

## Standard 603 Library Director

1. No exceptions or extraordinary circumstances should be mentioned. We need tenure.
2. I believe Standard 603 (d) is especially important to preserve, but it seems a number of law schools are appointing non-faculty members as library directors. Law schools should be questioned about this when reviewed for accreditation to determine what "extraordinary circumstances" justify such appointments.
3. I like this version and would keep it as is. While I would much prefer that all directors have faculty, tenure-track positions, it may not be possible in some institutions because of odd circumstances.[We] fought hard to get the "extraordinary" wording in the last time around but many deans on the Council wanted to drop any mention of faculty appointments. On the interpretations, # 3, there are librarians who have tenure in their administrative position which is odd to me, but it is reality.
4. I think the importance of this standard, especially regarding faculty status and tenure has never been greater. I hope you will all respond resoundingly. The change to the AALS bylaws which moved faculty status for library directors out of the "core values" disturbed me greatly. I would like to see this ABA standard stay strong!

A full time director who really has running the library as the main job is important. One of the biggest differences I have noticed between law school libraries and general university libraries (except perhaps at the great research libraries) is that the general libraries are poorly supported. They are viewed as "everybody's" library and therefore are nobody's library. Being the law school's own library seems to have made an important difference in the level of support and commitment the school has to the library. Being in charge of selecting the director is part of that "ownership."

I think the dual degree and management/administration experience are key. Having the JD is important to the status (I know many non-JD librarians that I have been happy to call for reference assistance and advice -- bright, committed people in the job learn a lot!). But the law faculty and students need to know that the director has that credential.

The MLS is important because of the value system and separate professional learning. I don't want libraries run by non-librarians.

The sound knowledge of administration is important, too. Unlike many other law school administrators, we have the luxury of a "job ladder" where we advance from level to level of expectation and capability. This is an enormously complex job, and I like recognizing that in this standard.

This is the language that made me copy this to the entire listserve. Faculty status is key to librarians being able to do the work for the law school -- a core value, dammit, AALS! For us to be able to take the long view and tell faculty that can't have this book, or to work with the faculty and administration in planning for a change in curriculum, and so many more ways, having that full faculty status is absolutely necessary.

I do think this is important and valuable to the school. I asked in an e-mail survey several years ago what do directors do? One of the answers came from Roger Jacobs, who spoke about the librarian being the voice for the future in a law school. He spoke about being a lone voice reminding deans,

faculty and students of the need to retain materials with an eye to future users. This is one of the unique perspectives that librarians bring to the law schools. Deans too often have to make the scarce budget dollars stretch to cover current needs, and may lose sight of the long term. Our status as faculty members as well as administrators and librarians within the university and law school allow us to serve the long term needs of our schools.

I am their buffer from students, deans and faculty, as well as from the university library. The buck stops with me, and I must have responsibility as well as control.

Tenure is an important piece of the faculty status. While I never truly appreciated the heart-stopping risk that the tenure practice can be until I went through it, I also never appreciated how freeing it is to have achieved that blessed state. It is important both in terms of full faculty equality, but also in terms of (relative) invulnerability to temporary swings in power and policy. Again, I believe that I am arguing, not merely for my own, or for librarians' benefit alone. I believe that we bring an important, long-term view and stability to law schools. If I cannot face down an extremist faculty member or even dean over a controversial book selection, what will the future of law schools be?

5. Drop the phrase "Except in extraordinary circumstances."
6. I agree with [my colleague]. I think that given some on the issues raised at the AALS director's luncheon regarding status, these Standards are particularly important at this time and there should be an exchange of comments, etc. on the list. I forwarded some comments on the other sections, but would have liked to know what others thought, as well.

With regard to these Standards and to get the ball rolling: should the "should" in 603 (c) be changed to "must"?

Should 603-3 continue to focus on tenure or tenure-track faculty status or is this becoming unrealistic in that it may result in more and more directors having no faculty status at all?

7. It is hard for me to answer without seeing some other comments that might prompt me to react, or say something new. I may have missed comments to the Listserv. Could you give us a sense of the context, and what is realistic?
8. The section should reflect that the law librarian have the same compensation and security expectation as faculty but pretending they are exchangeable with classroom faculty is foolish. Both positions do two different things. A classroom teacher does not have the skills or training to be a library director and the library director, except in exceptional situations, lacks the skills and training to be a classroom teacher. We even have codified this difference in section "a" by making them a full time director and NOT a classroom teacher.
9. As a new-ish director and still awaiting tenure, I agree with [my colleague].
10. I agree with [colleague and comment number 4]. Overall the library standards have eroded somewhat. I would hate to see them erode further. Enough is enough. I think we should hold firm on this one—therefore no changes except to make it stronger language in favor of libraries.
11. Perhaps an interpretation to this section can be added to recognize that many law library director's are

now being asked to not only head the law library but also head the technology services within a law school. The interpretation could be worded in a way that would indicate that heading both the law library and technology would not be incompatible with this Standard.

12. A director of a law library SHALL have a law degree...
13. A director should have tenure or be a tenure-track faculty member

Clarification: Has there been discussion about the roles of the dean and the faculty in the selection of the library director?

14. In order to deal with other law faculty members as a real and perceived colleague, it is very important that the Library Director hold a law faculty appointment with tenure and voting rights that are the same as the typical law school faculty member who has tenure. In this tight budget era, it is more important than ever for the Library Director to have this status so that collection development and resource allocation decisions can be made without a threat to job security or exclusion from financial decision making processes and meetings. The opportunity for promotion from assistant to associate to full-professor should also be as possible and likely for the Library Director as any other member of the law faculty.
15. Change by adding the phrase "tenured or tenured track" - after the phrase "full-time".

Tenure for a law library director should be retained to ensure a strong academic bond between the Library and the Faculty of a law school. Admittedly achieving tenure invariably, diverts the Director's energies from library management to professorial tasks - usually teaching substantive law or writing substantive scholarship. But, at least two benefits justify this diversion. First, each Law Library is guided by a true intellectual colleague and partner of the faculty - rather than by a mere administrator or technician. Second, the tenure challenge produces a stream of unique and useful scholarship by faculty law librarians which enriches both the law academy and the law library profession.

