

## Addressing the “Emerging Majority”: Racial and Ethnic Diversity in Law Librarianship in the Twenty-First Century\*

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*The United States has been steadily growing more racially and ethnically diverse, especially over the past several decades. Yet, as a profession, law librarianship has been slow to reflect the country’s increased diversity. Taking the most recent U.S. Census statistics into account, this article evaluates the implications that a progressively diverse population poses for law librarianship. Reasons for low levels of diversity among law librarians, as well as past and suggested efforts within the profession to further increase diversity, are discussed.*

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### Introduction

¶1 Literally, *diversity* is defined as things being “different one from another” or “[m]ade up of distinct characteristics, qualities, or elements.”<sup>1</sup> The term can carry a variety of meanings for different people, depending on the settings and circumstances in which it is applied.<sup>2</sup> It has traditionally been understood to refer to

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1. THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE 527 (4th ed. 2000) (quoting the definition of *diverse*).

2. See Raquel J. Gabriel, *Diversity in the Profession*, 102 LAW LIBR. J. 147, 148, 2010 LAW LIBR. J. 8, ¶ 7 (noting that professional and personal environments and experiences can contribute to differing definitions of diversity).

categories such as race and gender, but increasingly can refer to a wider range of groupings, including but not limited to age, sexual preference, and disability.<sup>3</sup>

¶2 Diversity has long been a buzzword in many professions, and law librarianship is no exception. Ethnic and racial diversity, in particular, has been a focus in the profession since at least the 1970s.<sup>4</sup> Over the decades, concern about this issue has been widely reflected in law library literature, American Association of Law Libraries (AALL) programming and initiatives, and AALL organizational strategies and goals.<sup>5</sup>

¶3 Despite the attention paid to this issue over the past forty years, there has been little noticeable change in levels of diversity among members of the profession. This is particularly noticeable because of the ever-growing diversity of American society. The recent 2010 U.S. Census results have confirmed a substantial and continuous nationwide increase in the country's racial and ethnic minority populations, which has led to the labeling of minority groups taken as a whole as the "emerging majority."<sup>6</sup>

¶4 In her 1998 article, *Why Is Diversity Important for Law Librarianship?*, Yvonne Chandler commented on demographic shifts in the United States, and how those shifts would impact law librarianship.<sup>7</sup> Today, it is clear that the reality of the increasing diversification of the nation has important implications for law librarianship and its function as a service profession bridging the gap between library patrons and equitable, skillful access to legal information.<sup>8</sup>

¶5 In light of the changing makeup of the United States population, this article seeks to reexamine issues of racial and ethnic diversity in law librarianship.<sup>9</sup> It

3. Kevin Whitelaw, *Defining Diversity: Beyond Race and Gender*, NAT'L PUB. RADIO (Jan. 13, 2010), <http://www.npr.org/templates/story/story.php?storyId=122327104>. Law libraries and other organizations have recently conceptualized much broader views of diversity that seek to go beyond narrow, predefined categories. The 2010–2011 AALL Diversity Committee defined *diversity* as "the total set of the individual histories, experiences, and values that we individually contribute to our profession." Dennis Kim-Prieto, *The Diversity Committee: Celebrating Individuality*, AALL SPECTRUM: MEMBERS' BRIEFING, Dec. 2010, at 2, 2. The AALL Diversity Committee has proposed an initiative to further explore the various meanings of diversity and how these meanings affect AALL members and law librarianship as a whole. AM. ASS'N OF LAW LIBRARIES, DIVERSITY COMMITTEE 2009–2010 ANNUAL REPORT, available at <http://www.aallnet.org/main-menu/Leadership-Governance/committee/cmte-annual-reports/2009-2010/c-diversity.pdf>.

4. Yvonne Chandler, *Why Is Diversity Important for Law Librarianship?*, 90 LAW LIBR. J. 545, 545 (1998); see also CAROL AVERY NICHOLSON, RUTH JOHNSON HILL & VICENTE E. GARCES, *CELEBRATING DIVERSITY: A LEGACY OF MINORITY LEADERSHIP IN THE AMERICAN ASSOCIATION OF LAW LIBRARIES 1* (2006).

5. Dwight King et al., *Profiling Minority Law Librarians: A Report on the 1992–93 Survey*, 87 LAW LIBR. J. 247, 247 (1995).

6. See DENISE M. DAVIS & TRACIE D. HALL, *DIVERSITY COUNTS 3* (rev. Jan. 2007), available at [http://www.ala.org/ala/aboutala/offices/diversity/diversitycounts/diversitycounts\\_rev0.pdf](http://www.ala.org/ala/aboutala/offices/diversity/diversitycounts/diversitycounts_rev0.pdf).

7. Chandler, *supra* note 4, at 548–49.

8. See Alvin M. Podboy, "We Gotta Serve Somebody," 8 LEGAL INFO. MGMT. 96, 96 (2008) ("We are at our very soul a service profession . . ."); *About Us*, AM. ASS'N OF LAW LIBRARIES, <http://www.aallnet.org/top-menu/about> (last visited Apr. 22, 2012).

9. While diversity has taken on more inclusive meanings, this article will focus solely on racial and ethnic diversity. It is true that these topics are well-trodden ground in both librarianship and law librarianship literature. See, e.g., Vicente E. Garces, *The Recruitment of Minority Librarians: A Bibliography of the Literature, 1990–1998*, 90 LAW LIBR. J. 603 (1998). Moreover, other types of

begins by summarizing demographic changes over the past ten years both in the United States and in law librarianship, and attempting to rearticulate why diversity in the profession is an issue worthy of continuing attention. It then summarizes diversity initiatives and efforts by AALL and law librarians to date, and examines potential reasons why these initiatives have not been terribly successful in attracting minorities to the profession. Finally it reviews, evaluates, and explores practical suggestions for recruiting minorities that may, at the least, provide solid starting points for ongoing involvement in diversity efforts.<sup>10</sup>

