

2017

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Great Minds Think Differently:
Education Requirements and the Autonomous Academic Law Library

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Submitted to
Professor Richard Jost
To fulfill course requirements for Current Issues in Law Librarianship, LIS 595,
and to fulfill course requirement of the
Culminating Experience Project for MLIS
University of Washington Information School
Seattle, Washington
May 23, 2017

Great Minds Think Differently:

Education Requirements and the Autonomous Academic Law Library

Abstract- *Academic law library directors are uniquely well educated even among their law librarian peers. That may change following the 2014 changes to the American Bar Association Accreditation Standards, which no longer require directors to hold both a Juris Doctor and a Master of Library and Information Science degree. This paper addresses the purpose behind requiring those degrees, some possible causes for the change in that requirement, and how that change has effected the academic qualifications of directors. It also addresses how those directors perceive the value of those degrees to their work as law librarians.*

I. Introduction

A popular expression in American culture is that “great minds think alike.” People generally use this expression upon learning that one person has the same great idea that they also had. There are other interpretations of this phrase that dramatically change its meaning. For instance, another popular iteration is that “great minds think alike, but fools seldom differ.” This serves as a warning to those who have reached the same conclusion as their peers. Reaching the same conclusion is only a sign of strong thought or that thought’s correctness if those who reached it did so through their own intellectual processes.

“It is a basic principle of legal education that the law library is the heart of the law school...”¹ The American Bar Association (ABA) has encouraged this principle through its law school accreditation standards. These standards have emphasized the importance of the law library as an independently controlled entity within the law school.² This commitment to the law library’s independence reflects a belief that the library is of greatest value to the law school as another entity rather than as an extension of the school itself. It assures that law schools and their libraries are not fools who seldom differ.

That independence has been associated with education requirements for the director of the law library. Even great minds can have difficulty differing if they have been trained to think in the same way. Since 1973, the ABA standards have emphasized the importance of the director possessing knowledge of both law and libraries.³ These education requirements have evolved over time. The most recent major change transformed a strong suggestion that an academic law library director have both a Juris Doctor (JD) and a Master of Library and Information Science (MLIS)⁴ to this statement:

A director of a law library shall have appropriate academic qualifications and shall have knowledge of and experience in law library administration sufficient to support the program of legal education and to enable the law school to operate in compliance with the Standards.⁵

¹ Am. Bar Ass’n Standards of the American Bar Association for Legal Education: Factors Bearing on the Approval of Law Schools by the American Bar Association 6 (1940).

² Am. Bar Ass’n, Law Schools and Bar Admission Requirements in the United States: 1959 Review of Legal Education 21 (1959).

³ Am. Bar Ass’n, Approval of Law Schools: American Bar Association Standards and Rules of Procedure vii (1973).

⁴ This paper uses MLIS to indicate a degree from any American Library Association-accredited masters’ program for the sake of clarity.

⁵ Am. Bar Ass’n, ABA Standards and Rules of Procedure for Approval of Law Schools 40 (2014).

This paper addresses this change in the standards. It begins by discussing the origins of the standards and their development over the 20th and 21st centuries. This includes a brief discussion of factors of particular relevance to the 2014 changes. The paper then discusses a survey of academic law library directors to discern whether this change has inspired law schools to change the education requirements for their law library directors. The survey also reflects how academic directors feel about the change to Standard 603's wording. The paper concludes by discussing some ways that the academic law library might strengthen its position as a vital, autonomous force within the law school. Then it can resume its work as a great mind thinking differently than its parent institution, guiding the law school towards strength by thinking alike enough to provide a new perspective and fresh ideas for the school as a whole.

II. The Education Backgrounds of Law Librarians

Approximately one third of all law librarians have both an MLIS and a JD, but fewer than 20% of law librarian positions require both degrees.⁶ Most positions state that applicants must have an MLIS, while a number of academic positions require a JD as well.⁷ Within academic law libraries, 45.8% of law librarians have an MLIS with no JD, 5.4% have a JD with no MLIS, and 43% have both degrees.⁸ These different education levels are not spread evenly throughout academic law libraries. Those positions that tend

⁶ *Education Requirements*, American Association of Law Librarians (2017), <https://www.aallnet.org/mm/Careers/lawlibrarycareers/Education-Requirements>.

⁷ *Id.*

⁸ Am. Ass'n of Law Libraries, *Biennial Salary Survey and Organizational Characteristics*, at S-48 (2003), available at http://www.aallnet.org/members/pub_salary03/s-47-s-48.pdf.

to demand both degrees are reference librarians, associate law librarian, or law library directors. Academic law library director positions overwhelmingly require applicants to have both degrees.⁹

The higher education requirements for academic library directors can be attributed to the accreditation standards set by the ABA. The most important for the purposes of this paper is that academic law library directors typically have faculty status. As discussed below, faculty status includes the academic protections of tenure status, and requires applicants to have both degrees.¹⁰ For years, the path to law library directorship typically involved “moving from reference librarian to head of reference to head of public service to associate law librarian to director.”¹¹ This process means that libraries seeking reference librarians will often require those candidates to have both degrees as well. With that said, reference librarians with little interest in becoming academic directors have also expressed other ways that the degree may be valuable to a reference librarian, such as helping to foster a strong connection to the legal community or legal issues.¹² Regardless, the ABA accreditation standards have made academic law librarians uniquely well educated among the law library community.

⁹ Laurie Langland, *Educational Requirements of Law Library Directors*, AALL Spectrum (Am. Ass’n of Law Libraries, Chicago, Ill.) July 1998, at 24.

¹⁰ Id.

¹¹ Barbara A. Bintliff, Laura N. Gasaway, Penny A. Hazelton, Frank G. Houdek, Janis L. Johnston, Martha Dragich Pearson, Charles Ten Brink & Michelle Wu, *Rebuilding the Profession: Recommendations for Librarians Interested in Becoming Academic Law Library Directors*, 99 Law Lib. J. 101, 122 (2007).

¹² Mary Whisner, *Law Librarian, J.D. or Not J.D.?*, 100 Law Lib. J. 185 (2008).

