

UT LAW

THE
MAGAZINE
OF THE
UNIVERSITY
OF TEXAS
SCHOOL OF
LAW

Roy Mersky

and the

Future of Libraries

For forty years he's led the Jamail Center for Legal Research. Now Roy Mersky is looking forward to the next twenty.

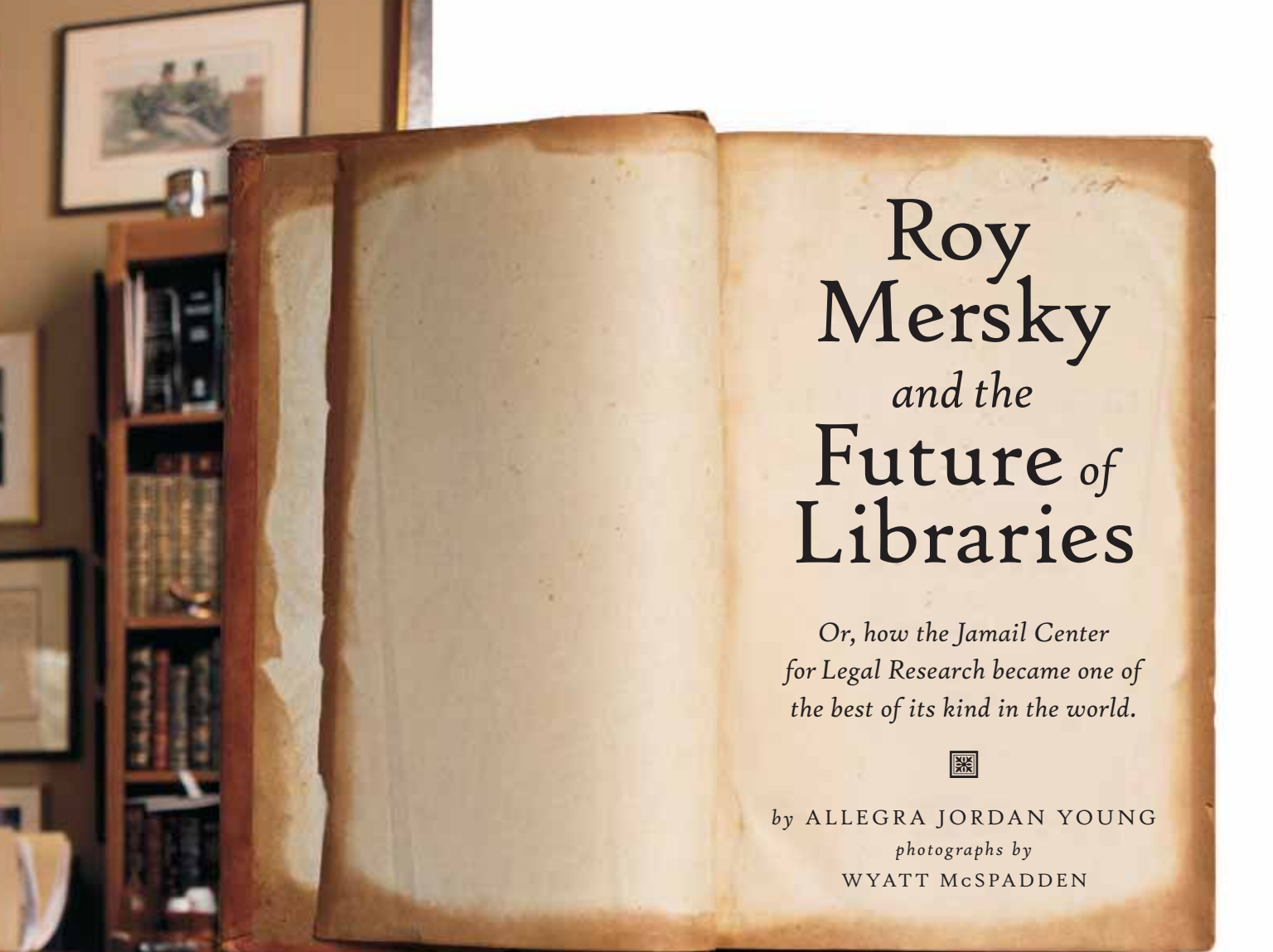
plus

SOCIETY OLYMPICS
A SENTIMENTAL
"LAST WILL"

and

UT-AUSTIN
PRESIDENT
BILL POWERS!





