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### Frederick C. Hicks: The Dean of Law Librarians

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## Frederick C. Hicks: The Dean of Law Librarians\*

Stacy Etheredge\*\*

*Ms. Etheredge provides a biographical sketch of one of the giants of law librarianship, Frederick C. Hicks. In particular, she focuses on his work as a library administrator, writer, teacher, and contributor to AALL's early development.*

¶1 There is an old adage that says, “If you don’t know where you’ve been, then you don’t know where you’re going.” As law librarians approach the hundredth anniversary of the founding of our flagship professional association, the American Association of Law Libraries, in July 2006, it is only natural to cast an inquisitive eye toward the chapters of our history. Taking the time to understand how we arrived at our present can only help in assessing where we hope to go in our future.

¶2 Although the study of any field is replete with the biographies of industrious individuals, there are always those few special giants who provide shoulders for the rest of us to stand on and leap from. One such giant in law librarianship is Frederick C. Hicks. Although his name and life are probably known to some, he is one of the figures from our history who is in potential danger of becoming nothing more than a dusty name in old issues of *Law Library Journal* for no reason other than the passage of time. But if there is one individual from the first half of the twentieth century who deserves to have new life breathed into him for the benefit of law librarians everywhere, it is Frederick Hicks.

¶3 Measured by any standard, the magnitude of Hicks’s accomplishments is astounding. He was law librarian at two of the most important academic law libraries in the country, Columbia and Yale, for a combined total of more than thirty-one years. He not only wrote what was considered for decades to be the seminal book on legal research but, perhaps more important, he was also the primary force behind the nascent movement of teaching legal research in law schools. Active in the AALL early in its formation and thus at a critical time in the organization’s development, he served for two years as president and for many more years on its Executive Committee and other regular committees. He also found time to be a writer and editor of incredible output, becoming in the process one of law

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librarianship's first genuine scholars. The story of Frederick Hicks can truly serve as an inspiration for generations of law librarians to come.

## Introducing Mr. Hicks

### *The Beginnings*

¶4 Frederick Hicks was born in Auburn, New York, on October 14, 1875. After earning a Ph.B from Colgate University in 1898, he started working in the Map Division at the Library of Congress, first as an assistant and eventually as assistant chief of the division. His incredible energy was evident early, for while working he also studied law at Georgetown University Law School, receiving his LL.B. in 1901. In 1904, he returned to Auburn to practice law, but he must have heard the call of librarianship rather quickly for he took a job in 1905 as the librarian of the Naval War College in Newport, Rhode Island. Mere employment again was apparently not sufficient as he also earned his A.M. degree at Brown University in 1907 during this period. In 1908, he became the assistant librarian of the Brooklyn Public Library, and in 1909 he began working at the Columbia University Library, first as superintendent of reading rooms and later as assistant librarian.<sup>1</sup>

### *Thirty Years of Law Library Service*

¶5 Although it is not entirely clear from the records, according to information in his signed reports, Hicks apparently began to have some responsibility for the Columbia Law Library in 1913 while he was still assistant librarian for Columbia University.<sup>2</sup> He was formally appointed law librarian on February 1, 1915.<sup>3</sup> In 1928, Hicks was lured to Yale Law School to become law librarian and professor of legal bibliography; he was later promoted to professor of law. He retired in October 1945 with the rank of emeritus professor of law,<sup>4</sup> but continued to use his offices at the law library until 1947 when he suffered a paralytic stroke.

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1. The biographical details of Hicks's early years are from *Who's Who in America*. Hicks made his first appearance in the 1914–15 edition (Vol. 8) and was included each year until the 1950–51 edition (Vol. 26), four years after his retirement.
  2. That Hicks's predecessor, J. David Thompson, resigned on Feb. 28, 1913, to take a job with the Library of Congress and Hicks's involvement with AALL also begins in 1913 lend further evidence to this thought.
  3. FREDERICK C. HICKS, COLUMBIA UNIV. LAW LIBRARY, ANNUAL REPORT OF THE LAW LIBRARIAN: ACADEMIC YEAR ENDING JUNE 30, 1915, at 8 (1915?). For the eleven months prior to Hicks's appointment, Lawrence Schmehl, first assistant, carried out the routine work of the law library. Later, as Hicks was preparing to retire, Schmehl would write a tribute about Hicks for *Law Library Journal*. Lawrence H. Schmehl, *Who's Who in Law Libraries: Frederick C. Hicks, Librarian of the Yale Law School Library*, 37 LAW LIBR. J. 16 (1944).
  4. Hicks officially retired in 1944, having reached the mandatory retirement age at Yale, but a special rule allowed him to continue to serve as acting law librarian due to the effects of World War II on finding a replacement.

### *And Beyond*

¶6 Although Hicks made a partial recovery from his stroke, he was never really able to speak again or to use his right arm to write. He spent the last decade of his life living with physical disabilities severe enough “to exhaust the patience of the most saintly,” a “burden he bore bravely, with no sign of self-pity; a remarkable example in inner strength and courage.”<sup>5</sup> He died on April 30, 1956, at the age of eighty.<sup>6</sup> His death warranted a moment of silence at the Golden Jubilee Annual Meeting.<sup>7</sup> More honor was bestowed when William Roalfe, a former AALL president, wrote a lengthy and respectful tribute for *Law Library Journal* in 1957, applying to Hicks the very apt moniker of “Scholar-Librarian.”<sup>8</sup>

