's – where would you put them? The same with serial sets – volume 1 has to be first on the shelf, which means it has to be loaded onto the cart in the sequence of *unloading* – you cannot just grab handfuls of books as they come into reach. It was very complicated, and I kept it all together with my clipboard, and it all worked perfectly. Very satisfying!

I stayed at Cohen & Uretz for about a year, and then left for Taiwan, a story told at the end of Chapter 21. Cohen & Uretz was a good experience for me – I now had a work record in a profession I could actually practice without undue stress, with Washington adding a special *cachet*. And when I got back from Taiwan and again needed a real job (see Chapter 23), I had no hesitation about going to work as a law librarian again.

B. San Francisco

I returned to San Francisco from Taiwan in late spring 1976, and by 1977 my unemployment benefits were about to run out. So I decided to go back to work as a librarian – it never crossed my mind to work as a lawyer. I used basically the same list-and-phone technique I had used in Washington (see Chapter 21), and it worked again. After a couple of weeks of looking I narrowed it down to Farella, Braun & Martel, a 27-lawyer firm in the Russ Building downtown on Montgomery Street, and Lincoln University Law School, in a distinguished-looking high-pillared building on Masonic and Turk (right) now occupied by the University of San Francisco. Lincoln University Law School was not as distinguished an institution as it looked from the street (it may not even have been



accredited), but I liked the idea of working in a law school. They had a lot of night students, so the hours would have been from early afternoon through the evening five days a week. I would run the library and serve as a reference resource to the students. It was a very attractive offer except for the full-time five-day work week.



Remembering my experience at Cohen & Uretz, when I interviewed at Farella I pitched it as a three-day-a-week job. I would come to work Monday, Wednesday and Friday, and make sure the library and the information function of the firm ran well. I told them I could do that on a three-day schedule, and if the time ever came when I couldn't, I would recommend hiring a paraprofessional assistant, so even if the firm grew they would never have to pay more than 60% of a professional salary. This idea appealed to them. John Cooper, the high-powered partner whose task it was to hire a librarian (shown here 30 years later), asked me why I didn't want a full-time job, and I replied truthfully that I didn't want to work that hard. This must have had some resonance with a lawyer as hard-working as Cooper, and there was a moment of awed silence at the thought of someone actually admitting to that motivation in a job interview. But I was by this time exceptionally well-qualified for the post, having both a law degree and a library degree from top institutions *and* a year's experience with a Washington firm doing the very job I would be doing for Farella (I would be their first librarian too). And the 60% thing was gravy – they had not thought of the job as anything but a full-time position. They left it that they would get back to me.

Very soon thereafter Lincoln University offered me the post of Law Librarian, and so I called John Cooper and told him about it. I told him I'd prefer to work for Farella, but I needed a quick answer because if they said no I was going to accept Lincoln. Cooper asked for an hour, and when I called back in an hour I was hired. That was the beginning of a very satisfactory association with this excellent firm lasting more than 30 years, and still going in a small way even though I have retired.

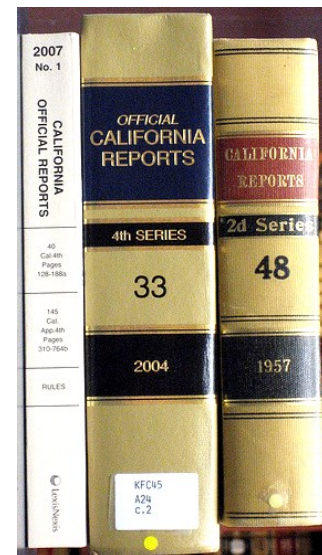
I began to work three days a week – Monday, Wednesday and Friday, as planned. This meant that ordinarily I never had to work two days in a row. At the beginning I worked full days, but once I got the hang of it I was able to come in around 10, leave for lunch at noon, come back at 2 and leave at 4. No one ever told me when to be there, I was paid an annual salary rather than an hourly wage, and following my usual policy I never mentioned my hours to anyone. Why ask about the rules if you can make your own rules? I operated on the premise that as in Washington, if I did my job and ran the information function of the firm so that all the lawyers had effortless access to whatever information they wanted, no one would bother trying to run my department. And that's how it worked out. I knew what I was doing and could manage the whole show with complete efficiency on a part-time schedule, even though as described in Chapter 17.E I was stoned most of the time.

Since I had to work Monday, Wednesday and Friday only, if I came in on Tuesday or Thursday for some reason I was entitled (I decided, without asking) to a “comp day.” This meant I could skip work on a day I was supposed to be there, and since I was never supposed to be there two days in a row, every time I worked on a Tuesday or a Thursday I would get a three-day holiday. I worked this system assiduously, *always making sure*, however, that the library was operating smoothly. This became easier after I had a full-time assistant.