### Changing Demographics

¶6 Over the past several decades, this country has seen dramatic shifts in the racial and ethnic makeup of its population. Results from the 2010 U.S. Census showed that racial and ethnic minorities (those who reported their race and ethnicity as something other than “non-Hispanic White alone”) now constitute a significant percentage—thirty-six percent—of the national population, marking a five percent increase since 2000.<sup>11</sup> While the total population increased nationwide by 9.7% in that decade, the vast majority of this growth occurred in racial and ethnic minority groups.<sup>12</sup> Minorities overall grew in number from 86.9 million to 111.9

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minority groups—such as those based on gender, sexual orientation, and age—have recently gained increased attention in the profession. See, e.g., Greta Boeringer, *Men in Law Librarianship*, AALL SPECTRUM, Oct. 1999, at 36; Lauren M. Collins & Elizabeth A. Yates, *What’s In a Name? A Gen Xer and Gen Yer Explore What It Means to Be Members of Their Generations in the Workplace*, AALL SPECTRUM, May 2008, at 24; Elvira Embser-Herbert, *A Community Within: Why the Heck Is There a Standing Committee for Lesbian and Gay Issues Anyway?*, AALL SPECTRUM, Feb. 2006, at 18.

At the same time, members of racial and ethnic minority groups often include individuals who belong to other traditionally underrepresented categories. See, e.g., Tracie D. Hall & Jenifer Grady, *Diversity, Recruitment, and Retention: Going from Lip Service to Foot Patrol*, PUB. LIBR., Jan./Feb. 2006, at 39, 39 (“Perhaps the area where prolonged wrangling over the importance of diversity is most apparent is in the recruitment and retention of ethnic and racial minorities . . . a population that is inclusive of [various] identities [such as the disabled, LGBT, and youth]”). Therefore, this narrowed focus allows for a more efficient discussion of diversity.

10. This article focuses only on the issue of recruitment of minorities into law librarianship. Retention of minorities, once hired, is another important diversity issue, but is beyond the scope of this article.

11. See U.S. CENSUS BUREAU, OVERVIEW OF RACE AND HISPANIC ORIGIN: 2010, at 3 (Mar. 2011), available at <http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>. In the 2010 census questionnaire, the Census Bureau asked individuals to identify their race and their ethnicity (whether or not they were of Hispanic origin), which are two separate concepts. *Id.* at 2. Federal agencies are required to use “a minimum of five race categories: White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander.” *Id.* For the 2000 and 2010 censuses, the Census Bureau also used a sixth category, Some Other Race, for those individuals who could not identify with the former five categories. Within these six categories, individuals are allowed to self-identify with more than one race, allowing for fifty-seven possible race combinations. *Id.* For ethnicity, federal agencies must use at least two categories: Hispanic or Latino and Not Hispanic or Latino. *Id.* Hispanic origin “can be viewed as the heritage, nationality group, lineage, or country of birth of the person or the person’s parents or ancestors before their arrival in the United States.” A person can be of Hispanic origin, but belong to any race. *Id.*

12. *Id.* at 3.

million between 2000 and 2010—a twenty-nine percent increase.<sup>13</sup> This massive growth in minority populations occurred throughout most of the country.<sup>14</sup>

¶7 Non-Hispanic whites, in stark contrast, experienced a mere one-percent increase in their population (from 194.6 million to 196.8 million).<sup>15</sup> In all regions, the growth for this group was at best insignificant compared to minority growth.<sup>16</sup> The “White alone” population was furthermore the only racial group to actually decline in its proportion of the total U.S. population (from 69% to 64%).<sup>17</sup> In line with these drastic demographic shifts, the U.S. Census Bureau has predicted that by 2042—a mere three decades from now—minorities will make up more than fifty percent of the U.S. population.<sup>18</sup>

¶8 Despite the explosive growth of minority groups in the U.S. population over the past several decades, law librarianship has been slow to reflect the country’s diversity in terms of increasing its minority membership. In 1976, the first official AALL survey of minorities in law libraries found that minorities made up only 11.2% of all professional law librarians (those holding an M.L.S. degree), compared to almost 25% of law library support staff.<sup>19</sup> Almost twenty years later,

13. *Id.* at 17. Those who reported their ethnicity as Hispanic grew by 43% (an increase of thirty percentage points from the growth rate in the 2000 census). *See id.* at 3. Among racial groups, those who identified as “Asian alone” experienced the fastest rate of growth, increasing by 43% between 2000 and 2010, the most of any major race. *Id.* at 5. The Native Hawaiian or Other Pacific Islander population grew by more than one-third, increasing from 0.1% to 0.2% of the U.S. population. *Id.* The American Indian or Alaska Native population increased by 18.4%, making up 0.9% of the population; the Black or African American alone population increased by 12.3%; and Some Other Race increased by 24.4%. *Id.* at 4 tbl.1. The percentage increase of those reporting two or more races also grew substantially, by 32%. *Id.*

14. *Id.* at 17 (noting that, in the four Census regions—Northeast, Midwest, West, and South—the minority proportion of the population ranged from about one-fifth to almost one-half of the total population in 2010). Moreover, one-tenth of U.S. counties saw their minority populations grow to fifty percent or more of the population. *Id.* at 19. Some counties did see a decline in their minority populations; these counties were mostly located in southern states along the Mississippi River. *Id.* at 22.

15. *Id.* at 3.

16. *Id.* at 17. Minority growth was particularly great in the South and West, which experienced respectively thirty-four percent and twenty-nine percent growth in minorities. By contrast, the non-Hispanic white population grew in those regions by only four percent and three percent, respectively. *Id.*

17. *See id.* at 3.

18. Sam Roberts, *Minorities in U.S. Set to Become Majority by 2042*, N.Y. TIMES.COM, <http://www.nytimes.com/2008/08/14/world/americas/14iht-census.1.15284537.html> (last visited Apr. 22, 2012). Confirming this trend, the Census Bureau recently released official data showing that minorities now represent a majority of all births in the United States. Sabrina Tavernise, *Whites Account for Under Half of Births in U.S.*, N.Y. TIMES, May 17, 2012, at A1.

