

Inclusion and Participation: Law Librarians at Law Faculty Meetings

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Inclusion and Participation: Law Librarians at Law Faculty Meetings*

Charlotte D. Schneider**

Despite the vital role they play in the success of their law schools, academic law librarians are often denied attendance to and participation in law faculty meetings on certain matters of law school governance. This article argues that including qualified librarians in faculty meeting discussions and decision making will benefit law schools, faculty, and students alike.

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Introduction

¶1 Law librarians' roles in the legal academy have changed over time.¹ The contemporary academic law librarian is directly involved with the continuing success of the law library and, by extension, the success of the law school. In fact, a majority of a law librarian's day-to-day goals and responsibilities—reference, collection management, teaching, publication—center on the mission of the law library to further the mission of the law school. For instance, librarians engage not just with the faculty but also with students, guiding them through research for their classes and assignments, which helps them to develop a foundation of skills on which to build. Law librarians oversee vast collections of multiformat resources that are useful for their own lesson plans and personal research, in addition to supporting the

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1. Robert C. Berring, Jr., *A Brief History of Law Librarianship*, in *LAW LIBRARIANSHIP IN THE 21ST CENTURY* 1–13 (Roy Balleste, Sonia Luna-Lamas & Lisa Smith-Butler eds., 2007).

educational and scholarly interests of the student body and law faculty. Librarian-professors² participate in curricular instruction, contributing to the overall success of the student body and the law school. Law librarians' scholarship (publications and presentations) evidences their focus on teaching students, assisting faculty, and participating in the life of the law school itself. Empowering law librarians to be actively involved in certain aspects of the law school's governance and decision making at faculty meetings must be next.

¶2 However, there is scant literature in support of law librarians attending and voting at faculty meetings.³ Being able to vote at faculty meetings is key to giving librarian-professors a voice with respect to law school governance, including, but not limited to, voting on student graduation awards, curricular developments, and other matters that are important to faculty.⁴ Librarian-professors interact with students in a very similar manner to that of the voting faculty, assessing students' performance and writing recommendations for employment opportunities. In fact, academic law librarians enjoy similar relationships to students with that of law faculty through interactions outside of the classroom and formal office hours, observing students' progress through three years of education. Law librarians so intricately involved in such matters deserve an equal voice with respect to law school governance and the student body.

¶3 Decisive votes regarding curricular development, and law school governance in general, have often been assigned to those of equal status (that is, full-time faculty or faculty equivalents).⁵ More law librarians need to participate in such decision-making discussions, especially now that the legal curriculum reform movement has created new research instruction opportunities.⁶ Across the country, law schools are redesigning their curricula—in whole or in part—to incorporate more practical skills such as research competency, in general and as a foundation for other practical skills, such as drafting and litigation. Law librarians can provide insight regarding materials, practice skills, and more. As curricula adapt to produce more practice-ready graduates, it is more important than ever that academic law librarians have a voice regarding school policies and curricula.⁷ Rather than simply being

2. While some librarians are not given the formal title of professor by their law schools, this is often how those librarians, and most other higher education instructors, are addressed by students. For the sake of brevity, "librarian-professor" includes various titles of dual-degree academic law librarians who teach, even if their law schools do not extend the formal title.

3. See, e.g., Susan P. Liemer, *The Hierarchy of Law School Faculty Meetings: Who Votes?*, 73 *UMKC L. REV.* 351 (2004). Some literature exists advocating for the inclusion of legal writing instructors at faculty meetings.

4. Voting rights at faculty meetings, for the purposes of this article, will be limited to the aforementioned categories because there are some things that will not be discussed here, such as voting on new faculty hires and promotions.

5. See, e.g., Susan P. Liemer, *Who Votes at Law School Faculty Meetings in the United States?*, ASS'N OF LEGAL WRITING DIRECTORS (ALWD), <http://www.alwd.org/wp-content/uploads/2013/03/pdf/Voting2007.pdf> (last modified Mar. 2013).

6. See, e.g., Genevieve Blake Tung, *Academic Law Libraries and the Crisis in Legal Education*, 105 *LAW LIBR. J.* 275, 290, 2013 *LAW LIBR. J.* 14, ¶ 32. ("Now would be a good time for law librarians to join the rest of the legal academy by critiquing and improving our niche in the curriculum.")

7. *Id.* at 278, ¶ 7.

invited to attend faculty meetings, librarians need to begin voting at those meetings too.

¶4 This article first addresses law school faculty and administrators, whose support is needed to advance this movement of greater librarian inclusion and participation at faculty meetings. All three groups clearly work toward the same goal: to contribute to their law school's success. Faculty meetings are important venues for achieving this success; yet often they omit the voices and unique perspectives of the school's librarians. Additionally, this article is meant to evoke a degree of professional courtesy and cooperation that will ultimately lead to an inclusion of law librarians who are just as invested in law school governance. In many ways, law librarians already contribute to the continuing success of the law school, and since most have been through law school themselves, they understand the functions of law school governance.