When I came to work at Farella in 1977 we had only 27 lawyers, which made it quite a small firm by downtown standards. We had the top three floors (29-31) of the tower in the Russ Building, a fine old 1926 stockbroker-gothic skyscraper at 235 Montgomery Street, between Bush and Pine in the heart of the Financial District. It was the city’s tallest building from 1926 to 1962.³ We grew, although not too fast for stability, and now (2010) have about 130 lawyers and occupy 14 of the top 15 floors. The Russ Building was a great building to work in – among other things, the windows opened and the roof was accessible – indeed we had the right to use the roof because we were the tenants of the top floor. There was some lawn furniture up there. I used the roof often as a place to smoke weed – on weekends I sometimes took acid there too.

When I arrived Farella had no librarian, and the library was a sort of converted storeroom on the 31st floor. My office, such as it was, was a chair and a desk in this storeroom. Soon we developed a library space on the 29th floor, where an open conference area had been. I think this was planned when I got there, or maybe the decision was already made when I got there and I was in on the planning of the space. Anyway the firm recognized that their existing arrangement was unworkable, and a new library space and a professional librarian were part of the same upgrade.

At first I had to do more or less the same things I did when I got to Cohen & Uretz as their first librarian. I surveyed the collection and made a catalogue and shelf list and applied call numbers to the books exactly as I had done in Washington. This was a bigger job than at Cohen & Uretz, because it was a larger firm and practiced in many more areas and had many more books, including state materials and serial sets like the California reporters. I centralized the subscriptions and worked out routing lists. I went through the looseleaf services, which had been filed by secretaries none of whom had this as a primary task, and put them in order. This was not an easy task because if a transmission had been missed or misfiled a year or two back it was difficult even to find the



³ For pictures of the building, see Chapters 23 and 27A.1.

mistake, let alone fix the problem. But I got that under control too.

Just as the catalogue project was bigger, all the other tasks were bigger too – more looseleaf services to file, more subscriptions to manage, more reference questions, more new acquisitions, more invoices to approve. Inter-library loan had a wider scope and the union list was bigger. But after a year at Cohen & Uretz, I already knew how to do all this, so it was pretty easy. The hardest part was finding time for professional tasks with so many looseleaf services to file. I asked for and was given a small office – it was on the 30th floor and had a view of the Bay, and two desks laid end to end. One was my desk and one was my workbench.

The new library space was a largish open area. We had shelving along three walls – high where the walls were blank, and low below the windows and on the fourth side facing the office. The tops of the low shelves facing the office served as counter space. In the center were two study tables with chairs around them; on one of them I put a four-drawer card catalogue. A booktruck lived alongside one of the counters. Everything was in light wood and it looked very nice indeed, and was quite sufficient for 27 lawyers.

Part of the fun was dealing with vendors like publisher's representatives (old-time salesmen, many of them, who must have started in the 1940s), dealers in second-hand sets of lawbooks (a specialized market I learned my way around, now nearly extinct), library binders, and others. I got to know all these people as they included me in their rounds. Everything was based on hard copies, not only of the materials themselves but of catalogues and invoices and receipts. Business is done quite differently today, with 800 numbers and websites. So for that matter is legal research and librarianship – the print-based legal research culture has obsolesced fast. I myself as a professional researcher almost never used a library or even an actual book at all in my last 10 years on the job – everything I needed was on the computer screen via Westlaw or the Internet, more current than the most efficient library could manage, and it worked a lot better. If I were to go back to being a librarian now I would have some catching up to do (although probably not as much as I had to do at the start of my career in 1974).

As mentioned, I ran the library as a sort of fiefdom. I had a committee to report to – one business partner, one business associate, one litigation partner, one litigation associate – but no one really supervised me because I didn't need any supervision. I took responsibility for the firm's information function and delivered what was needed (and sometimes more than was expected), and no one felt any call to spend time overseeing me. I used the committee to set policies in lieu of a budget (although I never said that's why I wanted the policies), and to approve new acquisitions over a set amount. This was very convenient for me, and allowed me to reply, when asked as I occasionally was why the library had spent more than was budgeted, that the budget must have been set too low, because all my expenditures were within policies set by the committee. Document 24-1 is a memo I wrote to the litigation partner on my committee, explaining this.

As part of the fiefdom approach, I cultivated a sort of lovable-eccentric *persona*, not I



must admit all that hard to sustain.

For example, I always wore a jacket and tie (to show I was a gentleman and a lawyer, or more to the point that I was of the officer class, like the controller and the office manager, and not a non-com as the secretaries



were thought of). But I always wore a tie so loud and garish as to make it obvious that I was doing it on purpose.