Section d may be unnecessary if Section A is amended as I suggest. However, more careful minds than mine may see secondary meanings within Section d that warrant keeping or amending it.

16. I think there should be language about law library faculty and staff participation in the selection and retention of a director. Perhaps something like "...with the input of law library faculty and staff," could be added.

I think that the "except in extraordinary circumstances" language should be eliminated. My experience has been that this language gives law school faculty and out or a way to argue for hiring a non-tenured, directors who have no chance for gaining equal faculty status with the rest of the law school faculty.

I think there should be language about the professional librarians or the law library faculty playing a role in the selection of a library director. Here at UNM, we just chose a new director, and we had one librarian and 2 library staff on the search committee. Additionally, although the ultimate decision was made via a law school faculty vote, the librarians and the library staff each submitted recommendations to the law school faculty regarding their chose for the directorship.

17. I think the ABA should set some guidelines on the tenure expectations for Law Library Directors. It

would be nice to attempt to formalize a reduced tenure requirement and how that interacts with the ability to perform administratively.

18. Delete "Except in extraordinary circumstances." This gives schools wiggle room to downgrade law library director positions to non-faculty, administrative positions at the point of hire. This is not a good thing for our profession overall.
19. I started to suggest a change that would say " . . . a principal responsibility is the management of the law library." (adding "a") The reason is that many of us are also responsible for technology and also teach. I would agree, though, that the primary responsibility still ought to be the library, so retaining without change is okay.

Colleagues at schools where the law library is part of the university library system may prefer a change in language that indicates that the law school makes the primary, but not the sole, determination when a director is selected.

What extraordinary circumstances would apply?

I didn't mark "keep" or "change." Many of our library professionals also have faculty status. I have often felt that it is a mistake for the law school not to heavily involve library faculty in the selection of a director. I can understand that if the director is law faculty, then it is within the purview of the law faculty to make the decision.

However, I have seen schools make terrible mistakes when the decision was made without sufficient consultation with law librarians.

20. I feel that what is most important for us to fulfill our responsibilities is the "full participating" faculty status embodied in AALS ECR 6-8.6.a. While the ABA language is different, ABA Standard 603(d) and Interpretation 603-3 both call for this status, linking it to tenure or "security of faculty position." The AALS language does not speak directly to tenure or job security for law library directors.

Because the ABA language links faculty status to tenure, it may become increasingly important for us to pay attention not only to Standard 603, but to Standards 401-405, which are also being reviewed. ( It is worth noting that Standard 405 covers issues of academic freedom, tenure, and security of position for full-time teaching faculty, clinical faculty, and legal writing teachers. It does not include law library directors (because of the chapter 6 standards).

Perhaps, however, it is now time for us to direct our efforts toward justifying our own concerns about status and job security within the Standard 405 framework that covers other law school faculty members, rather than leaving them isolated in Standard 603. It might be more advantageous to be viewed as faculty within the terms of Standard 405 than to rely strictly on the library standards with their emphases on what might be viewed by others as purely administrative concerns. In either approach, it will be important for our representatives to be able to justify faculty status for librarians in terms that resonate with teaching faculty, in the same ways that the clinical and legal writing instructors have. That might be easier within 405.

21. I like [#20's] suggestion that our job security concerns might be better addressed within the standards relating generally to that issue, not within the library section.

I also think (and please forgive me if this is stating the obvious) that we have to think about what is happening generally regarding tenure on many campuses. Many different approaches are floating around, but the general trend seems to be to heighten the requirements, restrict the people/positions on this track, etc. In other words, universities seem to be taking a hard look at tenure. What that means for law librarians, I think, is that if we are on the same tenure track as law faculty, we will be held to the same standards for publication and teaching (but with a reduced teaching load) as other members of the law faculty.

That certainly is the case at ---. The law faculty tenure and promotion standards for publication, for example, speak in terms of publication in law reviews of a particular sort or status. It was not at all clear to me (and no one was able to reassure me) that publication of substantial, scholarly articles in the LLJ, for example, would count towards my tenure or promotion. Therefore, I have spent my time writing articles for publication in law reviews and have in a sense neglected the community of librarians I otherwise would have addressed. Likewise, to meet the teaching standards I must teach law courses. Other forms of teaching, no matter how well documented or how highly regarded by my faculty colleagues or by law students, simply don't seem to connect with our standards. I have truly enjoyed the writing and teaching I have done, and am glad to have been forced to stretch my capabilities in those directions. But it has been tough and scary to contemplate meeting standards geared for people who have prepared themselves very differently for these sorts of accomplishments and who can concentrate their efforts much more than I seem to be able to do given the administrative aspects of the job. I have dragged my feet on applying for promotion to full professor because of my own insecurities about how my record matches up.

I think all of this makes for a hard choice on our part about what kinds of status and rules we want. Given the growing, general negativity about the institution of tenure, I think it is likely that other library directors, if given faculty status, will be held to the standards the faculty must meet, with fewer allowances than in the past for the different kinds of writing and teaching that librarians often do. And as someone suggested earlier ... , working to meet these standards causes us to allocate our time to non-library aspects of our role. That also could have negative implications for our job security or satisfaction.

I do agree with the many comments noting that each school is different, and for that reason prefer a standard that allows for some variation among schools in how the status of law library directors is handled.

22. I agree with [#20]. Library directors must be included in 405.

With regard to ... point that top 20 schools are tenuring more on scholarship than teaching, it is not only the top 20 schools doing this. It is certainly the case here at a second tier school looking to move up in the rankings. Al also noted that the type of scholarship produced by most librarians is not "the type that will get you tenure at a top twenty or so law school." Al noted that getting tenure in the past was easier for full-time faculty than it is today. So thinking this through logically, are library directors ready to meet the same scholarship standards as tenure track faculty in order to get tenure at those schools that hold faculty to more stringent tenure standards than they did in the past. Dick's stats indicated that we are publishing less and less as it is. Will insisting on

tenured status for the director not only result in fewer tenured directors, but fewer directors with any faculty status at all because schools will rely on the language emphasizing tenure to deny faculty status to directors who cannot/will not meet the higher tenure standards?