19. Albert Brecht & Robin Mills, *Minorities Employed in Law Libraries*, 71 LAW LIBR. J. 283, 283 (1978). The results were from 472 law libraries and focused on the American Indian, Asian, black, and Hispanic ethnic groups. *Id.* This study followed on the heels of a 1972 independent survey of black law librarians in academic law libraries, which found that blacks made up just 3.4% of professional librarians and approximately 9% of law school library “subprofessionals,” or those without a law or library graduate degree. Vernon A. Rayford, *A Black Librarian Takes a Look at Discrimination: By a Law School Library Survey*, 65 LAW LIBR. J. 183, 184–85 (1972) (percentage of nonprofessionals calculated from author’s figures). Rayford acknowledged the lack of inclusion of other minority groups in his survey, stating: “It is my considered conviction that the other minorities can most effectively articulate their own special needs.” *Id.* at 186.

according to the 1993 AALL Salary Survey, the percentage of minorities in law librarianship was only 8.9%.<sup>20</sup>

¶9 Since then, the numbers have varied but have generally remained low. The 1999 AALL Salary Survey showed that twenty-one percent of respondents identified as racially nonwhite (12% of professionals and 31% of paraprofessionals).<sup>21</sup> Even by the time of the 2005 AALL Salary Survey, only 14.7% of law librarians fell into various ethnic minority categories.<sup>22</sup> (The same survey showed that minorities again made a stronger showing in nonprofessional positions: 32% belonged to various minority groups.<sup>23</sup>)

¶10 Significantly, information on racial and ethnic diversity in law librarianship has been elusive.<sup>24</sup> The AALL Salary Survey, which is conducted every two years, has not included this information about survey respondents since 2005.<sup>25</sup> In May 2011, the AALL Diversity Committee did a survey, which received a twenty-nine percent positive response rate to the question “Do you consider yourself a member of an under-represented community?”<sup>26</sup> However, a specific idea of the numbers of racial and ethnic minorities in AALL and law librarianship was difficult to glean from the

20. King et al., *supra* note 5, at 253 (citing AM. ASS’N OF LAW LIBRARIES, 1993 SALARY SURVEY ii (1993)). Interestingly, while percentages of African Americans and Hispanics in law librarianship were lower than the corresponding percentages in the 1990 U.S. Census statistics and American Library Association (ALA) statistics, the percentage of Asian Americans in law librarianship was proportionately greater than that reported by ALA and the U.S. Census. *Id.* at 253–54.

21. AM. ASS’N OF LAW LIBRARIES, AALL BIENNIAL SALARY SURVEY 1999: SUPPLEMENTARY FINDINGS tbl.24 (1999), available at <http://www.aallnet.org/main-menu/Publications/salary-survey/pub-salary-99.html> (online version available to AALL members only). Three percent of respondents identifying as nonwhite responded as “other.” *Id.*

22. Of the various ethnic categories noted in the 2005 survey, 2.6% of respondents identified as Hispanic, 4.1% as Asian/Pacific Islander, 5.0% as Black/African American, and 3.0% as Other/Not Identified. AM. ASS’N OF LAW LIBRARIES, THE AALL BIENNIAL SALARY SURVEY & ORGANIZATIONAL CHARACTERISTICS 10 (2005), available at [http://www.aallnet.org/members/pub\\_salary05/2005\\_Salary\\_Survey.pdf](http://www.aallnet.org/members/pub_salary05/2005_Salary_Survey.pdf) (online version available to AALL members only). Unlike the U.S. Census, AALL surveys do not distinguish between race and ethnicity.

23. *Id.* at S-6, available at [http://www.aallnet.org/Documents/Publications/Salary-Survey/pub\\_salary05/s-5-s-6.pdf](http://www.aallnet.org/Documents/Publications/Salary-Survey/pub_salary05/s-5-s-6.pdf). Notably, compared to the surveys of minority law librarians in the 1970s, blacks composed the highest percentages of minority professional and nonprofessional law librarians—5% and 16.2%, respectively. *Id.* It should also be noted that statistics on diversity in law librarianship have mirrored those within the wider library profession. In 1998, for instance, minorities made up only 13% of the academic library profession. Raquel Von Cogell, *Introduction*, in *DIVERSITY IN LIBRARIES: ACADEMIC RESIDENCY PROGRAMS*, at xv (Raquel Von Cogell & Cindy A. Gruwell eds., 2001). By 2012, this figure had fallen to 11.3%. AM. LIBRARY ASS’N, *ALA DEMOGRAPHICS STUDIES, MARCH 2012*, available at <http://www.ala.org/research/sites/ala.org.research/files/content/March%202012%20report.pdf> (showing that ALA members remain predominantly white, at 88.7%, a number that is “[n]ot dissimilar from the library profession overall”).

24. See Gabriel, *supra* note 2, at 151, ¶ 15 (observing that, “there is still no clear, official picture of the number of ‘minority’ law librarians, nor is there a sense that [AALL] is moving toward collecting that information”).

25. AM. ASS’N OF LAW LIBRARIES, THE AALL BIENNIAL SALARY SURVEY & ORGANIZATIONAL CHARACTERISTICS 3 (2007), available at [http://www.aallnet.org/members/pub\\_salary07/2007\\_Salary\\_Survey.pdf](http://www.aallnet.org/members/pub_salary07/2007_Salary_Survey.pdf) (online version available to AALL members only) (noting that the categories of gender, race, and age were eliminated for the 2007 survey).

