

Educating Aspiring Law Librarians: A Student's Perspective*

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How can MLS students get the additional legal research skills training needed to be law librarians? Which skills should be included in such training? Ms. Brooks examines the current state of available training and concludes that additional law librarianship courses are needed in library schools.

¶1 In an introductory library science class, a guest speaker addressing the topic of special libraries opened the floor for questions. When I asked him what training was needed to become a law librarian, he replied that one would need a law degree in addition to the graduate library degree (MLS).

¶2 I would have dismissed law librarianship as a career option after this conversation were it not for an e-mail that appeared on my library school's electronic discussion list a few months later. It said that the Law Library Association of Greater New York (LLAGNY) was sponsoring a tour of three different law libraries in New York City one morning, culminating in a luncheon at a nice restaurant. As the association generously made this opportunity free to students, I decided to attend.

¶3 The tours of the corporate, firm, and membership libraries were fascinating, but the luncheon was even more enlightening. LLAGNY had the foresight to seat each library school student at a table of working law librarians, instead of putting all the students at one table as some organizations might have done.

¶4 I was impressed by the intelligence and friendliness of the librarians at my table. When I told them I was interested in law librarianship but concerned because I didn't have a law degree, they were very encouraging. They told me a law degree was not necessary for corporate or law firm librarianship. One even said that many firms preferred law librarians without law degrees, as they wouldn't be tempted to cross the line between librarian and lawyer.

¶5 Newly inspired, I signed up for Long Island University's Legal Research class the following fall, given at New York University Law School and taught by NYU law librarians. Though the class involved a tremendous amount of work, I found it enormously engaging and relished every moment.

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¶6 Ready to learn more about this interesting field, I was disappointed to find out that no advanced legal research classes were offered at my school. A respected professor told me that no further courses were necessary and that the training provided by the general MLS curriculum should be sufficient. When I perused job listings, however, they listed legal research skills I had not learned.

¶7 Therefore, when I had to pick a paper topic for a subsequent Research Methods class, I chose education for law librarianship. What follows is my research on this topic.

The Present Dilemma

¶8 There is currently no one accepted model of education for law librarianship. Some law librarians have a law degree and an MLS degree, some have just an MLS, some have just the law degree, and some have neither. Throughout the history of law librarianship, there have been many different schools of thought on the degrees necessary for a member of the profession, but the current thinking is that the entry-level credential is the MLS degree.¹ According to a task force of the American Association of Law Libraries (AALL), “85% of those working as law librarians have a graduate degree in library science” and “nearly 30% of all law librarians also have a JD or LLB degree.”²

¶9 Law school libraries currently require, or at least prefer, individuals to have both J.D. and MLS degrees, although there are still a number of respected law librarians working in law schools with only the MLS. Nonacademic law library settings seem to actually prefer librarians without the J.D., as they do not want librarians who may be tempted to give legal advice. As recently as March 2002, Maya Norris stated that “[m]any law libraries in private law firms and government institutions prefer that their law librarians have work experience in law libraries or training in technology rather than a law degree.”³ According to Susan Siebers, director of the law library at Katten Muchin and Zavis in Chicago, “law librarians in private firms really don’t need law degrees to be successful.”⁴ And Barbara B. Bonney has written that “[o]nly large law firms can afford dual-degreed librarians.”⁵

¶10 Since “[l]ess than 20% of the law librarian jobs being filled nationally require both degrees,”⁶ it would seem that the majority of working law librarians

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1. *Credentialing Survey Confirms Law Librarian Competencies and Training Needs*, AALL SPECTRUM, Apr. 1998, at 17, 20.
 2. Task Force to Enhance Law Librarianship Educ., Am. Ass’n of Law Libraries, *What are the Academic Qualifications for a Law Librarian?* at <http://www.aallnet.org/committee/tfedu/education.html> (last visited Mar. 26, 2005).
 3. Maya Norris, *The Accidental Profession: Work Experience, Education Prove Vital in Training Law Librarians*, AALL SPECTRUM, Mar. 2002, at 26, 26.
 4. *Id.* (quoting Siebers).
 5. Barbara B. Bonney, *The Controversy Over Dual Degrees for Law Librarians*, LEGAL REFERENCE SERVICES Q., 1991, no. 1–2, at 127, 130.
 6. Task Force to Enhance Law Librarianship Educ., Am. Ass’n of Law Libraries, *supra* note 2.

have only an MLS degree. In addition to job requirements, another contributing factor is likely that the cost and time involved in getting both degrees is prohibitive for most people, especially when one considers that the typical law librarian's salary is nowhere near that of a lawyer's.

¶11 A librarian without any legal background, however, is greatly disadvantaged in a law library, as the legal system is a complex entity with its own structure, language, citation system, and research methods required to utilize its unique publication mechanisms. William D. Murphy noted that "legal materials have their own unique qualities and traits that no amount of general training in librarianship is going to clarify," and the law librarian must not only know these materials but must also "have an appreciation and understanding of the lawyer's approach to legal research and the language he uses."⁷

¶12 As William B. Stern commented, "The ideal law librarian is all that which a 'librarian' is, *plus* a person skilled in law."⁸ In an article describing the unique role of a legal reference librarian, Michael J. Schau concluded that "[a]s a librarian who has worked in all three types of libraries [public, academic, and special] and then moved to a law school library, the differences were far greater than any of the prior library-to-library transitions."⁹

¶13 In 1990, Robert Oakley wrote that "[l]egal reference librarians must obviously be conversant with the language of the law and with the problems and issues about which their clients are inquiring."¹⁰ He went on to describe the unique skills law librarians need in the areas of cataloging, acquisitions, and collection maintenance, observing that "the general librarian who has had no exposure to such matters is likely to have a long learning curve by trying to learn while doing."¹¹ But he still concludes that "[n]one of this, in my opinion, suggests that a law degree is necessary for most professional jobs in a law library."¹² "I believe that a bright and talented general librarian who has acquired a sufficient background of legal knowledge can perform most law library jobs very well indeed."¹³

¶14 How then should a bright and talented general librarian acquire a sufficient background of legal knowledge outside of a law degree? It would seem prudent to give future law librarians some specialized legal training within their MLS programs to prepare them to be effective law librarians. This specialized legal training usually falls under the heading of *law librarianship* classes. These

7. *The Education of a Law Librarian—A Panel*, 50 LAW LIBR. J. 359, 372 (1957) (remarks of William D. Murphy).