I also always wore a button on my lapel, and the button was different every day. The button was always pictorial – no words ever – and the more of a *non sequitur* the better. These two trademarks, and perhaps also my beard and genuinely eccentric personality, set me off as *sui generis* – original but non-threatening. After a while I got quite a collection of ties and buttons – with my collector’s eye (see Chapter 29) I was always on the lookout for more. Here I am in this rig in August 1982; the button at right was one of my favorites, and I still wear it occasionally. The firm listed me in the internal telephone directory as “Giver of Wisdom and Token Free Spirit” – this listing was of course not my idea, but it was gratifying and showed that my strategy was working. I wrote to a friend in April 1989 that *I feel as if I belong here – well, not exactly belong, but as if I have my green card and am a permanent resident, although still an alien.*⁴

Around 1979, as predicted, the job outgrew my three-day schedule, and the looseleaf filing began to take up so much of my time I didn’t have enough left for professional library work like cataloguing, reference, acquisitions and especially planning. So I went back to the partners on my committee and reminded them that when I was hired I said I would expand with a paraprofessional when the time came, and in my view the time had come. They agreed readily to let me hire an assistant, and I chose my friend Makiko Wisner (see Chapter 16). At first Makiko was part-time too, and most of what she did was file the looseleaf services (which I quickly taught her how to do), reshelve books, and do other ministerial tasks. I gave her the title of Assistant Librarian.

Within about a year after that, around 1980, the firm outgrew the 29th floor space and needed a proper purpose-built library. Jeff Newman, the partner who had the task of planning the new space, worked very closely with me to plan the new library on the

⁴ Future researchers: a *green card* is a document from the U.S. Immigration department, allowing an foreigner to stay permanently. In 2010 the card is no longer green, and by 2319 the whole process may be so long obsolete as to make this reference obscure. Let’s hope so.

19th floor.⁵ Our first architect had no concept what was needed, and just planned the long straight lines he liked. We soon put a stop to that and designed something that worked well. The higher floors were in a single tower, but the 19th floor had wings, and the new library was to occupy all of the back, stand-alone wing (right). This gave us superb light and clear sight lines across the whole space. We preserved these sight lines by building high stacks along the walls, but only a few high stacks in the center, leaving most of the interior of the space with low stacks capped with



countertops built just to a height comfortable to work at while standing, which many lawyers like to do. We had some study tables, some hidden carrels with phones and soundproofing, a conference room lined with uniform-looking brown federal reporters, and an open periodical reading area, placed against windows and set off with glass walls on two sides (left). Exposed brick lined the walls in the few places without bookshelves. As a result of this design, despite its relative narrowness the whole library felt very open and spacious and we had fine natural light on both sides and city views everywhere. It became a showplace for the firm – our receptionist was stationed at the front and our lawyers brought their clients there to show them around. The library still has this basic configuration, although the receptionist is gone, some of the stacks are higher now, and a lot of shelving has expanded to satellite areas. A diagram survives from 1980, when I was considering a new shelving plan – see Document 24-2.

I built in a number of clever features, such as special low clear-plastic shields which fit into slots on the higher shelves to prevent the books from sliding off in an earthquake, and made-to-measure flat strips to lay behind the books so we could have deep shelves and still have the spines stand near the shelf edges. There was even a wall-mounted bookcase on a hinge which swung open to allow access to the pipes in the wall. I could go on and on about these cunning details. We had an enclosed copying area in the back, with Lexis and Westlaw terminals (these were new and lawyers did not ordinarily use these services in their offices then), and I had a private corner office in the back, with two exposures. It was very snug. Here I am (below) in my office in the summer of 1982, in a typical posture – my law licenses hang on the wall behind me, mounted on a Chinese scroll. I supervised the move into this library too, also over a weekend. Makiko Wisner

⁵ A picture of Jeff appears at the start of Chapter 27B.1.

and her husband Les helped me, along with Jack Tobin, whom we knew from Taiwan days, and others. It was an exhausting weekend but very successful.

Another role I liked as much as administration was reference. People would come into the library, especially after the move when my office was actually in the library, looking for information. Often they were not sure exactly what information they were looking for, and sometimes even if they did know what they needed they were not sure how to ask for it. Part of the skill of a reference librarian is finding out what people really want to know. A young associate might come into the library and ask if I had any books on real estate, or insurance. Although the answer was of course yes, I was pretty sure that that was not the answer the associate needed. In such cases I always asked:



just what do you really want to know? Often the answer actually *was* in the correct volume of a multi-volume treatise on real estate or insurance, but even more often what was really needed was a set of California practice forms on a given topic, or a law review article, or a well-designed Westlaw search, or the phone number of an interest group.