### *Another Side*

¶7 There are other activities and achievements that mark Hicks’s career, but lest one think he was a single-minded careerist, he also imparted as much energy and enthusiasm into his personal life as his professional one. He was a dedicated musician and played first flute in the Business and Professional Men’s Orchestra of New Haven. A skillful painter in both watercolors and oils, he had several of his paintings exhibited; he also loved photography and was a prizewinner in the New Haven Camera Club competitions. He was known to be “[q]uiet in manner [and] kindly in nature, . . . possessed [of] great personal charm.”<sup>9</sup> But perhaps the sweetest description of him was offered by Lawrence Schmehl, who worked under Hicks at the Columbia Law Library:

Picture a quiet gentleman of Napoleonic stature but minus the pomp, imbued with human interest and understanding, and with a kindly nature. Think of him also as a lover of the arts, and as a person possessed of an overwhelming zeal for learning and progress. There you have a true likeness of the Dean of Law Librarians—Professor Frederick Charles Hicks.<sup>10</sup>

## **Mr. Hicks the Library Administrator**

### *The Fateful Move to the Columbia Law Library*

¶8 The Columbia Law Library was in such bad shape when Hicks became librarian that one visiting legal scholar wrote, “The general condition of things suggested that the whole collection might have been tossed bodily from the [University]

5. Samuel E. Thorne, *In Memory of Frederick Charles Hicks*, 49 *LAW LIBR. J.* 277, 278 (1956). Samuel Thorne was Hicks’s successor as librarian of the Yale Law School.

6. *Id.* at 277.

7. *Proceedings of the Golden Jubilee Meeting of the American Association of Law Libraries, Held at Philadelphia, Pennsylvania, June 25–28, 1956*, 49 *LAW LIBR. J.* 374, 489 (1956). The moment of silence was also for Margaret Hobbs James, George P. Seebach, and Alice Magee Brunot.

8. William R. Roalfe, *Frederick C. Hicks: Scholar-Librarian*, 50 *LAW LIBR. J.* 88 (1957).

9. Thorne, *supra* note 5, at 278.

10. Schmehl, *supra* note 3, at 19.

Library to Kent Hall, and left almost as it fell.”<sup>11</sup> Hicks immediately began a systematic overhaul of the law library. Although his primary focus was to build up the Anglo-American collection, he also started to collect in legal philosophy, legal history, Roman law, and international and foreign law, in order to make scholarly research possible. He added works from the social and economic disciplines, as well as other fields of study connected to the broader scope of the law. When he began his association with the law library in 1913, it contained 56,427 volumes; when he left in 1928, it held 142,268 volumes and had become “one of the great law libraries of the world.”<sup>12</sup>

### *Settling In at the Yale Law Library*

¶9 Hicks proved to be the same tenacious librarian at Yale as he was at Columbia, engaging the law library in a similar period of rapid growth. During his tenure, the collection of the law library, “reflecting the broadened concept of the scope and function of a university law school,”<sup>13</sup> grew from 100,508 volumes to 294,361 volumes, and the number of endowment funds allocated specifically to the law library went from six to forty-two. He oversaw a major move of the law library from cramped quarters in Hendrie Hall to roomy quarters in the Sterling Law Buildings, which entailed a reorganization of every department in the internal organization, the creation of a new classification scheme designed specifically for legal materials, and a new cataloging system. Under his administration, the library “rose to the first rank among the law libraries of the world, whether that statement be tested by the criterion of size, richness of collection, adequacy of catalogue and classification, or physical facilities for convenient use.”<sup>14</sup>

### *Consummate Library Administrator*

¶10 A wonderful example of the fine art of library administration as practiced by Hicks can be seen in the first annual report for the Columbia Law Library that he wrote in June 1915, after serving at his post as law librarian for just five months. It is a masterpiece of administrative subtlety, a combination of a humble yet proud “look what we’ve accomplished” accounting of the law library and a restrained but forceful acknowledgment that financial help was needed to continue the progress. What makes the request for monetary help so effective is that it is never a desperate plea or an angry admonishment, but rather is presented as a logical and reasonable conclusion based upon the facts presented in his report.

¶11 Hicks lays out the theme of his report, and not incidentally his philosophy of law librarianship, right from the start, listing what he considers the two factors

11. Quoted in JULIUS GOEBEL, A HISTORY OF THE SCHOOL OF LAW: COLUMBIA UNIVERSITY 237 (1955).

12. Thorne, *supra* note 5 at 278. For more information about Hicks’s collection development philosophy and efforts at Columbia, see A. Hays Butler, *Frederick Hicks’s Strategic Vision for Law Librarianship*, 98 LAW LIBR. J. 367, 368–70, 2006 LAW LIBR. J. 19, ¶¶ 4–10.

13. *Id.*

14. *Id.* For more information about Hicks’s collection development philosophy and efforts at Yale, see Butler, *supra* note 12, at 370–72, ¶¶ 12–15.

essential for library efficiency: “the improvement of the collection of law books, and the organization of its services to readers.”<sup>15</sup> He then modestly appeals to institutional and alumni<sup>16</sup> competitive spirit, stating simply that “[i]n point of number and character of its books, the law library is now only second to the Harvard Law Library among law school libraries.”<sup>17</sup> He describes the size of the collection with admiration,<sup>18</sup> but deftly and quietly sounds the alarm by noting that “the number of publications with which merely a working library, exclusive of research material, must be equipped is increasing at an alarming rate.”<sup>19</sup>

¶12 Now that he has firmly placed the reader within the realm of a legitimate discussion of the realities of maintaining a first-class law library, Hicks can discuss money. He illustrates the basic point, obvious but very often neglected, that an excellent library will have a high usage of library materials and this high usage will naturally lead to increased wear and tear that will thus necessitate more money being spent on binding, rebinding, and replacing of materials. He respectfully asks for alumni donations, once again appealing to notions of pride and loyalty by stating that “[t]he library is already so good that it is worthy of improvement in order that it may become an unquestioned credit to the law school and a center of usefulness to the community.”<sup>20</sup>

¶13 Like all good administrators Hicks ends his report with an energetic look at the future, detailing his plans to improve the library. He mentions the preparation of a new card catalog which he has already set in motion. We also get a first glimpse of his groundbreaking plans for teaching legal research. He has at this point collected 250 volumes on legal bibliography and the use of law books which he hopes will be the most complete collection of its kind in New York City, declaring that the “books are essential as a guide to the intelligent development of the library, and they will be used in connection with lectures on legal bibliography to be given by the Law Librarian in 1915–1916.”<sup>21</sup> Hicks’s report thus artfully combines his past, present, and future endeavors to appear, as every administrator should, very industrious indeed.