8. William B. Stern, *A Proposed Program for Law Librarianship*, 55 LAW LIBR. J. 229, 231 (1962).

9. Michael J. Schau, *Law Librarianship: A Unique Vocation*, 39 J. EDUC. MEDIA & LIBR. SCI. 106, 107 (2001).

10. Robert L. Oakley, *Education for Law Librarianship: Avoiding the Trade School Mentality*, J. LIBR. ADMIN., 1989, no. 3-4, at 147, 156.

11. *Id.*

12. *Id.*

13. *Id.* at 156-57.

classes should ensure that new law librarians would be able to communicate effectively with the patrons and coworkers they encounter in a law library setting. They should give students the unique legal research skills that would enable them to start their first job at a law library with some measure of confidence. These classes also should serve the function of keeping these graduates competitive with those who have earned their J.D. in addition to the MLS, an important priority in a tightening economy.

¶15 There are only eight American Library Association (ALA)-accredited programs in the country offering a joint MLS/J.D. degree¹⁴ and only three programs that offer three or more law librarianship classes, including those that have joint MLS/J.D. degree offerings!¹⁵ Of the remaining ALA-accredited MLS programs, seven offer two courses in law librarianship¹⁶ and twenty-six offer only one course in this area.¹⁷

¶16 This means that the majority of ALA-accredited MLS programs offer only one course in law librarianship, while a large number offer none at all. With such a big disparity in education for law librarians, it is not surprising that the literature contains many educated opinions about education for law librarianship but very little in the way of actual studies on the subject.

Review of the Literature

¶17 The following literature review is limited to education for law librarianship in the United States, as legal systems—and the roles of law librarians within these systems—vary greatly from country to country. It is also limited to educational options available to students before they enter the workplace. The reasoning is that any educational opportunities presented after one is in the workplace, such as the AALL institutes that have been offered in the past, are subject to the whims of employers. Indeed, employers may not be able to afford to send librarians to workshops outside of the workplace or, alternatively, may decide to fund one's efforts toward a law degree. Neither can be counted on by aspiring law librarians and therefore are not discussed in the literature review.

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14. Task Force to Enhance Law Librarianship Educ., Am. Ass'n of Law Libraries, ALA-Accredited Graduate Programs—Joint MLS/JD Degree (1998), at http://www.aallnet.org/committee/tfedu/list_6.html.
 15. Task Force to Enhance Law Librarianship Educ., Am. Ass'n of Law Libraries, ALA-Accredited Graduate Programs—Three or More Law Librarianship Courses as a Speciality (1998), at http://www.aallnet.org/committee/tfedu/list_2.html.
 16. Task Force to Enhance Law Librarianship Educ., Am. Ass'n of Law Libraries, ALA-Accredited Graduate Programs—Two Law Librarianship Courses (1998), at http://www.aallnet.org/committee/tfedu/list_3.html.
 17. Task Force to Enhance Law Librarianship Educ., Am. Ass'n of Law Libraries, ALA-Accredited Graduate Programs—One Course in Law Librarianship (1998), http://www.aallnet.org/committee/tfedu/list_4.html.

Early Views on Education for Law Librarianship

¶18 As Penny Hazelton states, “most would acknowledge the beginning of the profession of law librarianship as coterminous with the formation of AALL . . . [on] July 2, 1906.”¹⁸ She explains that “corporate and law firm libraries were in their infancy in the early twentieth century” and have only experienced “unprecedented growth” since the “mid-1970’s.”¹⁹ She then goes on to say that in the membership of AALL, “the proportion of academic law librarians between 1906 and 1992 has remained relatively constant (28 percent and 30 percent respectively), while the number of law librarians in the private sector has increased from 4 to 44 percent.”²⁰ In addition, “there has been a decrease of bar, county, court and state law librarians from 68 percent in 1906 to 26 percent of the total membership of AALL in 1992.”²¹ It seems that since the mid-1970s the number of governmental law librarians in AALL has been decreasing, while the number of private and corporate law librarians has been increasing. Therefore, until relatively recently, it was the academic and governmental law librarians who were the main focus of law librarianship and its literature. Indeed, Hazelton claims that “this historical development of law libraries has significantly influenced the educational model for law librarianship by emphasizing the importance of a legal education over any other.”²²

¶19 As early as 1921, Frederick C. Hicks publicly suggested during an AALL Annual Meeting that “it is evident that some step should be taken to provide systematic training for law librarianship. We can as heretofore . . . go on training our own assistants; but while the results in individual cases may be excellent, there are many who fall by the wayside. . . .”²³ He noted that “answers to a questionnaire sent out . . . [in 1921] showed that no library school had any special facilities for training in law librarianship.”²⁴ It is interesting that when discussing some proposals for law librarianship classes that were under consideration in 1926, he commented that “many persons who now feel themselves to be qualified to enter upon a career of law librarianship would not technically be qualified to enter such a school, because they do not already possess a Bachelor’s Degree.”²⁵ This illustrates that many who were entering, or considering entering, the field at that time did not even have bachelor’s degrees.

¶20 Laurent B. Frantz also reports that, as of the first third of the twentieth century, not only was there no agreement on the education needed for law librarianship, but the majority of law school librarians seemed to have no college training.

18. Penny A. Hazelton, *Law Libraries as Special Libraries: An Educational Model*, 42 LIBR. TRENDS 319, 321 (1993).

19. *Id.* at 320.

20. *Id.* at 321–22.

21. *Id.* at 322.

22. *Id.* at 320.