Roy Mersky *and the* Future of Libraries

*Or, how the Jamail Center
for Legal Research became one of
the best of its kind in the world.*



by ALLEGRA JORDAN YOUNG

photographs by

WYATT McSPADDEN



aw librarian Roy Martin Mersky's grandfather was an anarchist. His mother was raised in a Utopian community. Imagine their surprise when Roy announced he would become a *law* librarian. It must have been a shock. ¶ Yet Roy Mersky has made a good living on law and (Library of Congress) order. He's risen to the top ranks of his field and just this summer was presented with the American Association of Law Libraries' Distinguished Service Award. >>>

And while he may not share his grandfather's methods, he does share his grandfather's concern for social justice. He believes that improving access to legal information creates a better society. It's one of the reasons he became a law librarian and something that has kept him going in the same job for forty years. It's a job worth doing well and a pursuit he will follow, "until 2020, at least!" he says.

{ Order and Justice }

Roy Mersky's mother, Rose Mendelsohn, was raised in an Esperanto-speaking Utopian community. She married New York City businessman Isadore Mirsky, whose sense of order was so refined that he used no paper to run what many consider the world's best bialy bakery, Mirsky and Kossars. (Roy Mersky's surname was changed by a high school registrar's spelling error, and the bakery was later sold.)

Roy inherited his father's business skill and his grandfather's deep concern for social justice. This family history explains his ability to focus on critical business metrics—such as the comprehensive operational cost to shelve a book at the Tarlton Library (\$125), or the change in online database costs. It also explains his deep need for action in the face of prejudice.

The Mirsky family understood prejudice. Roy's father was born near Bialystok, Poland, a town between Treblinka and Belarus. On the eve of World War II, Bialystok's Jewish population stood at nearly 200,000. The population was either killed by the Nazis or fled to join the Russian army.

Anti-Semitism and fascism radicalized young Roy Mersky. He had just begun pre-med studies at New York University in 1943 when he decided to enlist in the U.S. Army.

"I knew what I was fighting against in World War II: fascism and anti-Semitism. Some other people just wanted to fight. They were inevitably the first to crack under the pressure," he said. "When things went bad, you had to remember why you were there."

While in basic training Mersky taught some fellow soldiers, anti-Semites themselves, how to read. They became friends. In return, the soldiers protected him from the anti-Semitism within the U.S. Army. They also taught him about baseball, knowledge that would save his life in battle when he was attached to Patton's Third Army.

{ The Western Front }

In mid-December 1944, the future Harry Reasoner Regents Chair in Law was bounced around the back

of a convoy truck headed toward the German lines. The men of the 87th Division drove through the Ardennes forest to reinforce the 101st Airborne against 14 divisions of German soldiers. Roy, at 18, was nearly three years older than the average German soldier he faced. The problem was, there were so many more of them, and the temperature was dropping.

It was the worst winter in twenty years in Europe. The U.S. and British armies had pushed the Nazis back to the German border. In Hitler's last major offensive, the Nazis struck at the Belgian border, creating a wedge between the U.S. and British troops. Hitler's goal: the vital supply port at Antwerp.

No one told the infantrymen of Company D what an incoming German shell sounded like. On their first night of camping just south of the battle lines, the woods suddenly filled with "whirring noises." The incoming shells killed nearly half of Mersky's company. The survivors piled into the backs of convoy trucks and drove to Bastogne, Belgium.

Bastogne was besieged by panzers and *Volkstrum*. Worse, a thousand Germans had infiltrated the American lines, dressed as American soldiers, driving captured American Jeeps, and trained to speak perfect English.

The U.S. troops took to using base-

ROBERTS, TOP, HELPED FOUND UT. BOTH HE AND GOULD SERVED ON THE TEXAS SUPREME COURT.

LAW LECTURES WERE FIRST HELD IN OLD MAIN, BUILT IN 1882.

THE FIRST LAW BUILDING WAS KNOWN AS THE "LITTLE YELLOW SCHOOLHOUSE."