III. The History of ABA Accreditation Standard 603

The American Bar Association sets the standards that law schools must meet in order to maintain accreditation. The ABA began issuing standards for accredited law schools in 1921, and began publishing classifications of approved schools in 1923. In 1928, the ABA's Council on Legal Education and Admission to the Bar developed interpretations of those standards that law schools read as extensions of those standards establishing what would be expected of accredited law schools. The ABA restructured itself in 1935. The year after, the Section on Legal Education, the section of the ABA responsible for law school supervision, issued a new set of interpretations governing academic law libraries. These initial standards emphasized the material contents of the library.¹³

Ever since then, ABA accreditation standards have played some part in the development of the law library and its position within the law school. This section addresses the history of those changes over time up through the current standards as they relate to academic law library director education requirements. That history is connected to a consistent, but unclearly stated, belief in the importance of library autonomy. This paper focuses on the current standards, and therefore includes some brief historical context to help explain the most recent changes to the standards.

¹³ The history of the ABA's position as an accrediting institution and its institutional structure, while interesting, is beyond the scope of this paper. For more information on these and other elements of this history, see: Theodora Belniak, *The History of the American Bar Association Accreditation Standards for Academic Law Libraries*, 106 Law Libr. J. 151 (2014).

a. Standards Prior to 2014

In 1940, the Section of Legal Education published a list of factors in *Standards of the American Bar Association for Legal Education: Factors Bearing on the Approval of Law Schools by the American Bar Association*. Those factors used in library evaluation included “Autonomy of Library.”¹⁴ There was no additional guidance for these factors, and they were never mentioned within the official standards and interpretations. Nevertheless, the factors expressed a stronger view of the library’s place within an institution, and gave librarians a checklist to use while preparing for inspection by the ABA.

The ABA finally inserted language explicitly stating the importance of library autonomy in 1959, when the ABA adopted standards stating that “[t]he law library should be administered by the law school as an autonomous unit, free of outside control.”¹⁵ John Hervey attributed this change in the interpretations to law library autonomy problems at two institutions that consumed a considerable amount of the Section on Legal Education’s time. The Section decided that it would be simpler to “require complete autonomy over the law library in all approved schools” instead of “spending so much time in dealing with the schools individually.”¹⁶ The decision empowered law libraries to push for greater autonomy and expenditures in order for the school as a whole to retain accreditation.

¹⁴ Am. Bar Ass’n Standards of the American Bar Association for Legal Education: Factors Bearing on the Approval of Law Schools by the American Bar Association 6 (1940).

¹⁵ Am. Bar Ass’n, Law Schools and Bar Admission Requirements in the United States: 1959 Review of Legal Education 21 (1959).

¹⁶ *Proceedings of the Fifty-Third Annual Meeting of the American Association of Law Libraries*, 53 Law Libr. J. 298, 458 (1960).

The ABA reformulated its standards in 1973. The standards “were drafted to conform to the Criteria for Nationally Recognized Accrediting Agencies and Associations promulgated by the Office of Education, Department of Health, Education and Welfare.”¹⁷ These new standards more clearly defined the concept of library autonomy. First, Standard 604 charged the dean and the faculty with selecting a law library director and stated:

The law school library may be administered either as part of the University Library, or an autonomous unit, provided that however administered, its growth, development and utilization are not interfered with or impeded and the best possible service is afforded the law school.¹⁸

Second, Standard 605 specified the requirements for the law library director. The standard included the director’s tasks within the school, “development and maintenance of the library and the furnishing of library assistance to faculty and students.”¹⁹ This task included supervision of a competent and adequate staff. It also clarified the level of knowledge that was expected of a director. “The law librarian should have a sound knowledge of library administration in general and of the particular problems of a law library. If the librarian is not a law school graduate, he should have special training in the field of library content, use, and administration.”²⁰ This standard emphasized the two types of knowledge that a director needed to possess rather than the specific means by

¹⁷ Am. Bar Ass’n, *Approval of Law Schools: American Bar Association Standards and Rules of Procedure* vii (1973).

¹⁸ *Id.*, at 18.

¹⁹ *Id.*

²⁰ *Id.*

which they acquired that knowledge, although the standard did place slightly more emphasis on legal education.

In 1977, the ABA changed the educational requirements for the director to state that “[t]he law librarian should have a degree in law or library science and shall have a sound knowledge of library administration and of the particular problems of a law library.”²¹ Standard 605 created an either/or approach to the education requirements, with greater emphasis on library administration than on knowledge of content. This changed emphasis accompanied a statement about the library’s independent role within the school.

The law school library must be a responsive and active force within the educational life of the law school. Its effective support of the school’s teaching and research programs requires a direct, continuing and informed relationship with the faculty and administration of the law school.²²

The ABA adjusted standards again in 1995, with an emphasis on reflecting the impact of electronic research and allowing differentiation across law schools. As the delegate introducing the changes said:

[T]he amended standards and interpretations are intended to... lessen the weight of the regulatory hand by requiring that a law library meet various needs of the programs, faculty and students of the law school that library serves, as opposed to

²¹ Am. Bar Ass’n, Approval of Law Schools: American Bar Association Standards and Rules of Procedure, as amended 1977 17 (1977).

²² Id., at 18.

being required to meet specific criteria applicable to all law libraries at all law schools.²³

The 1995 changes moved those standards related to the law library director to Standard 603. They also stated that “[t]he law library director shall hold a law faculty appointment.”²⁴ The ABA clarified Standard 603 with Interpretation 1 of Standard 603(d): “The granting of faculty appointment to the director of the law library under this Standard normally is a tenure or tenure-track appointment. If a director is granted tenure, this tenure is not in the administrative position of director.”²⁵ The education requirements also changed to state that the director “should have a law degree and a degree in library or information science.”²⁶ This change reflected the typical reality that tenured faculty positions in law schools are limited to those with law degrees. The change to the education requirements were optional as written, since they used the word “should” rather than the word “shall.” This distinction proved largely irrelevant, as the connection between education requirements and tenure status ensured that deans typically required both degrees.

In the 2004-2005 Standard 603, the ABA added a qualification to the director’s faculty status: “Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.”²⁷ The interpretations and standards offered no guidance as to what would qualify as an extraordinary circumstance,

²³ *Fourth Session of the Annual Meeting*, 120 Ann. Rep. A.B.A., No. 2, at 50, 53 (1995) (Section of Legal Education and Admissions to the Bar).