## Mr. Hicks the Writer

### *Breadth and Depth*

¶14 The only word that could possibly capture Frederick Hicks’s writings is “prolific,” and even that adjective seems lacking. His output is simply staggering: he

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15. Hicks, *supra* note 3, at 3.

16. Hicks made sure all the alumni of the law school received a copy of the annual report.

17. Hicks, *supra* note 3, at 3–4.

18. On June 30, 1915, the total number of books in the law library’s collection was 59,262 (this included legal periodicals and bar association reports), of which 6444 were duplicates. Hicks explains in the report that the duplicates were necessary because of the case method of instruction. *Id.* at 4.

19. *Id.* at 4–5.

20. *Id.* at 7.

21. *Id.* at 9.

wrote or edited more than twenty books, and wrote fifty-two articles and bibliographies appearing in twenty-three different periodicals, twelve contributions appearing in leaflet or pamphlet form, sixteen articles in encyclopedias and essay collections, twenty reports as librarian or committee chairman, and nineteen book reviews.<sup>22</sup> This would be a feat of incredible energy on the part of any individual, but when placed in the context of Hicks's full-time position as law librarian and professor, it becomes an amazing achievement.

¶15 What is even more astounding is the breadth of Hicks's writings.<sup>23</sup> His interests extended far beyond librarianship. He wrote and edited materials on economics and finance, international issues, history, biography, legal ethics, esteemed orations, famous closing arguments, and the unauthorized practice of law. He wrote on whatever struck his fancy, no matter how far afield from "academia" it might seem, including a novelization of a famous sea trial with a "too many bodies on the life raft" scenario,<sup>24</sup> a book compiling and annotating three hundred years of poetry about Bermuda,<sup>25</sup> and a bibliography and article questioning whether Shakespeare was a lawyer.<sup>26</sup>

¶16 And, of course, Hicks wrote articles and books concerning a wide range of librarianship issues during the span of his long career. Among the topics he explored were interlibrary loans,<sup>27</sup> prison libraries,<sup>28</sup> the education of college and reference library assistants,<sup>29</sup> cataloging and classification,<sup>30</sup> indexing,<sup>31</sup> public libraries,<sup>32</sup> newspaper libraries,<sup>33</sup> and the legal liability of libraries during war-time.<sup>34</sup> However, Hicks's paramount love was legal research and legal bibliography. His earliest foray into this issue was an article published in a 1910 issue of the *Green Bag* that reported on libraries that contained special collections of legal literature, or "untold treasures" as Hicks put it.<sup>35</sup> He wrote the article while still the assistant librarian at the Columbia University Library.

22. Nearly half of his book reviews appeared in the *Library Journal* before Hicks became involved in law librarianship.
23. For a nearly comprehensive listing of Hicks's works, see *Bibliography of Books and Articles by Frederick C. Hicks*, 37 *LAW LIBR. J.* 19 (1944). Eight more works are accounted for in Roalfe, *supra* note 8, at 88 n.4.
24. FREDERICK C. HICKS, *HUMAN JETTISON: A SEA TALE FROM THE LAW* (1927).
25. FREDERICK C. HICKS, *BERMUDA IN POETRY, 1610-1908* (1915).
26. Frederick C. Hicks, *List of Books on Shakespeare and the Law*, 9 *LAW LIBR. J.* 20 (1916); Frederick C. Hicks, *Was Shakespeare a Lawyer?* 22 *CASE & COMMENT* 1002 (1916).
27. Frederick C. Hicks, *Inter-Library Loans*, 38 *LIBR. J.* 67 (1913).
28. Frederick C. Hicks, *Libraries in Penal Institutions of New York State*, 36 *LIBR. J.* 635 (1911).
29. Frederick C. Hicks, *Where Shall University, College and Reference Library Assistants be Educated?* 1918 *AM. LIBR. INST. PAPERS & PROC.* 11.
30. Frederick C. Hicks, *The Library of Congress Classification and Its Printed Catalog Cards*, 31 *LIBR. J.* 255 (1906).
31. Frederick C. Hicks, *Indexing of Legislation*, 15 *LAW LIBR. J.* 48 (1922).
32. Frederick C. Hicks, *The Public Library as Affected by Municipal Retrenchment*, 10 *ALA BULL.* 169 (1916).
33. Frederick C. Hicks, *Newspaper Libraries*, 44 *EDUC. REV.* 174 (1912).
34. Frederick C. Hicks, *Legal Liability of Libraries in Time of War*, 1918 *AM. LIBR. INST. PAPERS & PROC.* 43.
35. Frederick C. Hicks, *Where are the Law Books*, 22 *GREEN BAG* 520 (1910).

### *The First Important Work*

¶17 In 1913, Hicks wrote his first major work in law librarianship in general and legal research in particular, *Aids to the Study and Use of Law Books*.<sup>36</sup> Hicks sensed that the law students at Columbia Law School needed help, so his intent was not to offer an exhaustive legal bibliography, but to “select material practically helpful to all users of law books.”<sup>37</sup> It is also interesting to note that Hicks meant for the book to be a supplement to the “increasing number of books on the subject ‘How and Where to Find the Law,’”<sup>38</sup> an issue of concern even at that early date.