Many of you have noted the difficult decisions you have made as directors and linked your ability to do so with your status as a tenured member of the faculty, but even those of us without tenure have had and are expected to do the same. Advocating the elimination of the faculty library; establishing library Faculty Spending Accounts to curb the ways of some faculty members, who in the past got anything they asked for; and moving to the electronic dissemination of materials some faculty preferred getting in print are decisions I made based on my role as the director of the law library, because I thought there were/are in the best interest of the library and thus the law school -- that is what the director is supposed to do and our faculty and Deans expected that we are doing so.

I think our faculties and Deans appreciate the complexities of our jobs today, the constant pressure brought on by the rampant inflation in legal publishing, reduced budgets, the need to balance print/electronic, etc., etc., they expect us to make tough decisions and in the end respect us for doing so, whether they always agree with us or not. Tenure has nothing to do with it.

23. The ABA standard [regarding faculty status and tenure for academic directors] incorporates a long-established principle reflecting the unique position of the law library director in the law school. The library is an extension of the classroom and is in fact, in many instances, a classroom itself. The library director oversees the provision of information to the entire law school community, and must have the protections of academic freedom accorded to all other faculty members to do so well. Information can be controversial; it's not at all unusual to have the public, students, and even faculty members challenge the library's contents. I've been asked about our materials on abortion, apartheid, critical race theory, gun control, feminist jurisprudence, and other topics from people (including our own faculty) who object to some of our books and databases. Without the standing accorded me by my faculty status and the protections of tenure, I would have been hard-pressed to defend fully our practices and keep those materials despite the importance of providing information from all points of view. Furthermore, the library director needs to participate fully in faculty governance because almost everything the law school does impacts the library. The director cannot be hesitant to offer viewpoints or discuss consequences of a particular course of action because he/she is worried about job security. The director with faculty status better understands the requirements of the rest of the law faculty because he/she is "one of them," and engages in scholarship and teaching like they do. The members of the teaching faculty are more likely to heed and respect the views of a fellow faculty member. The library director with faculty status and tenure can better represent the law library to the university's administration, again acting with a status that is understood and respected by academic administrators.
24. I feel strongly that the language of 603(d) and the force of Interpretation 603-3 not be "weakened." My primary reason is that the library director needs to be able to act (and to be seen to act) with the kind of authority that law schools accord to their deans and associate deans. Despite the mantle of office, much of the day to day law school administration (and so too law library administration) is made actually made possible by faculty status.

Students and faculty colleagues must not only respect our profession in the abstract; they must respect us. In the course of a day we may tell students to take their feet off the furniture, ask faculty colleagues to live without treatises that must be cut, explain to alums why they can't enter

the library after hours, etc. Any given decision or order may be great or small, but we cannot govern the library effectively without the consent and respect of our primary patrons. Faculty status is the official vehicle by which this respect and authority is conveyed to us by our institutions.

(Please do not misunderstand me to be speaking in support of a system that denies faculty status to associate directors or other law school administrators who might be qualified; I am trying to frame the reasons why the current state of affairs under which faculty status and tenure are afforded at least to the library director, even if unjust in some respects, is a necessary minimum.)

Further, the political reality of law most schools is that the library needs representation when the faculty is deliberating. There are library considerations with almost all new law school programs or procedures. The library needs to be able to get its concerns before the faculty. This cannot, in my view, be accomplished through non-voting representation. Moreover, even a very smooth relationship with the present law school dean is not sufficient to discharge our responsibilities as stewards of our libraries. We have an institutional responsibility to advocate the library's interests consistently over time, and often this responsibility will be perceived to be somehow adverse to the interests of other stakeholders-faculty or administrators-when short term budgetary considerations are driving affairs. We need to be able to sit at the table as equals when significant matters about the future of our institutions are discussed. That means faculty status and the possibility of tenure.

Of course, this status comes with other teaching and scholarly responsibilities. Perhaps we have come to the place from which there is arising institutional pressure to change the status quo? Perhaps some of our colleagues do not really consider us to be their equals? I suspect that my institution was not the only one that didn't quite know how to evaluate me when I asked for promotion or tenure. My answer is that we never shall be their equals if they do not accord us the chance. This question is now more important than it was 25 years ago. Who will look after our libraries, if not we?

25. i'll share my thoughts along the lines of my brief comments at the aals directors lunch. i don't recall the interpretation of standard 603, but the language of the standard saying Full Participating Member of the Faculty has been around a long time and served us rather well. i am strongly in favor of leaving that language at least as strong as it now is and having it remain part of the standards. for many years it has been interpreted differently at different school. i know for a fact that some of the best known law librarians, now many of whom are retired, had the title professor of law but did not in their own opinion have tenure. they had nothing in writing saying they were tenured. i still have hope that many schools will still give the heads of libraries law faculty tenure. if not then having at least as much job security as the other law librarians at the school is important. and having the right to attend and speak at all faculty meetings including faculty appointment meetings is important.

as i mentioned at the lunch, i think the heads of law libraries at the top 20 to 30 or so law schools will increasingly have more trouble getting tenure as a law faculty member that lots of less highly ranked schools. i say this because the top schools are not tenuring law faculty based on their teaching. they are tenuring law faculty on their scholarship as well as wanting at least satisfactory teaching from these faculty. if the scholarship is extremely highly regarded, even less than satisfactory teaching may likely be acceptable for tenure.

