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Practicing Reference . . .

Law Librarian, J.D. or Not J.D.?*

Mary Whisner**

Ms. Whisner considers whether and how a law degree helps her in her job as a law librarian.

¶1 Chatting with three first-year students during orientation this fall, I had yet another opportunity to debunk the statement that you have to have a law degree to be a law librarian. As I've done many times, I explained that fewer than one-third of law librarians have law degrees.¹ Even in the University of Washington's Information School, which has a special law librarianship program for people entering with law degrees, the law librarianship classes are open to anyone, and many students without law degrees take them and go on to become law librarians.

¶2 I like to engage in this sort of public education. I think it's good for law students and lawyers to understand that those very smart, knowledgeable professionals who can solve their research problems do not all hold the degree that is so important to *their* identities. It's amazing but true: lawyers don't know everything, and they aren't the only ones who know legal research. I also think it's good for librarians and library students to know this, because it can open up great careers for them.

¶3 That afternoon during orientation, one of the students responded with a question that people don't usually ask me: *How does having a law degree help you as a law librarian?* I said something about understanding how legal information is put together and being able to help researchers by understanding something about the subject. Our conversation moved on, but the question stayed with me.

¶4 Why isn't the question asked more? When people talk to me about my career path, they don't ask how the law degree helps, although they might ask how I decided not to practice law. They seem to take for granted that having a law degree is a good thing and that legal training would help in my work. Maybe

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1. In 2007, 27.2% of AALL Salary Survey respondents had both an M.L.S. and a J.D., and 5.4% had a J.D. without an M.L.S. AMERICAN ASSOCIATION OF LAW LIBRARIES, THE AALL BIENNIAL SALARY SURVEY & ORGANIZATIONAL CHARACTERISTICS 10 (2007), available at http://www.aallnet.org/members/pub_salary07.asp (online version available only to AALL members).

there's some cultural memory of the days when many more law librarians had law degrees than had library degrees.²

¶5 It's shallow to say that the degree helps with the job because it helps one get a job, although that's certainly true, since most academic law libraries require reference librarians to have J.D.s. When I was hired twenty years ago, the job ad required a J.D., although for years now our library's ads for reference librarians have said only that a J.D. is preferred. Of course the J.D. helped me get the interview and the job, but that doesn't really answer how it helps me *in my work*.

¶6 Throughout my career in law library reference I have known people who were very good at it without the J.D. When I was a graduate student at Louisiana State University, I learned from Charlotte Melius, the head of public services (no J.D.), as well as Madeline Hebert, the reference librarian (J.D.). My supervisor in my first full-time position was Melissa Landers, who had also not gone to law school. Melissa had worked for Lexis and for a law firm, so she had developed excellent research skills. She was also a talented trainer and could come up with examples that were interesting and neatly made the point she needed to make about whatever tool she was demonstrating.³ Now I have shared reference duties for over fifteen years with Peggy Jarrett and Cheryl Nyberg (no J.D.s), who are bright, creative researchers, familiar with the gamut of legal materials and institutions. And of course there are all the J.D.-less librarians⁴ from other departments and from other law libraries whom I've seen in action. So it is easy for me to tell students—and anyone else—that you really don't have to have a law degree to be a law librarian.

¶7 That experience, of course, does not help me answer the question of how the law degree *helps*. Perhaps what it does is tell me that the law degree is not the *only* way to acquire the skills, knowledge, or whatever else it takes to do my job.

¶8 It seems clear that my legal training (both in school and my few years of practice) would have *some* effect on my work as a law librarian. After a bit of reflection, I've come up with these areas where it does: knowledge of legal institutions, legal terminology, and substantive law; ability to read legal materials; knowledge of legal culture; comfort in dealing with law students, lawyers, and law professors; interest in law.