¶18 *Aids to the Study and Use of Law Books* is not a legal research manual, but rather a concise bibliography of “books about law books.”<sup>39</sup> Hicks does not list individual titles of legal resources, but rather books and articles that describe the types of resources and how to use them. References are also given to official reports, library catalogs, and materials from law publishers. In fact, Hicks states in his preface that he did not hesitate to include publishers’ materials as long as they contained information of permanent value. Always thinking of his students, he notes that “it seemed advisable to include such publications because they are usually obtainable without cost, to become the personal property of students.”<sup>40</sup> The 226 titles listed are generally not annotated except for the occasional brief clarification of contents, much to the lament of two reviewers who thought that the only improvement Hicks could make to the book would be to add his thoughts about the character and relative value of the sources.<sup>41</sup>

¶19 Reviews of *Aids to the Study and Use of Law Books* lauded Hicks’s goal of helping all users of law books, students, teachers, and practitioners alike. The *American Law Review* stated that a “perusal of the book convinces one that the author’s belief in this respect is justified,”<sup>42</sup> while the *Columbia Law Review* wrote that “the work furnishes just the kind of information that the law student most needs to enable him to find his way through the mazes of legal literature.”<sup>43</sup> Perhaps the most glowing review came from the *Virginia Law Register* which noted that anything that helps the law student and lawyer “to find a way in the labyrinth of law books confers a boon upon the profession” and, using a lovely old expression, thought the book constituted “infinite riches in a little room.”<sup>44</sup>

¶20 In 1915, Hicks established a column in the *Law Library Journal*, titled “Notes on Legal Bibliography,” which was meant to supplement *Aids to the Study*

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36. FREDERICK C. HICKS, *AIDS TO THE STUDY AND USE OF LAW BOOKS* (1913).

37. *Id.* at 5.

38. *Id.*

39. *Id.*

40. *Id.*

41. George W. Kirchwey, Book Review, 13 COLUM. L. REV. 661, 661 (1913); *A Bibliography of Bibliographies*, 26 GREEN BAG 29, 29 (1914) (book review).

42. Book Review, 48 AM. L. REV. 155, 155 (1914).

43. Kirchwey, *supra* note 41, at 661.

44. Book Review, 19 VA. L. REG. 559, 559 (1913).



*and Use of Law Books*. It included lists of new and sometimes older legal materials, often briefly annotated, that he thought useful to the study and practice of law. Above every column there appeared a quote that seems to perfectly sum up Hicks's idea of law librarianship: "The most useful knowledge concerning the law is to know where to find it."<sup>45</sup> The column lasted into 1921, and it is a measure of Hicks's devotion to the subject that he continued to edit it even while he was serving two consecutive terms as president of AALL from 1919 through 1921.

### *The Masterpiece*

¶21 In 1923, Hicks wrote his authoritative masterpiece of legal research and bibliography, *Materials and Methods of Legal Research*.<sup>46</sup> It was, he stated in the preface, an "outgrowth of eight years' study and teaching of legal research and legal bibliography in the Columbia University Law School, and of twenty-five years' contact with the users of libraries," and he "hoped that it will supply the groundwork for law school courses in legal bibliography, legal research and brief-making, and will enable the instructor to give over to practical application the time formerly necessarily taken up by lectures."<sup>47</sup>

¶22 The history of legal research texts goes hand in hand with the development of the modern approach to instruction in law schools. In the early days of legal practice, law books were few in number. Mastery of a limited number of books presented little difficulty to the student and practitioner and thus there was no need for aids or systematic instruction. However, once Langdell began his casebook system of legal instruction in 1871—a movement that eventually became the prominent pedagogical method in law schools—there began an inexorable expansion of legal literature. One author noted that by the turn of the century, "the student's knowledge of law books had now become so deficient that the need for instruction in their use became imperative."<sup>48</sup>

¶23 When Hicks wrote *Materials and Methods of Legal Research*, there were essentially just two manuals in existence that were devoted to legal research:<sup>49</sup> *Brief Making and the Use of Law Books* from 1906,<sup>50</sup> a book edited and published by the West Publishing Company,<sup>51</sup> which some found to be little more than a mechanical manual;<sup>52</sup> and Towne's *Law Books and How to Use Them* from

45. Frederick C. Hicks, *Notes on Legal Bibliography*, 8 LAW LIBR. J. 7, 7 (1915).

46. FREDERICK C. HICKS, *MATERIALS AND METHODS OF LEGAL RESEARCH* (1923).

47. *Id.* at 7.

48. W. L. Friend, Jr., *A Survey of Anglo-American Legal Bibliography*, 33 LAW LIBR. J. 1, 12 (1940).

49. *Id.* at 12–13.

50. BRIEF MAKING AND THE USE OF LAW BOOKS (Nathan Abbott ed., 1906).

51. It has been noted in several places that credit for the beginnings of interest in formal study of the use of law books goes to law book publishers and not law schools. See, e.g., Steven M. Barkan, *On Describing Legal Research*, 80 MICH. L. REV. 925, 927 (1982); HICKS, *supra* note 46, at 14. While certainly driven by business motives, both West Publishing Company and later Lawyers Cooperative Publishing observed a need that was not being met and took action.

52. Book Review, 58 U. PA. L. REV. 189, 190 (1909) (reviewing BRIEF MAKING AND THE USE OF LAW BOOKS (Roger Cooley ed., 2d ed. 1909) ("[T]he really astonishing thing about the book is that it should have found its way to a second edition.")).