thirty years ago, most law faculty did get tenure on teaching. many fewer law schools required very highly regarded scholarship in those days of large teaching loads with large number of

students in classes. since the 70s many law schools have changed significantly making smaller teaching loads and emphasizing scholarship, often more theoretical scholarship. the scholarship produced by law library directors is generally not considered the type of scholarship that will get you tenure at a top 20 or so law school. Has any law librarian been appointed dean of a top law school with out acting or interim connected to the title? No.

with the exception of nyu, does any top 20 or so school offer regular faculty tenure to clinical faculty or legal writing? very few, if any others, i believe. we certainly don't at usc. this fact makes it difficult for our dean and for us to justify faculty status with tenure as a law faculty member.

another matter i've witnessed at usc and you may have also at your law school. since the 80s we have many more deans. deans of students, of student recruitment, of career services, etc. at usc when we have such openings we get many applicants with good records from top 20 law schools. some of our other deans teach a seminar or profession responsibility or sometimes a substantive law course, not in the first year of law school. none of these other usc associate deans are on tenure track.

another example rapidly being considered very important to the educational mission of the law school, to the faculty and their scholarship, etc. is the head of law school computing. about a third of such heads are also head of the law library. in many instances the person right under one of us law library directors who heads computing, is an extremely talented person with IT schools who the faculty and dean see as vital to the proper functioning of the law school. are any or many of these people on a law faculty tenure track. not to my knowledge

i think all of this places the head dean of each of our schools in a difficult position to convince law faculty and the other associate deans that the head of the law library is different enough to be on a law faculty tenure track.

saying all this, i still think the standard we have and its language that allows interpretation by different schools will likely result in the continuation of many schools giving the head of the law library faculty tenure. to that i say great. better some than non, even if may be less than 20 years ago.

26. I agree with much of the commentary so far, and I had sent a brief statement to ... to the effect that the Standard should stay as it is. I was on the Council when the language was added to (d) concerning "extraordinary circumstances" and it was a tight and a close vote then. There were members who wanted to change the whole thing to say that faculty status was only an option, much less that tenure should be an issue.

As most of you know, I support full tenure, writing requirements and all for library directors. And I have worried that so many directors have accepted positions with less than that status. Albert Brecht pointed out the complications that now there are so many other faculty/administrators such as clinicians, IT directors with law degrees, Admissions directors with law degrees, etc. I think we can

still make good strong arguments for keeping the Standard, however.

Naturally, I would love to see it strengthened, but the political reality may not permit. Also, what do we do about our colleagues who have accepted positions without faculty status? If we have a tenure-track standard, does that mean that their schools are operating outside the Standards?

Also, keep in mind that the ABA Standards are minimum criteria only. They apply to brand new schools, established ones, proprietary schools and top 20 law schools. I know that I'd like to see the Standards be more than that, but it "ain't going to happen." The ABA's role as the Department of Education accrediting body for law schools is to develop, implement, verify and review regularly minimum criteria for accreditation.

27. I find this discussion interesting and informative just as I am about to participate in the process of picking my successor here at .... The discussion mirrors the questions coming out at Fordham and I have been hesitating to put in my "ten cents" just as I am about to leave the profession. But here goes:

I will have been the director here at ... for 19 years when I step down on June 30, 2004. During that time I have been an untenured Asst. Dean, a tenure track person with Prof. rank and a fully tenured Professor albeit with not the title of Professor of Law but with the title Professor of Research and Library Services. I have voted on all appointment and tenure matters in my years on the tenure track. I received the tenure track appointment as part of a bargain I made when coming to Fordham. I pointed out the language of the ABA accrediting standards and told the Dean that I expected Fordham to live up to that language and place me on the tenure track along with all other entering faculty members. He agreed and asked me to except the appointment without tenure track while he worked out the details with the University- because no other librarian (including the University Librarian) had a tenure track appointment. In those days the law school generally got what it wanted and the very next year I was appointed to a tenure track position in the law school and I was asked to write appropriate tenure standards for my position.

This was a time, however, when the question of the status of clinical professors had not fully been discussed by this faculty. The clinic was a small entity and all professors teaching in the clinic had full professorial titles and tenure track positions. That is true no longer. Now very few of our clinicians full tenure track positions; instead they have long term contracts. I see the effects of this tenure-track decisions now coming home to roost on the question of status for the law library director.

Having said that, I also agree ... that in recent years the new faculty that the school is hiring have become much more main-stream academic than they once were. There are many on the faculty who cannot see that having a variety of people make decisions for the school will give a better result than narrowing the decision making population to the most academic people within the school. But the folks making the decisions are the ones with the mainstream academic credentials and it is the unusual person who can see the benefit of opening the process instead of narrowing the process.

Ok, with that all as prologue, do I think that having the law librarian in a tenure-track position as been good for Fordham and more particularly good for the Fordham Law School Library? Definitely, I would say the answer is YES! It has given me a say in the courses that get approved for inclusion in the curriculum. It gives the library a vote on who gets tenure and has a definite effect on how untenured professors treat the library and its staff. It has given me a place at the table when faculty research is being presented and discussed. It helps the librarian have some weight when resource sharing among faculty members is a problem. In the end the library has an independent presence in the institution itself. Having tenure, I don't have to agree that the library should do what is really either not possible nor wise just because some dean or some member of the faculty thinks the library should perform in a certain way. Having been so bold as to say this, I must confess there have been very few times when I have pulled out the trump card by giving a flat NO to the dean or a faculty member but there have been a few times. Want some examples?

1. I told the Dean that the library did not have the resources or space to run an independent archive for papers and manuscripts. (Fortunately, I could arrange for the University Library to take the sets of papers which the Dean wanted to accept.) In another case I told him that he would be unwise to accept a set of papers which the library could not keep secure. (I really never wanted to or was forced to just say NO, the library won't do what the Dean was asking us to do).

2. I told a faculty member that the faculty would not be allowed to vote on the retention of librarians on my staff. (I, of course, told the faculty member that I would be pleased to take his point of view into consideration when I was making that decision - but the faculty wasn't going to vote on librarian retention.)