UT LAW LIBRARY TIME LINE



1889

Law students rely on the private law libraries of Governor O. M. Roberts and Judge Robert S. Gould, UT's first two law faculty members.



LIBRARY
COLLECTION
REACHES
4,000
VOLUMES



A lecture room houses the law library.

1895

1903

Isadore Mirsky migrates from near Bialystok, Poland. Establishes bialy bakery in New York City.



The new law building houses 5,000 volumes.



1913

The Ballinger and Jack library fund is established with \$1,000.

1908

1883



THE WORLD'S MOST FAMOUS BIALY BAKERY IS KOSSAR'S IN NEW YORK, FORMERLY MIRSKY AND KOSSAR'S.

ball passwords—either you knew what team Joe DiMaggio played for or you were shot. Roy, who grew up only a few blocks from Yankee Stadium, had never learned the game. The men he taught to read taught him baseball, and that saved him.

The Battle of the Bulge broke the Nazi army. Roy's Eighty-seventh Division advanced 165 kilometers into Germany and took 10,282 prisoners. In one sortie, Roy was sent to capture a group of young soldiers—all less than 15 years old except for their SS officer. As Roy reached to receive the officer's gun, the man shot him through the hand.

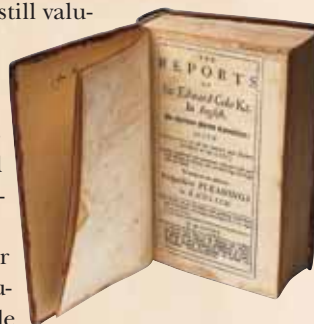
Roy was sent to convalesce in Rheims, France, his work done. He'd fought in four major campaigns in the European theater of operation and had received the Infantry Combat Medal and the Bronze Star.

While in the hospital, he spent his time applying to schools and reading military-issued books. He no longer wanted to study medicine in New York. He wanted to pursue social justice by becoming a labor economist. The best program at that time was at the University of Wisconsin, Madison.

In 1946, while studying labor economics, Roy took a job at his university's library. He loved it. He decided on a life in law and library science, and completed his law degree in 1953. He

Coke's Classic

THE TATTERED BOOK that Professor Mersky holds in the cover photo is one of the rarest finds in the Jamail Center for Legal Research. It is the first volume of a seven-volume set of *The Reports of Sir Edward Coke* (London, 1738). Volumes 2-7 of the set have been in the Tarlton Law Library since at least 1986. Coke was one of the most influential jurists in English legal history, and his case reports were so highly regarded that they were cited simply as "The Reports." Even though the library's set was incomplete, it was still valuable because it once belonged to Oliver Ellsworth (1745-1807), who was appointed by George Washington in 1796 as the third chief justice of the U.S. Supreme Court.



In 1999, another former chief justice of the Texas Supreme Court, the Honorable Joe R. Greenhill, Sr., '39, donated several books to the Tarlton Law Library. One of them was a book he had bought in the 1930s, while he was a law student, at the old Gammel's Bookstore on Congress Avenue. It was the missing Volume 1 of Coke's *Reports*, with Oliver Ellsworth's signature on the title page. "If you are patient and lucky, you can sometimes find a replacement for a missing volume," said Mersky, "but to find THE missing volume—that's practically unheard of!"

Source: Michael Widener, Head of Special Collections

ISADORE AND ROSE MIRSKY WERE MARRIED IN 1923.

Law librarian Ione Spears is appointed to a full-time position. 10,000 volumes are now in the library.

1919



The Texas Legislature authorizes the secretary of state to exchange Texas laws, reports, and statutes for those of other states for the benefit of the law library.



1916

The Carswell Company donates 1,119 rare books.

1921

1925



Roy is born to Isadore and Rose Mirsky.



Helen Hargrave, '26, becomes assistant law librarian.



1930

1940

Hargrave promoted to law librarian. Publishes News Sheet during World War II sent to ex-students and UT faculty serving in the armed forces.



ROY M. MERSKY TIME LINE

MERSKY AND HIS SISTER. ROY'S LAST NAME WAS CHANGED DUE TO A HIGH SCHOOL CLERICAL ERROR.