²⁴ Am. Bar Ass’n, American Bar Association Standards for Approval of Law Schools and Interpretations 48 (1995).

²⁵ *Id.*

²⁶ *Id.*

²⁷ Am. Bar Ass’n, American Bar Association Standards and Rules of Procedure for Approval of Law Schools 46 (2004).

opening one possible avenue for law school deans to hire library directors with lower levels of educational experience.

These standards, which required an academic law library director to hold a protected faculty position and all but required the director to hold both a JD and an MLIS degree, remained in place for the next eight years. However, a sea change within the legal community helped push the ABA to consider different alternatives.

b. Intervening Factors

Standards do not change in a vacuum. Political pressures and the changing situations facing law schools create them. The next section addresses some of the changes that might have helped shape the ABA's decision when updating its standards in 2014.

i. Law School Deans

The first problem was that the deans in charge of the law school and their appointment were beginning to demand more flexibility in hiring practices. In 2006, the ABA charged a task force to “consider the relevant concepts and broad issues of accreditation...[without getting] bogged down in the details of the [s]tandards or in drafting.”²⁸ The American Law Deans Association responded and took issue with standards that required protection for certain kinds of employees, including law

²⁸ William R. Rakes, Accreditation Policy Task Force 1 (Aug. 28, 2006), available at http://taxprof.typepad.com/taxprof_blog/files/aba_accreditation_policy_task_force.pdf.

librarians.²⁹ Other versions of this argument emphasize that high fixed costs are the biggest problems for law schools, and tenure positions are the highest fixed cost for those schools.³⁰

The Deans' argument for increased flexibility found a responsive audience. In 2007, the ABA created the Special Committee on Security of Position, which explored "what specific wording could be employed (in [s]tandards or [i]nterpretations or both) to protect" the interests that had been nourished by the current rules.³¹ This special committee did express some interest in the importance of these protections for law librarians and other positions when it noted, "[t]here is a relationship between tenure and the role of faculty in governance."³² Nevertheless, the committee's stated goal was to limit those protections and helped push towards changes to the Section 603 education requirements.

ii. Economic Downturn

The Deans' argument for greater administrative control found additional vitality in the midst of the economic crisis that began in 2008. It is difficult to draw a direct connection between the academic downturn and decreased law school budget, but it is

²⁹ James M. Donovan & Kevin B. Shelton, *Tenure and the Law Library Director*, 61 J. of Legal Educ. 406, 408 (2012).

³⁰ Letter to The Hon. Solomon Oliver, Jr., Council Chairperson, Barry A. Currier, Managing Director of Accreditation and Legal Education and Admissions to the Bar, available at <http://blurblawg.typepad.com/files/law-professors-letter-to-the-aba-on-tenure.pdf> (last visited April 29, 2017).

³¹ Memo to Special Committee Appointees and Interested Legal Education Organizations from Chief Justice Ruth McGregor, Chairperson, Legal Education and Admissions to the Bar (Oct. 8, 2007), available at apps.americanbar.org/legaled/committees/SpecialCommitteeAppointment.doc.

³² Special Committee on Security of Position 8 (May 5, 2008), available at <http://www.abanet.org/legaled/committees/subcomm/Security%20of%20Position.doc> (last visited April 29, 2017).

also difficult to argue that law schools did not enter a state of crisis shortly after 2008.³³ Law schools received 76% as many applications in 2012 as they had in 2010, and enrollment reached its lowest point since 1975.³⁴ The delay in this enrollment reduction might be attributed to the recession's effects on the field of law as a whole. The economic downturn caused larger law firms to dramatically reduce their spending. This, combined with increased competition for entry-level law firm work, led to a dramatic reduction in post-graduation employment for law students.³⁵ The widely publicized fact that a law degree no longer carried a promise of a high paying professional job made the high cost of law school an increasingly dubious proposition.³⁶ While this chain of events seems to have begun in earnest prior to the recession³⁷, the harsh economic realities of the time are a difficult factor to ignore.

iii. Librarian Status Within the Law School

The law librarian's position within the eyes of the faculty and the eyes of the students has diminished over time, making the requirements for law library education appear less essential. Librarians historically had nearly exclusive control over formal

³³ Lincoln Caplan, *An Existential Crisis for Law Schools*, N.Y. Times, Jul. 14, 2012, at SR10.

³⁴ Mark Hansen, Law School Enrollment Down 11 Percent This Year over Last Year, 24 Percent over 3 Years, Data Shows, ABA Journal (Dec. 17, 2013), available at http://www.abajournal.com/news/article/law_school_enrollment_down_11_percent_this_year_over_last_year_data_shows (last visited April 29, 2017).

³⁵ James G. Milles, *Legal Education in Crisis, and Why Law Libraries Are Doomed*, 106 Law Lib. J. 507, 511 (2014).

³⁶ Genevieve Tung, *Academic Law Libraries and the Crisis in Legal Education*, 105 Law Lib. J. 275, 278 (2013).

³⁷ Bill Henderson, *Lots of Jobs for Law Graduates—Just Not Grads in the U.S.*, Legal Whiteboard (May 12, 2012), available at <http://lawprofessors.typepad.com/legalwhiteboard/2012/05/good-news-for-law-graduates.html> (last visited April 29, 2017).

legal research instruction.³⁸ Law schools recognized the importance of legal research as a practical skill, but they also realized the importance of developing those practical skills in smaller groups that would allow for easier and more personalized feedback.³⁹ Law schools began to experiment with consolidating their legal research and legal writing programs, and eventually found success. In the past few decades, as early as the 1980s, most law schools began to buy into the belief that legal research should be taught as part of the legal writing process, reducing law librarian control within the institution.⁴⁰

In addition to losing a domain that they used to control, other law school purposes are becoming more important to the institution. Space that had been previously devoted to the library is overwhelmingly being converted to non-library purposes.⁴¹ *The U.S. News and World Report* Law School Rankings, first introduced in 1987, have had a profound effect on the way that law schools operate.⁴² The rankings place a heavy emphasis on Admissions and Career Services statistics, and that emphasis has caused law schools to professionalize those aspects of the school and increase their educational requirements.⁴³ Higher education requirements raise a position's prestige, but it also raises a position's salary. Law librarians must now compete for both respect and the school's limited financial resources.