3. I told a faculty member that the library did not have the resources to run a staff of student research assistants for the faculty with a staff of 3.5 reference librarians for a student body of 1300+ and a full-time faculty of 65+. (I solicited the assistance of this faculty member in making a case to the Dean that the library was seriously under-staffed in the reference department - a point I had been trying to get across for some time.)

4. I told a faculty member that he must pass on routed materials to untenured faculty who came after him on the routing list or I would change his routing status to last on the list.

I am also sure that the fact that I held a tenure position made confrontations with the library less likely over my 19 years. In the end, the status of the library director also gives the library as an entity status within the law school. It is my belief that we should individually and collectively fight to keep the faculty tenure-track status for the law librarian.

28. I certainly agree that we must stand firm on faculty status with voting rights for the law library director. It's hard enough to be accepted as an equal by our faculty colleagues even with it. If my position were simply administrative, it would be nearly impossible.

The tenure issue is much trickier and I agree with Linda Ryan that we need to pick our battles carefully, especially given the political realities at most of our schools. Given a choice, I would certainly prefer to keep the standard as it is now, even though it is routinely ignored by some schools. If there is a move to dilute it, I would fight hard for faculty status with voting rights and urge "recommended" language on the tenure issue.

In addition to presenting a united effort as the standards are considered, I believe each of us must look at how we are behaving in our own institutions. It's very important to keep ourselves in the faculty community. It's easy to become isolated from the rest of the faculty, as often our offices are remote from theirs and our duties are certainly different. So it's especially important for us to attend and vote at faculty meetings, attend faculty colloquia, go to the boring receptions, etc. And we should be seen to be participating in the academic program of the school through some form of teaching and research. That's what faculty members do.

29. I agree ... that we should defend the existing language of Standard 603, and that it requires that we involve ourselves fully with our institutions -- participating on faculty committees, volunteering for ad hoc committees and projects, teaching, and writing -- and even socializing with the law faculty, painful as this might sometimes be. ;-) I know that when I received my J.D. and was ready to seek a director's position, both ... and Dean ... advised me that teaching was the only sure way to full acceptance as a faculty member, and that unless I identified myself with the faculty, they would not reciprocate. I think they were right.

I think there's also a responsibility on all of us to help our colleagues who are seeking faculty status and/or tenure. We're all asked to read and comment upon colleagues' scholarship as part of their tenure review process; we're asked occasionally by faculty at other schools to share our library director tenure requirements; and we're often asked by faculty search committees to share our views about the benefits/pitfalls of advertising director positions as either faculty or non-faculty positions. It's tempting to ignore some of these requests, because we're all busy, but I think we owe it to our colleagues to respond.

30. Like many of you I have been following the discussion with interest. While at ---, I spent most of my first two years working with the Dean and faculty to develop tenure procedures for the law librarian.

I believe that tenure is an important issue and that the tenure standards for librarians should reflect the differences that are part of this position. I also think as a profession that we should fight to keep the current language and that we should value what earlier academic law librarians worked to have included in the standards.

Having started my career in ... and seen first hand the effect of having no law school accrediting agency and the absence of library standards. Take a look at the general funding of [their] academic law libraries and the status of those librarians within the law school and I think that we should be grateful for the current standards. I believe that the development of standards have been instrumental in creating the academic law libraries that exist in the United States. It has resulted in the development of the law library staffs and the ability to build collections and I am not sure that this would have been the case without the library standards. I think that 603 must be viewed as a linchpin of the standards and that we should be actively lobbying for the retention of the standard.

I believe that where we are heading is toward the removal of all library standards from the standards and that in general law school administrators view the library and technology as two black holes.

I have been following the discussion and feel that those who have contributed comments have articulated so well the reasons we should fight to prevent the standards from being watered down. I will simply add that in my experience there is NO substitute for tenure. No matter how many

faculty functions you attend or non-personnel votes you make, you are not part of the faculty without teaching, writing, and having a tenure-track appointment. And if you are not part of the faculty, you are not a member of the group which is primarily responsible for the governance of the school. When I came to . . . , I insisted on a tenure-track appointment, although I didn't receive any credit for all of the years I had previously served as a law library administrator. Our dean told me during my first year or two that he didn't know what to do with a librarian on tenure-track, and gave me what I felt was not very good advice. I am very grateful that in the end the faculty tenure committee considered my bibliographic works as scholarship and took all of my duties as a whole into consideration in granting me tenure. I am really very glad I followed the advice of earlier mentors and sought tenure.

32. I started to suggest a change that would say " . . . a principal responsibility is the management of the law library." (adding "a")  
The reason is that many of us are also responsible for technology and also teach. I would agree, though, that the primary responsibility still ought to be the library, so retaining without change is okay.

Colleagues at schools where the law library is part of the university library system may prefer a change in language that indicates that the law school makes the primary, but not the sole, determination when a director is selected.

I didn't mark "keep" or "change." Many of our library professionals also have faculty status. I have often felt that it is a mistake for the law school not to heavily involve library faculty in the selection of a director. I can understand that if the director is law faculty, then it is within the purview of the law faculty to make the decision. However, I have seen schools make terrible mistakes when the decision was made without sufficient consultation with law librarians.

33. I think it's important for law library directors to be included in conferences like this. I'm going; if enough of us sign up, that could help get us on the Committee on Administration's radar. Is anybody with me?

It's the flip side of the faculty status and tenure issue. Many of have decanal titles; why are we left out of this three-day conference? As others have asked, how do we get a seat at the dean's table?

34. Bravo!!! I agree - it seems at least some threads are somewhat apologetic - I simply don't get that we should so easily "discount" what many who came before us worked so hard to get. I think there can be many different tasks that at the end of the day still equal "tenure". If we don't help "craft" and stand behind an expansive definition - we certainly can't expect anyone else to do so.
35. At the recent CALI conference at Duke, the University's CIO noted that she found her job today was more about people than technology. I agree and think it is essential that IT report to someone who understands legal education and is a part of the academic life of the law school, given that law schools' IT needs can vary greatly from the University's. How our faculties and students use technology is something that only someone with our expertise can understand.

