

# Trends Impacting Law and Popular Culture Collecting in Law School Libraries

*Jacob Sayward\**

INTRODUCTION .....	1
I. EXAMPLES OF LAW AND POPULAR CULTURE COLLECTING IN LAW SCHOOL LIBRARIES .....	2
II. ADDITIONAL DISCUSSION OF LAW AND POPULAR CULTURE COLLECTING IN LAW LIBRARY LITERATURE .....	4
III. COLLECTING L&PC MATERIALS TODAY: STREAMING FILM .....	5
IV. COLLECTING L&PC MATERIALS TODAY: EBOOKS .....	9
V. OTHER LIBRARIES' POPULAR COLLECTING.....	11
VI. GIVING UP? OR NOT? .....	13

## INTRODUCTION

Many law school libraries collect materials on Law and Popular Culture (hereafter “L&PC”), prototypical examples of which include the bestselling novels of John Grisham and videos of popular movies in the genre of “courtroom drama.” A slightly broader definition of these “L&PC” materials collected by libraries would allow for a documentary about an important attorney or judge, a docuseries about a real criminal investigation and prosecution, or a book with a legal subject or setting published by a popular

---

\* Associate Director for Collection Development, University of Minnesota Law Library. I would like to thank the following individuals for their insights, suggestions, and other help: Youngwoo Ban, Casey Duncan, Paul Callister, Annalee Hickman Pierson, Todd Melnick, Maureen Morris, Nicholas Norton, Gilda Chiu-Ousland, Alison Shea, Matt Timko, Elisabeth Umpleby, and Caroline Walters. I also thank the participants of the Law Collections Symposium at the University of Iowa and my colleagues at the University of Minnesota Law Library for their helpful comments.

press for a mass audience (in contrast to a scholarly, pedagogical, or practice-oriented legal text from a traditional legal or scholarly publisher). These materials, existing at the intersection of law and the popular consciousness, have been collected by academic law libraries for many decades and for many reasons. More recent trends in how these L&PC materials are published, formatted, sold, and consumed are creating new problems for libraries that wish to continue acquiring new L&PC materials or support their existing L&PC collections. In this paper, I outline some of these trends and the difficulties they cause libraries. I examine how non-law libraries collecting popular culture materials have dealt with some of these problems, and how academic law libraries can take advantage of these models. I also discuss trends that suggest earlier reasons for libraries to collect L&PC materials may no longer be operative, allowing some libraries to sidestep these growing problems by choosing to collect fewer of these L&PC materials going forward.

## I. EXAMPLES OF LAW AND POPULAR CULTURE COLLECTING IN LAW SCHOOL LIBRARIES

The University of Minnesota Law Library is home to the Hedin Law, Literature, and the Arts Collection. This collection of L&PC materials had its origin in a donation of over one thousand volumes from Douglas and Barbara Hedin, with large amounts of “law-themed popular novels” alongside “scholarly studies and surveys of legal themes in literature.”<sup>1</sup> Stated justifications for this collection have included giving students’ “brains a break now and then,”<sup>2</sup> facilitating seminars like “Law and Literature, Law and Popular Culture, and Advanced Criminal Law,”<sup>3</sup> and supporting scholarship in the field of “law and literature.”<sup>4</sup> This collection’s physical home in the library is the Barbara Steffens Hedin Alcove on Law, Literature, and the Arts,<sup>5</sup> where students can take a break from studying, relax in soft seating,<sup>6</sup> and casually browse the shelves of L&PC materials.<sup>7</sup> This collection has continued to grow in the last two decades, adding video recordings of films and television shows (predominantly older VHS tapes and slightly-less old DVDs) to its

---

1. Marci L. Windsheimer, *Legal Fictions: A New Collection Offers Insights and Intrigue*, COLOPHON, Spring 2005, at 4, [https://law.umn.edu/sites/law.umn.edu/files/colophon\\_spring\\_2005.pdf](https://law.umn.edu/sites/law.umn.edu/files/colophon_spring_2005.pdf) [<https://perma.cc/7QF7-PYV3>].

2. *Id.*

3. *Id.* at 6.

4. *Id.*

5. *Hedin Law, Literature & the Arts Collection*, U. MINN. L., <https://law.umn.edu/library/collections/hedin-law-literature-arts-collection> [<https://perma.cc/W8UK-88UC>].

6. For a picture of the Hedin Alcove, see *Take a Break from Your Casebook*, LAW LIBR. NEWS (Oct. 1, 2021), <http://umnlawlib.blogspot.com/2021/10/take-break-from-your-casebook.html> [<https://perma.cc/AR3Z-T4QF>], or “NEVER WHISPER JUSTICE”: A TRIBUTE IN PHOTOGRAPHS TO THE UNIVERSITY OF MINNESOTA LAW SCHOOL 143 (2015), <https://issuu.com/umnlawschool/docs/never-whisper-justice> [<https://perma.cc/3EK6-PD39>].

7. The synthesis of these more “informal” legal materials’ role in student recreation and the role of a more relaxed space within the library will recur in later examples and discussion.

growing collection of novels, L&PC scholarship, and related materials. The collection has now filled the sixty-six shelves of the Hedin Alcove along with another ninety shelves adjacent to it.