Online Resources from Rare Books and Special Collections

The Papers of Justice Tom C. Clark: Civil Liberties and Civil Rights Cases of the U.S. Supreme Court
<http://utopia.utexas.edu/explore/clark/>

Texas Constitutions Digitization Project
<http://www.law.utexas.edu/constitutions/>

Law Dictionary Collection
<http://tarlton.law.utexas.edu/rare/dictsweb/>

Sources on Heman Sweatt and Sweatt v. Painter
<http://tarlton.law.utexas.edu/rare/sweatt.html>

Law in Mexico Before the Conquest
<http://tarlton.law.utexas.edu/rare/aztec/Home.htm>

Resources on Aztec and Mayan Law
<http://tarlton.law.utexas.edu/rare/aztec.html>

Texas Legal History: A Survey of Oral History Resources
<http://tarlton.law.utexas.edu/rare/law-relatedOH.html>

Introduction to Book Collecting
<http://tarlton.law.utexas.edu/rare/bookcollecting.html>

Guide to Legal History on the Web
<http://tarlton.law.utexas.edu/rare/legalhis.html>

Web Sources for the Legal History of the American West
<http://tarlton.law.utexas.edu/rare/wha.html>

Guide to Law-Related Resources at the Harry Ransom Humanities Research Center
<http://tarlton.law.utexas.edu/rare/hrc.html>

received his master of library science degree. He then worked for 11 years as a professor and a law librarian at various universities, including Yale. He eventually became a professor and the law librarian at the University of Colorado.

While at Colorado, Roy closely followed the voting rights struggle. After police in Selma, Alabama, beat nonviolent marchers on March 7, 1965, thousands of people drove to Alabama to protest. Roy made that trip.

"I wanted to be a witness. I wanted to be able to tell my children that I did what I could," Roy said. Despite a sprained ankle, he marched in protests leading up to the March 21 walk to Montgomery. He was also charged by mounted policemen and beaten.

Upon his return to Colorado, Roy was both reviled and hailed. One person in particular called to congratulate him: Dean Page Keeton thanked him for his courage—and then welcomed him to Austin.

{ Building Institutions }



When the Law School was founded in 1883, students relied on the private libraries of Governor O. M. Roberts and Judge Robert S. Gould, the Law School's first two faculty members. The library collection soon expanded beyond the private holdings, and in 1895 a lecture room became UT Law's first library. The Board of Regents stipulated that students pay annual fees to create a library acquisition fund.

Twenty-one years later, UT Law hired its first full-time law librarian, Ms. Ione Spears, to cultivate the 10,000-volume collection. During this era private donations assisted its growth, including \$1,000 to establish the Ballinger and Jack library fund, and the Carswell Company's donation of 1,119 rare books.

In 1930 UT Law hired one of its own graduates, Helen Hargrave, '26, as its librarian and faculty member. She was both the first female law professor and a beloved figure in the library. Hargrave tripled the collection, and UT Law became the largest law library in the South and Southwest. During her tenure, the library was renamed the Tarlton Law Library, after Judge Benjamin Dudley Tarlton. Tarlton had served on the UT Law faculty after establishing a private law practice, serv-

MERSKY SERVED IN THE INFANTRY
OF PATTON'S THIRD ARMY.

UT LAW LIBRARY TIME LINE



1941
Nazis burn the Great Synagogue in Bialystok, Poland, with 2,000 Jews inside. Jews are rounded up into ghettos.



1941

1943

Mersky volunteers for the U.S. Army to fight fascism and anti-Semitism.



1944
Mersky is wounded three times in the Bastogne crisis. Receives three medals, including a Bronze Star.

1944

1946

Mersky is honorably discharged.

Begins work on B.A., J.D., and M.A.L.S. degrees from the University of Wisconsin.



1948

LIBRARY
COLLECTION
REACHES
70,000
VOLUMES

Undergraduate libraries begin providing students full access to their stacks.

1950

1953-65

Mersky works at libraries in Wisconsin, Connecticut (Yale), Washington, and Colorado. Practices law in Wisconsin.



ing as a representative to the Texas Legislature, and serving as chief justice of the Court of Civil Appeals (Second District of Texas).