1909.<sup>53</sup> Hicks's book was acclaimed upon publication as being "the most complete and best-ordered guide to the literature of the common law."<sup>54</sup> The aspect of Hicks's book that made it a seminal text was his approach to the subject. Being the quintessential legal scholar, he focused as much on literary criticism as he did on the practical functions of teaching the subject. The book fulfilled a role as a teaching manual and a reference tool by discussing the use of law books and providing extensive bibliographies of legal resources. But it also went much further in educating the reader by discussing the historical development and classification of the books. This theme was a personally important one to Hicks who believed that

[l]egal bibliography proper is not merely a description of books. It is also a study of the record of the jural life of a people. This record shows the evolution of law and the civilization back of it. . . . Legal bibliography proper should, therefore, be presented as a historical subject by means of which a background is given to the modern picture. In days when law with difficulty maintains its position as a profession, no better means of instilling respect for it into the minds of students can be found than by teaching the history, scope, and usefulness of its vast literature.<sup>55</sup>

¶24 *Materials and Methods* appeared in three editions over a span of twenty years (1923, 1933, and 1942) and was considered to "occup[y] a position which is little less than that of a natural monopoly" and to be "standard equipment in any working law library."<sup>56</sup> It is almost impossible to pick among the accolades for the book, but Marian Gould Gallagher summed it up quite nicely when, after being asked to recount her memory of Frederick Hicks, she wrote that "from our first day of work in law libraries, our bosses gave us copies of his *Materials and Methods of Legal Research* and expected us to have read it all within a week." She added that "[h]is interest in legal history and his felicitous style gave his writing a timeless value. If you have not yet explored his *Materials and Methods of Legal Research*, you're missing something great. If you have a copy, share it, but lock it up between usings."<sup>57</sup> Another author gave it perhaps the highest praise possible when he wrote that the "thoroughness and scholarly treatment of this work have gained for it a place beside Wallace's *Reporters* and Soule's *Lawyer's Reference Manual* to form an American legal bibliographical trilogy of acknowledged leadership."<sup>58</sup>

¶25 However, the most significant tribute may very well be the longevity of the book's existence. Julius Marke noted that the 1942 edition was one of the bibliographies he consulted in building the New York University Law Library catalog.<sup>59</sup>

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53. JOHN C. TOWNES, *LAW BOOKS AND HOW TO USE THEM* (1909).

54. Book Review, 40 *LAW Q. REV.* 253, 253 (1924).

55. HICKS, *supra* note 46, at 16-17.

56. Miles O. Price, Book Review, 35 *LAW LIBR. J.* 503, 503 (1942).

57. Marian Gallagher, Julius J. Marke & Arthur A. Charpentier, *I Remember Them Well*, 75 *LAW LIBR. J.* 270, 273 (1982).

58. Friend, *supra* note 48, at 14.

59. Julius J. Marke, *The N.Y.U. Law Library Catalogue Revisited*, *LEGAL REFERENCE SERVICES Q.*, 1989, no. 1-2, at 11, 28 (1989).

In 1946, a year after Hicks retired, the *Law Library Journal* printed an article in which the author listed it as one of the twenty-one books he considered to be critical reading for law librarians.<sup>60</sup> It was still highly regarded in 1967 when the Association of American Law Schools included it in its *Law Books Recommended for Libraries*, stating that “[t]he three editions of *Hicks* should be in every law school library. Although outdated bibliographically, the approach and analyses are still valid. An epoch-making work.”<sup>61</sup> And, incredibly, the book was still being mentioned well into the 1980s, a full sixty years after the first edition, when it was referred to as one of the fifteen most used sources for legal abbreviations.<sup>62</sup> Another author, writing in 1982, noted that librarians were still using its extensive bibliographic tables for historical materials.<sup>63</sup> To quote Gallagher once again, the book was “quite a monument to a man who left many monuments.”<sup>64</sup>

## Mr. Hicks the Teacher

### *The Grand Experiment*

¶26 The genesis of Hicks’s teaching of legal bibliography and legal research began in 1913 when he wrote *Aids to the Study and Use of Law Books*.<sup>65</sup> When he was officially appointed as law librarian of Columbia Law School in 1915, very little had been done in the way of instruction in legal bibliography in the school. A few professors would discuss the literature of the subjects they were teaching, and there were also the now annual visits and lectures by the West Publishing Company representatives.<sup>66</sup> The previous law librarian had given three lectures on the subject in 1912,<sup>67</sup> the first formal attempt at this type of instruction, but nothing had been done in the intervening years.

¶27 One of the issues uppermost in Hicks’s mind after he was appointed law librarian was to set up formal classes of instruction in legal bibliography, and he began work on his “experiment,” as he called it, almost immediately. He started by taking notes on the types of questions the law students were asking in the library,

60. Edward S. Bade, *Suggestions for Readings for Law Librarians*, 39 LAW LIBR. J. 260 (1946). The list also included the wonderful FREDERICK C. HICKS, MEN AND BOOKS FAMOUS IN THE LAW (1921).

61. 3 ASS’N OF AM. LAW SCHOOLS, LAW BOOKS RECOMMENDED FOR LIBRARIES, pt. 26, at 40 (1968).

62. Ann VanHassel & Dwight King, *Inquiries and Replications*, LAW LIBR. LIGHTS, May 1984, at 13, 13–14. Some of the other books listed were DORIS M. BIEBER, DICTIONARY OF LEGAL ABBREVIATIONS USED IN AMERICAN LAW BOOKS (1979); BLACK’S LAW DICTIONARY (5th ed. 1979); JOHN BOUVIER, BOUVIER’S LAW DICTIONARY; J. MYRON JACOBSTEIN & ROY M. MERSKY, FUNDAMENTALS OF LEGAL RESEARCH (2d ed. 1981); MILES O. PRICE, HARRY BITNER & SHIRLEY RAISSI BYSIEWICZ, EFFECTIVE LEGAL RESEARCH (4th ed. 1979).