Another important example of L&PC collecting in an academic law library comes from the University of Texas School of Law. The Tarlton Law Library played an outsized role in L&PC Collecting, thanks to both its pioneering Law in Popular Culture Collection<sup>8</sup> and a series of articles across an eight-year span wherein Tarlton librarians offered descriptions of this collection's origin, focus, and use.<sup>9</sup> In the earliest article, then-director Roy Mersky recognized how important the popular depictions of the law have been in forming the public's understanding of the legal system and how it worked.<sup>10</sup> He cited "films, television, and best-sellers" as the primary educational mechanism for most Americans' understanding of the law, justifying this collection as part of a larger effort (along with the display of popular legal artwork, posters, and memorabilia) to place law in its larger "cultural context."<sup>11</sup> Mersky also offered his own succinct idea of what should be included in a formal L&PC collection: "works concerning the lawyer and the variety of the law in the popular context."<sup>12</sup> Limiting the focus to depictions of "the lawyer" and not "the law" was acknowledged as a change for the collection by reference librarian Marlyn Robinson in 2004.<sup>13</sup> The novels featuring lawyers at the foundation of this Law in Popular Culture Collection originated in an earlier popular reading collection that was not limited to law. After the Law in Popular Culture Collection was established, it was eventually expanded to include "films related to the law." Mersky noted that these movies "could only be viewed in the library as most people at that time didn't have VCR's at home."<sup>14</sup> The Law in Popular Culture Collection's growth necessitated a new dedicated space, with Mersky emphasizing its prominence and design for student comfort.<sup>15</sup> By 2006 this collection had grown to 5000

---

8. A snapshot of this collection's former web presence is available via the Internet Archive's Wayback Machine. *Law and Lawyers in Popular Culture*, TARLTON L. LIBR., <http://web.archive.org/web/20160801004239/http://tarlton.law.utexas.edu/lpop> (last accessed Jan. 28, 2025).

9. See generally Roy M. Mersky, *Law and Popular Culture in the Film Collection at the Tarlton Law Library*, 16 LEGAL REFERENCE SERVS. Q. 45 (1998) [hereinafter Mersky, *Film Collection*]; Marlyn Robinson & Rhonda Hankins, *Mysteries in a Law Library: The Law in Popular Culture Collection at the University of Texas School of Law*, 29 COLLECTION MGMT. 143, 146 (2004); Roy Mersky, *The Law in Popular Culture Collection*, 81 TEXAS LIBR. J. 106 (2005), reprinted in 25 LEGAL REFERENCE SERV. Q. 1, 3 (2006) [hereinafter Mersky, *Popular Culture*].

10. Mersky, *Film Collection*, *supra* note 9, at 45.

11. *Id.* at 46.

12. *Id.* at 47.

13. Robinson & Hankins, *supra* note 9, at 146 ("The primary criteria for inclusion are that it must either have a lawyer as a central character or have been written by a lawyer."); see also Mersky, *Popular Culture*, *supra* note 9, at 3 ("[M]ovies, books, and TV shows authored by or featuring lawyers.").

14. Mersky, *Film Collection*, *supra* note 9, at 47.

15. *Id.* at 48.

items,<sup>16</sup> and Mersky was emphasizing this collection's role in educating the public about the law,<sup>17</sup> its use by students ("for study breaks and class projects"), and its use by scholars ("to study law and literature, law and language, and law and culture").<sup>18</sup>

Two more examples of L&PC collecting, each with a focus on DVDs, are The Wiener-Rogers Law Library at the UNLV's William S. Boyd School of Law and Cornell Law Library. The former spent years building a special collection of more than 3,000 law-related documentary films, primarily through acquiring these movies in DVD format.<sup>19</sup> Justifications offered in its collection development policy include both instructional use and scholarship value.<sup>20</sup> As part of the purchase of DVDs directly from the distributor, it sometimes paid a premium to receive a license supporting greater public performance rights for these films.<sup>21</sup> Cornell's Popular DVD Collection is not limited to legal subjects, but its online guide acknowledges a focus on "feature films and television series, with an emphasis on law, lawyers, public policy, and government."<sup>22</sup> This example of more informal L&PC collecting may be closer to representative of most other law school libraries' efforts in this area, purchasing L&PC materials ad hoc for reasons aligning with prior examples' L&PC collecting goals but with less of the comprehensive commitment justifying a formalized L&PC collection.

## II. ADDITIONAL DISCUSSION OF LAW AND POPULAR CULTURE COLLECTING IN LAW LIBRARY LITERATURE

The collection of popular culture materials in non-law academic libraries is well-worn territory.<sup>23</sup> The literature on law school libraries collecting popular culture materials, and L&PC materials specifically, is scander. In 1983, Paul Mastrangelo from the New York Law School Library published "Lawyers and

16. Mersky, *Popular Culture*, *supra* note 9, at 5.

17. *Id.* at 3 ("[Law in Popular Culture] materials offer the public a legal education . . . The collection is accessed by people from all over the world, from many different perspectives.").

18. *Id.* at 3.

19. *Library Resources for Incoming Law Students: Documentary Film Collection*, UNLV WIENER-ROGERS L. LIBR., <https://law-unlv.libguides.com/library/documentary> [<https://perma.cc/PVS5-6TXL>]; *About the Law Library: Fast Facts*, UNLV WIENER-ROGERS L. LIBR., <https://law.unlv.edu/academics/law-library/about/fast-facts> [<https://perma.cc/NB4F-FBTX>].

20. WIENER-ROGERS L. LIBR., COLLECTION DEVELOPMENT POLICY 5 (2019), <https://www.aallnet.org/allis/wp-content/uploads/sites/4/2023/11/UniversityNevada-LasVegas-CollectionDevelopmentPolicy2019.pdf> [<https://perma.cc/7BU3-6NSF>].

21. *Id.*

22. *Popular DVD Collection: Home*, CORNELL U. LIBR., <https://guides.library.cornell.edu/LawDVDs> [<https://perma.cc/NTE2-UQSS>] (last updated Dec. 3, 2020, 2:16 PM).

23. *See, e.g.*, Susan Steinfirsh, *Popular Culture and Libraries: An Overview*, 50 N.C. LIBR. 208, 208 (1992); Dennis East, *This Stuff Is What We "Are": Collecting Popular Culture in Libraries*, 50 N.C. LIBR. 193, 193 (1992); Steven E. Nelson & Carla M. Schmidt, *Popular Culture in Libraries: To Be or Not To Be?*, 32 SERIALS LIBR. 165, 166-67 (1997); Gary Hoppenstand, *Editorial: Collecting Popular Culture*, 38 J. POPULAR CULTURE 235, 236 (2004); Jack A. Clarke, *Popular Culture in Libraries*, 34 COLL. & RSCH. LIBR. 215, 216 (1973).

the Law: A Filmography” in *Legal Reference Services Quarterly*, wherein he searched film catalogs, reviews, and other reference materials to compile a list of 120 films (with accompanying bibliographic information) concerning lawyers and the law.<sup>24</sup> Mastrangelo published a follow-up in 1986 adding almost 100 more titles omitted in his first filmography, with the criteria for inclusion being a “sound film in which the dramatic action is centered around a courtroom or a lawyer is featured as the leading character.”<sup>25</sup> Mastrangelo’s third effort, focusing on television movies and similar entries, was published in 1988 with over 150 entries.<sup>26</sup> These three pieces are early examples of documented interest in L&PC collecting.