¶5 This article also addresses the heads of law libraries who already participate in faculty meetings. Hopefully, this article will result in discussions about sharing the responsibilities of law school governance with other law librarians, who also teach and perform many services in furtherance of the law school mission. It is meant to give those law librarians—once not included in faculty meetings—a place to start when discussing the advantages of librarian inclusion and participation with their law school deans.

The Tenure Debate

[W]hat holds the most import for law librarians is faculty status. . . . [O]nly when law librarians hold faculty status can they claim a right to participate in the shared governance of the institution.⁸

¶6 At a majority of institutions, having or working toward tenure is the most direct way to secure an invitation to attend and vote at faculty meetings.⁹ However, tenure status should not be the basis for attendance and participation at faculty meetings because of the increasing number of non-tenure-track librarians who publish, the one criterion that seems consistent across faculty meeting attendees. As more and more non-tenure-track faculty continue to publish, tenure status for inclusion and participation at faculty meetings is potentially outmoded and regressive. Since the American Bar Association's (ABA) most recent decision in fall 2013 to remove a tenure model in law schools as a standard for accreditation,¹⁰ debate on this topic has revived.¹¹ There is so much focus on the pitfalls of tenure that its inherent benefits are lost in perspective.

8. Carol A. Parker, *The Need for Faculty Status and Uniform Tenure Requirements for Law Librarians*, 103 LAW LIBR. J. 7, 18, 2011 LAW LIBR. J. 1, ¶ 28.

9. Liemer, *supra* note 3, at 351.

10. Karen Sloan, *ABA Panel Favors Dropping Law School Tenure Requirement*, NAT'L L.J., Aug. 12, 2013 (available on LexisNexis).

11. *Id.* Opponents, like Maureen O'Rourke, dean of Boston University Law School, quoted in the Sloan article, cited to high fixed costs. See *Letter to The Hon. Solomon Oliver, Jr., Council Chairperson, Barry A. Currier, Managing Director of Accreditation and Legal Education, Section on Legal Education*

¶7 Tenure enables academics to freely share their ideas without the worry of repercussions like job loss.¹² Such job security is the foundation for academic freedom, so that ideas can be shared in literature and at presentations, and sometimes even in purely social circumstances. These discussions often demonstrate strengths—while also highlighting weaknesses—of the library¹³ and allow for its consideration by other scholars. These discussions advance professional innovation through trial and error implementation of—or digression from—those ideas, resulting in newer ideas, methods, and practices. This cyclical process to advance and improve a profession is powered by scholarship, much of which is driven by the need to publish for tenure.¹⁴ However, there does seem to be an opinion that tenure is no longer a driving force behind scholarship due to the increasing number of non-tenure-track faculty who publish.¹⁵ Regardless of the obligation to publish, if tenure eligibility is a prerequisite for being invited to attend and participate in faculty meetings, then academic law librarians should either be offered the opportunity of tenure or tenure eligibility should be dropped as a requirement of faculty meeting attendance and participation altogether.

Appointments of New Academic Law Librarians

¶8 The categories of faculty who may vote at faculty meetings differ by institution.¹⁶ “The general practice in law schools in the United States is for professors who have traditional tenure or are on the traditional tenure track to vote on all matters at faculty meetings.”¹⁷ Tenure criteria also differ by institution, although similar criteria shared by many such institutions include “teaching, scholarship, service to the law school community, and professional activities outside the law school.”¹⁸ Most academic law librarians already perform these types of responsibilities. Such contributions should be considered as a factor in granting a participatory role to law librarians at faculty meetings.

and Admissions to the Bar, <http://blurbawg.typepad.com/files/law-professors-letter-to-the-aba-on-tenure.pdf> (last visited May 29, 2015).

12. Spencer L. Simons, *What Interests Are Served When Academic Law Library Directors Are Tenured Faculty? An Analysis and Proposal*, 58 J. LEGAL EDUC. 245, 250 (2008).

13. *Id.* at 261 (“Scholarly production encourages deeper thinking about library issues that leads to superior ideas and innovations in library operations and services to the faculty and students.”).

14. James J. Fishman, *Tenure and Its Discontents: The Worst Form of Employment Relationship Save All of the Others*, 21 PACE L. REV. 159, 183 (2000) (citing H. Lorne Carmichael, *Incentives in Academics: Why Is There Tenure?*, 96 J. POL. ECON. 453, 455 (1988)) (“One of the most important roles of the university is the encouragement of research and scholarship that would not otherwise take place in business or industry.”).

15. See Liemer, *supra* note 3, at 368–69 (“Scholarship seems a false distinction in many instances and will continue to decline as a rationale as the number of non-tenure-track professors who publish continues to mushroom.”).

16. Liemer, *supra* note 3, at 361.

17. *Id.* at 351.