Another part of reference, as mentioned, was finding things in government. A partner would come in and say he had heard there was a bill in Congress to do something or other – what was that about? My Washington experience helped me know how to find a deputy committee counsel or Congressional or interest group staffer who would know just what bill was meant, and what the background was, and who the players were, and what the prospects and schedule were for markup or passage, and how (in that quaintly pre-Internet and even largely pre-fax era) to get a copy of the bill. In a short time on the phone I could find out what was needed and provide the partner with the basic text, background information, and (perhaps as important) phone numbers of people who were dealing with the issue. My ability to do this was regarded as magical – I did not explain how easy it was, preferring to be thought of as a magician. And maybe it wasn't really as easy as it seemed to me.

One thing I learned then was that reference books come and go, but the best resource for research was a telephone. That is no longer true, of course – now it is the *second*-best resource after the Internet. But it was an insight not many people seemed to have in those days, or even today when people seem to think the Internet is their *only* resource and ignore the telephone. I recall my assistants being slightly surprised by my practice of making long-distance calls without a second thought, and by my instruction that they should do so too.

Whenever people came into the library looking for information, and I suggested places for them to look, I always checked to make sure they were getting what they needed. I routinely asked every patron who left the library after research: did you find what you were looking for? Often they hadn't, but gave up or settled for half an answer – I was never satisfied until the patron really had what he needed. Sometimes it was as easy as showing them how to use the table of contents and the index – it was amazing to me that well-educated lawyers looked for information in a book by flipping through the pages hoping to get lucky. I was careful to correct these errors in as gentle a way as I could. This would not be so easy today, when people do their research on the computer and don't come to the library looking for books, and so make their mistakes where librarians can't see what they're doing wrong.

At least once and usually twice a day I walked through every corridor on every floor where lawyers had offices, to give people a chance to see me and ask questions. I called this "showing the flag" – it was a kind of outreach to bring library service to people who hadn't come down to the library on the 19th floor. I also installed what I called "short-answer stations" on every floor where lawyers worked – these included a set of the basic California codes, Witkin's multi-volume *Summary of California Law* and *California Procedure*, some basic federal material, *Black's Law Dictionary*, and a few other items. The idea was to help people find out answers to simple questions right on the spot (what's the statute of limitations for fraud?), and also to prevent them from making off with the library copies of these basic sets.



When Makiko started as my part-time Assistant Librarian, her main task was to file the looseleaf services. But when we moved to the new library, she became full-time. As I remained part-time, this meant she had to cover for me as a reference librarian on Tuesdays and Thursdays when I was not there. She could still call me with questions on those days, but just as we didn't have the Internet then, we didn't have cell phones either, so I was not always available. This meant I had to teach Makiko how to be a legal reference librarian, pretty much from scratch. She was a very intelligent person but had no background in law or government, and although she was fluent in English it was not her first language.

Nevertheless I started in teaching her the basics. I gave her lessons in my office. I began the first lesson – on the three branches of government – by saying "in the beginning was the Constitution." Then I had to say well, actually this is the *second* constitution, it didn't come right at the beginning, but if anyone asks you a question about the Articles of Confederation, just refer them to me. And I went on to explain about the three branches, and how a bill becomes law, and federalism, and how the courts work, and independent agencies, and interest groups, and the sources of the documents we might need. Makiko picked it up well, and after a while became very good at finding things for people. She

had to learn a certain amount of technical library work also, for example how to arrange an inter-library loan, how to borrow a book from the main law library at City Hall, how to work our union list, and more. She got good at this too, and there was never any serious problem with my part-time schedule, with Makiko or later assistants. But I never let anyone else approve expenditures.

When we were still in the old library, and my office was physically away from the library itself, Makiko worked on the second desk in my office. But when we moved to the new library I had a private office in the back and Makiko sat at a specially designed large round work station placed in the open. I had a button on my phone which would buzz on Makiko's phone, so she knew I needed her. I had her do a lot of tasks like opening the mail (we got about two *feet* of mail a day) and initialing the invoices to show me that the material had been received. She wasn't exactly my secretary, but I learned from this experience how to work with a secretary.

After Makiko left to return to Japan for a while, I hired Ted Winchester on a temporary basis. Ted had just finished New College of California School of Law, a lefty and not-quite-accredited law school, and needed a job for four or five months until the bar results came in. That was just how long Makiko wanted to be away, so it worked out very well. Since Ted had trained as a lawyer he already knew the legal part of the job, which I had had to teach Makiko, but there were still many tricks of the trade I was able to show him. This worked well until Ted passed the bar and Makiko came back. Ted and I stayed friends, and later on (1988-89) I worked for him in his law office (see Chapter 15.C, where there is also a picture of him).