I found that once the technology infrastructure was in place (wireless, smart classrooms, high tech Moot CT room), the IT part of my job became very interesting and directly tied to the academic enterprise in that it involves working with faculty to find new and interesting ways to use all these "toys" and developing ways to use the technology to better train students in how they will use it in practice.

I have attended the Legal Tech Conference in NYC for the past several years, and if those of you who oversee technology can do so, I would encourage you to attend such a conference. It is amazing to see how technology has transformed practice. It's about a lot more than high tech trials. Electronic Discovery, Ethical and Malpractice issues associated with using or not using technology, KM, litigation support systems -- all have a place in the curriculum and only someone who understands both the technology and law school curriculum can see it. You can bring what you learn back to your faculty and work with them to develop new courses or components of courses centering around the technology of law (as well as the law of technology).

This will keep the IT part of your job in the academic realm and take away the "purely administrative" label.

I could not agree more that one size does not fit all, in terms of legal research or anything else for that matter, hence my opposition earlier this week to the idea that library directors had to have tenure/tenure track faculty appointments and that nothing else would do. As I wrote earlier, this model is not right for every institution or every Director.

Some people have noted their personal disinterest in teaching legal research, but one reason I think LR training should come under the library is to give our librarians the same opportunities to teach that we have had. While directors focus on their personal teaching/research interests, many librarians at those schools with full time LRW/Legal Method profs are frozen out of teaching. LR training is the ideal place for any librarian interested in teaching to start. It seems from the earlier comments made, that is where many of us started out and I know we are all grateful to have had the opportunity. If part of our job as Director is to mentor our librarians and provide them with opportunities to grow and develop professionally, then this is one important way to do it.

36. There are two points I would like to make regarding the recent discussion.

First, I believe it is a very good idea to add explicit language to the standard that makes a library director's duties as a director part of the tenure evaluation. I would not, however, rewrite the existing language, but merely add language to the existing standard along those lines. I have been convinced that the current language is fine in most respects.

Second, I want to comment on the issue of libraries "taking control" of LR. We have a director of legal methods here at Memphis who is outstanding. He and I work well together and seek to help each other in anyway we can. I am quite content to let him "control" the legal research program. He does a very good job. That leaves me free to teach a course in cyberlaw, which I enjoy very much and which matches my research interests.

I believe we should avoid a one size fits all approach to this and most other issues in life. When I first read "Walden" in my teenage years, I was struck by his line:

"This is the only way, we say; but there are as many ways as there can be drawn radii from one centre."

It became and has remained a core element of how I try to live my life.

If controlling LR works for you and your institution, I support your efforts to keep or obtain such control. But let's not assume that because it is or would be good for one person or even most people, that it is the only way to do it.

37. I find that the discussion on the status of law library directors has been one of the best among ourselves. I had not thought of several of the arguments that some of you mention, and every contribution enriches my thinking about the topic. It is also clear that we are a profession in search of a new definition (E.g., should we do IT, should we go to Associate Deans' meetings, etc.).

I believe that it is important for us to fight collectively for the best/highest status possible for law library directors. It is also important for each one of us to act within our own institution, and gain as much effectiveness and political strength within the law school as possible. Standards can help us, but it is the way we act within our own institution that will enhance our status or lower it. To achieve that goal, it is important to be seen as contributing to the law school beyond our library activities, e.g., teaching legal writing, a substantive law course, being a leader in academic information technology (leading faculty to courseinfo web sites, creating Electronic repositories of faculty scholarship, etc.), being involved in international programs, etc.

Going back to our role in the law school as the law librarian, the library is an academic unit, and different from the other administrative units, e.g., the Admissions Office, or even the IT Department. We have to be seen as part of the academic endeavor, not part of the infrastructure. I would therefore put the emphasis on our teaching skills, strengthen our programs of teaching legal research courses for credit, and work on making legal research part of the "lawyering skills" curriculum for the first years. After all, we live in the information society and we are the ones who know the most on the importance of excellent research competencies for future lawyers. There is a case to be made that legal research is a subject as important as other legal skills.

I am personally voting to retain the language of Standard 603 as it is, unless we can make it better. I am afraid of tweaking it in a way that will lead to interpretations that are not in our favor. I am, of course, open to further discussions about it, and hope that we can meet as a group at AALL in Boston.

38. I, too, think this has been an excellent and most valuable discussion. It brings me back to the days when we used to actually discuss things on law-lib, before it became a law firm ILL list.

I'm not sure about the emphasis on teaching legal research as a way of staking our claim as library directors, but let me add some caveats before I explain why. I am a relatively new director (about to celebrate my fourth anniversary in April) with a staff of very senior, very experienced reference librarians who have been teaching research for a long time. They have worked out a very constructive, but time-intensive, system of collaboration with the Research and Writing instructors. Most recently, one of our newer reference librarians developed and started this semester teaching Advanced Legal Research. The reference librarians also teach a variety of legal research clinics or refreshers in late spring. I have not felt that I had the time, with my other administrative, writing,

and teaching activities, to take a leading role in the 1L research program. That is their program and they do it well. So I don't see that as my personal responsibility as library director.

On the other hand, I don't think we do a very good job, in general, of teaching research. If I had my way, it would be a second year course. The main reason it is so difficult to teach is that the first-year students have nothing to work with. It's like trying to teach med students advanced lab research skills before they've had an anatomy course. I suspect that students would grasp research much more easily, and have greater interest in it, once they have the first year curriculum under their belt. I suppose the real reason we teach research in the first year is because students are expected to clerk in their first summer, and I don't know what to do about that, but at any rate that's my suggestion.

On the third hand, I don't think legal research is really all that hard. Once someone has the conceptual tools to work within a particular area of law, finding the relevant statutes, cases, regs, and so on, is not that big a deal. Teaching research in the first year makes it much more mysterious and daunting than it really needs to be. Besides, I recall Bob Berring commenting at some conference a few years back how we spend so much effort trying to teach law students a skill that they'll stop doing as soon as they can.