³⁸ Duncan Alford, *The Development of the Skills Curriculum in Law Schools: Lessons for Directors of Academic Law Libraries*, 28 Legal Ref. Servs. Q. 301, 306-307 (2009).

³⁹ Id.

⁴⁰ See Helene S. Shapo, *The Frontiers of Legal Writing: Challenges of Teaching Research*, 78 L. Lib. J. 719, 725 (1986) ("The data thus indicates that, in most law schools, legal research is no longer taught by law librarians.").

⁴¹ Taylor Fitchett, James Hambleton, Penny Hazelton, Anne Klinefelter & Judith Wright, *Law Library Budgets in Hard Times*, 103 Law Lib. J. 91, 95 (2011).

⁴² Michael Sauder & Ryon Lancaster, *Do Rankings Matter? The Effects of U.S. News & World Report Rankings on the Admissions Process of Law Schools*, 40 Law & Soc'y Rev. 105 (2006).

⁴³ Fitchett, Hambleton, Hazelton, Klinefelter & Wright, *supra* note 41, at 95.

Law library status was already in decline prior to the financial downturn, but the downturn made the consequences of that decline even more concrete. The second biggest expenditure facing law schools, other than faculty salaries, is the law library.⁴⁴ Law schools cannot touch expenses with a greater impact on ranking like professor salary or student financial aid without adverse consequences. This has made the school law library one of the most frequent targets for budget cuts.⁴⁵ This change in status has come through in the comments to the ABA. “Of the fifty comments submitted as of March 11, 2013, to the ABA Task Force on the Future of Legal Education, only the letter from the American Association of Law Libraries (AALL) mentions law libraries in a positive light.”⁴⁶ Comments have specifically targeted the restrictions placed on law schools through the ABA standards:

The entire set of rules relating to the law library must be deleted. These rules require law schools to maintain unnecessarily expensive library collections and a large support staff; the book-on-the-shelf library is virtually obsolete in the electronic information age.⁴⁷

In short, law libraries were in a period of difficult transition prior to the financial crisis. The recession made this difficulty apparent to even the most optimistic librarians.

⁴⁴ *Id.*, at 95.

⁴⁵ *Id.*

⁴⁶ Milles, *supra* note 34, at 518.

⁴⁷ Brian Z. Tamanaha, *Failing Law Schools* 33 (2012).

Even as the economy makes strides towards recovery, the changes that law libraries are facing may well be permanent.⁴⁸

iv. Institutional Sway

While many law schools acted as though Standard 603(c) required both a JD and an MLIS degree, at least one highly ranked school did not treat these suggestions as requirements. Harvard Law School named John Palfrey, a faculty member who did not have an MLIS degree, as the head of its law library in 2008.⁴⁹ When Palfrey left Harvard, the school named Jonathan Zittrain, another faculty member without an MLIS degree, as his successor as Vice Dean of Library and Information Resources.⁵⁰ The school simultaneously appointed Suzanne Wones, who had an MLIS degree but no JD, to the position of Executive Director, a position that works closely with the Vice Dean in library administration.⁵¹ Current executive director Jocelyn Kennedy, who has both a JD and an MLIS, succeeded Wones as the executive director in 2016.⁵² The ABA never made any public indication that accreditation at the school was in jeopardy on account of the language in 603(c) and the division of degrees among library leadership.

The case is not as clear for the University at Buffalo Law School, which named James Wooten, a law faculty member without an MLIS degree, to the director position in

⁴⁸ Fitchett, Hambleton, Hazelton, Klinefelter & Wright, *supra* note 41, at 93.

⁴⁹ *Palfrey Appointed as New Head of Harvard Law School Library*, Harv. L. Today (Apr. 30, 2008), <https://today.law.harvard.edu/palfrey-appointed-as-new-head-of-harvard-law-school-library/>.

⁵⁰ *Zittrain, Wones to Step into Leadership Roles for Harvard Law School Library*, Harv. L. Today (Mar. 7, 2012), <https://today.law.harvard.edu/zittrain-wones-to-step-into-leadership-roles-for-harvard-law-school-library/>.

⁵¹ *Id.*

⁵² *Jocelyn Kennedy Becomes Executive Director of the HLS Library*, Harv. L. Today (June 17, 2016), <https://today.law.harvard.edu/jocelyn-kennedy-becomes-executive-director-hls-library/>.

2009. While there was no public indication from the ABA on the topic, Kenneth Hirsh reported the following facts, as described to him by email from current University of Buffalo Law School (MLIS owning) director Elizabeth Adelman:

At SUNY Buffalo... there was an unusually extended timeframe for completion of the sabbatical accreditation renewal that began with the regularly scheduled site visit in April of 2009. At the time of that site visit, Elizabeth Adelman was interim director. Professor James Wooten was named director the following August, and afterward the ABA Council requested additional information regarding the library administration. It conducted a second fact-finding visit by a law librarian in the spring of 2011, before finally approving reaccreditation after Wooten had stepped down and Elizabeth Adelman had become director.⁵³

This unclear treatment of directors who did not meet the ABA's suggested criteria support the idea that greater clarity and consistency was a goal for those revising the standards.

c. Current Standards

In 2014 the ABA changed the academic requirements for a law library director once again. The new Standard 603(c) states:

⁵³ Kenneth J. Hirsh, *Like Mark Twain: The Death of Academic Law Libraries is an Exaggeration*, 106 *Law Lib. J.* 521, 525 n. 27 (2014).

A director of a law library shall have appropriate academic qualifications and shall have knowledge of and experience in law library administration sufficient to support the program of legal education and to enable the law school to operate in compliance with the Standards.⁵⁴

The standard also contained Interpretation 603-1, which states:

Having a director of a law library with a law degree and a degree in library or information science is an effective method of assuring that the individual has appropriate qualifications and knowledge of and experience in library administration sufficient to support the program of legal education and to enable the law school to operate in compliance with the Standards. A law school not having a director with these credentials bears the burden of demonstrating that it is in compliance with Standard 603(c).⁵⁵

The new Standard 603 differs from its predecessor by adopting a commanding tone and offering fewer specific requirements. The Standard adopts more commanding language by changing “should” to “shall.” The requirements are less specific, as they focus on the goal of superior legal education. Interpretation 603-1 shifts the dual degree requirement to the one specifically described method to meet the burden of proof that a law library director is sufficiently qualified for his position.