Jordan A. Jefferson’s “*We’re Going to Make You Popular*”: *Popular Collections in the Modern Academic Law Library* is the most recent exploration of popular collections (though not necessarily those focusing on *law* in popular culture) in law school libraries.<sup>27</sup> Jefferson outlines many benefits to such collections including recreational opportunities for students, opportunities for law librarians to offer readers’ advisory services, promotion of reading and literacy, attracting students to the library space, and a population of ready examples for classroom instruction.<sup>28</sup> Several of these goals align with earlier examples of L&PC collecting justifications, without the emphasis on supporting scholarship.

### III. COLLECTING L&PC MATERIALS TODAY: STREAMING FILM

On January 31, 2021, the Sundance Film Festival hosted the premiere of the film, *My Name Is Pauli Murray* (2021).<sup>29</sup> Murray was a Black queer attorney whose feminist civil rights advocacy is depicted as groundbreaking and a significant influence on the work of Thurgood Marshall and Ruth Bader Ginsburg.<sup>30</sup> Released at a time when libraries were intentionally and explicitly redoubling efforts to collect DEI-focused materials for their collections, this movie would have been an obvious acquisition choice for many institutions. Yet while this documentary is instantly available to stream for any of the two

---

24. Paul J. Mastrangelo, *Lawyers and the Law: A Filmography*, 3 *LEGAL REFERENCE SERVS. Q.* 31, 31 (Winter 1983).

25. Paul J. Mastrangelo, *Lawyers and the Law: A Filmography II*, 5 *LEGAL REFERENCE SERVS. Q.* 5, 5 (Winter 1985/1986).

26. Paul J. Mastrangelo, *Lawyers and the Law: A Television Filmography*, 8 *LEGAL REFERENCE SERVS. Q.* 135, 135 (1988).

27. See generally Jordan A. Jefferson, “*We’re Going to Make You Popular*”: *Popular Collections in the Modern Academic Law Library*, 32 *LEGAL REFERENCE SERVS. Q.* 78 (2013).

28. *Id.* at 86–87.

29. Peter Debruge, *Sundance Film Festival Lineup Features 38 First-Time Directors, Including Rebecca Hall and Robin Wright*, *VARIETY* (Dec. 15, 2020, 12:00 PM), <https://variety.com/2020/film/news/sundance-film-festival-announces-2021-lineup-1234854059> [<https://perma.cc/26GW-822K>].

30. *My Name Is Pauli Murray* (PARTICIPANT 2021); Odie Henderson, *Reviews: My Name Is Pauli Murray*, *ROGEREBERT.COM* (Sept. 17, 2021), <https://www.rogerebert.com/reviews/my-name-is-pauli-murray-movie-review-2021> [<https://perma.cc/7HWT-AJ3X>].

hundred million<sup>31</sup> Amazon Prime customers, it was not to be found in any library collections more than two years after its premiere.<sup>32</sup> That is because Amazon, holding the distribution rights, long made the film commercially available solely via its own streaming platform to end-users who are Amazon subscribers. For years, Amazon did not authorize the film's sale in DVD format, nor in any other library-friendly acquisition model. After repeated searches on OCLC's Worldcat over several years to determine if any library would ever manage to overcome these obstacles in acquiring *My Name is Pauli Murray*, two libraries appeared in results lists as having the film in their holdings in 2024. A conversation with staff from one of these libraries revealed it had added to its collection a DVD of the film that had been made available non-commercially to awards show voters, which the library had acquired second-hand.<sup>33</sup> This is an impressive example of resourcefulness on the part of the library, even as that acquisition flouted Amazon's intentions for the DVD's distribution. Later in 2024, the digital streaming platform Swank Digital Campus<sup>34</sup> finally made *My Name is Pauli Murray* available to its library customers,<sup>35</sup> with the other library in the Worldcat results making access to this film available to its patrons this way. Although libraries cannot acquire a perpetual license for *My Name is Pauli Murray* on Swank Digital Campus, they can purchase a year-long license to stream the film on this platform.<sup>36</sup>

In January 2024, a faculty member made a request to the University of Minnesota Law Library to acquire a copy of *Las Abogadas* (2023),<sup>37</sup> a documentary featuring the work of a University of Minnesota Law School alumna. At this point, the film was not available for sale on DVD nor in any other widely adopted tangible format. That meant acquisitions personnel would not be able to find a purchase option by searching a traditional jobber like GOBI or Coutts (a common "first step" when considering a book or film for acquisition) or larger DVD seller (e.g., Amazon). Instead, the library had to reach out to the production company or distributor responsible for the film, in this case New Day Films, to discover available acquisition options. A representative from New Day Films explained that the movie would eventually

---

31. *Amazon Prime User and Revenue Statistics*, BACKLINKO, <https://backlinko.com/amazon-prime-users> [<https://perma.cc/7XVJ-Pg6H>] (last updated Aug. 6, 2024).

32. Searches were performed on Worldcat.org.

33. As of August 31, 2024, multiple other "For Awards Consideration" screener DVDs from Amazon of *My Name is Pauli Murray* remain available for sale on eBay.

34. More on Swank Digital Campus and similar library-oriented streaming platforms later in this paper.

35. See, e.g., *Libraries Catalog: My Name Is Pauli Murray*, TEXAS A&M U. LIBRS., <https://catalog.library.tamu.edu/Record/in00004784925> (last visited Nov. 12, 2024).