About 1981 or so Makiko left again, for good this time, and I hired Linda Karr to be his replacement. Linda had also graduated from law school but didn't practice – she wanted to be a comedian instead. But she had the brains and the background to do what I needed, which was to handle the routine aspects of the job *and* fill in for me on reference when I was away. She did very well and stayed on for a while after I left in 1982. Later she went to library school at UCLA and became a legal reference librarian and teacher of legal reference at the law school there.

- Document 24-3 is a memo I wrote for one of the partners on my committee, who wanted to know just what I did and what Makiko did. The typing was a little rough – no computers in those days – but it sums things up nicely.

In the days before e-mail, there was no practical way to let people know of new library acquisitions except to send around a hard-copy memo. So every so often I would write up a New Acquisitions Memo, listing what we had acquired and roughly what it was and what it contained. I would type this on the now-obsolete IBM Selectric typewriter in my office, on now-obsolete legal-size (8½" x 14") paper, and then bring it down to the mailroom for now-obsolete duplication and manual distribution. I used these memos also

to let people know of other concerns (please use outcards!), and reinforced my friendly-eccentric-magician *persona* by always including a poem at the end of each one. This was not an original poem, but one from an anthology – sometimes I would go down to the Mechanics' Institute Library at Post and Montgomery to find a suitable one.⁶ These proved very popular. Document 24-4 is a poem I received after I left, from one of the lawyers at the firm, expressing his appreciation for the poetry. The effect he describes is just what I was aiming for.

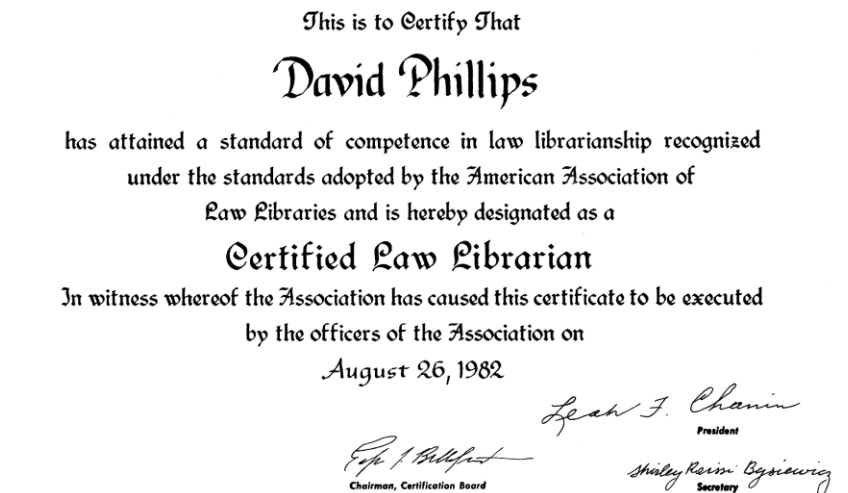
I used hard-copy memos for lots of other purposes also – for example, polling lawyers as to what periodicals they wanted routed to them, or what books they wanted desk copies of. I will send a file of these memos up to Yale as a Supplement. It will also include such items a memo to the partners in charge of floor space, discussing plans for redistribution of shelving – it gives a good sense of the technical issues involved in my job.

In 1981, toward the end of my time as librarian at Farella. I began a project to replace the card catalogue and the new acquisitions memos with a book catalogue. This was to be a sort of hybrid – part old-style paper-based catalogue and part modern computer catalogue. The information from the cards was to be retyped on a word processor, several to a page, rearranged and reformatted, and the pages were to be printed out and housed in a three-ring binder. Every library user would have a desk copy of this binder. When new entries were added to the text, pages could be replaced and extra pages added (for example 101.5 between 101 and 102) in the style of a looseleaf service. This very primitive system was cutting-edge at the time – we had only one word processor (a Wang machine) in the entire firm, and only one qualified operator. Today, of course, the whole thing would be on computer, every library user could open it on her own PC, I could update it just by keying in a new entry electronically, and the three-ring binders would not be needed.

This project was very difficult and cumbersome to do with the technology I had available to me. No one asked me to do it – it was a project of my own devising – and by the time I had been working on it for a while I regretted ever having started it (or at least ever having told anyone it was coming). I did finally finish it just before I left, and I issued the yellow binders, but my successor as librarian never updated it, so the whole thing came to nothing.

⁶ For example “Hurt Hawks,” by Robinson Jeffers, “The Overland Mail,” by Rudyard Kipling, “Leda and the Swan,” by W. B. Yeats, “River-Mates,” by Padraic Colum, and even an occasional psalm.