¶9 First, there's knowing some law. Clearly that has to make some difference in reference work. Our job is not to tell patrons the answer, so it's not that we pull

2. A survey of law librarians outside law schools in the early 1950s found 55 of 129 law librarians had law degrees, while only 24 were library school graduates. WILLIAM R. ROALFE, *THE LIBRARIES OF THE LEGAL PROFESSION* 96–97 (1953).
3. See Penny A. Hazelton, *Memorials: Melissa Sue Landers*, 82 *LAW LIBR. J.* 401 (1990). A scholarship fund in Melissa's honor supports non-J.D. students at the University of Washington interested in law librarianship. M.G. Gallagher Law Library, University of Washington, Melissa S. Landers Memorial Fund, <http://lib.law.washington.edu/lawlibrarianship/giLanders.asp> (last visited Oct. 19, 2007).
4. I don't like having to characterize people by what they lack—"J.D.-less" and variants—but I can't think of a cleaner way to say "librarians who don't happen to have completed law school."

statutory provisions or case holdings out of our heads for them. But it is helpful to know the difference between secured transactions and securities regulation, to know that wills and trusts are generally matters of state law, and to know that the Supreme Court can only review a state supreme court's ruling if the state court was applying federal law. The more familiar we reference librarians are with vocabulary, subject areas, and so on, the easier it becomes to refer a patron to an appropriate source or, if we are doing the research for someone, to get there ourselves.

¶10 No one knows everything. For many people, three years of law school serve only as an introduction. I took a range of classes during law school, but there were great holes in my curriculum. I never took either secured transactions or securities regulation (although I read through bar review materials on one and learned a little bit about the other in my basic corporations class). I never took bankruptcy, copyright, environmental law, health law, law and economics, patents, estate planning, or any number of core subjects—but I've certainly had reference questions in those areas.⁵

¶11 It's not about knowing all subjects, but about having a sense of the general way that law works. The cliché about the first year of law school is that it's mostly about "learning to think like a lawyer."⁶ Hard as it is to pin that down, there's something to it. People can pass bar exam questions on subjects they never took after studying a brief outline and listening to a lecture or two, not because there's nothing to those subjects, but because they have wrestled with enough other subjects that they "get" how it works to have a list of conditions that are necessary for a cause of action or a valid instrument; they can file away new rules and apply them as needed.

¶12 Getting a law degree is a great way to develop familiarity with legal rules, terms, and institutions, but it's not the only way. Could you get familiar enough for law librarianship from two and a half years of law school? From two? From a class or two, some reading, and hundreds of reference questions? Sure, but I got my jump start in law school, and it does help me in my job.

¶13 As a law student, I took some classes (corporations, tax, evidence, accounting for lawyers) because they were recommended for a well-rounded education, and I took others (labor law, sex discrimination, family law, constitutional law) because I was interested, and I thought I might practice in those areas. These days I may choose to pursue my own interests in law—going to lectures and reading articles or books—but regardless of my own interests I need to be able to help others research in the areas they care about. I may be unlikely to seek out a book about

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5. Elsewhere I've discussed how little I knew about foreign and international law when I became a law librarian. Mary Whisner, *Learning a Little about the World: Foreign and International Research and the Nonspecialist*, 97 LAW LIBR. J. 595, 596, 2005 LAW LIBR. J. 33, ¶ 6.
 6. See, e.g., THE PAPER CHASE (Thompson Films 1973) (Professor Kingsfield: "You come in here with a skull full of mush and you leave thinking like a lawyer." Internet Movie Database, <http://www.imdb.com/title/tt0070509/quotes> (last visited Oct. 19, 2007)).

biotechnology patents for myself, but in a collection development meeting I need to remember the professors and students who would use it.

¶14 The ability to read legal materials, the second benefit in my list, goes with legal knowledge: it's indisputably easier to get through a case or a page of a treatise if you don't have to look up every third word and if the concepts in the text fit into what you already know. But I list reading separately because I think there's something extra there. Once, in my first job after law school, my boss told me that I needed to skim. She didn't have a problem with my legal analysis or legal knowledge, but she thought that the office's production could be improved if I just got through the pile of cases I was reading for each research question more quickly. I think it's hard for a rookie to skim and decide which cases are relevant and which can be set aside. Cases (and other legal materials) are just slow going. But in time I learned—and most people who read law long enough learn—to find the relevant passages and figure them out more and more quickly. This lawyer's skill is very useful to me as a reference librarian. When I work on research projects for professors, I often sift through a lot to give them a collection of cases or articles that I think are relevant; it will be up to them to read the material more carefully to determine how it fits with their analysis.⁷ I think some of my ability comes from those law school and lawyer years—but the skill might be more a librarian's skill than a lawyer's skill, since we skim and sort but don't do the careful parsing needed for the lawyer's or professor's final briefs or articles.