36. The estimated cost quoted by the vendor to the author's library in September 2024 was ~\$200 for one year of access to this film.

37. *Las Abogadas: Attorneys on the Front Lines of the Migrant Crisis*, NEW DAY FILMS (2023), <https://www.newday.com/films/las-abogadas-attorneys-on-the-front-lines-of-the-migrant-crisis> [<https://perma.cc/M23M-NXD9>].

be available on the streaming platform Kanopy, but this would not occur soon enough to satisfy the faculty member behind this request.<sup>38</sup> Instead, New Day Films offered up several short-term and perpetual purchase options for streaming rights to the film directly from its own website. These options included several layers of license language outlining what uses of the film would and would not be appropriate based on the library's purchase choice.<sup>39</sup> The perpetual purchase options also brought to mind the limitations of perpetual purchase options for other electronic media accessed online.<sup>40</sup> This was more complicated than most firm orders a law school library will place, though much of that can be chalked up to dealing with a new publisher/vendor and their new acquisition options.

It is fortunate this requested film was distributed by an entity that had a library-friendly acquisition model at all. This is not the case for works whose distribution rights are currently limited to the more popular streaming services, which largely target end-users and are unavailable to libraries. Netflix is an exception among popular streaming platforms in that it at least explicitly acknowledges the need for educational screenings that might otherwise run afoul of its usual customer terms of service. For a select number of films available on its platform, Netflix provides a "Grant of Permission for Educational Screenings" explicitly in the details section of its platform.<sup>41</sup> While this would serve some of the missions of academic libraries (facilitating access for instructional purposes), it does not further other library goals like collection-building or preservation.<sup>42</sup> It is, nonetheless, something popular competitors like Amazon and Hulu fail to provide for any of their content.<sup>43</sup>

---

38. As of August 31, 2024, the film is now available to stream on Kanopy. *Las Abogadas*, KANOPY, <https://www.kanopy.com/en/product/las-abogadas> [<https://perma.cc/AN8S-PXKP>]. It also now available for sale on DVD directly New Day Films, though only at an institutional price point of \$100 or more.

39. See the Terms of Service page on the New Days Films website for some of the license language. *Terms of Service*, NEW DAY FILMS, <https://www.newday.com/support/terms-of-service> [<https://perma.cc/LJX5-2SX3>].

40. See generally Jim Stemper & Susan Barribeau, *Perpetual Access to Electronic Journals: A Survey of One Academic Research Library's Licenses*, 50 LIBR. RES. & TECH. SERVS. 91 (2006) (examining perpetual journal licenses and their challenges and limitations).

41. *Educational Screenings of Documentaries*, NETFLIX, <https://help.netflix.com/en/node/57695> [<https://perma.cc/7GRJ-9HHP>].

42. "Educational rights" as an "add-on" beyond regular viewing rights is not limited to streaming platforms. DVD sales marketed to libraries often included higher price points justified by the inclusion of a right to screen in broader, quasi-public settings beyond what the publisher claimed mere ownership of a DVD allowed. For more on DVD sales with added educational rights, see Cheryl Cross, Christine Fisher, & Cathy Rothermel, *Streaming Film: How to Serve Our Users*, 40 SERIALS REV. 154, 155-57 (2014). Exceptions to the necessity of "educational rights" for shorter clips and some classroom use include fair use and the TEACH Act. See Patricia Aufderheide, *Copyright and Fair Use in Teaching*, J. CINEMA & MEDIA STUD. (Spring 2021), <https://quod.lib.umich.edu/cgi/t/text/idx/j/jcms/18261332.0060.702/—copyright-and-fair-use-in-teaching?rgn=main;view=fulltext> [<https://perma.cc/5YF9-UX3X>] (discussing fair use and the TEACH Act).

43. For an example of how media librarians warn about how restrictive these services are about educational screenings, see *Copyright for Faculty: Streaming Media*, FUNDERBERG LIBR.,

When asked to support courses where viewing popular films is critical, libraries may find themselves throwing in the towel and “suggesting that faculty may want to refer their students to services such as Netflix, Amazon Video on Demand, or Hulu Plus.”<sup>44</sup>

Beyond popular commercial streaming platforms, there is also a category of streaming platforms marketed primarily to libraries and similar institutions.<sup>45</sup> Libraries are not a fringe element of the customer base for platforms like Kanopy or Swank Digital Campus, but instead a primary market for them.<sup>46</sup> These platforms have a business incentive to tailor their offerings, interfaces, and purchasing models to their library customers’ needs. Unfortunately, most acquisitions models on platforms like these are limited-term licenses, not perpetual. This, combined with the fact that the content on these platforms rotates on and off (and from one platform to another), eliminates the reliability of long-term access for instructors<sup>47</sup> and undercuts the collection and preservation goals of a library.<sup>48</sup>

Libraries do not have to love everything about the DVD as a format to value its strengths as the last widely adopted tangible format for film and television. A library that purchased a film on DVD owned that copy as much as it owned the books at the foundation of the library’s collection. Even when vendors tried to sell DVDs at higher prices to library customers,<sup>49</sup> budget-conscious libraries could acquire a retail or second-hand copy of the DVD at a typical consumer price and enjoy its use under first-sale doctrine.<sup>50</sup> The replacement of tangible media with online media has afforded publishers an opportunity to undermine others’ ability to “own” a copy of what they

MANCHESTER U., <https://libguides.manchester.edu/c.php?g=940030&p=7086325> [<https://perma.cc/F278-HM9S>].

44. Rue McKenzie & LeEtta M. Schmidt, *Isn't Everything Online Yet? Streaming Media and Electronic Reserves*, 22 J. INTERLIBRARY LOAN, DOCUMENT DELIVERY & ELEC. RSRV. 175, 178 (2012).