23. Frederick C. Hicks, *The Widening Scope of Law Librarianship*, 19 LAW LIBR. J. 61, 65 (1926).

24. *Id.*

25. *Id.* at 66.

In October, 1936, the Committee on Education for Librarianship of the American Association of Law Libraries made a survey of professional staff members of law school libraries and found that 7 per cent reported both law and library degrees, 23 per cent reported library degrees only, 19 per cent reported law degrees only, while 29 per cent reported no college training. It is probably (*sic*) that the remaining 22 per cent who failed to declare their educational qualifications would not have improved the proportions of those in the higher educational brackets.²⁶

¶21 It is interesting to note that the earliest article in a professional journal found on this subject is the 1926 piece by Hicks. In this article he is already advocating that the library degree should be the primary degree for law librarians, saying that “[i]t has always been my contention that the only important difference between law library work and other kinds of library work is that which results from a different subject matter and a different clientele.”²⁷ At this early date, though, he admonishes that “there should exist at least one library school in which something more specific might be learned in respect to law librarianship. . . .”²⁸

¶22 A few years later, in 1930, Hicks elaborates on the recommended legal areas in which a law librarian should be proficient. After first noting that “legal literature is more elaborately indexed than any other class of literature,”²⁹ he stresses that in addition to “the fundamentals of library science,” a strong knowledge of legal and general bibliography, “some knowledge of law, or more accurately, a mind capable of thinking in legal channels,” and “the equivalent of a college education” should be the “educational requirements of law librarianship.”³⁰

¶23 In another 1930 article,³¹ Arthur S. McDaniel, at the time the assistant librarian of the Association of the Bar of the City of New York and secretary-treasurer of AALL, focused mainly on the college education aspects of these requirements. He felt that “the study of languages, of history and of government,” along with philosophy, was of “prime importance as a cultural background for the law librarian.”³² He seems to be describing what used to be known as a well-rounded undergraduate education. He dismisses his own question—“how about a law school course before the library school training is entered upon?”—by concluding that such an approach “would be excellent if the law library profession offers sufficient inducement for the candidate to spend four years at college, then three years at law school and finally two years in a library school.”³³ He clearly did not believe that it did so. Sadly, the very same argument could be made today, as the

26. Laurent B. Frantz, *The Education of the Law Librarian*, 44 LAW LIBR. J. 94, 97 (1951).

27. Hicks, *supra* note 23, at 66.

28. *Id.*

29. Frederick C. Hicks, *Educational Requirements for Law Libraries*, 23 LAW LIBR. J. 62, 67 (1930).

30. *Id.*

31. Arthur S. McDaniel, *The Educational and Cultural Background of a Law Librarian*, 23 LAW LIBR. J. 68 (1930).

32. *Id.* at 70.

33. *Id.*

law library profession continues to offer insufficient inducement to spend considerable time and funds to acquire nine years of higher education.

¶24 In 1937, the Columbia University School of Library Service introduced the first special course in law librarianship given by a master's level school of library science. In the words of the school's dean, however, the course was given in the six-week summer session so that employed law librarians who wouldn't normally be qualified to enter the library science program could still attend.

Library schools formerly refused to accept any student except those who were fully qualified for admission to their regular course as a candidate for the professional degree. In many library schools that is still the rule, but the largest schools with diversified and specialized programs are no longer so rigid in their requirements. The Columbia School of Library Service does set a high academic standard for admission to the degree courses, so high that nearly all employed law librarians who might be interested in such a course would be excluded if it were applied to them at the present time. But it is not necessary to do that. For a special course in law library service, such as we are offering this summer, we can make the requirements for admission highly flexible, and we are doing so.³⁴

¶25 It is particularly interesting to note that, as of 1937, Dean Williamson felt that most of the law librarians currently working in the field would not qualify for admission to his library science program. It seems that, for the first third of the twentieth century, a library degree was desirable, though definitely not required or even preferred, for a law librarian, while the majority of working law librarians had little or no higher education at all. How did circumstances change so much that for many of today's law school librarian positions the law degree is preferred in addition to the now entry-level requirement of an MLS degree?

Movement to Require Law Degrees for Law Librarians

¶26 Robert L. Oakley writes that "as recently as 1957, at the annual meeting of the American Association of Law Librarians, it was seriously contended that in all except the very largest academic libraries, the library degree was unnecessary, and possibly even undesirable."³⁵ He also points out that "[o]n the same panel, Miles Price noted that there was a strong trend among academic library directors in favor of both the law degree and the library degree," though at the time "only twenty-five percent had both degrees."³⁶

¶27 Between 1937 and 1957, a mere twenty years, what had occurred to cause these professionals to now debate whether a law librarian should even have a library science degree? How did it come to pass that by 1971, the Law Library of the Library of Congress, "the largest [law] library in the world," had a staff

34. C. C. Williamson, *Plans for the Training of Law Librarians at Columbia University*, 30 LAW LIBR. J. 261, 263 (1937).

35. Oakley, *supra* note 10, at 147 (citing *The Education of a Law Librarian—A Panel*, 50 LAW LIBR. J. 359, 362 (1957) (remarks of Harriet L. French)).

36. *Id.* (citing *The Education of a Law Librarian—A Panel*, *supra* note 35, at 378 (remarks of Miles O. Price)).

of seventy-nine, twenty-eight of whom had law degrees and only four of whom had library degrees?³⁷ When and why did a preference for the law degree for law librarians emerge?

¶28 A few important factors seem to have pushed the thinking in this direction. The first was that “the Association of American Law Schools [AALS] determined that, after September 1940, each member law school would be required to have a ‘qualified librarian, whose principal activities are devoted to the development and maintenance of an effective library service.’”³⁸ Instead of making do with a rotating number of law students or clerks, the law schools would now be “expected to maintain full-time librarians.”³⁹ This meant that law schools now needed a dedicated librarian on their staffs who could help the law students and faculty find their way around the increasingly complex materials produced by the legal system.