26. *AALL Diversity Survey 2011*, ZOOMERANG, <http://www.zoomerang.com/Shared/SharedResultsSurveyResultsPage.aspx?ID=L26626QZVBGZ> (last visited May 29, 2012).

survey, which also included disability and sexual orientation in its definition of the general term “under-represented community.”<sup>27</sup>

### Diversity: An Ongoing Concern

¶11 Why should we care that diversity in the profession has been so slow to reflect diversity in American society as a whole? Several good (and frequently discussed) reasons exist. First, as in any other field, a more diverse staff provides positive role models for minority students.<sup>28</sup> The presence of role models from racial or ethnic groups similar to their own allows students to better relate to a potential field of work, and also shows them that there are “visible career ladders” for minorities in a particular vocation.<sup>29</sup>

¶12 Diversity also benefits any law library’s organizational culture, as well as the development of the profession as a whole, by bringing a wide range of perspectives, backgrounds, and talents to the table.<sup>30</sup> This benefit is particularly important for law librarianship, which “[w]ithout . . . the examination of diverse viewpoints . . . [would] lose[] part of its ability to innovate in a world where the practice of law and legal education [are] rapidly changing.”<sup>31</sup>

¶13 Diversity among law librarians also can improve citizens’ ability to research and access the law—a value that is emphasized in the AALL Core Values.<sup>32</sup> In its mission statement, AALL further notes the importance of such access to the democratic process:

Since the ready availability of legal information is a necessary requirement for a just and democratic society, AALL and its members advocate and work toward fair and equitable access to authentic current and historic legal information, and educate and train library users to be knowledgeable and skilled legal information consumers.<sup>33</sup>

¶14 Law librarians, in acting as liaisons between library patrons and legal information sources and services,<sup>34</sup> are fundamental to the process of accessing legal information. For minority patrons in particular, staffing law libraries with racially and ethnically diverse individuals better facilitates this process:

To [library] users, having authority figures who look like them in libraries is important, as it can make the users feel more comfortable and affirmed that they are in the right

27. *Id.*

28. Kyung-Sun Kim & Sei-Ching Joanna Sin, *Increasing Ethnic Diversity in LIS: Strategies Suggested by Librarians of Color*, 78 *LIBR. Q.* 153, 168–69 (2008).

29. *Id.* at 168; Hall & Grady, *supra* note 9, at 44.

30. George R. Jackson, *R-E-S-P-E-C-T, Find Out What It Means to Me*, 90 *LAW LIBR. J.* 579, 581 (1998).

31. Gabriel, *supra* note 2, at 148, ¶ 4; see also RACHEL SINGER GORDON, *THE ACCIDENTAL LIBRARY MANAGER* 93 (2005) (“The integration of a variety of backgrounds and points of view allows libraries to thrive and to adapt to changing circumstances, rather than getting stuck in one pattern of thinking as when everyone comes from a common perspective.”).

32. *Strategic Directions 2010–2013*, AM. ASS’N OF LAW LIBRARIES, <http://www.aallnet.org/main-menu/Leadership-Governance/strategic> (last visited Apr. 22, 2012) (listing “[e]quitable and permanent access to legal information” among the core values of AALL).

33. *About Us*, *supra* note 8.

34. Chandler, *supra* note 4, at 545.

place. Studies suggest that interpersonal similarity increases ease of communication, fosters relationships of trust and reciprocity, and helps establish a sense of belonging and membership. Ethnicity, one of the key factors determining interpersonal similarities, contributes to cultural as well as physical similarities. In a library with an ethnically diverse workforce, all the users, regardless of their ethnic and cultural background, will be able to find someone whom they can relate to and get services relevant to their needs and preferences.<sup>35</sup>

¶15 For all of these reasons, it has been suggested that a lack of ethnic diversity among reference staff may hinder the provision of high-quality service to patrons.<sup>36</sup> It is no wonder, then, that it has been stated that “[a]ccess to information for many minority communities and citizens will improve only when there is an increase in the number of minority librarians and information professionals. This . . . is particularly true for specialized information, such as the law.”<sup>37</sup>

¶16 Of course, patron access to law libraries—and, thus, the minority makeup of a particular library’s patron base—varies by the type of library.<sup>38</sup> County law libraries usually are open to the public, as are accredited law school libraries with government depository status and the courts of last resort in each jurisdiction. Other law libraries, including those in law schools, law firms, and some courts, usually have more restrictive access policies limited mainly to law students, attorneys, and members of the judiciary.<sup>39</sup>

¶17 It is true that these latter types of libraries may not typically see many minorities among their patrons, especially since (as will be discussed later) the American legal profession in general continues to confront low levels of diversity among its members.<sup>40</sup> Nevertheless, the increasing racial and ethnic diversity of the entire country has important implications for almost any law library’s patronage and service levels. As George R. Jackson observed, “it’s good business in our society’s marketplace to embrace diversity. . . . The advantage goes to [those] with an understanding of the cultures and needs of various demographic niches.”<sup>41</sup> Where law librarianship is concerned, “to provide adequate access to *all* users . . . it is important that information personnel are representative of our culturally diverse society.”<sup>42</sup>

¶18 On a final note, it has been argued that as members of the legal community, law librarians’ “professional responsibility goes beyond finding information and resources” to include being concerned with equity—specifically, with the lack of

35. Kim & Sin, *supra* note 28, at 155 (footnotes omitted).

36. See Emily Love, *Generation Next: Recruiting Minority Students to Librarianship*, 38 REFERENCE SERVICES REV. 482, 483 (2010).

37. Chandler, *supra* note 4, at 549.

38. Betty W. Taylor, *Law Libraries*, in WORLD ENCYCLOPEDIA OF LIBRARY AND INFORMATION SERVICES 436, 440 (Robert Wedgworth ed., 3d ed. 1993).

39. *Id.*

40. AM. BAR ASS’N, PRESIDENTIAL INITIATIVE COMM’N ON DIVERSITY, DIVERSITY IN THE LEGAL PROFESSION: THE NEXT STEPS 4 (Apr. 2010), available at [http://www.americanbar.org/content/dam/aba/migrated/2011\\_build/diversity/041511\\_aba\\_nextsteps.pdf](http://www.americanbar.org/content/dam/aba/migrated/2011_build/diversity/041511_aba_nextsteps.pdf) (message of Ellen F. Rosenblum, Chair, Presidential Commission on Diversity) [hereinafter DIVERSITY IN THE LEGAL PROFESSION] (“In the 21st century, the legal profession faces no greater challenge than the imperative to advance diversity throughout our ranks.”).