45. Media librarians have observed that “delivery of theatrical feature films or home video titles exists in a separate market universe which . . . bears little relationship to . . . the library and school media marketplace. . . . Because librarians and educators are almost completely unlikely to have any say in the direction or practices of this industry, nor or in the future, it will not be included in this discussion.” Gary Handman, *License to Look: Evolving Models for Library Video Acquisition and Access*, 58 LIBR. TRENDS 324, 325 (2010).

46. “We license and distribute content to non-theatrical markets like worldwide cruise lines, U.S. colleges and universities, K-12 public schools and libraries . . . .” *About Us*, SWANK MOTION PICTURES INC., <https://www.swank.com/about-us> [<https://perma.cc/Q9Z6-V86C>]. “We stream thoughtful entertainment to your preferred device with no fees and no commercials by partnering with public libraries and universities.” *About Us*, KANOPY, <https://www.kanopy.com/en/about-us> [<https://perma.cc/XVK9-CXUN>].

47. Andy Horbal, *A Librarian's Perspective on Streaming Video in Educational Contexts*, ITHAKA S+R (Jan. 30, 2023), <https://sr.ithaka.org/blog/a-librarians-perspective-on-streaming-video-in-educational-contexts> [<https://perma.cc/3T5M-4966>].

48. McKenzie & Schmidt, *supra* note 44, at 178–79.

49. This higher price was often justified by vendors with the bundling of “performance” rights beyond what academic institutions are already entitled to under 17 U.S.C. § 110(1).

50. R. Anthony Reese, *Innocent Infringement in U.S. Copyright Law: A History*, 30 COLUM. J.L. & ARTS 133, 178 (2007).



purchase. This impact has been recognized for consumers generally,<sup>51</sup> and its implications on first-sale doctrine have affected how libraries can collect and provide these materials to patrons.<sup>52</sup> If movies ceased being available for libraries to purchase in DVD altogether, this would drastically hinder the law school library's ability to collect L&PC materials. Yet movies like *My Name is Pauli Murray* and *Las Abogadas* are not the rule: the French film *Anatomy of a Fall* (2023) was nominated for several awards at the 96<sup>th</sup> Academy Awards and included multiple scenes depicting a criminal trial in France.<sup>53</sup> It became widely available for sale on DVD within a year of its release in the United States. A library invested in L&PC collecting may hope for more films to follow this traditional path to DVD release.

#### IV. COLLECTING L&PC MATERIALS TODAY: EBOOKS

As ubiquitous as ebooks may seem, the print book's popularity is withstanding the digital era far better than the comparatively disfavored DVD format.<sup>54</sup> As long as the print version of a L&PC title is available for sale, libraries will be able to fulfill at least some of their collection goals by acquiring it. Goals like preservation are impeded when ebooks are not offered in perpetual license models, and even a goal like access is limited when the markup for the ebook version of a title is exorbitant.<sup>55</sup> Ebooks have nevertheless grown in popularity, and libraries may try to collect L&PC materials in this format. To determine the challenges a library may face when trying to purchase popular novels about lawyers and their work, one can examine some bestsellers and their availability to libraries.

Amazon publishes many lists of bestsellers in different categories from its online bookstore. The closest proxies for a L&PC list available from Amazon are a pair of bestseller lists categorized as "Legal Thrillers." The first of these lists examined was for the top twenty-five legal thriller titles sold in the Kindle format.<sup>56</sup> The Kindle format prices for these titles ranged from \$2.99 to \$14.99, and only one of these titles was not also available in a print format

---

51. AARON PERZANOWSKI & JASON SCHULTZ, *THE END OF OWNERSHIP: PERSONAL PROPERTY IN THE DIGITAL ECONOMY* 1–13 (2016).

52. Rachel King, *House of Cards: The Academic Library Media Center in the Era of Streaming Video*, 67 *SERIALS LIBR.* 289, 295 (2014).

53. ANATOMIE D'UNE CHUTE (Les Films Pelléas & Les Films de Pierre 2023).

54. *Compare* Jim Milliot, *Print Book Sales Fell 2.6% in 2023*, PUBLISHERS WKLY. (Jan. 5, 2024), <https://www.publishersweekly.com/pw/by-topic/industry-news/financial-reporting/article/94037-print-book-sales-fell-2-6-in-2023.html> (last visited Jan. 29, 2025) (noting a 2.6% decline in print book sales from 2022 to 2023) *with* Press Release, Digital Entertainment Group, *The Digital Entertainment Group Today Released Its Year-End 2023 Digital MediaEntertainment Report Compiled by DEG Members, Tracking Sources and Retail/Platform Input* (Feb. 7, 2024) (on file with the *Iowa Law Review*) (noting a 25.32% decline for DVD sales reported for the same period).

55. *Defining the Problem*, EBOOK STUDY GROUP, [https://www.ebookstudygroup.org/the\\_problem](https://www.ebookstudygroup.org/the_problem) (last visited Jan. 29, 2025).

56. The Kindle format is Amazon's proprietary ebook format, and Amazon sells these directly to its end-user customers.

from Amazon.<sup>57</sup> These same twenty-five titles were reviewed on the GOBI<sup>58</sup> and OverDrive Marketplace<sup>59</sup> platforms to assess their availability and pricing for library customers. Nine of the titles were available for sale as ebooks from GOBI (all on ProQuest or EBSCO platforms, with which most academic libraries are familiar), but only five of those titles were available from OverDrive (and only three of those were available with perpetual license options). Seven of the titles were only available for sale through GOBI in a print format (i.e., no ebook option), and the remaining nine were not available for sale through GOBI at all. The nine titles available for libraries to purchase in ebook format from GOBI averaged a cost almost twelve times greater than the cost to purchase in Kindle format from Amazon, and the three titles available for perpetual license from OverDrive had costs that mirrored GOBI's.

The second bestseller list from Amazon to be assessed was the Legal Thriller list for all formats (i.e., not limited to Kindle). Several titles in this list appeared multiple times in the top twenty-five in separate formats (e.g. Kindle, audiobook, paperback), so the top twenty-seven entries were reviewed to ensure twenty-five distinct titles were examined. Seven of these titles were also available on GOBI in ebook format (six of those were also available on OverDrive), thirteen were only available in print format from GOBI, and the remaining five were not available through GOBI at all. The seven titles available for libraries to purchase in ebook format from GOBI averaged a cost almost thirteen times greater than the cost to purchase in Kindle format through Amazon (again, the ebooks' costs on OverDrive mirrored those on GOBI).