¶15 Next, knowledge of legal culture is helpful to a law librarian. By "legal culture" I mean more than just the formal institutions—the things that can be diagrammed in a flow chart showing jurisdiction or agency responsibilities—but also values, relationships, and personalities. Being part of it makes it a part of you: law students pick up law school culture; going to interviews and working in summer jobs, they pick up law firm culture (or the culture of the legal defender's office), and so on. But here, again, going to law school is not the only way to gain this knowledge. Peggy Jarrett came to our library with seven years of experience in law firms, and knows a lot more about their inner workings than I picked up in my one summer associate job.

¶16 Legal training can also improve a librarian's relationships with others in the institution. Working in a law school, one area of common ground when I chat with law students is law school, since I can commiserate about interview woes, moot court jitters, confusing classes, and other staples of law school life. Maybe students are a little more likely to use library services because of the rapport we've developed. My legal training also helps me work with faculty—because of shared

7. It's not just in reference that we sort. When I was indexing (for the *Current Index to Legal Periodicals*), I didn't have the time to read all of every article—or even very much of most articles—so I learned to pull enough information from titles, introductory paragraphs, section headings, and conclusions to assign subject headings. When I write up a blog post about a study, article, or case that I think will interest readers, I also use that skill of picking out salient points quickly.

experience and also because some of them value my credentials (law school, clerkship, etc.). And my legal training enables me to participate in the law school community by judging moot court competitions—a good way to build relationships.

¶17 But legal training is not a necessary condition for good relationships. I think legal training has helped me, but my librarian colleagues without law degrees also have good relationships with students and faculty. What is the foundation of their good relationships? The same as in any workplace—the trust generated by reliable, competent service and professional interactions. Friendliness, civility, and good humor go a long way. In fact, all of these things strike me as more important than the law degree; if my credentials were not accompanied by reliable, competent service, my good relationships with faculty, staff, and students would likely evaporate.⁸

¶18 The final benefit in my list is far from trivial. It is that my legal training makes me more interested in the law, and interest is tied to job satisfaction with spillover effects on quality. It's more fun to do research and help others do research if you care about the field (or at least some aspect of it). In turn that can make you better at it, because you are more likely to read and take other steps to learn more about it.

¶19 But librarians' backgrounds in the law can sometimes backfire. If the librarian hated everything about law school, then watching moot court or on-campus interviewing could evoke such painful memories that job satisfaction goes down. If the librarian continues to resent having been on the "have-not" end of a two-tier system where all benefits and opportunities seemed to go to a few students in the top of the class, then she or he might not be comfortable working with law review students—even at another school that doesn't have such a noxious hierarchy.⁹ A librarian who was battered down by the law student experience might feel less confident talking to law professors than a librarian who hasn't been to law school. A librarian who is fleeing law practice and can't abide lawyers will likely be unhappy in a law library because, inevitably, law libraries are frequented by lawyers. All of this not only affects the librarian's job satisfaction and mental health, but also affects job performance.

¶20 It is hard to sort out exactly what in my work life is attributable to my having gone to law school. Surely law school shaped me, but I can't rewind the clock

8. In our library we all benefit from our institutional history. Every new librarian or staff member who comes on board has a good start with our faculty and students—they expect librarians and library staff to be hard-working and smart, because that's what they've always seen here. In other libraries, the history might be such that newcomers have to work harder to gain that credibility. Maybe, in some circumstances, legal credentials could help overcome negative assumptions about librarians' competence.

9. On the other hand, such a librarian could turn that painful experience into some innovative services aimed at the students who aren't on law review—or the 90% of students who are not in the top 10% of the class.

and see what I would have been like without it.¹⁰ Would I still be analytic? I think so—that undergraduate major in philosophy predated law school after all. Would I still have found some legal issues interesting? Sure, that's why I chose to go to law school in the first place. Would I have been able to develop expertise in legal research? Why not—others have. Still, I think that my legal education does help me in my job as a law librarian. It gave me excellent foundation knowledge of legal institutions, legal terminology, and substantive law. It helped me develop my ability to read, analyze, and sort legal materials. It introduced me to legal culture, and has helped me form relationships with law students, lawyers, and law professors. Finally, it nourished my interest in law, which makes it more interesting to see what comes up each day in the reference office.

10. I'm reminded of my friend who is bemused whenever people ask her what it's like to be a twin. It's hard to say, since she's been a twin her whole life.