¶29 The second factor was that, as of 1938, only Columbia University offered a class in law librarianship, and this class was only given in odd-numbered years as a summer session class.⁴⁰ As the AALS requirements would soon mandate a full-time law librarian in every law school, Arthur S. Beardsley initiated a Bachelor of Arts in Law Librarianship program in 1939 at the University of Washington⁴¹ (the university’s regular library degree was also a bachelor’s level program at that time).

¶30 This law librarianship program originally consisted of “three courses in cataloging and classification, two reference courses, history of books and libraries, and four courses specifically geared towards law libraries. . . .”⁴² It also required a law degree for admission. It seems that since no other library school had set forth a program for law librarianship, other than the one class offered every other year at Columbia, the University of Washington set the standard, and that included a law degree. One wonders if there might not have been a stronger recognition of the library degree as primary for law librarianship at that time if other library schools had taken the initiative and added a few law librarianship classes to their curriculums, without a law degree requirement, when the AALS made its announcement.

¶31 Regardless, the third factor that came into play at this time was World War II and the G.I. Bill of Rights. Miles O. Price comments that:

Although there was a movement by law librarians to secure both professional degrees, even before World War II, the impact of the G.I. Bill of Rights has been remarkable. Many lawyers, taken into the armed services before they had practiced at all or after only a short try at it, found, when they returned, that they did not care to practice, and turned to law librarianship.⁴³

37. Carleton W. Kenyon, *The Dimensions of Law Librarianship*, 62 *SPECIAL LIBR.* 129, 133 (1971).

38. Laura M. Goldsmith, *History of the University of Washington Law Librarianship Program*, 82 *LAW LIBR. J.* 239, 245 (1990) (citing *HANDBOOK OF THE ASS’N OF AMERICAN LAW SCHOOLS* 224 (1937)).

39. *Id.*

40. Frantz, *supra* note 26, at 98.

41. Goldsmith, *supra* note 38, at 249–50.

42. *Id.* at 249.

43. Miles O. Price, *The Law School Librarian’s Educational Qualifications: A Statistical Study*, 10 *J. LEGAL EDUC.* 222, 223–24 (1957).

One can also presume that the G.I. Bill of Rights opened the door for people to get an extended education who otherwise might not have been able to afford it. Suddenly a law degree and a library degree might be within reach if the government was helping to foot the bill.

Influence of Law School Librarians on Educational Requirements

¶32 From the literature it is evident that it was primarily law school librarians who were demanding the law degree in addition to the library degree. As early as 1947, Harry Bitner, associate librarian of the Columbia University Law Library, wrote that “the problem of the educational qualifications of a law school librarian is of a somewhat different nature than that of other law librarians, being dependent upon numerous different circumstances not affecting such others.”⁴⁴ He elaborated on these differences, saying that they were “for the most part due to the emphasis upon research and teaching, in the school library, as contrasted with the more practical aspects of the Bar, court and practitioners’ library,” and stressing that there is a “difference in attitude toward the law school librarian, resulting from the academic atmosphere, the system of academic rank, and so forth from the other libraries, where such tradition is not important.”⁴⁵

¶33 As elitist as these statements may sound, the fact remains that academia is a world unto itself, with its own rules and hierarchies that must be followed if one wishes to succeed and be respected there. This is still true today. Though it can be argued that all librarians must now teach regardless of the setting they are in, many don’t do it within the rigid realm of academia, with its system of tenure and publication.

¶34 Does this mean a law degree is necessary for a law school librarian? Not necessarily, but being without the law degree today can put one at a disadvantage in the job market if most of one’s peers are dual-degreed. Interestingly, though many in the field seem to think that the dual degree is now necessary to work as a law school librarian, in a 2003 AALL member survey, the latest currently available, among academic law library respondents, 45.8% (427 individuals) of professional positions were filled by those with only an MLS degree, 5.4% with only a J.D. degree, and 43.0% (401) with both an MLS and a J.D., indicating that the majority of academic law librarians still have only an MLS degree.⁴⁶

¶35 One reason why many may think that the dual degree is required for law school librarians may be because it *is* required for head law school librarians, or directors. “The ABA [American Bar Association] permits a head law librarian to have a degree in law or library science, whereas the AALS [Association of

44. Harry Bitner, *The Educational Background of the University’s Law Librarian*, 40 LAW LIBR. J. 49, 49 (1947).

45. *Id.*

46. 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.

American Law Schools] requires the (head) librarian to hold both degrees and also meet the AALS certification requirements.”⁴⁷ This means that law school librarians who want someday to rise to the position of head law librarian in a law school *must* get a law degree in addition to their MLS. Bonney notes that “most opinions concur that directors of law libraries need to have a law degree,”⁴⁸ though she does seem to be specifically referring to law school library directors.

¶36 Nonetheless, one can find comments from professionals who do not think that the dual degree is necessary for law school librarians: “I’m not always sure that in the day-to-day running of an academic library, a dual degree is necessary, but it’s required”;⁴⁹ “I have never felt it was absolutely essential that law librarians have two degrees, except that I think you need somebody in an academic library who qualifies to be a faculty member, and it’s easier if they have a law degree.”⁵⁰

¶37 Therefore, it seems that law school librarians may be pressured to get law degrees for reasons that are not directly tied to the amount of legal knowledge that is necessary to do their jobs well. As Bonney concludes, “[m]any times, when a position either requires or states a preference for a law degree, it is because there is no other viable option for law librarians to get a good law background.”⁵¹ Which begs the question, what alternatives are there to the law degree for a librarian who wants to acquire the legal skills necessary to be a successful law librarian?