⁵⁴ Am. Bar Ass’n, ABA Standards and Rules of Procedure for Approval of Law Schools 40 (2014).

⁵⁵ Id.

The history of the changed standards opens many questions, many of which are beyond the scope of this paper; however, this paper addresses two of those questions. The first question is: What have these changes done? Have law schools lowered the education requirements for their academic law library directors in the wake of the standard change that they argued for? The second question is: What do academic law library directors think of the change? While the history discussed above has suggested significant advocacy to lower or remove the education requirements, there was very little discussion of law library director advocacy on either side of the issue. The following section will address these questions.

IV. Survey

Hiring practices have changed in the digital age. Those wishing to find the education requirements for several years' worth of job postings used to rely on print resources like the job listings section of *American Association of Law Libraries Newsletter*, the newsletter that eventually became *AALL Spectrum*.⁵⁶ *Spectrum* discontinued that section of the newsletter in 2002, and the transition to online postings has made it more likely that a job listing will disappear once it has been filled than exist in the listing archives.⁵⁷ Those looking to know what a job posting required will have an easier time finding that information by asking people how they got the job that they currently have.

⁵⁶ Langland, *supra* note 9.

⁵⁷ *Placement Listings to be Discontinued in AALL Spectrum*, *AALL Spectrum* (Am. Ass'n of Law Libraries, Chicago, Ill.) July 2002, at 21.

The next section of the paper revolves around a survey created with a twofold purpose. First, it was the most efficient way to learn about the education requirements, and actual education levels, of those who currently filled academic law library director positions. Second, it gave law library directors an opportunity to express their response to this change to their profession. This survey emphasized the librarians' views on the roles that their degrees played in their efficacy as law library directors.

This section discusses the survey. It begins by discussing the methodology behind the survey, including a brief description of those questions that produced the most noteworthy results. It then describes and discusses those results. It concludes with a list of observations derived from the results.

a. Methodology

The author sent a link to a survey that he developed to an email listserv for law library directors, accompanied by an email explaining the broad topic of the survey. The email expressed particular interest in law library directors who had been hired to their current position in the past three to five years but stated that those who had been in their position for longer could also participate if interested. The survey and initial email are included in this article's Appendix.

While it is unnecessary to include all survey questions here, some explanation is necessary for a few of the more complicated questions that produced more diverse responses. The first was Question 6:

On a scale from 1 to 5, where 1 is vital and 5 is irrelevant, how important do you feel each degree is to your effectiveness in your current position?

The respondents could then select a number between one and five for three categories, Juris Doctor (JD), Master of Library and Information Science (MLIS), or Other (Please specify below). One and five had the labels “vital” and “irrelevant,” respectively. Three had the label “helpful” as an intermediate response, while two and four did not have a label.⁵⁸

The second question was Question 7:

Changes in ABA Standards for Approval of Law Schools have given law school deans greater control over the qualifications they require the law library director to have. Which of the following qualifications would you encourage the dean to require?

The survey then offered a list of degree requirements consisting of MLIS, JD, Both, Neither, and Other (Please specify).⁵⁹ Respondents could select one of four options for each category- Encourage, Not Encourage, Discourage, and No Opinion/Unsure.⁶⁰ There were numerous issues with this question, and while the results were both interesting and

⁵⁸ Attempts to visualize this data without creating an intuitive sense that a larger number is a better rating have convinced the author that any future iterations of this survey should assign a higher value to a more useful degree. There is no indication that this error had an effect on the results, but the possibility should be noted.

⁵⁹ The “Neither” option, when paired with the “Discourage” option, produced a double negative and may have been unclear to respondents.

⁶⁰ While this is a less apparent problem than the issue discussed below, “Not Encourage” was intended as the neutral option to remain silent on the dean’s selection process. It is possible that the negative language used prevented respondent from viewing this as the “neutral” answer, and should be adjusted in the future.

consistent, future researchers should make it more clear how to respond to this question. Those results and some of the issues with them are discussed below.

The third question discussed in detail below was Question 8:

If the dean were only willing to require one degree, which would you encourage him or her to require?

Respondents could then select Juris Doctor, Master of Library and Information Science, None, or Other (Please specify below). The purpose of the question was to force those who saw different values in each degree to choose which aspects of law library directorship they deemed the most important.

There was a final question of note, Question 9:

If you would like to offer any additional commentary explaining your answer to any of the above questions, or to express your thoughts on the qualifications necessary for an academic law library director, please do so here.

b. Results

This section will address the results of the survey individually before making a few points connecting the different questions. In total, 38 academic law library directors responded to the survey.

i. When the Respondent Was Hired for Their Current Position

21 of the respondents were hired to their current position since 2011, and 17 were hired before then. Most of those that did not fall within the past five years fell within the past 10, but there were outliers in this regard. The respondent who had been in their position the longest had held that position since 1984.⁶¹

ii. What Degrees Their Current Position Required

The survey results were generally uniform. Of the 38 responses, 38 positions required all applicants to have an MLIS degree, while 37 positions required a JD. The lone respondent whose institution did not require a JD was hired in June of 2016. While this is too small of a sample to treat as a trend in hiring requirements, it is noteworthy that the lone exception fits within the hypothesis that schools are relaxing degree requirements following the change in the accreditation standards. No respondent held a position that required an additional degree.

iii. Which Degrees Respondents Possessed

While a JD was not necessary for one respondent's position, all 38 respondents had both a JD and an MLIS.

⁶¹ While more people responded to the survey than was initially anticipated, the broader sample size does not appear to have significantly swayed survey results. The only area in which answers from those who were hired prior to 2011 differed significantly from those hired during or after 2011 was that they were more likely to leave a comment explaining any of their decisions at the end of the survey.

iv. How Important Degrees Are to Job Effectiveness

There was some variation in the importance that the respondents placed on their various degrees. For the sake of clarity, recall that lower values indicated higher importance. The average rating for a JD was 1.11 out of five. This indicated that the respondents generally found their JDs very useful. Most (34) respondents found their JDs vitally necessary for their current position and rated it at a one, while four found the degree somewhere between vital and helpful and gave the degree a two.