41. Jackson, *supra* note 30, at 583.

42. Chandler, *supra* note 4, at 550.

relative educational and career opportunities allowing for increased minority participation in the profession.<sup>43</sup>

### Minority Recruitment Efforts in Law Librarianship

¶19 AALL and law libraries alike have taken various actions over the past several decades to work toward a more diverse profession. AALL's efforts began in earnest in 1971, with the establishment of a special committee on financial aid to minorities.<sup>44</sup> In 1985, the organization appointed a special committee—later named the Committee on Minorities—to focus on efforts to improve minority recruitment and involvement in AALL.<sup>45</sup> This marked the genesis of the current Diversity Committee, which is charged with various tasks and responsibilities generally aimed at maximizing and celebrating diversity in AALL.<sup>46</sup>

¶20 Several minority AALL caucuses focus on professional development, recruitment, and other specific minority interests, and have been described as playing a key role in contributing to the diversity of law librarianship and AALL.<sup>47</sup> The organization also sponsors several minority-focused scholarships, including the George A. Strait Minority Scholarship, which provides financial support to minorities who wish to pursue a career in law librarianship.<sup>48</sup> The AALL Minority Leadership Development Award provides travel funding and other professional development support to minority law librarians.<sup>49</sup> AALL also established a mentorship program in 1989, which “targeted minority non-law librarians and minority

43. Roy M. Mersky, Commentary, *AALL and the Road to Diversity*, 85 LAW LIBR. J. 859, 859 (1993).

44. NICHOLSON, HILL & GARCES, *supra* note 4, at 2. The committee was created in part to fulfill an AALL resolution recommending that the AALL Executive Board look into providing loans to minority applicants to library schools, insert an antidiscrimination clause in the AALL constitution and in all AALL chapter constitutions, and coordinate recruitment and placement committees in efforts to recruit and place more minorities into the profession. *Id.* at 1–2.

45. *Id.* at 3–4. To further these activities, “the committee developed a recruiting brochure and began an active recruitment program.” Mersky, *supra* note 43, at 861. Members made recruitment visits to several law schools, where they discussed law librarianship with college, law school, and library school students, and with other librarians. *Id.*

46. See *Diversity Committee*, AM. ASS'N OF LAW LIBRARIES, <http://aallnet.org/main-menu/Leadership-Governance/committee/activecmtes/diversity.html> (last visited May 17, 2012). Recent efforts have included administering scholarships for minority students in law or library school, developing library school recruitment programs and post-M.L.S. law library internships, and creating a board of liaisons from other law and library organizations. Kim-Prieto, *supra* note 3, at 2.

47. Nichelle J. Perry, *A New Look at Diversity: Caucuses and Committees Find Common Ground at Diversity Symposium*, AALL SPECTRUM, Sept.–Oct. 2009, at 18. Current minority caucuses within AALL include the Asian American Law Librarians Caucus, the Native Peoples Law Caucus, the Black Caucus, and the Latino Caucus. See *Caucus Websites*, AM. ASS'N OF LAW LIBRARIES, <http://www.aallnet.org/main-menu/Member-Communities/caucuses/caucus-websites> (last visited Apr. 27, 2012).

48. *George A. Strait Minority Scholarship*, AM. ASS'N OF LAW LIBRARIES, <http://www.aallnet.org/main-menu/Member-Resources/scholarships/George-A-Strait-Minority-Scholarship> (last visited Apr. 22, 2012).

49. *Minority Leadership Development Award*, AM. ASS'N OF LAW LIBRARIES, <http://www.aallnet.org/main-menu/Member-Resources/AALLawards/award-mlda.html> (last visited Apr. 22, 2012).

law school students interested in law librarianship. About twenty minority librarians were matched with mentors.”<sup>50</sup>

¶21 Among efforts by AALL regional associations and committees is the Southern California Association of Law Libraries (SCALL) Inner City Youth Internship Program, which aims to familiarize inner-city high school students with the law by providing them with paid law library work experience.<sup>51</sup> Between 1993 and 2008, the program placed 180 students in internships at forty host sites; those sites hired twenty-five of those students after they completed their internships.<sup>52</sup>

¶22 Various law library–focused publications have publicized the issue of diversity in law librarianship. *Law Library Journal* devoted an entire seven-article issue to the topic in 1998,<sup>53</sup> and recently the journal has featured a diversity-centered column, “Diversity Dialogues.”<sup>54</sup> The 2006 book *Celebrating Diversity: A Legacy of Minority Leadership in the American Association of Law Libraries* highlights the careers of minority members of AALL, the success of various diversity-increasing initiatives, and strategies to continue cultivating diversity in the profession.<sup>55</sup>

¶23 Individual activities by law school libraries have included diversity fellowships and residencies. The Library Resident program at the Georgetown Law Center Law Library is one prominent example.<sup>56</sup> Begun in 1999 by converting a vacant library position,<sup>57</sup> the program offers library residents from underrepresented minorities the opportunity to work in a variety of library departments, receive personalized mentoring, and create a “significant research, instructional, or service-based project.”<sup>58</sup> Another example is the Librarian-in-Residence program at the University of Notre Dame’s Kresge Law Library, in collaboration with the Notre Dame University Libraries.<sup>59</sup> The program recruits recent library school graduates who then gain experience in both a research library and a law library, and have the opportunity to tailor the program to their individual professional interests.<sup>60</sup>

50. Mersky, *supra* note 43, at 861.

51. INNER CITY YOUTH INTERNSHIP PROGRAM, <http://www.aallnet.org/chapter/scall/icyp/innercitymain.html> (last visited Apr. 22, 2012).

52. *Just the Facts*, INNER CITY YOUTH INTERNSHIP PROGRAM, <http://www.aallnet.org/chapter/scall/icyp/facts.html> (last visited Apr. 22, 2012).

53. *Symposium: Focus on Diversity*, 90 LAW LIBR. J. 541–614 (1998).

54. Gabriel, *supra* note 2 (the first of a series of columns on diversity).

55. NICHOLSON, HILL & GARCES, *supra* note 4.

56. *See Library Resident Program*, GEORGETOWN LAW LIBRARY, <http://www.ll.georgetown.edu/staff/resident/> (last visited Apr. 22, 2012).

57. E-mail from Peggy Fry, Associate Law Librarian for Administrative Service, Georgetown Law Library, to author (Feb. 3, 2011, 1:35 P.M.) (on file with author). To date, there have been six library residents at Georgetown. *Id.*

58. *Library Resident Program*, *supra* note 56.