When Helen Hargrave retired in 1965, Dean Keeton called Professor Mersky. At Mersky's departure from UC-Boulder, the dean inscribed a book "To Roy Mersky, of whom I mistakenly told the Dean of Texas that he was the best law librarian in the country."

{ Mr. Mersky's Library }

In a 1965 *Townes Hall Notes* interview Roy Mersky established his agenda. The Tarlton Law Library, which ranked nationally in the 120s among academic law libraries, would become one of the most important law libraries in the world. He would professionalize the library's staff. The new team would expand access to basic resources, improve special collections, such as the international and rare-book holdings, and provide more patrons with improved access to both the library's holdings and its technologies.

"The library's primary concern is to the faculty and students," he said. "But as a state institution, we have a responsibility to all lawyers in the state to make resources available to them."

Today, the Jamail Center for Legal Research, of which the Tarlton Law

Library is a part, ranks as the seventh-largest academic law library in the United States. Mersky's teams of professional librarians have acquired more than 835,000 books. The library loans more books than the law libraries of Harvard or Yale. The library has hosted a wide array of scholarly conferences, expanded the rare-books collection, and used a far-ranging set of technologies to disseminate information.

Mersky has also focused on students. He re-established Teaching Quizmasters (TQ), a program expanding faculty assistance roles for students. The program had started back in 1901. In 1965 students began to help with legal research, writing, and oral advocacy. Many American law schools have since adopted the model, and UT Law continues to refine the program.

But as important as his achievement of acclaim for Texas is, Professor Roy Mersky is nationally known for training an entire generation of law librarians.

Tarlton "alumni" include law librarians and legal researchers Rhea Ballard-Thrower (Howard), Steve Barkan (U. Wisconsin-Madison), Robert Berring (UC-Berkeley), Lance Dickson (Stanford), Don Dunn (former law librarian at West New England College of Law and now dean of LaVerne College of Law), Charles Dwyer (San Diego County), Harry S. Martin III (Harvard), Robert Nissenbaum (Fordham), Keith Stiverson

(Chicago-Kent), Jenni Parrish (UC-Hastings), Chris Simoni (Northwestern), Dan Martin (Pepperdine), and Virginia Wise (Harvard).

Virginia Wise is Harvard's Thayer Senior Lecturer on Law for Legal Research. She commented, "Christopher Columbus Langdell may have had a theory about the law library being the center of legal education, but Roy Martin Mersky has made it a reality at the Tarlton Law Library. Through sheer intelligence, skill, force of personality, and example he has enriched generations of law librarians, staff, faculty, students and alumni at the University of Texas. Tarlton has a unique blend of special collections, super staff, fabulous art, modern technology, and Texas hospitality that only Roy Mersky could bring together and maintain over decades of sea changes in legal education and libraries."

{ Money Matters }

One of this happens without money, and the Jamail Center for Legal Research requires constant tending. From the governor of Texas donating his own library to the collection of student fees, the building of the UT Law library has been a communal effort.

Important support came in 1989, when Dean Mark Yudof announced in

TARLTON WROTE LAW TEXTBOOKS THAT WERE ADOPTED BY LAW SCHOOLS, INCLUDING UT LAW.

PRESIDENT ZALMAN SHAZAR OF ISRAEL WITH MERSKY.

The law library is renamed for Benjamin Dudley Tarlton.



1951

1952

The law library purchases one microfilm reader and one microcard reader.



UT creates a rare-book room.



1953

1961

The library becomes a depository for one copy of all briefs filed in the U.S. Supreme Court.

Mersky is hired. He re-launches the Teaching Quizmasters program.



1965

1972



Mersky takes leave to direct the Jewish National and University Library in Jerusalem.

ROY M. MERSKY TIMELINE

Townes Hall Notes that he had requested a tuition increase of \$7 per hour to improve the acquisitions budget of the library. He called the “erosion of support for the Tarlton Law Library” the most serious problem facing the Law School. He wrote that the Tarlton Law Library and Jesse Jones Hall were “the jewels in the crown of the Law School, and I will do everything in my power to preserve them.”

The Houston Endowment, Inc., responded with a gift of \$1 million, nearly ten times the total library endowment that the Law School received in its first 106 years.