63. Barkan, *supra* note 51, at 929 n.35.

64. Gallagher, Marke & Charpentier, *supra* note 57, at 273.

65. HICKS, *supra* note 36.

66. These visits from West Publishing representatives had begun in 1906. Frederick C. Hicks, *The Teaching of Legal Bibliography*, 11 LAW LIBR. J. 1, 3 (1918).

67. Frederick C. Hicks, *Instruction in Legal Bibliography at Columbia University Law School*, 9 LAW LIBR. J. 121, 121 (1916).

seeking to “appreciate the attitude of mind of the student, and the underlying conceptions or misconceptions of which the specific questions were illustrations.”<sup>68</sup> He used these notes to formulate an outline for the lectures he intended to give the following fall. The notes were classified into types of problems and then fashioned into a presentation form that would help students learn the types of legal aids that could solve the problems, his overarching goal always being to meet the needs of the students. Finally there appeared in the *Law School Bulletin*, under the heading “Special Courses,” the following synopsis for a course to be taught during the fall semester of the 1915–16 academic year:

Legal Bibliography and the Use of Law Books: A short series of lectures will be given each year with reference to English and American reports and legal literature, including practical instruction in the use of reports, statutes, digests, citators, indexes, tables of cases, and compilations.<sup>69</sup>

The course was to be open to all grade levels, no credit would be given, and attendance was strictly voluntary.

### *A Magnificent Success*

¶28 Originally scheduled to give ten lectures, Hicks reduced the number to six, fearing a lack of participants due to the students’ already crowded curriculum. This fear turned out to be completely groundless as an average of 129 students attended each lecture, which occurred over one week’s time during October.<sup>70</sup> There is no record as to whether Hicks was stunned by the level of attendance, but certainly he must have been. In his ever modest way he managed to give the lion’s share of credit to the students who, participating with no expectation of receiving course credit, had “assumed extra work, often at considerable inconvenience, for the sole purpose of facilitating their study of the law to which they look forward as a life work.”<sup>71</sup> Indeed, the only credit that Hicks would take was a rather understated acknowledgement that “a need, immediately obvious to law students, has been met, partially at least.”<sup>72</sup>

¶29 Encouraged by this success, Hicks proceeded with the second part of his experiment. He announced that he would be forming seminars, to meet weekly, “for the purpose of acquiring experience in the use of law books.”<sup>73</sup> More than a hundred students immediately signed up and the first seminar was held one week later. The students were organized into eight groups that met once a week in Hicks’s office at their convenience. By the end of that first semester he had conducted fifty-seven sessions. He then offered to present additional seminars

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68. *Id.* at 122.

69. *Id.* at 121.

70. *Id.* at 122.

71. *Id.*

72. *Id.*

73. *Id.*

during the spring semester, with course work that would not duplicate the first semester's but would continue on in a forward manner. This time, though, Hicks had to arrange the seminars around his schedule and he also reduced the number of sessions to six a week. Still, even with the added burden of fitting their schedule around Hicks's, sixty-five students registered and attended regularly. During the course of the semester forty-eight sessions were held, until the approach of final examinations forced the class to disband.<sup>74</sup>

### *Teaching Styles and Philosophies*

¶30 Hicks's approach to the lectures and seminars followed a philosophy of teaching legal research that he would continue to use and to advocate for in his writings. The lectures were meant to be chiefly bibliographical and historical in nature. They discussed legal bibliography generally, rather than focusing on methods of using law books. He thought it important to begin by tracing the development of law books, from their early beginnings in England to the contemporaneous ones being published in the United States. Always looking at the bigger picture of fostering knowledge, he hoped the lectures would help the students "gain perspective in regard to the literature of the law, enabling them to use books intelligently, and leading them, when their own ingenuity failed them, to seek the assistance of the library staff in the solution of particular problems."<sup>75</sup>

¶31 The seminars were organized around a different method of teaching altogether. They were basically practice work in legal research, introduced by a description of the legal aids involved and by references to books and articles mentioned in his *Aids to the Study and Use of Law Books*. Hicks would first outline a specific problem and then discuss what legal aids he would use to solve it. After that illustration, he would give the students their own problems, each a different one, and then send them off to the library to solve them. The students would then return to class with the books they had used, in order to show their problem-solving process to the rest of the class.<sup>76</sup> Ever in search of the "teaching moment," Hicks would also take time to explain any other points of interest about libraries that he thought might be helpful to the student's knowledge.<sup>77</sup>

¶32 In evaluating his program, Hicks acknowledged the time that would have to be invested by the instructors, but noted that they would be "well repaid not only by the sympathetic and earnest interest engendered in students, but by the knowledge which he acquires of his own library, its wealth and deficiencies, and the method of increasing its efficiency."<sup>78</sup>

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74. *Id.*

75. *Id.* at 121.

76. *Id.* at 123.

77. *Id.*

78. *Id.*

### *An Enduring Legacy*

¶33 The “experiment” that Hicks embarked on turned out to be a magnificent success. Dean Harlan Stone approved of the courses and they continued every year on a voluntary basis until eventually they became required. In 1921, as an official acknowledgement of his achievement, the law school rewarded Hicks with the faculty rank of associate professor of legal bibliography. But most likely the greatest reward to Hicks was watching the teaching of legal research become standard practice during his lifetime. The magnitude of that achievement is a testament to Hicks’s foresight, brilliance, and dedication.