Alternatives to the Law Degree for the Acquisition of Legal Skills

Joint MLS/J.D. Programs

¶38 One alternative to earning a law degree and library degree separately is currently offered at eight universities in a degree called the MLS/J.D.⁵² In these programs, “a student can earn a law degree and a library degree simultaneously,” but “most . . . will require at least 4 years of study.”⁵³ Penny Hazelton comments that MLS/J.D. programs “usually do not shorten the number of hours required for the JD.”⁵⁴ In perusing some of the details of these joint MLS/J.D. programs, most seem to work by offering some credit toward the law degree for the MLS courses taken and some credit toward the library degree for the J.D. courses taken. Therefore, it shortens the time required to earn both degrees from five years to a little more than four. Though this may seem a little better than both degrees taken separately, it is not enough of a difference to make it a viable solution for law library students

47. Bonney, *supra* note 5, at 128.

48. *Id.*

49. [Interview with] Victoria M. Ward, in REFLECTIONS ON LAW LIBRARIANSHIP: A COLLECTION OF INTERVIEWS 237, 239 (Marjorie A. Garson et al. eds., 1988).

50. [Interview with] Marian G. Gallagher, in REFLECTIONS ON LAW LIBRARIANSHIP: A COLLECTION OF INTERVIEWS, *supra* note 49, at 81, 86.

51. Bonney, *supra* note 5, at 132.

52. See *supra* note 14 and accompanying text.

53. Task Force to Enhance Law Librarianship Educ., Am. Ass’n of Law Libraries, *supra* note 2.

54. Hazelton, *supra* note 18, at 329.

without a trust fund. As Judith McAdam says, “not only is it unnecessary in most cases, it is also unreasonable to expect librarians to obtain both degrees in addition to an undergraduate degree.”⁵⁵

Master of Legal Studies Option

¶39 Are there any other options involving law schools and library schools that have been considered? An intriguing idea is that of a master of legal studies, a one-year law degree that could be used to satisfy the legal background needs of law library students. A practical option that would only require one more year of schooling for the aspiring law librarian, it sounds like an ideal solution. Ideal, that is, if it included a legal research class, along with work in the different areas of law that would put these legal research skills to good use. This approach was suggested as early as 1947, when Bitner proposed a program that would include “one year’s advanced study in library science, . . . followed or preceded by one year’s advanced study in law. . . .”⁵⁶ In 1953, “Dean Asheim hopefully suggested a combined program wherein the first year would be spent in library school, the second in law school, and the third year in both schools taking courses on an elective basis. His proposal was roundly criticized by several leaders of the law library profession at that same meeting and died aborning.”⁵⁷

¶40 In 1977, Anita L. Morse contended that a proposed “M.A. in Law [comprised of 36 units], . . . combined with a professional Library Science degree would prepare a person with a subject speciality for librarianship.”⁵⁸ In 1989, Robert Oakley said, “Ideally, if a librarian is serious about a specialty in law librarianship, he/she should take at least the foundation courses of a first year of law school, and a two-year joint program between a library school and law school might provide an excellent program.”⁵⁹ In 1991, James Hambleton argued that the “future law librarian . . . would be a dual-degree holder: an MLS, MLS—the holder of a Master of Library Science and of a Master of Legal Studies.”⁶⁰ The master of legal studies degree he describes would be “completed in one calendar year of full-time study.”⁶¹

¶41 This degree as it is offered in law schools today, however, does not seem to be geared toward library students. It usually targets foreign law degree holders or Ph.D scholars and has admission criteria that can seem quite off-putting. Duke

55. Judith E. McAdam, *The Place of Legal Education in Law Librarianship*, 21 CANADIAN L. LIBR. 251, 252 (1996).

56. Bitner, *supra* note 44, at 60.

57. Morris L. Cohen, *Education for Law Librarianship*, 11 LIBR. TRENDS 306, 309 (1963).

58. Anita L. Morse, *New Directions in Education for Law Librarianship*, 70 LAW LIBR. J. 329, 335 (1977).

59. Oakley, *supra* note 10, at 158.

60. James Hambleton, *Does a Law Librarian Need a Law Degree? in THE SPIRIT OF LAW LIBRARIANSHIP: A READER* 37, 43 (Roy M. Mersky & Richard A. Leiter eds., 1991).

61. *Id.*

University, for example, indicates that this degree “is designed to introduce foreign law graduates to the legal system of the United States,” and that “[a]pplicants must hold a first degree in law from an accredited institution outside the United States.”⁶²

¶42 Referring to a similar program offered in Toronto, McAdam says, “It was made quite clear that it was not seen as a degree that would be promoted to holders of MBA’s, accounting degrees, journalist degrees or even MLS’s as a way of increasing their knowledge of law in relation to their disciplines.”⁶³ She speculates that “[p]erhaps this narrow emphasis should be changed.”⁶⁴

¶43 The same can be said about masters of legal studies programs in the United States. As promising as they sound as a realistic option for aspiring law librarians, these programs will *not* be viable for library degree students unless the “narrow emphasis” on Ph.D. holders and foreign lawyers is changed in the future. It is not hard to see why law schools would prefer librarians to complete a three-year law degree instead of giving them a one-year option. Especially when they know that academic law librarians are currently required to get the three-year law degree if they want to become law school library directors. One could posit that librarians could go to law school for one year and then drop out, but one would be hard-pressed to find a bright librarian who wants to explain the presence of “law-school dropout” on his or her resume.

Paralegal Programs and Law Librarianship Courses

¶44 Another option that has been explored is using paralegal programs as an educational alternative for law librarians. This was, in fact, the title of a 1984 article by Catherine K. Harris in which she argued that “paralegal certification programs, now available in almost every state, provide an educational alternative for the professional librarian seeking a specialty in law.”⁶⁵ An alternative was needed, according to Harris, because “[most] library schools offer few programs in legal literature or bibliography”⁶⁶ and “[l]aw schools are even less involved in training law librarians than are library schools.”⁶⁷

¶45 An intriguing idea, but one that has not been deemed worthy of mention in most articles since 1984 and has been dismissed in the few articles that did mention it. The main objections to it were stated by McAdam:

This option suffers from the same drawbacks as that of MLS courses in legal literature. Firstly, the emphasis in many of these courses is procedural and not on how the process of

62. Duke Law School, The Master of Laws (LL.M.), at <http://www.law.duke.edu/internat/graduateDegrees.html> (last visited Mar. 28, 2005).