This is a limited comparison, from which only so much should be extrapolated. Titles designated as "legal thrillers" from Amazon are only a subset of L&PC materials, and the bestsellers from Amazon's online store will not necessarily be representative of the larger set of L&PC titles law school libraries may purchase. To the extent they *are* representative, the problem of titles being *only* available for sale in a library-unfriendly format appears to be rare: this described only one title from either of the lists reviewed. A larger barrier is the significant number of titles available as ebooks to end-users but only available in print to libraries. For those titles whose ebook format is available to libraries, it is the price differential between the ebook sold

---

57. All searches on Amazon, GOBI, and OverDrive were performed on August 31, 2024. Data available from author.

58. EBSCO's GOBI Library Solutions, a traditional book "jobber." *GOBI Library Solutions*, EBSCO, <https://www.ebsco.com/academic-libraries/products/gobi-library-solutions> [<https://perma.cc/DWK3-3P3S>].

59. OverDrive is a platform for ebooks and other digital content, popular with public libraries as well as academic libraries, but with its own problems. See Karawynn Long, *The Coming Enshittification of Public Libraries*, NINE LIVES (July 26, 2023), <https://nine.lives.karawynnlong.com/the-coming-enshittification-of-public-libraries> [<https://perma.cc/E4GE-DK33>] (describing issues with OverDrive's market share, functionality, and ownership).

through GOBI (or OverDrive) and an ebook sold to the end-user from Amazon that could prove the barrier to building an L&PC collection in print. Even if law school libraries are otherwise satisfied with selecting ebook options over print, this price deferential strongly incentivizes the continuing collection of these L&PC titles in print format.

Why might some of these be unavailable in ebook format outside of Amazon? One problem is Amazon's growth as a publisher itself.<sup>60</sup> When Amazon has had complete control of the digital rights for a title, it has had incentive to withhold availability of these titles from libraries.<sup>61</sup> Deals like one made between Amazon and The Digital Public Library of America in 2021 suggest Amazon's hostility toward libraries is not inevitable.<sup>62</sup> Yet even that deal eschewed perpetual license options for libraries, instead capping use of Amazon-licensed ebooks by time period or the number of times lent to patrons.<sup>63</sup>

## V. OTHER LIBRARIES' POPULAR COLLECTING

Because L&PC materials will only make up a small minority of law school libraries' collection activities, these libraries may be able muddle through and tackle each problem as it arises. Other types of libraries, namely public libraries and non-law academic libraries, have not had this luxury. Popular press titles are public libraries' bread and butter, and many of their patrons have grown to rely on these libraries to access A/V materials as well. University libraries also must support patron bases larger than law school libraries, with their even greater research, instructional, and recreational interest in popular culture works.<sup>64</sup> Whether it is the lack of distributors for a film<sup>65</sup> or the decline of the DVD as the last popular physical format,<sup>66</sup> libraries outside of law

---

60. Geoffrey A. Fowler, *Want to Borrow That E-book from the Library? Sorry, Amazon Won't Let You*, WASH. POST (Mar. 10, 2021), <https://www.washingtonpost.com/technology/2021/03/10/amazon-library-ebook-monopoly/>.

61. Nick Statt, *Amazon Withholds Its Ebooks from Libraries Because It Prefers You Pay It Instead*, THE VERGE (Mar. 10, 2021, 12:39 PM), <https://www.theverge.com/2021/3/10/22323434/amazon-publishing-library-lending-access-refuse-overdrive-libby> [<https://perma.cc/4PZV-VSFD>].

62. Rebecca Klar, *Amazon Takes Big Step in E-book Deal with Libraries, but Activists Seek More*, THE HILL (June 2, 2021 6:00 AM), <https://thehill.com/policy/technology/556381-amazon-takes-big-step-in-e-book-deal-with-libraries-but-activists-seek-more> (last visited Jan. 29, 2025).

63. Andrew Albanese, *Amazon Publishing, DPLA Ink Deal to Lend E-books in Libraries*, PUBLISHERS WKLY. (May 18, 2021), <https://www.publishersweekly.com/pw/by-topic/industry-news/libraries/article/86399-amazon-publishing-dpla-ink-deal-to-lend-digital-content-in-libraries.html> [<https://perma.cc/DU5P-2VEY>].

64. King, *supra* note 52, at 292.

65. Noah Gittel, "We Can't Afford to Lose Them": *The Fight to Bring Missing Movies Back*, THE GUARDIAN (Mar. 7, 2022, 2:26 AM), <https://www.theguardian.com/film/2022/mar/07/missing-movies-streaming-initiative> [<https://perma.cc/C7XV-QAYF>].

66. Daniel Parris, *The Rise, Fall, and (Slight) Rise of DVDs. A Statistical Analysis*, STAT SIGNIFICANT (Dec. 20, 2023), <https://www.stat significant.com/p/the-rise-fall-and-slight-rise-of-dvds/> [<https://perma.cc/2EUK-8LNZ>].

schools are faced with significant obstacles to the long-term collection of movies for their patrons. The existence of the specific role of “media librarian” is evidence of the special skills and focus that can benefit libraries dedicated to supporting collection materials in audiovisual formats.<sup>67</sup> The presence of media librarians at many university libraries does not mean most of the work supporting streaming video at university libraries is performed by media librarians.<sup>68</sup> This work includes managing a parallel set of streaming services to those consumers enjoy from the comfort of their own couches.<sup>69</sup> The share of academic libraries helping their patrons access films on platforms like Kanopy grew from 33% in 2010 to 70% by 2013.<sup>70</sup> The same 2013 survey showed spending on subscription streaming video collections surpassing spending on physical video formats.<sup>71</sup> By 2021, surveys have revealed adoption of streaming platforms by academic libraries reaching 97%, as well as increased staffing levels in libraries to support this work.<sup>72</sup> The COVID-19 pandemic is responsible for some libraries’ accelerated adoption of streaming formats for video, though this was not universal.<sup>73</sup> Unfortunately, even good streaming options offered by a library can go underused by patrons when these videos are not easily discoverable in libraries’ catalogs.<sup>74</sup>