### **Mr. Hicks and AALL**

#### *Character and Dedication*

¶34 Marian Gould Gallagher once commented that Hicks’s impact upon AALL “was sufficient to give us the unrealistic impression that we knew him personally.”<sup>79</sup> He was an extremely active member of AALL from almost its inception. Not surprisingly, given his devotion to teaching legal research and bibliography, the first standing committee he served on was the Committee on Instruction in Use of Law Books. He eventually served as its chair during 1916–17<sup>80</sup> and 1917–18.<sup>81</sup>

¶35 A telling episode of Hicks’s character occurred during his first year as chair. He had sent out questionnaires, compiled the responses, and forwarded the results to the other members of the committee for suggestions. He received no replies. Such was the humility of the man that, apparently believing he was unable to inspire participation, he asked that another chair be appointed. But not only was a motion passed that he continue as chair, he was also requested to report his findings at an upcoming meeting of the American Bar Association.<sup>82</sup>

¶36 During 1918–19, he served as chair of the Program Committee for the 1919 Annual Meeting, and here we get an early glimpse of Hicks’s devotion to the goals of AALL. He had listed the topics slated for the upcoming meeting in the *Law Library Journal* and asked for submissions and ideas.<sup>83</sup> One topic received only two responses: the shelf arrangement of law reports, an issue on which there was much difference of opinion.<sup>84</sup> The subject was brought up for discussion at the meeting, which surprised Hicks as he had assumed the issue would be dropped. But seeing an opening he jumped in, advocating that law librarians cooperate in

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79. Gallagher, Marke & Charpentier, *supra* note 57, at 273.

80. *Standing Committees, 1916–1917*, 10 LAW LIBR. J. 10, 11 (1917).

81. *Standing Committees for 1917–1918*, 10 LAW LIBR. J. 64, 64 (1917).

82. *Proceedings of Annual Meeting Held at Louisville, Kentucky, June 23 and 25, 1917*, 10 LAW LIBR. J. 31, 35 (1917).

83. Frederick C. Hicks et al., *Program, Annual Conference, 1919*, 11 LAW LIBR. J. 83 (1919).

84. For example, one of the questions asked was “For the reports of your state, do you favor (a) the chronological, (b) the alphabetical, (c) the jurisdictional arrangement, or (d) a combination of two or more of these methods?” *Id.* at 83.

giving out information on “this very definite and practical subject.”<sup>85</sup> He suggested that someone from each state record how it was done and then submit the information to the *Law Library Journal* for the benefit of all AALL members.<sup>86</sup> This proposal was enough to generate a lively discussion and, by the end, a committee was formed to distribute questionnaires. One senses that Hicks never lost an opportunity to pursue the issues he believed would help better law librarianship.

¶37 Hicks was elected president of AALL while law librarian at Columbia. He served two consecutive terms, 1919–20 and 1920–21,<sup>87</sup> even though he had never held any of the other major offices (vice president, secretary, or treasurer). He was the first academic law librarian to be elected to the presidency, another example of the level of respect he was accorded. With his usual boundless energy he also served as a member of the Committee on Publication of Check List of Bar Association Reports during the 1920–21 year, while he was still president. He was immediately elected to the Executive Committee (forerunner of the AALL Executive Board) after completing his second term as president.

#### *Clarion Calls—The Presidential Addresses*

¶38 The two presidential addresses given by Hicks are fascinating documents as they highlight, in no uncertain terms, the issues most important to him as he took a discerning look at the past, present, and future of his beloved profession. At the time of his first address, during the fifteenth Annual Meeting in 1920, AALL was not all that far from its rocky beginnings, and he comments upon this with a delightful opening sentence:

When the little ship with the A.A.L.L. on its prow was launched from the shore of Narragansett Bay in 1906, its crew was made up of adventurous spirits. Many difficulties beset its course, but it has been skillfully guided past all obstacles, has weathered every gale, and, like all well-built craft, is sounder, stauncher and more seaworthy today than when it began its career.<sup>88</sup>

¶39 As Hicks begins the substance of his address, he casts an eye toward the past and reconfirms the value of the still nascent association, stating that its creation had been a necessity as “lost in a horde of general library interests, the important needs of this particular group had long been overlooked.”<sup>89</sup> Ever humble

85. *Proceedings of the Fourteenth Annual Meeting, Tuesday, June 24th, 1919, Hotel Columbia, Asbury Park, New Jersey*, 12 LAW LIBR. J. 43, 59 (1919) (remarks of Frederick C. Hicks).

86. *Id.* at 63.

87. In the early years of AALL, it was not unusual for presidents to serve two consecutive terms. With the exception of two, all presidents from 1906 until 1932 served two consecutive terms. See John W. Heckel, *American Association of Law Libraries: Charter Members, Officers and Meeting Places, 1906–56*, 49 LAW LIBR. J. 225, 225–26 (1956).

88. Frederick C. Hicks, *President's Address*, 13 LAW LIBR. J. 21, 21 (1920). In a charming conclusion to his opening paragraph, Hicks, ever the writer, seeks to avoid the trap of overdoing it with his nautical analogy: “We are in port, and I am therefore permitted to drop the language of the sea and come down to earth, so to speak, in order to avoid verbal difficulties which would soon be encountered.” *Id.* at 22.