18. AM. BAR ASS’N, 2014–2015 ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 122 (2014) (Standard 404 (a)).

¶9 While the educational requirement for academic law librarians has been debated for some time,¹⁹ the contemporary academic law reference librarian typically has a law degree and a masters in library (and information) sciences.²⁰ These vastly different educational experiences allow law librarians to better evaluate resources for access to essential information. This dual outlook on materials, which differs from that of instructors or practitioners, is often why those instructors and practitioners turn to librarians for bibliographic guidance or suggestions.

Librarianship: More than Meets the Eye

It is clear that many well-intentioned reformers do not appreciate how libraries contribute to the academic and professional success of law students and faculty . . .²¹

¶10 Law library governance is shared between the head of the law library and other qualified law librarians.²² One integral characteristic of the law library is maintaining a collection of books and materials that further the effectiveness of the law school. Regardless of whether collection development is shared among many law librarians or is the responsibility of only one librarian, the law library supports the curricula and scholarly agenda of the law school community through its collection. Acquisitions of both print and electronic materials result from a number of valid considerations reflecting the immediate and future needs of the institution: a specific request by a professor for a class; the creation of a new class for which the library has few supporting materials; scholarly interests of faculty and students; and, more recently in some places, materials supporting increased practical and experiential learning in adherence to the new ABA standards.²³

¶11 Law librarians have the requisite education with which to make trustworthy decisions about the types of practice, reference, and scholarly materials that support a curriculum in which they otherwise have no say. Law school administrations and heads of law libraries have seen that collection practices must evolve with any curricular changes. For instance, shrinking library budgets make it difficult to provide current print materials. Ever mindful of these limitations, law librarians use their extensive knowledge of and familiarity with various databases to continue to make these materials readily available, showing students and faculty alternative ways of finding current information. At the same time, they think about how to teach with those now outdated print materials, as print materials are still heavily used in practice. Through formal or informal instruction, librarians can share their insights and knowledge to help patrons select the best resource, regardless of format. This way, any budgetary constraints will not impede the research process. In some cases, questions about research may arise in a variety of settings, whether on

19. See, e.g., Harry Bitner, *The Educational Background of the University's Law Librarian*, 40 LAW LIBR. J. 49 (1947); see also Mary Whisner, *Law Librarian, J.D. or Not J.D.?*, 100 LAW LIBR. J. 185, 2008 LAW LIBR. J. 8.

20. Some law librarians also have practice experience.

21. Tung, *supra* note 6, at 278, ¶ 6.

22. This is the case with the autonomous academic law library. In some institutions, this responsibility is shared between the head of the law library and the head of the university library.

23. See generally AM. BAR ASS'N, *supra* note 18.

the job or when students interview for summer positions. Students' ability to articulate their considerations for resource selection or how they might begin to research may set those candidates apart from others. Student employment success on the job directly enhances the law school's reputation.

¶12 Law school administrators and heads of law libraries with faculty status must understand how much collection development practices rely on curricular changes and improvements. This correlation between curricular changes and collection development practices is strengthened when librarians know what (and how) law faculties are teaching in their courses. Any necessary collection development policy changes can transition more efficiently when more librarians participate meaningfully in faculty meetings. In such a scenario, librarians develop a better understanding of how to enhance the collection, building it around what resources are needed and how they are used.

Active Participation in the Curriculum

Unless the law librarian has an opportunity to participate fully in the educational enterprise, he will be less capable of rendering the quality of services required.²⁴

¶13 The most basic mission of academic law libraries is to support the teaching missions and research interests of the law school community. With specialized training in both law and library sciences, law librarians do more than just maintain the law library's collection.²⁵ Librarians' contributions to the curriculum go far beyond the law library's collection when they teach research, an integral part of any attorney's skill set. Conversations about incorporating more research practice into the curriculum are discussed and then voted on at faculty meetings. Likewise, curriculum changes are often made to align with certain classes and to weed out those classes that do not further the law school's mission.²⁶ Conversations about new course offerings, experiential learning opportunities, and even curricular mapping take place during faculty meetings; decisions resulting from those conversations are made when votes are cast at faculty meetings. While attendance at faculty meetings exposes librarians to the discussions, a voting role increases the incentive to attend and participate in the conversations. Librarian participation in the decision-making and voting processes sends a strong signal that law faculties value the viewpoint of their librarian colleagues. Librarian-professors who are left out of these conversations lose the opportunity to align their own research instruction with any curricular change. Likewise, when law faculties interact with their librarian colleagues during such meetings, they are more likely to begin conversations about incorporating librarian research instruction into their classes. Ultimately, students benefit from these kinds of interactions when, as a result, they receive

24. James F. Bailey & Mathew F. Dee, *Law School Libraries: Survey Relating to Autonomy and Faculty Status*, 67 *LAW LIBR. J.* 3, 17 (1974).