All of this means these non-law libraries have experience, practice, and (ideally) well-developed skillsets and workflows to deal with the problems caused by the streaming era. Law libraries can benefit from partnering and learning from these other libraries. Those law school libraries already possessing good working relationships with their parent universities’ libraries may be able to piggyback on those libraries’ existing OverDrive or Kanopy instances instead of having to reinvent the wheel. Other academic law libraries may benefit from developing better relationships with their parent universities’ libraries so they can gain similar benefits. Even “independent” law schools, unaffiliated with parent universities, may be able to develop useful partnerships with other institutions through consortia. Outside formal partnerships, all law school libraries can benefit from lessons offered by larger

67. *Professional Resources for Media Librarians*, FILM & MEDIA ROUND TABLE, AM. LIBR. ASS’N, <https://www.ala.org/fmrt/professionalresources/vrtresources/resources> [<https://perma.cc/9KPB-UAB>].

68. A 2013 survey showed only 24% of university libraries had media librarians with primary responsibility for streaming video content. Deg Farrelly & Jane Hutchinson, *Academic Library Streaming Video: Key Findings from the National Survey*, AGAINST GRAIN, Nov. 2014, at 73.

69. Lindsey Reno, *Purchasing Models for Streaming Film: Attitudes and Motivation*, in TECHNICAL SERVICES IN THE 21ST CENTURY 213, 213–19 (Samantha Schmehl Hines ed., 2021).

70. *Id.*

71. *Id.*

72. GISELE TANASSE, CHOICE WHITE PAPER: IMPLEMENTING AND MANAGING STREAMING MEDIA SERVICES IN ACADEMIC LIBRARIES 1 (2021)..

73. DANIELLE M. COOPER, DYLAN RUEDIGER & MAKALA SKINNER, STREAMING MEDIA LICENSING AND PURCHASING PRACTICES AT ACADEMIC LIBRARIES (2022).

74. See generally Jian Wang & Elsa Loftis, *The Library Has Infinite Streaming Content, But Are Users Infinitely Content? The Library Catalogs vs. Vendor Platform Discovery*, 32 J. ELEC. RES. LIBRARIANSHIP 71 (2020).

academic libraries' more frequent acquisition of popular materials in the digital era, by tuning in and following up when the topic arises in library literature and programming from professional associations.

## VI. GIVING UP? OR NOT?

Law school libraries may instead decide that some of the reasons for L&PC collecting are no longer as applicable in this era, or at least less persuasive as the difficulties in L&PC collecting have grown.

Individuals now expect to consume video content via a streaming platform, not a DVD.<sup>75</sup> This trend is reflected in decreasing DVD chargeouts from libraries as streaming increases.<sup>76</sup> When students can stream countless movies and television episodes to their phone and laptops, the library may be an afterthought as a source or location for entertainment options. Netflix, Hulu, and similar streaming services, despite not playing well with libraries, have many subscribers.<sup>77</sup> Their catalogs of L&PC content have grown to include law-related genres like “true crime,” itself so popular and ubiquitous as to inspire ubiquitous satirization<sup>78</sup> and serve as a comparative foundation for newer genres.<sup>79</sup>

To the extent L&PC collections have been part of a specific student recreation space, like the big screen and comfy chair viewing room Mersky described at Tarlton or the Hedin alcove at Minnesota, the reduction of these collections' importance may be inferred as use of the space declines or the space is eliminated entirely. Despite the value libraries may have as “third spaces,”<sup>80</sup> that space's size or existence may still be threatened by a powerful administration with other plans.<sup>81</sup>

---

75. Jesse Koennecke & Michael A. Arthur, *Being Earnest with Collections—Finding Solutions for Streaming Video at Cornell University Library*, AGAINST THE GRAIN, June 2015, at 58.

76. Julia Proctor, *Testing Assumptions: Is Streaming Video Really Preferable to DVDs?*, 30 J. ELEC. RES. LIBRARIANSHIP 84, 88 (2018).

77. Ana Durrani, *Top Streaming Statistics in 2025*, FORBES (Aug. 15, 2024), <https://www.forbes.com/home-improvement/internet/streaming-stats>.

78. See, e.g., *American Vandal*, NETFLIX (2017), <https://www.netflix.com/title/80117545> [<https://perma.cc/55YW-QWEH>] (mockumentary of crime television shows); *Only Murders in the Building*, HULU, <https://press.hulu.com/shows/only-murders-in-the-building> [<https://perma.cc/8ZUT-KEKJ>] (follows fictional true crime fans solving murders in their apartment building); *Saturday Night Live: Murder Show*, NBC (Feb. 27, 2021), <https://www.nbc.com/saturday-night-live/video/murder-show/4319629> [<https://perma.cc/A96H-JWQF>] (comedy song about unwinding by watching true crime shows).

79. See generally Jorge L. Contreras, *True Law as Genre: Narrative Nonfiction and the Law*, 11 TEX. A&M J. PROP. L. 95, (2025).

80. B. Austin Waters, *Fostering Community: The Library as a Third Space and the Effect of Social Capital on the Flow of Information Among Law Students*, 42 LEGAL REFERENCE SERVS. Q. 120, 120 (2023).

81. Rick Anderson, *The Battle Over Library Spaces. Part I: Saying Yes and Saying No*, LIBR. J., (Mar. 7, 2014), <https://www.libraryjournal.com/story/the-battle-over-library-spaces-part-1-saying-yes-and-saying-no-peer-to-peer-review> [<https://perma.cc/63DS-KUKX>].