Respondents were slightly more ambivalent about their MLIS degrees, which had an average rating of 1.34. Again, most (29) of the respondents found their MLIS degrees vital and gave it a 1, five respondents found the degree more than helpful but less than necessary and gave it a 2, while four respondents found the degree helpful and gave it a 3. This ambivalence is noteworthy, but still indicates strong and widespread value for an MLIS degree.

The most diverse results came from those with degrees other than an MLIS and a JD. Four respondents listed degrees other than their MLIS and JDs, with an average rating of 3.25 out of five, indicating that on average these extra degrees were less than helpful. No two had the same additional degrees. One respondent with a Masters and PhD in English found those degrees more than helpful and gave them a 2. In the comments section at the end of the survey, this respondent stated that their additional degrees had helped them get their current position by indicating their academic “orientation,” and retained their relevance by allowing deeper understanding of the collections and the

library's services. They also stated that they regularly served on law school committees and task forces thanks to their additional academic credentials. One respondent with an MBA found that degree helpful and gave it a 3. Another with a Master of Laws (LLM) degree also found the degree helpful and gave it a 3. The final respondent had a Masters in Anthropology, which they found irrelevant and gave a 5. Each respondent with an additional degree found both their MLIS and JD degrees vital to their position, making it less likely that responses to unnecessary degrees were affected by different views of education.⁶²

(Insert Figure 1: “Number of Respondents who gave each degree each ranking (1-5).”)

(Insert Figure 2: “Average rating of each degree, from most to least useful.”)

v. Which Qualifications Should Deans Require?

Responses were largely uniform when respondents were asked how they would encourage deans to act on the changes to the ABA accreditation standards. In the interest

⁶² Another possibility is that possession of one degree inflated the user's position of other degrees. For instance, it is possible but beyond the scope of this paper that a respondent's opinion of the utility of their MLIS or JD degrees increased when they compared those degrees to a less useful degree that they still found helpful.

of disclosure, there were ambiguities in the wording of this question and the available answers that may have confused respondents.⁶³

While the results were fractured enough to suggest that the formulation of the question did confuse some respondents, the results do not suggest that a more clearly articulated question would have produced different results. While they expressed this information in different ways, all 38 respondents would encourage their dean to require both an MLIS and a JD. The responses to the negative version of this answer were also uniform, but there were fewer of them. Only eight of the 38 respondents said that they would discourage the law school dean from requiring neither degree.

There was some diversity in in the respondents who discussed the possibility of requiring additional degrees. Only seven respondents addressed this question, with two saying that they would encourage additional degrees and three saying that they did not know or were unsure. Two respondents provided a written answer without selecting an answer from the list. One respondent who said that he would encourage their dean to require another degree would encourage the dean to accept a Knowledge Management (KM) degree as a substitute for an MLIS degree. The other respondent who said that they would encourage deans to require another degree said that either an Information Technology (IT) background and/or a Master's of Business Administration (MBA) would be helpful. The first respondent who listed degree considerations without selecting one of the listed options simply stated "MBA." The other said that they would not require an MBA but would require a management background with an emphasis on budgeting and

⁶³ 24 of the 38 respondents said that they would encourage their dean to require their law library director to have a JD. The same 24 of those 38 respondents said that they would encourage their dean require an MLIS. 37 of the 38 respondents said that they would encourage their dean to require "Both" degrees. The one respondent who did not select "Encourage" on the "Both" option did select "Encourage" for the individual MLIS and JD options.

personnel. Three said that they had no opinion or were unsure without listing a degree that they were considering.

vi. Which Degree if Only One is Required?

Respondents were sharply divided on which degree they would require if they could only select one. A plurality of respondents, 18 out of 38, would require a JD rather than an MLIS. Several favored the MLIS, with 16 of the 38 respondents saying that they would choose that degree. No respondents would encourage their dean to require neither degree. Four respondents selected “Other.” Two respondents rejected the notion of the hypothetical, with one stating, “please don’t make me split the baby.” The other stated that they would discourage their dean from hiring a director if they did not have both an MLIS and a JD. Two other respondents said that their decision was contingent on facts of the situation. One of these respondents stated that they would attach a condition to applicants for either choice, requiring those with MLIS degrees to have extensive experience in law librarianship and those with JDs to have years of experience in high-level administrative positions.

(Insert Figure 3: “Which degree a respondent would require if they could only select one.”)

vii. Additional Comments

There were 14 respondents who decided to leave an additional comment at the end of the survey. The majority of these additional comments focused on Question 8, which asked respondents which degree they would require if they could only require one of the two degrees, with many explaining why they made the decision that they did.

The responses from those who would have required a JD rather than an MLIS noted several strengths of an MLIS. One respondent noted that both degrees were vital, as a director needed to supervise people with either or both degrees and needed to be able to speak their language. However, they ultimately favored the JD “because the MLS alone might not give you enough credibility with the deans and other faculty.” Another noted their mixed feelings on that decision because “that degree does not train [people] on how to manage or do a comprehensive budget.” They also noted that “...there is no or not enough training about navigating a political-oriented environment and working with the stakeholders in an educational institution.” A third felt that while the skills from their MLIS degree were relevant, they could have learned those skills on the job in a way that they could not have learned the skills they obtained through their JD.

Responses from those who favored an MLIS over a JD were just as ambivalent. One respondent noted that while they used the JD skills more on a daily basis, “understanding libraries is crucial to working with staff and promoting innovation and development in the library field and in law schools.” Another felt that their decision was dependent on the library, as a library with a large staff headed by competent librarians may not need a director with an MLIS. However, they acknowledged that most law

schools do not have that kind of staff, and “knowledge of libraries and/or information science is critical.” They then lamented that said person would be looked down upon by teaching faculty. A third respondent noted that an academic law library director was a leadership position that required a background in legal topics as well as information science. Finally, one respondent stated, “If the school did not offer faculty status, then a law degree would not be required.”