59. *Librarian-In-Residence Program*, HESBURGH LIBRARIES, UNIV. OF NOTRE DAME, <http://www.library.nd.edu/diversity/residence.shtml> (last visited Apr. 22, 2012). The goal of the program is to recruit a minority student who “can contribute effectively to the diversity of the profession and the university while developing career interests in various aspects of academic librarianship.” *Id.*

60. *Id.*

## Despite Decades of Efforts, Low Levels of Diversity Remain a Reality

¶24 The multitude of efforts described above make it clear that AALL, and institutional and individual members of the profession of law librarianship, see increasing diversity as an issue worthy of serious attention. However, when available statistics of the number of minority law librarians are evaluated with respect to factors such as the growing diversity of American society, it is clear that there has not been much progress in achieving a notable increase in diversity in the profession.<sup>61</sup>

¶25 There are many possible reasons that have been presented for why, after years of discussion and action, law librarianship is still not more racially and ethnically diverse. Some of these reasons are explored in more detail below.

### A Small Pool of Qualified Candidates

¶26 Most entry-level law librarian positions require that candidates have obtained, at the least, a graduate degree in library and information science (LIS) from an American Library Association (ALA)-accredited institution.<sup>62</sup> The problem where diversity is concerned is that LIS programs also struggle with diversity issues. In 2009, only 17.7% of those receiving LIS degrees nationwide were minorities.<sup>63</sup> This number mirrors statistics showing that minorities overall constitute only a small percentage of the population that has earned a master's degree.<sup>64</sup> Most library schools generally require at least a bachelor's degree,<sup>65</sup> and in the United States, a larger percentage of whites hold a bachelor's degree or higher than most other racial/ethnic groups.<sup>66</sup>

¶27 In the University of Washington Information School's law librarianship program, minority application and admission numbers have, as the discussion above suggests, tended to be low. Minorities composed only 25% of applicants, and 18.8% of those admitted, for the 2006-07 academic year.<sup>67</sup> Despite a jump in the number of applications several years later for admission to the 2010-11 program, minorities still made up only twenty-five percent of applicants and twenty-three

61. See Gabriel, *supra* note 2, at 151-52, ¶ 17 ("[A]fter years of awareness . . . it . . . feels as if [law librarians] are continually repeating the same talking points [about diversity] with no significant movement[.]").

62. *Education Requirements*, AM. ASS'N OF LAW LIBRARIES, <http://www.aallnet.org/main-menu/Careers/lawlibrarycareers/Education-Requirements> (last visited Apr. 22, 2012).

63. ASS'N FOR LIBRARY & INFO. SCI. EDUC., *LIBRARY AND INFORMATION SCIENCE EDUCATION STATISTICAL REPORT 2010*, at 11 (Danny P. Wallace & Jeffrey Naidoo eds., 2010).

64. In 2009, non-Hispanic whites constituted 64.6% of the total number of master's degree earners. Non-Hispanic blacks made up the next highest percentage, at 10.7%. American Indian/Alaska Natives made up the lowest percentage at 0.6%. *STATISTICAL ABSTRACT OF THE UNITED STATES: 2012*, at 189 tbl.300 (131st ed. 2011) [hereinafter *STATISTICAL ABSTRACT*].

65. *Education Requirements*, *supra* note 62.

66. In 2010, 30.3% of whites were college graduates, compared to 19.8% of blacks and 13.9% of Hispanics. Only Asians surpassed whites in this category, with 52.4% falling into the category of "college graduate or more." *STATISTICAL ABSTRACT*, *supra* note 64, at 151 tbl.229.

67. Univ. of Wash., *Law Librarianship Applications for Fall 2006-Fall 2010* (on file with institution).

percent of those admitted.<sup>68</sup> Between 2000 and 2010, the program's percentage of minority enrollments generally remained below twenty percent.<sup>69</sup>

¶28 Minorities in library and law library programs may be low in number for several reasons. One is a lack of minority faculty in these programs. Having a diverse faculty is a key factor in successfully attracting minority students to library science graduate programs.<sup>70</sup> Faculty can serve as role models, mentors, and career advisors to these students once they are enrolled in a graduate program.<sup>71</sup>

¶29 The influence of family, culture, and environment can also have a particular effect on minority students' graduate school choices, potentially deterring minority students from choosing a career in librarianship. The family is the primary support system in most minority groups, helping minority students to develop self-esteem and maintain their racial, ethnic, and cultural identity.<sup>72</sup> As a result, these students tend to rely more heavily on their families for support and decision making, including in their educational decisions.<sup>73</sup>

¶30 Geography is yet another factor. Studies have shown that library school students already traditionally attend programs in their own states,<sup>74</sup> and minorities' heavier reliance on family support may lead to students' families encouraging them to attend graduate school close to home.<sup>75</sup> (It should be noted, however, that a recent increase in the number of distance education and online library programs in the United States may lessen the impact of this factor.<sup>76</sup>)

¶31 Another issue is the lack of available or sufficient financial aid for many students. Higher education is notoriously expensive; a consistent rise in tuition and fees (and other expenses) in recent years, due to decreased state funding and inflation, puts college and graduate education out of reach for many poor and middle-class students. One survey has shown that minority students drop out of college for financial reasons more often than their white peers.<sup>77</sup> Where library education is

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68. *Id.*

69. Univ. of Wash., Law Librarianship Alumni by Year of Graduation with Minority Information Since 1981, *available at* <http://lib.law.washington.edu/lawlibrarianship/index.asp> (login required; copy on file with author).

70. Kim & Sin, *supra* note 28, at 161.

71. Chandler, *supra* note 4, at 552.

72. Camila A. Alire, *It Takes a Family to Graduate a Minority Library Professional*, AM. LIBR., Nov. 1997, at 41, 41. White students, in contrast, tend to have access to more support systems outside of the family that provide encouragement and motivation. *Id.*

73. *See, e.g.*, 24 HIGHER EDUCATION: HANDBOOK OF THEORY AND RESEARCH 335 (John C. Smart ed., 2009) (describing the Latino family as a "major source of support" influencing a Latino student's decision to enroll in and remain in college).