25. See Tung, *supra* note 6, at 288, ¶ 27 ("law librarians' contributions . . . go beyond collection development.").

26. The author acknowledges that the mission of the law school can change or adapt as both the job market and national and local economies evolve.

stronger research instruction on finding legal materials. Such collaborations allow students opportunities to better understand that research is a fluid, practiced skill that does not rely fully on one's knowledge of the subject matter, and that techniques for finding and using resources are very similar across different practice areas. In the same way, these collaborations allow those faculties the opportunity to explore—and, by extension, to pass on to their students—the library's full research capabilities in almost any subject area.

¶14 When thinking about research instruction, law librarians remain cognizant of the fact that “non-librarians may also overestimate the information literacy of incoming law students,” assuming that “they need only minimal guidance.”²⁷ As such, the increased collegiality between librarians and faculty should help those faculties recognize the value that law librarians can bring to the conversations about reforming legal education. Research is a skill that is honed through repetition and practice. A more comprehensive understanding of the professors' classes and how they relate within the curriculum can only help to emphasize the level of research skill needed for students in any given area of practice.

¶15 Librarian-professors who teach first-year core writing courses²⁸ can adjust or tailor their classes' curricula to reflect school-wide curricular changes and innovations that are likely to be discussed and voted on at faculty meetings. In addition, librarian-professors can put their instruction into context for students by referencing material from doctrinal classes in a way that encourages a more comprehensive understanding of the interrelationships of certain subject matter. At institutions where librarians are required to teach stand-alone research courses but are not invited to vote in faculty meetings, librarians are prevented from openly contributing to law school governance. Even more, these librarian-professors may not have the opportunity to contribute their ideas and expertise on teaching and student performance when they are not invited to participate.²⁹

¶16 Librarian-professors' instruction is not limited to classrooms, however. Librarian-professors take advantage of “teachable moments” when students and faculty visit the reference desk. While law faculty are known for being exemplary professors and scholars, they must still rely on academic law librarians for bibliographic and informational guidance and instruction, whether for their own research or for their classes. Bibliographic and informational instruction is offered both formally, in the classroom, and informally, at the reference desk. Law librarians are trained to evaluate bibliographic records to understand and communicate how successive editions of well-known treatises and other materials have transformed from their predecessor titles, authors, or editions.

¶17 Bibliographic instruction for professors is enhanced when librarians understand professors' goals for students and appreciate the relationship between classes and the law school curriculum as a whole. Librarians can then help students find

27. Tung, *supra* note 6, at 286, ¶ 23.

28. This is meant to include all variations on the writing, analysis, and research courses required for first-year law students.

29. Like doctrinal faculty who actively participate in law school governance at faculty meetings, librarian-professors teach courses and assess students' performance, sometimes writing recommendations for their students in support of the law school's mission.

the best treatises or practice guides in that subject area. This benefits students because it gives them insight into the actual materials that practitioners rely on in researching many subject areas. In turn, librarians can use this knowledge to enrich collection development policies and practices that continue to meet the needs of the law school.

¶18 Contemporary academic law librarians also provide services to faculty. These services usually include research support as well as bibliographic and informational instruction in their classes. As with in-class research instruction, faculty research assistance is enhanced when law librarians have some understanding of the professor's research interests. Countless law librarians have been thanked by law professor-scholars in footnotes for their research assistance; this validates that law librarians' research assistance has a direct impact on scholarly recognition, which ultimately bolsters the reputation of the law school.

¶19 As has been pointed out, in the last three decades academic law librarians have spent more time teaching legal research³⁰ formally in classrooms, in addition to their more informal teaching that has long occurred at the reference desk. This trend positively correlates with an increase in faculty reference questions.³¹ It bears repeating: these trends demonstrate a steady increase in the reliance on law librarian instruction due to recognition of a law librarian's specialized training. When law librarians are acknowledged for their contributions to professors' scholarship, their law schools' reputations earn recognition as well. This recognition is further enhanced through employment placement outcomes when students who demonstrate a thorough understanding of research techniques are able to both articulate and execute such practices for employers. Such recognition by law faculty should and must extend to the right to openly participate in law school governance.

Sharing Experiences Through Scholarship

The law library profession, like the legal profession, has similar obligations to contribute to the public good. One way to fulfill this obligation is to publish.³²

¶20 At research institutions, another responsibility common among voting faculty members is a requirement to publish scholarly works. Publishing is generally one requirement of tenure.³³ Librarians in tenure-track positions have similar

30. This includes legal research, reasoning, analysis, writing, lawyering, etc., as class names differ by institution, and also includes research components for doctrinal classes. See, e.g. David C. Walker, *A Third Place for the Law Library: Integrating Library Services with Academic Support Programs*, 105 LAW LIBR. J. 353, 362, 2013 LAW LIBR. J. 17, ¶¶ 23–24 (“When it comes to teaching, law librarians have become increasingly more integrated into law school curricula . . . [most notably for] legal research instruction. Other librarians teach writing or doctrinal courses.”); see also Joyce Manna Janto & Lucinda D. Harrison-Cox, *Teaching Legal Research: Past and Present*, 84 LAW LIBR. J. 281 (1992).