In 1982 the American Association of Law Libraries offered a “certification” to law librarians with five years full-charge experience. With a year at Cohen & Uretz and almost five years at Farella, I qualified and sent away for it. I include a copy of it with my university diplomas in the little sheaf of academic credentials I carry with me when I travel, to use in getting admitted to libraries by professional courtesy. The AAAL stopped awarding these certificates soon afterward, so it is a credential not many people have.

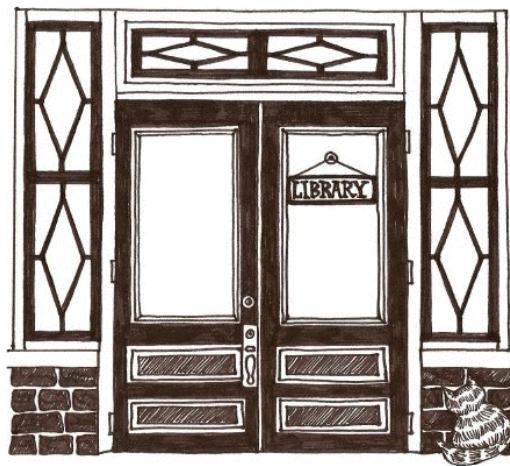


I forget just how this happened, but the office manager at a small personal injury firm approached me about being their librarian – this really only meant going to their office once every two weeks to file their looseleaf services, handle subscription snafus, and order the occasional new book. The firm was called the Law Office of James Boccardo, and I did this as a moonlighting project for several years. They paid me \$75 each time, a unit of money I came to think of as one boccardo. Makiko took over the project when I left town.

In 1982 I left Farella, and San Francisco, with great regret, to move to the family property on Cape Cod. It was a hard decision among other reasons because the job at Farella suited me so well – the work was easy, I knew exactly how to do it, I liked being a librarian, the hours and working conditions would be hard to beat, and I enjoyed the special niche I had carved for myself in the firm. I never imagined I would be back working as a lawyer at the same firm seven years later. In a way I never did find as congenial a job – although my later job as a research lawyer had even better working conditions, and paid much more, I didn’t enjoy the work itself (see Chapter 27B.5).

Every so often I imagine what it would be like to work as a librarian again, if I needed a job and didn’t want to (or couldn’t) practice as a lawyer. I like to think I could still do it if I had to. My skills are rusty – the field is very much changed since 1982, mainly through the impact of computers and the Internet. On the other hand my research skills

are much more advanced now than they were then, and they were pretty good even then, and I am a whiz at Internet research, and my law degree would still make me automatically part of the élite as a law librarian. There are things I would have to learn (or re-learn), but I learned very fast on the job before. I would still insist on no more than a 3-day week, with paraprofessional support, and could probably get such a gig again as a start-up librarian for a firm which had never had one before, or as a reference specialist in a larger library. Cell phones and e-mail would make it easier to manage not always being on site. I bet I could do it, even in my 60s – but I hope I will never have to put that to the test. As much as I liked the work, it would take a real crisis for me to leave retirement and go back to work again in any capacity.



DOCUMENT 24-1: Memo re library budget

TO JLC FROM DAVID (LIBRARY EXPENSES BUDGET):

