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## ON THE PASSING OF

Once upon a time, the library of a good law office functioned like the kitchen of a well-built house. All the ingredients for briefing and drafting were stored there. Attorneys could be seriously engaged or casually talk while others went about their business. It was a place where lawyers could intellectually lounge without the need for pretext.

In contrast, when one stepped into another attorney's individual office, a presumption hung in the air that a purpose existed for the visit. Granted, at the end of a long or particularly tedious day, the office of a colleague could sometimes beckon like an oasis, a more sober alternative to the nearest bar.

The firm's coffee urn also posed no practical refuge. Until the postmodern era, law firms at best deigned to have a "kitchenette," essentially a coffee pot/

microwave/sink/fridge squeezed into a space too small to even rent out as a college dorm room.<sup>1</sup> Moreover, the law firm kitchenette inevitably presented the awkwardness of limited memory: You really *should* know the name of the person from accounting who recently helped you out three times quickly and without complaint. It is the social awkwardness of the unknown man in the pew behind you that has kindly shaken hands with you on many a Sunday.

In contrast to other locations, the law firm library offered the warmth of collegiality without the chill of forced association. In its best and highest form, it suggested the academic serenity of the Boston Athenæum; in its worst, the smug elitism of a gentlemen's club.

The faces in the library tended to be younger. Junior associates, after all, were

the ones typically tasked with finding whether some exception exists in the Ninth Circuit or how Arizona views unenforced easements.

Occasionally, a senior partner would turn up, having been driven to the rash expedient of doing his or her own research or forced to seek shelter from the frantic calls of a client demanding the all-important addendums to a contract.

More quaintly, there would be an attorney who had effectively gone to ground, routinely working out of a carrel or at one end of a long table, volumes day by day rising wall-like to form an effective space within a space.

Before the most recent social Great Awakening, cigarettes permeated the atmosphere. Coffee cups and soda cans would pop up like mushrooms in dark corners.

1. The Fontainebleau style of legal kitchens arrived only after the Manhattan firms taught us that encouraging eating at work spurred longer hours.

# LAW FIRM LIBRARIES

BY DONALD L. GAFFNEY





But conversation occurred. Cases were discussed. Court rulings or deal closings were announced, usually with the claim of having been obtained in defiance of all opposition. Occasionally, a gasp would escape when the desperately needed case decision was found to be both brown and bovine, or a groan emitted when a helpful regulation was found to have been repealed last year. Though the law library was not a stage with a constant audience, these activities carried on through the day and into the evening with a continuity that conveyed a measured intellectual confidence.

Nor did the law library ever present the rebuke inherent in a “well-furnished” library that remains unread. This sad circumstance was once compared in *The Compleat Gentleman* (1622) by the younger Peacham to “a child that will have a candle burning by him all the while he is sleeping.” No one expected the cases in the Federal Supplement series to be part of

one’s daily reading diet. The volumes were tools of the trade. The good attorney picked up a treatise or a digest with the same discriminate choice that he or she would choose the scissors over the paper cutter, the pliers over the wrench. Law office libraries were arsenals to be drawn from, never an intellectual to-do list.

And then came the computer.

It arrived coyly at first from service providers offering free searches, following the same successful marketing technique favored by drug dealers. The consequences fell like well-arranged dominoes until the newly trained law student regarded the machine on his or her desk as the source of all knowledge. Efficient office managers easily supported the mass distributions of PCs, simultaneously noting that the antiquated West’s Pacific 1st series simply took up valuable leased space. The library was halved, then halved again.

As the politician Augustine Birrell once

observed, “Libraries are not made; they grow.” Yet they had ceased to grow. Modern communication is comprised of electronic 0s and 1s cleverly disguised as words. The organic law firm library of paper ceased to thrive and is rapidly becoming, when it remains at all, as a background setting, suggesting a needless decoration like the visitor’s reaction to Gatsby’s mansion, astonished that the books had actual pages and not mere titled spines.

Certainly, no sane man or woman laments the passing of pawing through pages of flimsy Shepard’s updates for citations or the dragging of tomes to some ill-located copier. But intelligent discussion of work has been diminished by the myopic isolation of the computer screen. Even the swiftest tapper of e-mails or text messages cannot offer the sedate colloquy that often awaited in a firm’s library.

And we are not the richer for its passing. 