31. Albert Brecht, *Changes in Legal Scholarship and Their Impact on Law School Library Reference Services*, 77 LAW LIBR. J. 157, 160 (1985) (“This new reliance on reference librarians is likely to become even greater as interdisciplinary research grows in importance.”). It can be inferred that as reliance on librarians' expertise grows, so too does the number of reference inquiries.

32. Donald Dunn, *The Law Librarian's Obligation to Publish*, 75 LAW LIBR. J. 225, 226 (1982).

33. This author does not intend to make generalizations regarding tenure responsibilities because of the different terminology used by different institutions for each requirement, in addition

scholarship requirements to those of voting faculty. Librarians not in tenure-track positions still often publish scholarly works and give presentations at conferences. Because such publications and presentations spur further idea sharing and discussions to improve legal education, often at faculty meetings, librarians must be invited to participate.

¶21 Publishing requirements vary by the amount of time allotted to publish a certain number of articles. But across disciplines, publishing seems to be that one requirement that can make or break tenure for candidates.³⁴ For tenure candidates equal to the task, the obligation to publish is a motivating factor that drives them to stay current in their fields. Such mandatory for-tenure scholarship is an implicit motivator for professional development and improvement. Scholarship allows for the sharing of ideas, which stimulates discussion and thinking about those ideas. Communicating ideas can lead to innovations through experimentation, digression, or both. In recent years, innovations in legal education have been popular publications topics for legal scholars, clinicians, and law librarians.³⁵

¶22 Libraries and librarians are the keepers of information, and information is in a constant state of flux. As such, librarians are regularly learning new resources, tips, and tricks, and librarians are always eager to share their new knowledge with their colleagues, in their publications, at conferences, or less formally through blogs and listservs.

¶23 Regardless of an obligation to do so, librarians write and publish articles that are useful to a variety of audiences, including other librarians and law faculty. It could be argued that librarians' scholarship contributes to the reputation (perhaps by way of school rankings) very much like that of the doctrinal faculty scholarship. Like with tenure, if publishing is the criterion that determines voting rights at faculty meetings, then most academic law librarians have already fulfilled this standard. Certain voting rights enjoyed by doctrinal faculty who publish scholarly works should then extend to law librarians.

to the different time periods afforded by each institution for a given tenure-track position. See Sharon Blackburn, Robert H. Hu, Masako Patrum & Sharon K. Scott, *Status and Tenure for Academic Law Librarians: A Survey*, 96 LAW LIBR. J. 127, 132 (2004) (“[T]he varying definitions of ‘faculty status’ as well as the variety of criteria and procedures for granting tenure plague survey after survey, particularly when later reviewers try to compare results.”).

34. Often referred to as the “publish or perish” phenomenon. See *id.* at 129 (“[T]he resulting anxiety over the ‘publish or perish’ syndrome leads to ambivalent feelings among librarians about full faculty status.”).

35. See, e.g., Tung, *supra* note 6; see also Scott Jaschik, *Overhauling Law School’s Third Year*, INSIDE HIGHER ED, Mar. 12, 2008, <https://www.insidehighered.com/news/2008/03/12/thirdyear>; *Washington and Lee’s New Third Year Reform: Leading the Way in Legal Education Reform*, WASHINGTON & LEE SCHOOL OF LAW, <http://law2.wlu.edu/thirdyear/> (last visited May 29, 2015); *New Curriculum*, VALPARAISO UNIVERSITY LAW, <http://www.valpo.edu/law/prospective-students/p-academics/new-curriculum> (last visited May 29, 2015).

Legal Education Reformation and the Shrinking Law Library

As the law school world changes to accommodate global and practice-oriented education, law librarians have the tools to guide law faculties and even deans toward new methods of education delivery.³⁶

¶24 As the landscape of legal education has changed in the current economic climate, in any given law school, reactions to and discussions about the realities of posteducation employment occur at faculty meetings. In these meetings, faculty openly discuss any and all aspects of how legal education can be adapted to this new fiscal reality. Discussions regarding the capabilities and competencies of the student body almost always concern real-world skills, practices, and expectations, usually followed by ideas or suggestions for curricular improvement. Law librarians who are not present at these meetings lose the chance to voice to the faculty their opinions regarding practical, real-world research. An example of this concerns the format of legal materials and whether to teach print research. Academic law librarians are in contact with firm and government librarians in offices where law students will seek employment; those firm and government librarians provide actual knowledge of real-world best practices, and academic law librarians can share those insights in faculty meeting discussions.