89. *Id.*

and respectful, he noted that with “no disloyalty to the parent association, it was therefore wise to form a separate but affiliated Association.”<sup>90</sup>

¶40 He continues with an assessment of the present day, naming, with evident pride and admiration, four concrete benefits to the profession that he believes have come from the forming of the Association:

- the *Law Library Journal*, which serves “as a means of professional communication between members, stimulating interest and making accessible information mutually helpful”;<sup>91</sup>
- the *Index to Legal Periodicals*, for which “the whole library world is indebted to the Association”;<sup>92</sup>
- the committees, which had solved or were attempting to solve “many of the troublesome problems common to those who administer and use law libraries”;<sup>93</sup> and
- the papers and the bibliographies presented at the Annual Meetings and published in the *Law Library Journal*, “which are the daily recourse of library administrators and users of law books” and which constitute an “impressive array which the Association may view with pride.”<sup>94</sup>

¶41 But now Hicks arrives at the most illuminating section of his address, as he looks toward the future of AALL. It is this section that gives the best example of his loyalty and dedication to the profession of law librarianship, for it is here that he acknowledges that the Association, and thus the profession, had much room and need for growth and could only embark on that growth if it continued to meet and, in fact, to seek challenges. After presenting the accomplishments of the Association, he asks the simple, and yet startling question, “But are we content?” One can imagine a stir in the audience as perhaps he pauses for a moment and then answers his own question. “I apprehend that the unanimous answer is No.” He tells his audience to never believe that all necessary work is accomplished. “On the contrary, there is work ahead and a goal which, fortunately, we shall never reach.” And, concisely but beautifully, “ours is a living task, replete with opportunity.”<sup>95</sup>

¶42 With one foot grounded in reality and the other striding toward the future, he gives a clarion call to two practical and immediate considerations. First, the Association needed a larger membership to gain “their intellectual, moral and financial support for the work of the future.”<sup>96</sup> And second, the *Law Library Journal and Index to Legal Periodicals* (it was still a combined publication in

90. *Id.* at 22. The parent association Hicks refers to is the American Library Association.

91. *Id.*

92. *Id.* Hicks also took the time to acknowledge the contribution of Gertrude E. Woodard, the longtime editor of the *Index*.

93. *Id.*

94. *Id.* at 23.

95. *Id.*

96. *Id.*



1920) needed a larger subscription base because it is essential for “marketing of the intellectual wares which this Association is producing. Just in the proportion that we succeed can we improve this bibliographic product so that it may progressively increase in scope and serve a more varied clientele.”<sup>97</sup>

¶43 Hicks then moves from the practical realities of work that needs to be done to the more esoteric considerations of the future of law librarianship.

Are we satisfied with our professional influence in the library field? Are we content that no library school in the country gives training in law librarianship? Have we made manifest to our fellow librarians that we deal with a great literature which held a primary place in the intellectual world long before any book was printed; and that today no important social, political or economic question can be solved without reference to the books which our libraries hold? No, we are not yet satisfied on these points.<sup>98</sup>

He goes on to outline, in great detail, a proposed “program for the future,” which included such ideas as the study of law librarianship as distinguished from general librarianship, the education and training of law librarians, and a plea to commit to writing the law library history of the United States.

¶44 During his second presidential address, Hicks referred to the themes discussed in his first address, noting that though there had been achievements that deserved congratulation, “there is still much helpful work that can be done by our Association. . . .”<sup>99</sup> In expounding upon the issue of education in law librarianship, he discussed how he had personally written to library schools and had found out that not one of them was providing training that they believed was adequate for law library work. In a statement that sums up his complete devotion to the profession as well as his desire for AALL to take an active role in the important issues of law librarianship, he said that personally he would “not be content until the importance of training for law librarianship is recognized by the best of the schools.”<sup>100</sup>

### *Honors*

¶45 As recognition of Hicks’s forward thinking, dedication, and hard work during a critical time of the AALL’s history, the Association bestowed two important honors on him at the end of his career. In 1943, an endowment fund was named after him, and in 1946, he was elected to life membership.<sup>101</sup> Finally, in 2000, nearly forty-five years after his death, the AALL Academic Law Libraries Special Interest Section accorded him perhaps the most meaningful tribute of all when it established its most prestigious award in his name. Fittingly, the Frederick Charles

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97. *Id.*

98. *Id.* at 24.

99. Frederick C. Hicks, *President's Address*, 14 LAW LIBR. J. 25, 27 (1921).

100. *Id.* at 28.

101. Harrison M. MacDonald, *History of the American Association of Law Libraries, Up Until Now, 1943–1955*, 49 LAW LIBR. J. 118, 122 (1956).

Hicks Award recognizes those individuals “whose service to academic law librarianship has been exemplary in breadth and depth.”<sup>102</sup>

### **A Conclusion, But Not a Goodbye, to Mr. Hicks**

¶46 As we spend AALL’s centennial year celebrating our chosen field, it is important to reflect on those who first laid down the foundations of our Association. Frederick Hicks is an example of the remarkable individuals across our history who remain as important to law librarianship today as they were in their own day. He is a testament to what can be accomplished when energy, purpose, and spirit are combined with a dedication to one’s craft. He shined a light down the path that we are still following, by conceiving the sphere of a law librarian “as not merely that of a custodian of law books, but also that of one who could enhance the usefulness of his library by making these books living exponents of legal thought.”<sup>103</sup>

¶47 The essence of Mr. Hicks was a love of his chosen work, which is our chosen work, and countless legions of law librarians as well as the profession of law librarianship itself have benefited from that love ever since. He left for us a legacy of achievements and contributions that should be treasured and never forgotten. Frederick Hicks truly was the “Dean of Law Librarians.”

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102. Frank G. Houdek, *AALL History in Brief: A Chronology, in 2005–2006 AALL DIRECTORY AND HANDBOOK* 494, 509 (45th ed. 2005) (entry for July 18, 2000), available at [http://www.aallnet.org/about/Chronology\\_2005\\_06.pdf](http://www.aallnet.org/about/Chronology_2005_06.pdf). The first recipient of the award was Penny A. Hazelton, associate dean and law librarian of the University of Washington. In a nice touch for the author, Hazelton is also the head of the Law Librarianship Masters Program at the University of Washington from which the author received her MLIS degree.

103. Schmehl, *supra* note 3, at 17.