JULY 5, 1982

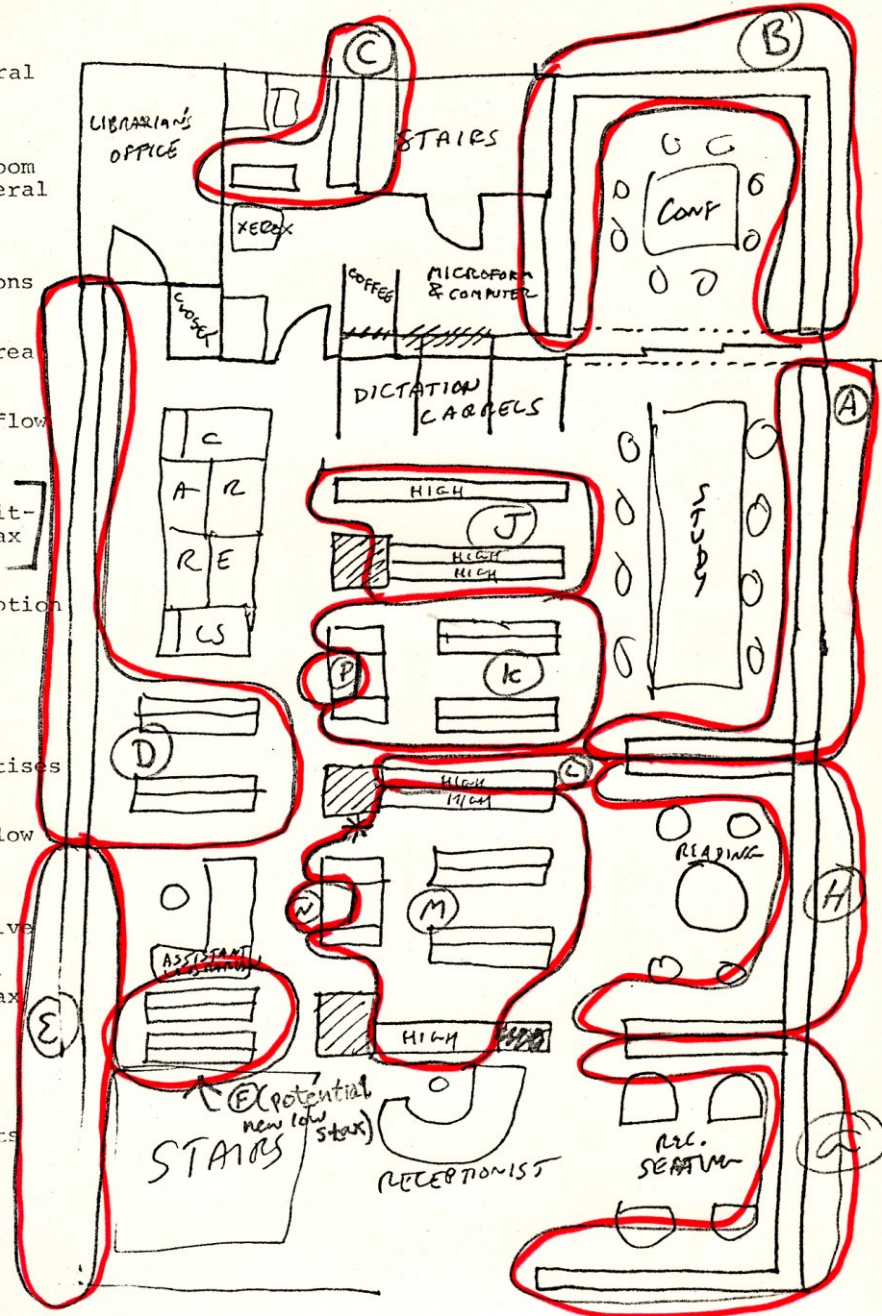
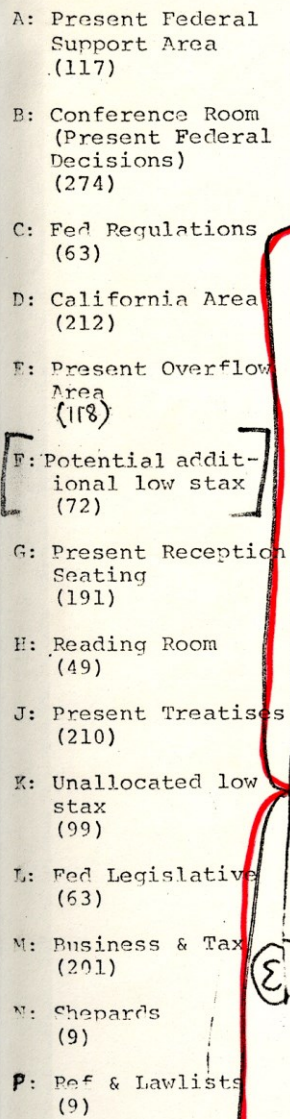
Most of our library expenses are for service on existing subscriptions of all sorts, from codes and reporters through journals and newspapers to treatises large and small. These always increase in price -- some slowly, some quickly -- and there is not much we can do about it. We cannot (in most cases) go to a competing supplier, because there isn't one or because conversion would be costly or disruptive out of proportion to any possible savings. We cannot cut down our level of use on individual subscriptions -- our only choices are usually continuation or cancellation, and cancellation is not ordinarily practical or desirable. We cannot skimp on updating -- a lawbook not updated becomes at best obsolete and at worst dangerously misleading, and its value drops rapidly to zero. We can only restrict new commitments. And indeed new subscriptions (including treatises) are screened and considered, before purchase, by the appropriate library partner, often after review by another, specialist partner. I also get committee approval for almost all individual purchases except where the cost is insignificant or where there is a policy in force decided by the library committee or a library partner. Desk copies of business and litigation reference books are the other major source of library expenses, (besides Lexis). These are distributed according to committee policy, but as they can be somewhat expensive I have taken to polling before I order to make sure that those I order are really needed. I advise retaining this policy despite its effect on library expenses -- anyway, it would be hard to change it now.