¶25 The reality of postgraduation employment is that practitioners and employers expect recent law graduates to be able to diligently perform cost-effective legal research, regardless of the format of the materials. Where students and recent graduates were once able to learn from apprenticeship³⁷ or practical experience, legal practitioners have demanded more practice-ready graduates, already possessing skills that were once learned on the job.³⁸ In light of these demands, legal educators have started to rethink the way legal education has been administered for decades. Legal educators, including law librarians and practitioners (and, more recently, business instructors and professionals³⁹) have put their heads together to come up with solutions to better prepare students for practice. To comply with new ABA standards,⁴⁰ many law schools have added clinical requirements and experiential classes that simulate real-world case work, including the necessary preparatory research. These simulations are meant to give students a sense of the necessary work that is necessary for diligent preparedness. These clinics require students to perform their own research, including understanding considerations

36. John Makdisi, *Improving Education-Delivery in the Twenty-First Century: The Vital Role of the Law Librarian*, 95 LAW LIBR. J. 431 (2003).

37. Beatrice A. Tice, *The Academic Law Library in the 21st Century: Still the Heart of the Law School*, 1 UC IRVINE L. REV. 159, 163 (2011).

38. See generally John Caher, *N.Y. State Bar Asks ABA to Support "Practice Ready" Law School Education*, DAILY REP., Aug. 5, 2011 (available on LexisNexis).

39. See *Law School Announces Sweeping Curriculum Updates to Prepare Students for Changing Legal Industry*, THE DAILY, Aug. 20, 2013, <http://cwru-daily.com/news/law-school-announces-sweeping-curriculum-updates-to-prepare-students-for-changing-legal-industry> (law students are taking leadership courses taught by instructors from the School of Management).

40. See AM. BAR ASS'N, *supra* note 23.

for the selection of an appropriate resource, versus mere reliance on a given database's algorithm for determining the most relevant result.

¶26 Times have demanded a change in legal education. For legal research education, professors are moving away from print and focusing on online instruction because most contemporary legal (and nonlegal) research is performed online.⁴¹ In recent literature, critics of legal education⁴² are also less supportive of traditional law libraries because of their mistaken notion that research can be done electronically, obviating the need for books and a physical space in which to house them. This mistaken reasoning continues, concluding that if there is no need for books and there is no need for a library, then there is no place for librarians.

¶27 Those arguments can be refuted with simple logic. Historically, legal research could be performed using only the available books maintained by brick and mortar law libraries. Fewer courts existed; legal publishing was in its infancy and did what it could to preserve precedents on paper.⁴³ Judges understood the limitations of collecting the most up-to-date published materials. Litigators prepared for court by using the few print materials that were available, including treatises, reporters, and *Shepard's Citations*. The finding tools for these collections employed controlled vocabularies that limited the number of access points to the most relevant information. Since these print editions were available only in a few physical law libraries, legal research was less expansive.⁴⁴

¶28 As every field of jurisprudence has expanded over time, so too have the materials from which researchers find pertinent information.⁴⁵ Reporters, digests, and annotated codes are now so expansive that relevant material can get lost in the abundance of information. Just because most of that information is now located online does not mean that it is easier to find; it certainly does not mean that even a skilled researcher is adept at finding the most accurate, current, and relevant information. Online research is sloppy, at best.⁴⁶ Information that was once found within the finite space of few brick and mortar law libraries now extends to the infinite expanses of the World Wide Web. Likewise, relevant information that previously was found from an online search using controlled vocabulary terms is now likely to return an unintelligible number of potentially irrelevant results. Keyword search results are likely to distract researchers from more authoritative resources, especially when the search returns results with synonyms or alternatives of the actual

41. See generally Michelle Wu, *Why Print and Electronic Resources Are Essential to the Academic Law Library*, 97 LAW LIBR. J. 233, 2005 LAW LIBR. J. 14.

42. See generally BRIAN Z. TAMANAHA, *FAILING LAW SCHOOLS* (2012); Paul Campos, *The Crisis of the American Law School*, 46 U. MICH. J.L. REF. 177 (2012).

43. See generally Robert C. Berring, *Legal Information and the Search for Cognitive Authority*, 88 CALIF. L. REV. 1673 (2000).

44. It could be said that research was easier because of the finite number of publications in which to find relevant authority, despite the tedium of this practice. It could also be argued that because of the access limitations imposed by a controlled vocabulary, good research could only have been performed by experts familiar with that area of law.

45. Tice, *supra* note 37, at 170.

46. Jody Passanisi & Shara Peters, *What's So Hard about Research?*, SCI. AM. BLOG (June 19, 2013), <http://blogs.scientificamerican.com/guest-blog/2013/06/19/whats-so-hard-about-research/>.

searched terms.⁴⁷ Moreover, not all of the relevant information is found in a single place, and librarians are more aware of these limitations to finding current, accurate, and reliable resources, even from different databases or sources. When teaching research skills, law librarians reiterate how important it is to use different resources and databases⁴⁸ for low-cost information gathering. This versatility is often more economical. The result of this knowledge often produces good habits for careful researchers.