74. Chandler, *supra* note 4, at 552.

75. *See* Alire, *supra* note 72, at 41; Lotsee Patterson, *History and Status of Native Americans in Librarianship*, 49 LIBR. TRENDS 182, 186 (2000) (noting that Native American students, especially those from a reservation environment, may need extra and focused encouragement to consider leaving the reservation or their families to attend library school).

76. *See* Herman L. Totten, *Ethnic Diversity in Library Schools: Completing the Education Cycle*, TEX. LIBR. J., Spring 2000, at 16, 19. For instance, when the University of North Texas, located in Denton, Texas, established a branch of its library science master's program in Houston, enrollment of black students increased from three percent to ten percent of the student body. *Id.*

77. Tony Greiner, *Backtalk: Diversity and the MLS*, LIBR. J., May 1, 2008, at 36. Greiner notes that different minority groups have varying financial struggles with regard to paying for education. For

concerned, several scholarships exist that are directed at graduate students who are particularly interested in pursuing law librarianship. However, the AALL George A. Strait Minority Scholarship appears to be the only one directly targeting minorities. There are also general library school scholarships, such as the ALA Spectrum Scholarship, which provides \$5000 for eligible minority students to help them pursue graduate library studies and to participate in professional activities.<sup>78</sup> It has been argued that the limited availability of this scholarship hampers its efficacy; the eighty full scholarships awarded to minority M.L.S. students in 2007 were “a drop in the bucket compared with the 1300 minorities in library school in any given year.”<sup>79</sup> While the Spectrum Scholarships are an excellent resource, more funding is needed if graduate library education is to become financially accessible to more minority students.<sup>80</sup>

### Lack of Minority Role Models

¶32 Minimal racial diversity in law librarianship has resulted in a serious dearth of role models for those in underrepresented communities who might otherwise be interested in pursuing law library careers. Role models are important for attracting ethnic minorities to librarianship. They indicate, for instance, that the profession is welcoming to diverse groups of people, and they can provide important resources for mentorship and advice to newly minted law librarians.<sup>81</sup> A lack of minority role models by contrast contributes to a pervasive stereotype that librarians in general are “white, old, and unfriendly,” making it an even more unappealing career choice for minority students.<sup>82</sup>

### Lingering Racism Within the Legal Profession

¶33 Law library literature suggests that historical racism in the legal field—which in the past resulted in discriminatory hiring practices—has also contributed to low diversity in law librarianship.<sup>83</sup> Today, most workplaces have nondiscrimina-

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example, Asian Americans statistically tend to come from more well-to-do families and graduate in greater numbers than their percentage of the population. African Americans and Latinos, on the other hand, tend to come from lower-income families and have correspondingly lower graduation rates. *Id.*

78. *Spectrum—Scholarship Overview*, AM. LIBRARY ASS'N, <http://www.ala.org/offices/diversity/spectrum/scholarshipinformation> (last visited May 25, 2012).

79. Greiner, *supra* note 77, at 36. Greiner advocates dropping the M.L.S. requirement from entry-level librarian jobs altogether, believing that this is the only real way to make the profession more accessible to interested members of racial minority groups who are unable to afford the necessary education.

80. Totten, *supra* note 76, at 19.

81. Karen Thorburn, *Find 'Em or Grow Your Own: Recruitment and Retention of Minorities in the Library Profession*, 1 PUB. & ACCESS SERVICES Q., no. 3, 1995, at 105, 109 (“[A] scarcity of minority role models . . . becomes part of [a] self fulfilling prophecy; if there aren't minority librarians to work with or look up to what is the attraction for someone considering a profession? Who wants to be alone in a group which has in past experience been un-welcoming to hostile? Who will be there to mentor and advise the minority librarian as he/she trains for this new career?”).

82. Lakeshia Darby, *Abolishing Stereotypes: Recruitment and Retention of Minorities in the Library Profession*, 25 RURAL LIBR., no. 1, 2005, at 7, 7.

83. See Joan S. Howland, *Diversity Deferred*, 90 LAW LIBR. J. 561, 571–72 (1998).

tory hiring practices in accordance with federal law. Yet, the historical lack of diversity in the legal profession can inadvertently result in, for instance, a lack of active efforts to integrate minority employees into the culture of a law library.<sup>84</sup> This, in turn, can impede opportunities for minorities to move up the organizational ladder.<sup>85</sup>

### Competition with Other Fields

¶34 Librarianship has historically not been an obvious career option in the United States, regardless of one’s race or ethnicity.<sup>86</sup> Several authors have observed that pursuing library graduate studies may not be popular among minorities simply because many are not aware of librarianship as a potential career path.<sup>87</sup> Overall, it is simply “not highly visible in the grand scheme of careers” to which many students aspire.<sup>88</sup>

¶35 Another problem is that librarianship has long battled a popular perception of being an unattractive career field.<sup>89</sup> Law librarianship is no exception. In a 1999 survey of African American law school students regarding their thoughts on law librarianship, eighty-six percent disagreed or strongly disagreed with the statement: “Law librarianship appears to be one of the best jobs of which I am aware.”<sup>90</sup> About one-half stated that they could not picture themselves becoming law librarians.<sup>91</sup> As the survey’s author noted, despite a recent trend among law students to pursue alternative legal careers, this “less than receptive” attitude among these students would likely prevent most of them from choosing to become law librarians.<sup>92</sup>

¶36 Librarianship may also suffer from an image problem that is at least partly due to the realities of many librarians’ salaries, which generally do not match the level of education required to become a professional librarian.<sup>93</sup> There are many other fields, such as engineering and public administration, that do not require an expensive master’s degree to obtain an entry-level position.<sup>94</sup> (Even many LIS

84. *Id.* at 572.

85. *See id.* at 571–73. This argument is somewhat undercut today by the fact that minorities do hold many leadership positions in law librarianship. Just six years ago, an AALL publication on diversity profiled thirty-two such individuals. NICHOLSON, HILL & GARCES, *supra* note 4, at 16–172.

86. *See* Michael Rogers, *Tackling Recruitment*, LIBR. J., Feb. 1, 2003, at 40, 40.