My personal approach has been to focus my teaching on the JD/MLS program. I see the recruitment and development of new law librarians as part of my responsibility as a library director, and it's something that I enjoy. It's also a way of continually bringing new ideas into a somewhat entrenched staff. Your mileage may vary.

39. With regard to ... point, I don't think retaking control of legal research necessarily means that the Director has to teach it, rather it means that legal research training comes within the jurisdiction of the library and the Director, working with those librarians who want to teach develops the curriculum, etc.

With regard to ... comments: Someone once said "You are who you say you are" and I have thought of this all week as this discussion has taken place. We do not need to wait to have conferred upon us by standards or others within our institutions the title of "player". ... is absolutely right, we each do this ourselves (or fail to do it) in what we do and say and how we do it, in how involved or detached we are from what takes place outside the four walls of the library. A director who never leaves the library, who does not attend law school events, who does not schmooze with the faculty, who does not offer an opinion on non-library issues, etc. will be viewed as "just the librarian" and no Standard will change that.

I think one way we make ourselves players is to take on more than we are asked to do. If you see a need, fill it. Expand your horizons. I got involved in technology here years ago because I had a personal interest in using it in my teaching and no one was doing anything about instructional technology in the law school. Soon, the faculty was looking to me to develop and implement a technology plan for the law school, which I gladly did, even though this was not officially part of my job description at the time, now it is.

I would love to hear other ideas on how we can raise our stature/status separate and apart from Standards.

40. Most of the comments that address teaching have focused on teaching legal research and writing. A good many of us teach other, so-called "substantive" courses (as if research and writing were Insubstantial!) I know colleagues who teach copyright and international law courses. I teach disability law. I'd like to know what other courses the rest of you teach. As for me, teaching the disability law course has been extremely rewarding these last six years, and I wouldn't give it up for anything. I'm now casting around for a second seminar topic to propose for the spring semester next year. I feel my teaching a regular course gives me an empathy for and equality with other faculty members that I never had when I taught research and writing.
41. I agree that teaching a doctrinal course increases my empathy for and equality with other faculty. I teach Administrative Law and I love it. Our reference librarians teach Advanced Legal Research. Because I do the same work as other faculty, I understand and share their academic and pedagogical needs. I believe this is the model that will keep the library integrated into the educational life of the law school because it makes the director one among equals. Publishing scholarly articles and doing committee work also have to be part of that picture. ... Reference to life without the standards is well-taken considering the current economics of legal education. I expect my value to the enterprise is strengthened by my filling that slot on the course schedule. Fortunately my teaching is of real benefit to the library. I support keeping the standards as they are.
42. I find that the discussion on the status of law library directors has been one of the best among ourselves. I had not thought of several of the arguments that some of you mention, and every contribution enriches my thinking about the topic. It is also clear that we are a profession in search of a new definition (E.g., should we do IT, should we go to Associate Deans' meetings, etc.).

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43. I do not support weakening the standard. We need a closer relationship with law faculties not a more distant one. I believe my school would have probably hired a more seasoned (but less scholastically-inclined) librarian if they had not had the tenure-track issue. However, I think by doing so, the library would have been cut out of the loop on many important issues (something I've had to fight hard for). The risk is that the library becomes a problem to be managed (in terms of ABA reaccreditation, personnel problems, and the budget) rather than having a voice and role in the fundamental mission of the law school.
44. ... had a sidebar regarding the issue we have been discussing all week and I told her I really disliked the language of the standard. She asked me how I would change it and I forwarded to her something similar to the below text. Since she liked it, I thought I would share it with everyone else. Please offer your revisions!

"In order to fully represent the interests of the library and to insure that it is an active and responsive force in the educational life of the law school, the Director should be a full participating member of the faculty and preferably hold a tenure or tenure-track position. A Director with tenure track status should be evaluated for tenure on the basis of standards that take into consideration his or her responsibilities and performance as Director."

What I dislike about the current language is that it is somewhat vague. What are the "extraordinary circumstances" under which a director could be denied faculty status? No Interpretation on this and I couldn't think of any. Why state that the director should hold a "faculty appointment with security of faculty position" if "security of faculty position" means tenure? Why be afraid to say it? There would then be no need for 603-3.

603-3 states that a faculty appointment is "normally" tenure/track. Based on what? Preference for this rank, number of directors with it?

45. Some schools, AAUP's protests notwithstanding, have "Continuing Faculty Status" instead of tenure. BYU is one of them. Also, I would delete "preferably" or toughen it up. Without "preferably" faculty status is linked to tenure/track status and leaves no option for some other faculty status, which I think is a mistake since it may "freeze out" of any faculty status people at schools that are willing to consider faculty status for the director but not at that rank. Also, there could be directors who want to have a voice on the faculty but to not want to subject themselves to the tenure process and will accept something else.
46. The problem with the proposed language is the word "should" which in the ABA standards is permissive and not mandatory. I prefer the current language to this.
47. ... How can we be such shrinking violets?! We are doing a vastly different job than the full teaching faculty member, clinician, deans or LRW folks. We don't need the same credentials. We have different ones. We usually have come up a ladder of steadily increasing responsibility for money, people and policies. That should be the credential that matters to the school, because the main thing they want us to do is to run the library. We are running a very complex organization, the smooth functioning of which is vital to the school.

I agree with ... comments about the need for tenure to protect our backs as we make the tough decisions and enforce them. In fact, I think we probably need the academic freedom guarded by tenure more than most of the full teaching faculty.

I would also argue that the typical library scholarship is equal in value to any law review article. We write about topics of vital interest to our practicing profession. We push new theory, new policy-making and new techniques in our articles. Just as law faculty need to be educated about the value of medical or scientific articles of 2 pages with 20 authors and no footnotes, they need to be educated about library literature. If we do not stand up for our current status, at least, we will never regain lost ground!