63. McAdam, *supra* note 55, at 253.

64. *Id.*

65. Catherine K. Harris, *Paralegal Programs: An Educational Alternative for Librarians*, 77 LAW LIBR. J. 171, 173 (1984).

66. *Id.* at 172 (citing Morse, *supra* note 58, at 331).

67. *Id.*

legal argument is developed. It is training and not professional education. Depth of substantive knowledge is also missing from these courses. Courses in legal research are offered, but without the substantive knowledge, the librarian's research skills will not be developed past the point where they would be after completing MLS legal literature courses.⁶⁸

She goes on to say that "[t]he main advantage of this type of course would be the gaining of a greater knowledge of procedural issues and of legal vocabulary," and contends that "[t]hese skills and more could also be obtained in the same time frame through attendance at a one year law programme."⁶⁹

¶46 It should be noted that McAdam's concerns with the paralegal option mirror the problems she has with MLS legal literature courses and law librarianship courses. The difficulty with her argument is that law schools currently do not offer a one-year program for librarians, so a librarian's only real choice for acquiring legal research skills, short of earning a full law degree (which in itself is no guarantee of acquiring such skills), may be a paralegal certificate or courses in law librarianship as part of an MLS degree. The paralegal option seems to have been rejected by the law library community, while the number of law librarianship classes is growing, albeit very slowly, throughout the nation. Therefore, it would seem worthwhile to examine the types of legal research skills that have been deemed necessary or preferred for law librarians to possess, as these will be the skills that such law librarianship classes should, ideally, teach.

Legal Research Skills a Law Librarian Should Possess

¶47 Exactly which legal research skills are necessary for a law librarian? Of the thirty-one competencies for law librarians identified in a 1998 AALL Credentialing Survey,⁷⁰ only nine have a *legal* component. Even these nine tend to be a little general, such as "well versed in the legal profession" or "understands the social, political and economic context in which the legal system exists."⁷¹ The other twenty-two competencies could be applied to a librarian working in any field today, for example, "capable of selecting, supervising, evaluating and developing library personnel" and "able to evaluate the need for new and evolving technology, and implement required changes."⁷²

¶48 This survey was important because it confirmed that *library* training was the most important training for law librarians. If this survey hadn't taken place, this entire discussion might be about the need for a library degree in addition to a law degree! What it didn't do, however, is illustrate how many skills are actually contained in these nine competency areas. One law librarianship class alone would be needed to adequately cover the social, political, and economic context in which

68. McAdam, *supra* note 55, at 252.

69. *Id.*

70. *Core Competencies: What Law Librarians Do*, AALL SPECTRUM, Apr. 1988, at 18.

71. *Id.*

72. *Id.*

the legal system exists. And what exactly does it mean to be well versed in the legal profession? This could be interpreted in many ways.

¶49 Some of the other legal competencies listed in this survey are more straightforward, such as “able to assist users with legal research using print resources” and “can assist in the use of electronic legal resources.”⁷³ For those who are unfamiliar with what these competencies entail, suffice to say that a typical law librarianship class barely covers the first one and probably just touches on the second one.

¶50 More recently, in March 2001, AALL elaborated its identification of the competencies of law librarianship by breaking them up into core and specialized competencies.⁷⁴ The sixteen core competencies “apply to all law librarians and will be acquired early in one’s career.”⁷⁵ Of these sixteen, only two are legal in nature: “demonstrates knowledge of the legal system and the legal profession” (1.4) and “understands the social, political and economic context in which the legal system exists” (1.5). Yet these are so broad as to contain enough material to require numerous law librarianship classes.

¶51 What is AALL recommending today as far as legal research skills are concerned? AALL currently says that “specialized coursework in law librarianship, legal bibliography, and government documents is particularly valuable” for a private law librarian.⁷⁶ There is no elaboration, however, on what this coursework would consist of.

¶52 AALL does go into some detail, however, when discussing subject competencies for law librarianship. Its Guidelines for Graduate Programs in Law Librarianship state: “Graduate library education for law librarianship must, at a minimum, provide basic competencies in: (1) the Legal System; (2) the Legal Profession and Its Terminology; (3) Literature of the Law; (4) Law and Ethics.”⁷⁷ Each of these areas is then described in some detail, though not as much as one might like.

¶53 The legal system includes “a working knowledge of the judicial, executive, and legislative branches of United States federal and state governments. Knowledge of the legislative process and the materials that form the legislative history of statutes is also essential,” along with “the interplay of common law, precedent, statutes, regulations, and constitutions. . . .”⁷⁸ Under the legal profession and its terminology, the guidelines note that “law librarians need to know about the institutions and professional organizations of the legal profession and law

73. *Id.*

74. Am. Ass’n of Law Libraries, *Competencies of Law Librarianship* (2001), at <http://www.aallnet.org/prodev/competencies.asp>.

75. *Id.*

76. Am. Ass’n of Law Libraries, *Opportunities for Law Librarians*, at <http://www.aallnet.org/about/opportunities.asp> (last visited Mar. 29, 2005).

77. Am. Ass’n of Law Libraries, *AALL Guidelines for Graduate Programs in Law Librarianship* (1988), at http://www.aallnet.org/about/graduate_guidelines.asp.

78. *Id.*

librarianship,” and that “it is essential that law librarians have a working knowledge of legal vocabulary, including legal abbreviations and citation systems.”⁷⁹ The section on literature of the law just mentions “primary and secondary sources, their accompanying finding tools, and adjunct publications in all media formats,”⁸⁰ while law and ethics includes “copyright, freedom of information, privacy, and issues related to unauthorized practice of law and/or malpractice.”⁸¹

¶54 These guidelines are a little more descriptive than the competencies mentioned in the 1998 credentialing survey,⁸² but they certainly are not at the level of detail one would hope for. Therefore, in assembling any kind of legal research skill set for librarians, it is necessary to examine all of the literature to date.