¶29 This fact alone places law librarians and their unique skills in high demand. While case law and statutes are still easy to find online,⁴⁹ it has become much more time consuming to find relevant case law simply because of how many cases are reported.⁵⁰ It is even harder to find an appropriate secondary source that explains the area of jurisprudence for the average legal researcher to simply find a place to start.⁵¹ Additionally, law librarians are more likely to understand all of the information contained in bibliographic records. These records may show that successive editions and titles have emanated from their predecessor titles, authors, or editions. This helps researchers to find more complete information and may give law librarians valuable insights to information and sources that might otherwise be lost on even adept researchers.

¶30 James G. Milles has written thoughtfully that law libraries are doomed because of the crisis in legal education.⁵² In direct opposition to Tice's thesis that the law library is the heart of the law school, Milles argues that the law library "has not been central to the law school for more than a generation."⁵³ Rather than

47. See generally Jason Wilson, *Moving Beyond the Box*, SLAW (Feb. 6, 2013), <http://www.slw.ca/2013/02/06/moving-beyond-the-box/> (discussing the identified problems with how database systems process user's keyword queries and how those systems rank the results).

48. Print and online, free and commercial.

49. Both free and paid services. Statutes, codes, regulations, and opinions are continuing to be made available for free online.

50. See *Chief Justice of U.S. Supreme Court Speaks at Drake*, RADIO IOWA (Oct. 2, 2008) (Chief Justice John Roberts III speaking at a graduation ceremony for Drake University in 2008; audio available at http://cdn.radioiowa.com/resource_news/20081002/eca83e2b-c09f-1e1c-6bccd82f2cd6ae37/034948/roberts.mp3, at approx. 0:28m:00s) ("word searches will uncover reams of marginally relevant precedent superficially on point"). The "Google generation" of students often relies on a given search engine's algorithm to return relevant results based on the search query, however misguided it may be; these users are unlikely to go pages deep into the results just to see if something more relevant was missed by the algorithm. This puts law librarians in a unique position because they can help researchers determine the best resource as well as the best approach to using that resource.

51. It is hard because there are no good ones that are available for free. The problem lies with name recognition: commercial publishers may rename well-known treatises in an effort to make their contents more accessible to the modern legal researcher (e.g., a well-known treatise dealing with certain subject matter may not be found by its known name or may be broken down into separate cases, practice guides, and forms databases from some better-known legal publishers); likewise, legal scholars who write treatises and practice guides want to be acknowledged for their contributions to the industry. Law librarians recognize these gaps in access to legal information—and are sometimes themselves scholars in an area of law—and can therefore benefit from inclusion in curricular developments, as curricula are being redesigned to better prepare students for the real world.

52. James G. Milles, *Legal Education in Crisis, and Why Law Libraries Are Doomed*, 106 LAW LIBR. J. 507, 2014 LAW LIBR. J. 28.

53. *Id.* at 517, ¶ 34.

oppose Milles's conclusion, it makes more sense to use this conclusion to once again argue for the necessity of law librarians, especially at faculty meetings where discussions about the future of legal education take place. Milles posits that "most trendy and cutting-edge scholarship now is interdisciplinary and/or empirical,"⁵⁴ where research is more dependent on popular legal databases and nonlegal information resources.⁵⁵ Fortunately for more optimistic law librarians, those popular legal databases are changing faster than law faculties can keep up with them. Thus, law faculty members turn to librarians for instruction—often mere assurance, for example—that their research skills are fluid and that commands performed in older versions of the databases may still be recognized in the newer databases. Likewise, law scholars adept with the popular legal research databases may not be so familiar with the nuances of social science research through the main university's various library databases. Those scholars may feel more comfortable discussing their research with someone who has a legal background and better understands their request. Luckily, finding electronic information that is disseminated over countless databases that return wildly different results for similar queries are the forte of librarians. Once again, these research contributions are often recognized by law faculties in footnotes of their scholarly works, which in turn have an impact on school admissions.

¶31 In addition to using their resourcefulness to find the most relevant information for research, academic law librarians use ingenuity to combat the effects of annually shrinking budgets. All law libraries have been facing smaller budgets for some time now. New information is constantly being made available, despite libraries' diminishing funds to procure often-necessary resources. Such constraints force librarians to find creative and innovative ways to keep up with the mission of the library, which is to support the curriculum and scholarship of the law school community. Librarians recognize this expanding gap between the increasing number of resources and the declining ability to pay for access to the information. Because law librarians remain aware of the needs of the users of that information and have been working with other libraries and legal publishers to close that gap, more materials are being made available in different formats, for ease of accessibility and use by students and practitioners alike. Finding solutions to such problems is a worthy discussion topic for faculty meetings.

¶32 The considerations for the format of materials against a conservative budget also impacts instruction. Students seeking employment in certain fields benefit from the knowledge of having used certain treatises and guides, in any given format. For instance, librarians often instruct students on when and how to best use commercial databases, if they are available, for cost-effective research, and if they are not, then librarians typically instruct students on the best practices and caveats in using print materials. All of these apply in an employment setting and directly reflect on the institution and its good reputation.