In 1993 Lee and Joseph D. Jamail, '52, donated \$13 million to UT-Austin, \$5 million of which supported two chairs for faculty research, a Library Excellence and Research Fund, and a Dean's Discretionary Fund. As a result, the Law School launched the Jamail Legal Research Center, of which the Tarlton Law Library is a part. Other generous gifts from the Jamails have been used to expand the library's collection, including the purchase of John Rastell's 1525 *Exposicions of (th)e Termys of (th)e Law of England*, the first dictionary of any kind written in English. (See UTLAW, Spring 2002.)

Those gifts have been complemented by book fund endowments given by many loyal supporters of the Law School. To name just a few, in addition to the

Jamails and the Houston Endowment, donors have included Pan and Bryan Garner, '84, the Honorable Joe Greenhill, Sr., '39, Chauncey Leake, Jr., '55, Mary J. Parrish, '78, Eduardo Rodriguez, '68, the Scott J. Atlas Philanthropic Fund, the family of Neal Manne, '80, and the family of Judge Benjamin Tarlton, '11.

A semi-permanent loan of art also enriches students' lives. Roy Mersky's friendship with Elton M. Hyder, '43, convinced the art collector to house his massive legal art collection in the Tarlton Law Library. The collection contains more than 4,000 items of furniture and art. It's one of the largest legal art collections ever compiled by a single person. It creates a warmth not found in many law libraries, and it was placed in the Jamail Legal Research Center because Mr. Hyder wished for students to be surrounded by the history of the law, as they were in many elite private graduate schools.

{ The Future }



This year UT-Austin's undergraduate library was renamed the Flawn Academic Center. The center—more Starbucks than stacks—enables students to relax, work in teams around large tables, and use technology to access learning materials. Its books are

now primarily housed in UT's other libraries, including the Perry-Castañeda Library (PCL), where the majority of UT-Austin's eight-million-volume collection currently resides.

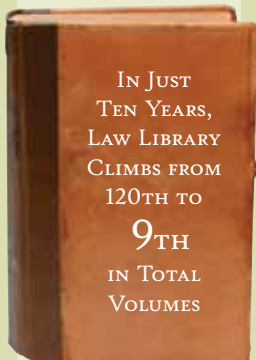
These changes send chills through those who find comfort in the presence of book-lined walls. Will the Jamail Center for Legal Research suffer such a fate?

“No,” said Jeanne Price, '82, the center's associate director for patron services. “In the digital age, books won't go away. Library patrons still learn from browsing the stacks. However, the need for duplicate copies is reduced because the material can often be accessed online. That opens up space in the library shelves and reduces the number of books we need to have on-site. Some of the savings goes into paying the ever-increasing costs of online databases. Other savings are shifted into digitizing our own special collections so that those materials will be made available to wider audiences.”

Price, who also holds degrees from UT-Austin, Yale, and the University of Maryland, acknowledges the movement toward having several large regional libraries house massive collections especially for archival and preservation purposes. One group, the Legal Information Preservation Association, is exploring the creation of “dark archives.” These archives preserve pri-

DEAN YUDOF AND MERSKY ACCEPT THE CLARK PAPERS DONATION FROM MARY CLARK AND HER SON, U.S. ATTORNEY GENERAL RAMSEY CLARK.

UT LAW LIBRARY TIME LINE



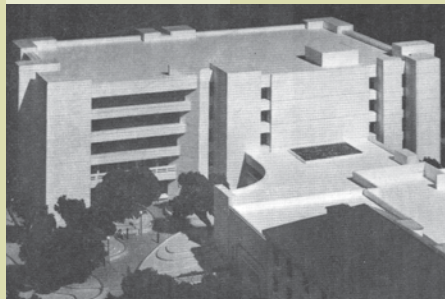
1975

1979

Law librarian Helen Hargrave becomes the first woman to receive the UT-Austin distinguished graduate award.



The library moves into its new facilities in Jones Hall.



1980

1982

Mersky takes a one-year leave to build the New York Law School library.



Dean Mark Yudof announces a tuition increase earmarked for the library.

The Houston Endowment gives \$1 million.