¶55 Has anyone outlined these skills in more detail? Proposals for general skills, with varying levels of detail, have appeared in the literature frequently since 1926. In 1926, Hicks proposed that there be at least three law librarianship courses offered, covering the areas of legal bibliography, legal biography, and law library administration.⁸³ He broke down legal bibliography into these components: history of law books, the place of law books in the history of printing, rare law books, scholarly bibliographies, trade bibliography, reference lists, bibliography of international law and international relations, and use of law books—how to find the law.⁸⁴ Today this would seem to fall under “able to assist users with legal research using print resources” and is probably the bulk of what is taught in the first law librarianship class an MLS student takes. If the school offers no more than one course in law librarianship, then this is probably the extent of the legal system to which the student is exposed.

¶56 Hicks did not separate the second course he proposed—legal biography—into individual components. One can only guess that this might be a part of “knowledge of the legal profession,” though this might not be the full extent of what he had in mind. This is not generally taught in the first law librarianship class. The third course he proposed—law library administration—was to include book buying, cataloguing, classification, and reference work.⁸⁵ These also are not generally taught in the first law librarianship class, except for reference work as it overlaps with “how to find the law.”

¶57 In 1952, Marian G. Gallagher listed the four law librarianship classes the University of Washington offered as advanced legal bibliography, selection and processing of law library materials, legal reference and research, and law library administration.⁸⁶ She later offered some information about the content of these

79. *Id.*

80. *Id.*

81. *Id.*

82. *Core Competencies: What Law Librarians Do*, *supra* note 70.

83. Hicks, *supra* note 23, at 67.

84. *Id.*

85. *Id.*

86. Marian G. Gallagher, *The Law Librarianship Course at the University of Washington*, 5 J. LEGAL EDUC. 537, 539 (1953).

classes,⁸⁷ describing the hands-on projects she had the students do for each class. Unfortunately, she only went into detail about the skills being imparted in one of the courses, while giving us one definite skill taught in one other course. For the selection and processing course, she enumerates the following skills: “familiarity with the A.A.L.S. Standards and recommended sources for law book selection, budgeting and staying within budgets, order procedures and purchasing sources.”⁸⁸

¶58 In describing the law library administration class, Gallagher emphasized that, unlike other novice librarians, beginning law librarians are “expected to prepare budget requests and justifications.”⁸⁹ Therefore, in this class she taught students to prepare budget requests, with other assignments “vary[ing] according to the individual’s job-expectations or his previous experience.”⁹⁰ With all due respect, as highly praised as the University of Washington’s law librarianship program has been and continues to be, Gallagher’s 1962 description seems more like a trade school for lawyers to learn the mechanics of librarianship than a true library science master’s program.

¶59 In 1962, there were two other articles that proposed legal skills for the aspiring law librarian. William B. Stern recommended that the following law courses be required: “(a) A course in contracts or torts, (b) Legal Bibliography, and (c) Legal Terminology or a survey course in law.”⁹¹ And Morris L. Cohen proposed five courses in law librarianship: law library administration, law and its literature, selection and acquisition of legal materials, cataloging of legal materials, and foreign law sources and international documents.⁹² Cohen went into some detail in his description of these classes, which would be very helpful to anyone in compiling a specific list of legal research skills. The law and its literature class, for example, included the following topics: “Anglo-American primary legal materials: Statutes, Reports, and their Digests, Indexes, Citators. Secondary materials: Periodicals, Treatises, Loose-leaf services, Encyclopedias, Form books, etc.”⁹³ Though by no means a complete list of what is covered in one of these classes, it is certainly a good start and more descriptive than “familiarity with print sources.”

¶60 In 1971, Carleton W. Kenyon commented that “lawyers are noted for their loss of any law school training when it comes to applied legal bibliography.”⁹⁴ For this reason, it is important to become very familiar with materials such as the “American Jurisprudence 2d Desk Book,” the “complete contents of Martindale-

87. Marian G. Gallagher, *Law Librarianship Training at the University of Washington*, 55 LAW LIBR. J. 216, 218–19 (1962).

88. *Id.* at 218.

89. *Id.*

90. *Id.*

91. Stern, *supra* note 8, at 236.

92. Morris L. Cohen, *A Suggested Master’s Program in Law Librarianship for Columbia University*, 55 LAW LIBR. J. 225, 227–28 (1962).

93. *Id.* at 228.

94. Kenyon, *supra* note 37, at 131.

Hubbell,” and “especially federal materials (tables and popular name portions of USCA and USC), and the Restatement, popular name and ordinance sections of Shepard’s Pennsylvania Citations.”⁹⁵ One can obviously substitute one’s own state in place of Pennsylvania, as Kenyon’s article is “aimed primarily at the law librarian in the smaller library . . . focusing on the county library with incidental reference to the firm library,”⁹⁶ and he is concerned that “most often the newly appointed law librarian will have neither the educational background nor experience to perform his role effectively, the salary is minimal, and direction will be lacking.”⁹⁷ Therefore, he goes on to give recommendations on materials that would be helpful in the acquisition, organization, and indexing of the small law collection. This could also be helpful in devising a list of specific skills that ought to be taught to the aspiring law librarian.

¶61 In 1989, Susan Gilroy listed specific services that private law librarians were expected to perform: “compiling legislative histories, compiling newspaper clippings, conducting orientations, conducting legal research/reference seminars and online database training, obtaining SEC documents, maintaining corporate precedent files, and maintaining files for memos of laws and briefs.”⁹⁸ Though some of these services have now been transformed by technology (i.e., compiling newspaper clippings), one can be certain that the basic function is still important, even if it is now called maintaining a current news electronic file or Web page.