There was also some discussion of the motivation behind the change. One respondent, who selected a JD over an MLIS for Question 8, discussed Harvard’s history with John Palfrey and Jonathan Zittrain. Another, who voted “Other” for Question 8, stated simply, “Both degrees are critical. We should strongly resist these attempts to weaken the position and capabilities of law school law library directors.”

c. Conclusions

The following are a list of conclusions derived from the results of this survey. Each conclusion contains minimal commentary, with most of the broader implications discussed in the paper’s conclusion.

i. Director Qualifications

The most empirical conclusion from the survey results is that there has been little to no change in required or actual director qualifications since the adoption of the ABA’s new standards. All of the respondents had both degrees, and all but one worked in a

position that required them to have those degrees. The standards are still new and the situation may look different in a few years, but the change in qualifications has not occurred immediately.

ii. Value of Degrees

While the change in the ABA accreditation standards may reduce the importance of degrees when selecting an academic law library director, those degrees have lost none of their importance to current directors. If anything, directors might even encourage more degrees rather than fewer. A number of respondents expressed curiosity about requiring a MBA. This may be a matter of intellectual curiosity and a response to the changing role of a library rather than experience with the degree or a strong desire to require it. The one respondent who had an MBA found the degree considerably less helpful than their other degrees. When the interest in MBAs is combined with those who would encourage stronger business experience, that interest looks more like an attempt to encourage stronger business savvy rather than a push to require an additional degree.

There may be some tension between the respondent directors' valuation of their own degree and the extent to which they believe that degree assists others. While all 38 respondents would encourage their deans to require both degrees, the overall valuation of those degrees was less uniform. Directors appear to, on the whole, value both degrees strongly, but at least four directors would require an academic law library director to have an MLIS while only finding those degrees helpful rather than essential.

iii. Role of Each Degree

While the respondents' comments do not offer strong empirical evidence to any conclusions, there are a few recurring trends in those comments that indicate that both an MLIS degree and a JD degree play distinct, but complementary, roles within an academic institution.

There were two trends in the analysis of those who would require a JD instead of an MLIS if they had to choose only one degree. The first is the legitimacy that a JD offers a director in the eyes of faculty, deans, and students. The emphasis was on the value of the degree in the eyes of others rather than the value of the degree while doing librarian work.

The second is the knowledge of the subject matter necessary to assist with academic research. Some respondents felt that the knowledge that they had obtained through their JD was the knowledge that they used most frequently while assisting patrons.

There was also a recurring trend in the comments from those who favored an MLIS degree over a JD. Those respondents tended to treat the MLIS as the more practical degree in areas other than patron assistance. They emphasized how their MLIS degrees were particularly helpful with practical, library-exclusive tasks, like creating and monitoring the library budget. In addition, it prepared them for the politics that came with operating an academic law library, and developing the knowledge of a library's institutional goals and needs to pursue those needs rather than treat the library as a mere extension of the law school that would unquestioningly pursue the perceived immediate

needs of the law school. One comment played into the notion described above that the library was designed to operate as a distinct faction within a law school rather than a subservient wing of the school as a whole or another faction. The core idea of this separation is that multiple distinct perspectives would produce a superior school, and the MLIS degree is key to making a director think like a librarian rather than an attorney.

V. Conclusion

The first thing that comes through in the respondents' answers to the survey is how their views align with the initial intentions behind the ABA's accreditation standards. As discussed above, the law library's independent role within an institution requires knowledge of both law and libraries. The survey results suggest that law librarians perceive both of their degrees as serving valuable, complementary roles. It may make the most sense to see the JD as giving a director the power necessary to make changes and pursue the library's interests as a faculty peer, while the MLIS degree gives the director the ability to use that power and helps shape the goals that power is used to accomplish.

The problem with this complementary purpose is that each degree individually makes a weak case for its existence in the eyes of those with the power to require them. Additional degrees draw additional compensation, and the law school must see a clear benefit to something that increases a position's cost to them in order to justify that higher expenditure. The JD's limited relevance to day-to-day library work and primary use as a tool for advocating for the library offers little benefit to those who do not agree with the

principle of an independent law library. Similarly, the value of an MLIS is not always apparent, even to those who possess it. It develops and encourages skills that are at least distinct from those generally favored in a legal environment, but those skills may not seem worth the additional expense if there is disagreement on the value of an independent law library to the law school.

While it would be unwise to draw too many conclusions from such a small sample size, it is notable that the few schools that have only required one degree have differed on which they degree they require. The schools that hired a director prior to the changes were willing to forgo an MLIS, while the one surveyed school that did not require both degrees only required its director to have an MLIS. If schools begin to relax their education requirements, it will be interesting to see which degree (if any) law schools deem less essential to the law school's mission.

If the law library wants to advocate for maintenance of both degrees, it must demonstrate the benefit that both degrees offer to the law school. The first step to demonstrating this benefit might be a matter of introspection. Returning to the survey results, there was some tension between the uniform support for requiring both degrees and the level of value that each director placed on each degree. This tension might be a better reflection on the survey than the surveyed, but it is a lesson of value to others trying to make the case for library independence. The survey emphasized the utility of each degree in language that might have encouraged respondents to think about how often they use their degrees in their daily work. The history of the degrees suggests that this sort of thought process does not reflect what makes these degrees so valuable. If the purpose of a JD is to get a student to "think like a lawyer," it makes sense that an MLIS

serves the possible purpose of getting students to “think like librarians.” The ways in which a director thinks like a librarian might not be necessary to their day-to-day tasks, but the fact that they do think like a librarian shapes their actions in a way that makes the degree vital. Understanding that and expressing that, at least within the law library community, will make it easier for librarians to form a unified response to the growing competition for each dollar of the law school’s budget.

The law library needs to embrace these degrees’ value to the library itself, but it also needs to learn how to express that value to faculty and deans in a way that would help their institution see the library as an independent ally. As discussed above, law librarians do not have the same prevalence in law student life that they once had thanks to their diminishing involvement in legal research education. A more pressing concern for both law libraries and law schools is that law schools are not designed to create a need for most students to perform legal research. “In most classes, your entire grade is based on a single exam at the end of the semester.”⁶⁴ While most schools encourage development of practical skills through research-oriented classes, these classes make up a small percentage of a student’s law school experiences.⁶⁵

Law school is stressful and time-intensive, and students aren’t going to pursue independent legal research or library assistance while in class unless some academic pressure points them in the library’s direction. The optimal solution may be a change to the traditional law school model to prioritize research skills during legal education, but a more feasible incremental possibility would be to make library services more available to

⁶⁴ Andrew B. Ayers, *A Student’s Guide to Law School: What Counts, What Helps, and What Matters*, 7 (2013). This book may illustrate this point through omission- this guide to legal education includes only passing reference to legal research.