If the field of Law and Literature were a passing fad, the L&PC collection may lose the scholarship-supporting justification for its existence. Instead, the number of law school faculty members specializing in this field has remained relatively stable: the 2006–2007 AALS Directory listed 120 faculty members with this specialty and the 2023–2024 edition listed 131.<sup>82</sup> *Law and Literature*, a scholarly journal from Taylor & Francis, still publishes. While scholars in this field may have other options than a law school library for researching these materials, the scholarly justification is not absurd on its face.

As for the instructional justification of L&PC collecting, it is diminished by the number of clips freely available on YouTube. Even if the entire two-hour courtroom drama is not universally available for anyone to stream for free online, the two-minute climactic scene a faculty member wants to show students in class may be. That could satisfy many instructors who may not wish to deal with a DVD and DVD player before class (or navigate an unfamiliar platform like Kanopy or Swank Digital Campus). For those instructors who do want their students to view an entire assigned movie, libraries may still have to resort to the passé DVD format, an academic streaming platform, or the legwork necessary to license a film directly from its distributor. Even when libraries work to provide students legitimate access to such a movie, students may opt for less legitimate self-help options for the sake of their own convenience. Watching pirated versions of movies is prevalent among students, with some citing the greater inconvenience of jumping through hoops to view through legitimate methods as a primary factor.<sup>83</sup> As for popular legal novels that faculty may want to assign for a course, libraries can continue acquiring print copies as long as they are published. The risks may come from publishers who cease publishing these works in print or a rise in student expectations for ebooks.<sup>84</sup>

Whether a library affirmatively chooses to forgo increasingly difficult L&PC collecting or is simply prevented from doing so by the complications of the digital era, the goal of long-term preservation of these materials is stymied. The parallels between the problems of L&PC collecting and the problems of collecting the more core parts of a law school library's collection suggest lessons from one effort may be useful for those devoted to the other. Libraries who are committed to collecting L&PC materials can examine law library involvement in initiatives related to preservation of those core legal materials for ideas.<sup>85</sup> They may also look to related programs from non-law academic

---

82. ASS'N AM. L. SCHS., THE 2006–2007 AALS DIRECTORY OF LAW TEACHERS 1345–46 (2006); ASS'N AM. L. SCHS., THE 2023–2024 AALS DIRECTORY OF LAW TEACHERS 1521–22 (2023–24).

83. Wendy Rodgers, *Buy, Borrow, or Steal? Film Access for Film Studies Students*, 79 COLL. & RSCH. LIBR. 568, 575 (2018).

84. For a more common example of difficulties surrounding digital copies of instructional materials, consider casebooks. Connie Lenz, *Affordable Content in Legal Education*, 112 L. LIBR. J. 301, 312–19 (2020).

85. For examples of larger initiatives related to preservation of these materials, see NAT'L CONF. OF COMM'R ON UNIF. STATE L., UNIF. ELECTRONIC LEGAL MATERIALS ACT (2011),

libraries.<sup>86</sup> The budget-strapped and understaffed library may not feel the same responsibility for the preservation of materials that form such a small part of its mission and collection. Law libraries as a whole may turn their attention to bigger collection schemes and the ramifications of these efforts' progress and failures.<sup>87</sup>

To focus on L&PC materials in law school libraries, while these libraries struggle with their core collections and hold symposia like this one focused on more serious collections issues, may be a little silly. It may also be a little silly for the American Bar Association to have its own awards show for media and the arts, the Silver Gavel Awards.<sup>88</sup> People at home can watch the event (like the Oscars!), if they find streaming acceptable,<sup>89</sup> and see in-depth reporting and scholarship honored alongside a popular movie. A patron could reach out to a law school library requesting help to read or watch any of these awarded works. How well that library is able to support the patron will depend on how it manages these issues with L&PC collecting.

---

<https://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=22fde69f-4235-ed35-2823-76d632cf112d&forceDialog=0> ("The Uniform Electronic Legal Material Act (UELMA) provides states with an outcomes-based approach to the authentication and preservation of electronic legal material. . . . the goals of authentication . . . are to enable end-users to verify the trustworthiness of the legal material."); *PALMPrint*, NELLCO L. LIBR. CONSORTIUM, INC., <https://www.nellco.org/page/palmprint> (last visited Jan. 30, 2025) ("Preserving America's Legal Materials in Print (PALMPrint) is an exciting print repository devoted to a legacy collection of U.S. federal and state primary legal materials."); *Preservation, Discovery, and Accessibility: Talking Points of a Critical Nature*, NELLCO L. LIBR. CONSORTIUM, INC., <https://www.nellco.org/page/pdatalkingpoints> (last visited Jan. 30, 2025) ("This document is meant to serve as a toolkit for librarians as they negotiate with vendors.").

86. See, e.g., ACADEMIC LIBRARIES VIDEO TRUST, <https://alvt.videotrust.org> [<https://perma.cc/MHR4-M36M>] ("[A] service facilitating the preservation of audiovisual ("AV") works in the collections of member libraries.").

87. Paul Callister, Kim Nayer, Dana Neacsu, Christina Lowry & Kimberly Wilson, *Hachette Book Grp. v. Internet Archive Means Controlled Digital Lending Is off the Table for Libraries; Or Does It?*, AM. ASS'N L. LIBR. (July 21, 2024), <https://elearning.aallnet.org/products/hachette-book-grp-v-internet-archive-means-controlled-digital-lending-is-off-the-table-for-libraries-or-does-it> [<https://perma.cc/EX2S-MYZK>].

88. ABA Announces Nine Winners of the 2024 Silver Gavel Awards for Media and the Arts, AM. BAR ASS'N (May 22, 2024), <https://www.americanbar.org/news/abanews/aba-news-archives/2024/05/aba-announces-2024-silver-gavel-award-recipients> (last visited Jan. 30, 2025).

89. A.B.A., 2024 Silver Gavel Awards Presentation, YOUTUBE (Aug. 3, 2024), <https://www.youtube.com/live/dADc-uILpiQ> [<https://perma.cc/6LWA-SXFB>].