¶62 The University of Washington law librarianship curriculum changed under Penny Hazelton’s leadership, starting in the mid-1980s. A course in basic legal bibliography was added because she “found that students had widely varying experience with LEXIS and WESTLAW, and some students required intense catching-up. . . .”⁹⁹ In addition, the legal research guide project the students usually worked on in the advanced legal bibliography class had given way to coverage of other topics, including “review of computer-assisted and manual legal research; legislative history; research in English law, comparative law and international law; looseleaf services; and a ‘pathfinder’ project. . . .”¹⁰⁰

¶63 In 1989, Oakley described some of the skills a student should have in order to demonstrate a good understanding of the legal system:

The student should be familiar with the structure of the court system, the way in which a lawsuit proceeds, and the nature of the appellate process. They should understand the way in which judicial precedent is used, as well as the nature of its authority and the limits on its use. Law librarians also need substantial familiarity with the role of legislation and the legislative process, both for the Federal government and for their own local jurisdiction. They should understand how statutes are interpreted by courts and how statutory law meshes with

95. *Id.*

96. *Id.* at 129.

97. *Id.* at 130.

98. Susan Gilroy, *Private Law Librarianship: Past, Present, and Future*, 41 *IDAHO LIBR.* 58, 58 (1989).

99. Goldsmith, *supra* note 38, at 274.

100. *Id.*

judge-made law. They should also have a grasp of the importance of legislative intent and the relative weight given to the different documents generated in the legislative process.¹⁰¹

Oakley also felt that it was important that law librarians have a “good grasp of legal vocabulary,” observing that “much of the first year of law school is (in reality) dedicated to learning the language of the law, its methods, and the nature of legal argument. Much of that would also be useful to any librarian practicing in a law library.”¹⁰² He also included knowledge of torts and contracts, such as “strict liability, contributory negligence, promissory estoppel and the parol evidence rule,” and familiarity with famous legal cases.¹⁰³

¶64 Knowledge of legal sources was also important, according to Oakley, including “cases, statutes, and regulations at the state and Federal level, . . . various legal finding tools, including digests, citators and periodical indexes,” familiarity with the most important “loose-leaf services” and “how to use them,” and the ability “to find legislative documentation and be comfortable locating treaties and other basic international documents.”¹⁰⁴ He also felt it was important that law librarians “have a broad understanding of the literature of the law, including the history of legal publishing and the evolution of legal information delivery systems.”¹⁰⁵

Conclusion

¶65 As previously discussed, there is currently no one accepted model of education for law librarianship. At this point in time, there seems to be agreement that the entry-level credential is the MLS; however, there is also strong agreement that there are legal research skills a new law librarian needs that are not taught in a general MLS program. Earning a law degree in addition to an MLS is not a realistic option for many aspiring law librarians, and the second degree is not considered necessary for most nonacademic law librarian positions. Therefore, as discussed earlier, it would seem important that these aspiring law librarians get this training through law librarianship classes offered as part of the MLS degree.

¶66 In my case, after doing the preceding research, I realized that I needed further legal research training beyond that received in the basic law librarianship course I had taken. After scouring the position descriptions for law librarians that were posted to my school discussion list, I surmised that I should gain at least an in-depth knowledge of Lexis, Westlaw, and other legal databases.

¶67 I discussed my idea for an advanced legal research class that focused on legal database searching with Gretchen Feltes, a reference librarian at New York

101. Oakley, *supra* note 10, at 157.

102. *Id.*

103. *Id.*

104. *Id.* at 157–58.

105. *Id.* at 158.

University Law Library who had become my mentor.¹⁰⁶ Luckily for me, she was excited about this idea and worked hard to create an advanced class that would cover taxation, securities, and corporate law, while teaching in-depth legal database searching skills. We were fortunate that my library school's administration was flexible and agreed that it would fund the class if we could get a certain number of students to sign up. We then used the school electronic discussion list to express our enthusiasm for the class, and I am happy to report that Ms. Feltes taught Long Island University's new advanced legal research class in summer 2003 at New York University Law School.

¶68 It is important to note that this class would not have taken place without the vision and cooperation of the library school administration, the professional organization's (LLAGNY) commitment to students, the labor and enthusiasm of an academic law librarian, and a student who decided to take an active part in her education.

¶69 In addition, as most accredited library schools currently only offer one law librarianship course if they offer any at all, it is important to find out if these courses are making a difference in how MLS graduates are perceived when they start working as law librarians, especially in nonacademic settings. The importance of these courses has not been tested in any studies in the past, and it is strongly suggested that further research be done in this area to determine which courses are teaching the legal research skills necessary to prepare one to work in today's law library environment. A survey with a breakdown of specific legal research skills could be sent to the supervisors of new law librarians to find out which skills these individuals are missing when they graduate and take their first job in a law library. These skills could then be integrated into law librarianship classes offered by the graduate library and information schools. A study of this nature might go a long way toward convincing more universities to add law librarianship courses to their curriculums.

¶70 Though the MLS is the current entry-level credential for law librarians, it would be a mistake to assume this will always be true. A review of the literature reveals that the entry-level credential has historically jumped between no graduate education, a law degree, an MLS degree, and even a combination of both the law degree and the MLS. If library schools intend to keep the training of law librarians within their domain in the future, it would seem prudent to add more law librarianship courses to their current course offerings.

¶71 As my own example illustrates, however, it is crucial for students, professional organizations, academic law librarians, and library schools to work together to make such courses a reality. Though corporate and firm law librarians may not have the time or resources to teach these courses, they can make sure their professional

106. In addition to Ms. Feltes, I was fortunate to have another mentor at N.Y.U., Jay Shuman, Associate Director for Research and Online Services, who felt this paper was good enough to be published and encouraged me to do so. You would not be reading it now had he not believed in the caliber of my writing.

organizations take a strong interest in students, offering tours, internships, and other opportunities for students to learn more about the profession.

¶72 Law schools need to partner with local library schools, as many academic law librarians are considered faculty and have the teaching experience and resources to teach these courses. Library schools need to maintain active electronic discussion lists that not only post professional events, but also detailed position descriptions for all library openings in their area. Library schools must also listen to students who have new course ideas and be flexible enough to add these courses when at all possible.

¶73 Finally, students must take an active interest in their own education, attending as many professional events as possible, keeping up with postings on the school's discussion list, seeking out mentors, and doing their own research when they do not find satisfactory answers to their questions.