48. ... Tenure is not budgets, personnel or even collection development, it is about teaching and scholarship, and service to the law school. I think we muddy the waters and not help ourselves when we begin to use our administrative responsibilities/experience as a basis for tenure. I don't see myself as a shrinking violet at all. On the contrary, I think having a voice in larger law school issues is important and can be achieved as a full member of the faculty w/o tenure. If we need tenure to protect our backs, what about our other administrative colleagues? What about the director of admissions who has to reject the application of the son of prominent alum or in our case, a grad of one of our colleges who had a letter of recommendation from the President of the University? What about the director of student services who has to deal with students on academic probation, accused of plagiarism, etc. and in our case, was sued personally by a student dismissed for non-academic reasons? Non-tenured library directors have the benefit of long term contracts, something these folks don't even have!

I do not think we do ourselves a favor when we say we need tenure in order to make the tough decisions. As the tenure bar is raised for full-time tenure track faculty so, too, will it be raised for library directors.

Several people in this discussion have acknowledged that they think it will be harder for new directors to be granted tenure. That being the case, why advocate a position that will benefit fewer and fewer of our colleagues? Why not stress the importance of faculty status with full voting rights, academic freedom, etc. contained in 405? It is that faculty status that gives us a seat at the table.

With regard to the scholarship we produce, we all know the value of it and have benefited from it. But we need to do more of it and publish more in the law reviews and journals our faculties read and publish in. We probably also need to teach more varied courses and more regularly. Finally, you and I and some others have discussed something that troubles me greatly: The loss of control over legal research training to the LRW faculty. Again, I know things vary school to school, but as I recall, a recent survey by the writing directors noted that at more than half the law schools in the country, legal research is the domain of the LRW folks with no librarian involvement! If we really want to assert ourselves, we will regain control over the area of the curriculum we are far and away most qualified to teach.

...

I agree with ... note below and wish to expand on what ... says. There is a thread here that implies that what we do is somehow "merely administrative." I don't buy it. How would you categorize the following (not necessarily exhaustive list of) responsibilities?

- Collection development
- Information dissemination (new book lists, special current awareness services, etc.)
- Various outreach services including reference and tours
- Exhibits
- Production of library publications (research guides, pathfinders, etc.)

These are clearly part of what libraries do, AND they are as much part of our academic contribution to the law school as teaching in a classroom. Even if the director does not personally DO these things, they are produced under his/her direction. These are not merely administrative duties. These are part of our contribution to the academic life of the law school. Even if a large proportion of our time is spent on administrative responsibilities, they are only incidental to our function of directing the library. The granting of tenure should not be \*confined to\* an evaluation of a person's classroom teaching or writing for law reviews. Tenure evaluation should include how well we perform in the above areas. In fact, in some of these areas, there is good reason for library directors to be protected by tenure.

There's my two-and-a-half cents worth. Bottom line is that we shouldn't sell ourselves short.

My vote: keep the language the way it is.

50. Since this is a private discussion among friends, may I raise an issue that troubles me? I wonder whether those of us who have responsibility for law school computing in addition to the law library haven't diluted the arguments that ... makes below? I know that I have always considered the responsibilities he cites as educational/curricular functions fully compatible with faculty status, and never felt the need to apologize for them or to feel any less a full member of the faculty than my colleagues. Increasingly, however, as more and more of my time is spent dealing with the campus IT department and working with my staff on issues like web maintenance, A-V services, and equipment needs, I feel that I'm neck-deep in "merely administrative" issues that are more difficult to defend and which are certainly not very intellectually rewarding. I feel disloyal for even mentioning this -- maybe I've just had a few bad months and am sick of computing issues -- but I do worry that we've muddied the waters and may be losing our academic identity. For what it's worth...
51. I think that you're onto something here. Part of the reason for my move here was that I didn't have to be responsible for IT anymore. (I do supervise a single staff person who is responsible for computing, but he pretty much handles it all himself.) After years of messing with it I began to miss the library work and resented having to run a department that was chronically understaffed and under-funded. (Not to mention the headache of having the responsibility for making decisions about computing for faculty and staff - each of whom fancies themselves experts, anyway! Talk about a tough audience....)
- Anyway, I think that IT is a much more "administrative" type function than directing a library. And may be part of the reason why we're seen more and more as administrators by deans, et al.
52. one thing i think we could and should do is look at the legal research course offerings when we are on aba site visits. see whether the offerings meet the standards, regardless of who is heading it and teaching it. get student input about the legal research training they are receiving. we know that at a

significant number of schools, legal research is part of legal writing and and too often extremely little teaching of legal research is done. some schools offer advanced legal research which is usually taken by a small percentage of students. definitely having something is better than nothing. at schools with little or no legal research training and only advanced legal research means a large percentage of students complete law school with little or no legal research training.

53. I agree with .... We should study services such as teaching more. More detailed info on who teaches LRW and if an advanced course would be helpful. I conducted a little survey of Advanced Legal Research Courses at ... . almost 80% of the "top" 30 schools in US News & World Report have one or more advanced legal research coursed.

Personally, I prefer teaching advanced legal research to a more "substantive" course because I believe my talents are better spent there and that advanced legal research can be as rigorous as any other course. I think AALL should do everything it can to stress the importance of these courses, rather than simply proving to law faculty that we can teach "substantive" courses just like they can.

A little off the topic, but as I have argued before, however, I would also like us to study not just resources or even services, but how we are impacting user behavior. Do our students bother to use the reference desk, the online catalog, ILL and to what degree. I believe I can learn a lot by just comparing ILL rates of my school with others in the region. What is surprising is that schools with much larger libraries have much larger ILL rates (even when equalized for library and student body)? Our faculty publishes heavily (relative to schools in the region), so I don't think its an issue of scholarship.

However, I think its an indication that we're not giving proper instruction on the universe of resources available.

54. As I said in prior comments you need some examples of what might be and what might not be considered extraordinary circumstances. The language is open to creative interpretation by deans and faculty, which of course may be why it is in the standards in the first place.