1989



1991

Construction converts three thousand square feet of closed stack area into a computer center.

JONES HALL WAS NAMED FOR HOUSTON CHRONICLE OWNER JESSE JONES, WHOSE HOUSTON ENDOWMENT PROVIDES SUPPORT FOR UT LAW.

THE LAW SCHOOL NOW PROVIDES WIRELESS NETWORKING THROUGHOUT THE COMPLEX.

mary authority documents (official reports, codes, etc.), but the public has no access to the repository.

Roy Mersky echoes this future. While he admits that no one knows what will happen, he foresees a time when smaller law libraries keep limited numbers of hard copies and contribute to funding a larger collection housed in a regional library with national stature—one like the Jamail Research Center.

{ Distinguished Service }

Roy spoke about these changes this summer, when he was presented with the prestigious Marian Gould Gallagher Distinguished Service Award by the American Association of Law Libraries.

“I’ve always tried to be a proactive librarian (people have alleged aggressive). I’ve embraced innovation, change, and technology. . . . But much has stayed the same: librarians still feel the stigma of stereotyping and lack professional status; academic directors are being denied tenure; book prices and online database costs continue to escalate; and deans and corporate officers still feel that libraries are black holes in relation to their budgetary needs. . . . But as I look toward my retirement in 2020, I pledge to remain enthusiastic, intellectually curious, and supportive of a mar-

velous profession and a superlative former and present Tarlton staff.”

Will he stick around to see the transition to stronger library partnerships and dark archives occur? After all, Kings Saul, David, and Solomon each reigned for only forty years.

Roy Mersky answered that question this fall when Dean Bill Powers surprised him with a school-wide birthday party in the Susman Godfrey atrium. The faces in the audience were young and old, almost all hired after Mersky. While the sprightly eighty-year-old was thanking the gathering, Professor Guy Wellborn yelled out from the crowd, “Forty more years! Forty more!”

“You get twenty!” retorted Mersky. 🗡️

Gwyn Anderson, Michael Horn, George Peek, Jeanne Price, Addy Sonder, and Michael Widener contributed to this article.

Time line sources: Hans W. Baade, with Rich Leiter, “Beginnings of the Law Library,” Tarlton Brief, 1997; Interviews,

PAST DIRECTORS of UT Law’s Research Center



H. C. VON STRUVE
1895



IRA P. HILDEBRAND
1899-1900



WILBURN M. CLEAVES
1910



IONE SPEARS
1916-23



CECIL MORGAN
1923-24



DORIS CONNERLY
1924



LUCY MOORE
1926-40



HELEN HARGRAVE
1939-65



ROY M. MERSKY
1965-PRESENT

Townes Hall Notes, 1965-2000; Tarlton Law Library Briefs, 1976-present; Tarlton Law Library Annual Reports, 1965-present; Michael Widener; Gwyn Anderson.

MORE INFORMATION ABOUT THE RARE-BOOKS COLLECTION CAN BE FOUND AT [HTTP://TARLTON.LAW.UTEXAS.EDU/RARE/INDEX.HTML](http://TARLTON.LAW.UTEXAS.EDU/RARE/INDEX.HTML).

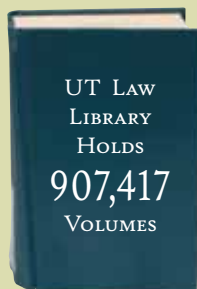
The law library establishes an online public access catalog and circulation system.

1993



1992

The law library becomes a part of the Jamail Center for Legal Research.



1996

2001

More than 150 leading legal scholars from around the globe meet at the “Language and the Law” conference.



UT Law Library celebrates its millionth volume, John Rastell’s *Exposicions of (th)e Termys of (th)e Law of England* (London, 1525), donated by Lee and Joseph Jamail, ‘52.

2002

2005

Jamail Center is sixth-largest law library in the country.

Mersky is awarded the Marian Gould Gallagher Award for Distinguished Service.



ROY M. MERSKY TIME LINE

LEE AND JOSEPH JAMAIL, '52, HAVE PROVIDED GENEROUS SUPPORT FOR THE LIBRARY, FACULTY, STAFF, AND STUDENTS.