¶33 All aspects of legal education, including legal research, have changed over time. Shrinking budgets force librarians, and by extension publishers, to reevaluate

54. *Id.*

55. *Id.* at 517, ¶ 32.

the value of the format of the materials. The format of materials acquired by the library directly impacts the law school curriculum and the support for the surrounding community, especially where practitioners still rely heavily on print materials. Materials once available only in print are slowly being converted to digital formats. These digital formats link to other useful digital resources; unfortunately, they also link to many more resources that are not useful, resulting in a seemingly endless amounts of information to process, which may distract the inexperienced researcher. The ingenuity and experience that academic law librarians employ in response to the abundance of information available should surely be welcomed in law faculty meeting discussions and in law school governance.

Heads of Law Libraries

¶34 To conform to the changes in legal education, law libraries and the roles of law librarians—especially the roles and responsibilities of the heads⁵⁶ of academic law libraries⁵⁷—have adapted in kind. Historically, academic law libraries and collections were small enough that they could be managed by only one librarian. As the collections and the sizes of the libraries grew, more librarians were needed to take on the growing list of librarianship duties to maintain and grow the collection.

¶35 As a result of bigger collections being managed by more librarians, head law librarian positions have become more administrative in nature, and many services once performed solely by a head law librarian are often delegated to other, qualified librarians (for example, acquiring and cataloging new books and electronic resources, managing circulation and public services, and reference).⁵⁸ At academic institutions that do not grant tenure status to law librarians, the head of the law library may still hold tenure status. This status will guarantee a place in faculty meetings for the head of the law library.

¶36 Depending on the institution, this may be the only librarian position that is required to teach. Conversely, it is likely that the head of the law library probably does not take shifts at the reference desk. After all, the head of the law library cannot do everything, and administration of a law library—and teaching—is a job in itself. This results in more law librarians taking on administrative and managerial roles as a part of their everyday librarianship duties.

¶37 In institutions where qualified law librarians are not invited to faculty meetings, this honor may still be granted to the head of the law library. From here, the head law librarian can bring back necessary, or simply professionally relevant, information to the other librarians. At many institutions, the head law librarian will have voting privileges to participate in faculty meetings.

56. The “head of a law library” is meant to include all the various titles given to the librarians in this position.

57. Simons, *supra* note 12, at 257.

58. M. Minnette Massey, *Law School Administration and the Law Librarian*, 10 J. LEGAL EDUC. 215 (1957).

¶38 Despite the above, it is quite possible that the duties involved in the successful administration of a law library result in the library head being out of touch with certain, key information that will solve a debate or a concern in a faculty meeting. For example, where a faculty meeting discussion is focused on the creation of a new experiential class or clinic, information about whether the library can support the curriculum for that class might be welcome; likewise, professors focusing on experiential and clinical curriculums might be more interested in the format of materials in the library as they try to simulate real-world research assignments for their students. For this kind of supporting data, heads of law libraries often turn to their other librarians, who are more likely to have this information in the forefront of their minds as part of their daily experience.

¶39 Given the shared responsibilities of law library administration, the heads of academic law libraries should advocate for the participation of more law librarians in faculty meetings. The head of the law library is in a position to persuade the faculty of the value of including the opinions of other law librarians in certain aspects of law school governance. This will result in better library services for the entire law school community as well as more efficient practices by the librarians.

Conclusion

¶40 Law faculty meetings represent an amalgamation of conversations, ranging from substantive to social, all focused on or coming back to the institution's direction in legal education and the success of its student body and faculty. While it is hard to quantify these successes, they can often be sensed by way of the acknowledgments by doctrinal faculty for scholarly research support and in the employment outcomes of the student body who impress employers with their knowledge of research materials and processes. These successes directly impact school rankings and the number of potential applicants, and they can be easily traced back to law librarians' contributions within the legal academy.

¶41 Academic law librarians are such an integral part of legal education and yet often lack the right to contribute a voice to the ongoing success of their law school and its student body. These librarians often have the educational equivalent of voting faculty and are likely to contribute to their industry very much like those doctrinal faculties, even without the implicit encouragement of being on a tenure track. These librarian-professors, very much like their doctrinal brethren, are invested in the success of their students and even contribute to better employment placements for students, but are still overlooked as a voice to contribute to matters concerning the student body. These librarian-professors are likely to also take on course loads that are not just foundational to the success of the law students but essential for their later success in the practice of law. Required legal research courses should not be limited to only the first-year curriculum but should also be an integral part of the upper-level curriculum because research is a necessary skill for postgraduation employment. This urgency in focusing on legal research instruction in law school demands that legal research educators—law librarians—be a part of discussions and votes that take place at faculty meetings. Librarian attendance and participation at faculty meetings will only add support for the continued success of the legal academy and legal education as a whole.