Annual increase in library expenses is built into the library operation by the nature of the service the library provides; this is itself attuned to the extent and quality of our practice. Barring a major cutback in library service (or abolition of inflation and price increases) library expenses will inevitably rise. However, checking the numbers I find that the budget for library expenses was reduced by 5% this year, from \$46,100 in 1981 to \$43,800 for 1982. Especially for a growing firm, this is unrealistic in view of existing (and correct) policies including the policy of maintaining current subscriptions. The reason library expenses are running above budget projections is that the figures projected were too low. This may seem somewhat baldly stated but there it is.

DOCUMENT 24-2: Plan of the Farella library

July 10, 1980

LIBRARY SHELVING DIAGRAM (measurements in linear feet)



DOCUMENT 24-3: Memorandum: "What I do as librarian"

TO JLC FROM DAVID, July 6, 1981:

Here is what I do:

(1) I take responsibility for the library function of the firm. I define this as providing the lawyers and clerks with the materials they need in their practice, without requiring them to worry about where the sources and documents they need come from. This means striking an appropriate balance between what is provided as part of our collection and what is borrowed from other collections or government offices. Also I provide and keep up to date books individual lawyers keep as desk copies.

(2) I handle our collection development. This means scanning the literature to see what new publications are available & deciding which publications, new or otherwise in print, to order or to have sent on approval for submission to the library committee (and sometimes a specialist partner). I routinely get approval of the appropriate library partner for anything over \$20. *Is everything up to date, latest edition, etc.? New court rules etc.?*
New areas to cover?

(3) I handle our subscriptions, both looseleafs and journals. I have created and continue to maintain our routing lists, trying to keep the right mix of circulation, copying, and duplication. At the moment we subscribe to about 140 titles, some in multiple copies.

(4) I handle all the bills, approving the ones which deserve approval, nixing the ones already paid or otherwise deserving nixing, and handle all our contact with all library suppliers, publishers and others. I also keep records of what \$ I have approved spending, when, and for what.

(5) I do the majority of the legal reference. This includes helping people look things up here in the library, helping them when they get stuck (which is often, especially with clerks and junior associates), finding things in other collections, and hunting things down on the phone. I include in "reference" tasks like finding copies of bills in legislative committee, reaching into the government for obscure reports, finding Massachusetts local rules of court, and anything else I am asked for.

(6) I do the majority of our inter-library loan work, in which I include not only finding and borrowing but also keeping our relations with other private libraries good. This means a certain amount of committee work and cooperative effort.

(7) I supervise the assistant librarian and when necessary hunt for, ^{and train} hire new ones (the last selection came after talking to 225 people).

(8) I handle the administrative aspects of the library department. Hassles with Xerox, having the fire extinguisher charged, physical re-arrangements, and so on. *Shelves, short-answer stations, etc.*

(9) I try to keep people in the firm informed of goings on-- new acquisitions memos, guided tours for clerks, and so forth.

(10) Technical library functions: memofile, catalogue (book catalogue half on Vydec and light visible at end of tunnel), etc etc etc.

(11) I am the main contact for LEXIS, helping with searches, helping users, and doing all contact with Mead Data re equipment, training, etc.

(12) I respond to assorted miscellaneous requests from partners and others to get or find evasive items, and I get or find most of them. Where is the missing book from Mills? Etc. etc. *Airport maps etc.*

Here is what Makiko does:

(1) 60% of her time is spent filing looseleaf services.

(2) 20% of her time is spent in other routine tasks, such as routing of journals, copying of contents pages, going through the mail (average 2 feet of mail a day), shelving, etc.

(3) The remaining 20% of her time is spent on inter-library loan, reference when I am not here, and other service to library patrons.

DOCUMENT 24-4: Poem by a lawyer, in appreciation of my poetry memos

The Waste Office

May is the cruellest month, breeding
A new librarian in a sad office, mixing
Nostalgia with regret, facing
Dull lawyers to say farewell.
David gave us poetry, adding
Couplets to advance sheets, feeding
Us beauty with daily tax reports.
David surprised us, arriving in our office
With a shower of sonnets; we stopped our labors,
And read them with pleasure, in the busy morning,
And drank coffee, and meditated a moment.

Unreal law firm,
Under the brown fog of accumulated papers,
We all proceed through the day, so many,
I had not thought work could undo so many.
Sighs, short and infrequent, were exhaled,
And each one fixed his eyes upon his books.
Until, unexpected, came a gift of verse,
Triumphant among the revenue rulings,
An exciting joy in the hectic afternoon.
So I lunch with one I know, and
address him, saying:

'David

'You who were with us in the office!
'That custom you planted in the firm,
'Will it prosper? Will it continue next year?
'Or will your going disturb it?
'Oh let us keep poetry in law, that's
salvation to men
'Or with your departure we'll languish!
'You! excellent librarian - mon sensible - mon here!'