⁶⁵ *Id.* at 17.

alumni. Making the library's services available to those connected with the law school who finally have a detailed research need would be an imperfect solution, but it would help the law school's graduates meet the needs of their employers. This would help law schools overcome their growing reputation for producing students who are unprepared for the basic requirements of practicing law.⁶⁶

Law librarians might also need to step outside of their comfort zone, namely by advocating forcefully for the library when opportunities to do so present themselves. While law librarians may currently not get the opportunity to take an active role in proceedings like faculty meetings, they need to be willing and able to use the power of that seat once they have obtained it.⁶⁷

Part of the issue facing law librarians is that the needs of a law library are changing in a way that current education requirements inadequately address. Academic directors appear to embrace that a person's background affects the way that they think, and that the way that they currently think needs to change to meet the needs of the modern law school. This comes through most strongly in director interest in adding some sort of business education or experience as a prerequisite for future directors.

It is important and helpful that law library directors recognize the need for fresh approaches to law library problems. The only warning here would be against turning to academic experience before practical experience. Many people with less formal education than law librarians or people with MBAs succeed in the business setting, and a less formal version of that education might be just as helpful as an academic business background. If academic law libraries are serious about encouraging intellectual

⁶⁶ David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. Times, Nov. 20, 2011, at A1.

⁶⁷ Charlotte D. Schneider, *Inclusion and Participation: Law Librarians at Law Faculty Meetings*, 107 Law Lib. J. 113, 114-115 (2015)

diversity, especially within library leadership, any potential increases in the cost of becoming a director must face heightened scrutiny. This concern with cost is also important to the law school itself. If a degree carries an expectation of a higher salary, that additional degree must have apparent value to the law school.

There are no easy solutions to the structural issues plaguing law schools. The good news for academic law libraries is that great minds seem to be thinking alike. There is little disagreement that law schools are facing a crisis that could require deep structural changes to the way that law schools function. A crisis may be an opportunity, but an opportunity is only valuable for those with the foresight to take that opportunity. The key for the law library director is to demonstrate that they are no fool, and that they can differ enough from the growing consensus to offer a unique and valuable perspective. There is no reason to think that directors and other academic law librarians are not up to the task.

Appendix: Introductory Email and Survey

The first section of this appendix contains the text of the email that accompanied the link to the survey. The second section is a text approximation of the survey that was created through the website www.surveymonkey.com. You can find the survey as seen by respondents at <https://www.surveymonkey.com/r/PNVCW53>. Blank boxes within tables indicate where a respondent would write or select their answer to a question.

Section 1.

Hello,

My name is Sam Williams, and I'm one of the 2016-2017 law librarianship students at the University of Washington. One of our program requirements is a research paper on a law library topic. I am interested in the recent changes to the ABA accreditation standards that soften the education requirements for academic law library directors.

My interest is twofold. First, I would like to know whether the changes to the standards have had an impact on the degrees that academic law libraries require. Second, I am curious how members of the profession feel about those changes.

The fact that the changes occurred recently mean that I am most interested in academic law librarians who were hired for their current position in the past 5 years. However, I am also interested in what directors who have been in their positions for a longer period of time think about these changes. I encourage anyone with feelings on this topic to participate in the survey.

You can find my survey [here](#). If you have any questions about the survey or want to discuss the matter in greater detail, please feel free to contact me at sw89@uw.edu.

I look forward to hearing your responses!

Sincerely,

Sam Williams

Section 2.

1. When were you hired for your current position? Please be as specific as possible, but if you only know the year when you were hired, you may enter “1” for each unknown variable. For instance, if you were hired at an unknown time in 2015, you could enter 1/1/2017.

| Date/Time | MM | DD | YYYY |
|-----------|----|----|------|
| | | | |

2. Did your current position list any of the following degrees as requirements?

| | |
|--|--|
| Juris Doctor (JD) | |
| Master of Library and Information Science (MLIS) | |
| Other (please specify) | |

3. Do you have access to the job posting or academic requirements for your current position in a format that you would be willing to share?

| | |
|--|--|
| Yes | |
| No | |
| If "Yes," please include an Email Address where I can reach you or a URL to the posting if it is available online. | |

4. Do you have a Juris Doctor (JD)?

| | |
|-----|--|
| Yes | |
| No | |

5. Do you have a Master of Library and Information Science (MLIS) or comparable degree?

| | |
|-----|--|
| Yes | |
| No | |

6. On a scale from 1 to 5, where 1 is vital and 5 is irrelevant, how important do you feel each degree is to your effectiveness in your current position?

| | 1 - Vital | 2 | 3 – Helpful | 4 | 5 – Irrelevant | N/A |
|--|--------------|---|----------------|---|-------------------|-----|
| Juris Doctor (JD) | | | | | | |
| Master of Library and Information Science (MLIS) | | | | | | |
| Other (Please specify below) | | | | | | |
| Other degree(s) | | | | | | |

7. Changes in ABA Standards for Approval of Law Schools have given law school deans greater control over the qualifications they require the law library director to have. Which of the following qualifications would you encourage the dean to require?

| | Encourage | Not Encourage | Discourage | No opinion/unsure |
|-----------|-----------|------------------|------------|----------------------|
| Master of | | | | |

| | | | | |
|--|--|--|--|--|
| Library and Information Science (MLIS) | | | | |
| Juris Doctor (JD) | | | | |
| Both | | | | |
| Neither | | | | |
| Other (Please explain below) | | | | |
| Other (please specify) | | | | |

8. If the dean were only willing to require one degree, which would you encourage him or her to require?

| | |
|---|--|
| Juris Doctor (JD) | |
| Master of Library and Information Science (MLIS) | |
| None | |
| Other (Please specify below) | |
| Other (please specify which degree you would require) | |

9. If you would like to offer any additional commentary explaining your answer to any of the above questions, or to express your thoughts on the qualifications necessary for an academic law library director, please do so here.