87. *See, e.g.,* Mary J. Stanley, *Case Study: Where Is the Diversity? Focus Groups on How Students View the Face of Librarianship*, 21 LIBR. ADMIN. & MGMT. 83, 85–86 (2007) (noting that, in several focus group sessions with minority students at different grade levels, the students stated that librarianship had not been promoted to them during high school career counseling sessions and that students believed that making the public more aware of the opportunities within the field might successfully draw more interest from minority students).

88. Totten, *supra* note 76, at 16.

89. *See, e.g.,* James V. Carmichael Jr., *The Male Librarian and the Feminine Image: A Survey of Stereotype, Status, and Gender Perceptions*, 14 LIBR. & INFO. SCI. RES. 411, 414 (1992) (“[L]ibrarianship suffers an image problem . . . [with] low status and prestige . . .”).

90. Madison Mosely Jr., *Perceptions of African-American Law School Students Toward Law Librarianship as a Career Choice*, 25 J. ACAD. LIBRARIANSHIP 232, 233 (1999).

91. *Id.*

92. *Id.*

93. *See* Rogers, *supra* note 86, at 42–43.

94. Greiner, *supra* note 77, at 36.

graduates do not pursue any field of librarianship, preferring instead to find higher-paying management positions or other jobs in private industry.<sup>95</sup>) As AALL has acknowledged, there is “a societal undervaluation of the education, knowledge, and competencies associated with librarianship[,] . . . an apparent gender-based devaluation of the work of professions and occupations that are predominantly female.”<sup>96</sup>

¶37 Librarians tend to earn much less than those in predominantly male fields who have similar education and career-related qualifications. According to an AFL-CIO report:

The median hourly earnings of librarians in 2008 were \$25.26 (an annual wage of \$55,700 for those working full-time); the median hourly earnings of similarly qualified computer systems analysts were \$36.30 (an annual wage of \$78,830), those of electrical engineers were \$39.50 (\$85,350 a year), and those of computer software engineers were \$44.44 (\$94,520 a year). These (mostly male) professionals have education and responsibilities comparable to those of librarians.<sup>97</sup>

¶38 Law librarianship generally faces the same problem of undercompensation relative to the level of education required. While it is possible to attain database administrator salary territory and make upward of \$70,000 per year as a law librarian, this varies widely depending on job setting, geographical location, and the nature of the position itself. According to the 2011 AALL Salary Survey, for the majority of nonmanagerial academic law library positions requiring an M.L.S., the mean salary ranged from \$46,622 (for the position of circulation librarian) to \$74,359 (for the position of foreign, comparative, and international librarian).<sup>98</sup> For law librarians working in private firms or corporations, the mean salaries for the same types of positions were somewhat higher, ranging from \$56,314 to \$74,123.<sup>99</sup> In state, court, and county law libraries, the mean salaries ranged from \$54,861 to \$79,400.<sup>100</sup>

¶39 Law librarianship may also compete with other fields of librarianship for qualified minority candidates. Joan Howland has pointed out that professional

95. Joan S. Howland, *Committee News: Recruitment*, AALL SPECTRUM, July 1999, at 28.

96. AM. ASS'N OF LAW LIBRARIES, THE AALL BIENNIAL SALARY SURVEY & ORGANIZATIONAL CHARACTERISTICS 2011 (2011), at 3–4, available at <http://www.aallnet.org/Documents/Publications/Salary-Survey/AALL-Salary-Survey-2011/2011-salary-survey.pdf> (online version available to AALL members only) [hereinafter 2011 SALARY SURVEY] (citing Philip N. Cohen & Matt L. Huffman, *Individuals, Jobs, and Labor Markets: The Devaluation of Women's Work*, 68 AM. SOC. REV. 443 (2003)). See also AFL-CIO DEP'T FOR PROFESSIONAL EMPLOYEES (DPE), LIBRARY WORKERS: FACTS & FIGURES 2 (Apr. 2010), [http://dpeaflcio.org/pdf/DPE-fs\\_2010\\_library\\_workers.pdf](http://dpeaflcio.org/pdf/DPE-fs_2010_library_workers.pdf) [hereinafter AFL-CIO FACT SHEET] (showing that women accounted for 82% of all librarians in the U.S. in 2008, but that white men made up 47% of academic library directors and 35% of public library directors even though they accounted for only 16.5% of librarians).

97. AFL-CIO FACT SHEET, *supra* note 96, at 3.

98. 2011 SALARY SURVEY, *supra* note 96, at S-3 (salary tables are online at <http://www.aallnet.org/Documents/Publications/Salary-Survey/AALL-Salary-Survey-2011/2011-salary-tables.pdf>; online version available to AALL members only) (showing annual salary for full-time employees, and annualized salary for part-time employees).

99. *Id.* at S-36. These salaries do not include the position of solo librarian. Firm and corporate law librarians also earned annual bonuses that averaged between \$2110 and \$3888. *Id.*

100. *Id.* at S-66.

library associations, such as ALA, have generally “commit[ted] increased resources to recruitment” of individuals from diverse backgrounds.<sup>101</sup> ALA, for instance, operates not only a Committee on Diversity,<sup>102</sup> but also an Office for Diversity, which “serves as a clearinghouse for diversity resources and a focal point for administering and fostering diversity as a value and key action area of the Association.”<sup>103</sup> Diversity is also notably listed as a “key action area” within the organization’s overall mission; these areas serve as “guiding principles for investment of [ALA] energies and resources.”<sup>104</sup> Although these efforts may lead to a few more new recruits to law librarianship, according to Howland, “undoubtedly the vast majority will enter public and general academic libraries.”<sup>105</sup>

¶40 In contrast, AALL’s diversity efforts are mainly carried out through its Diversity Committee and its minority caucuses. Law librarian George Jackson once advocated creating a position within AALL similar to the ALA Office for Diversity. He believed that an AALL Diversity Officer could help to centralize diversity recruitment efforts, which Jackson perceived as “somewhat disjointed.”<sup>106</sup> No such position has materialized within AALL to date. Also, unlike ALA, neither AALL’s mission nor the current version of its Strategic Directions—which define the organization’s core purpose and values—addresses diversity much beyond the stated goal of “[d]evelop[ing] specialized educational programs addressing the diverse needs of members.”<sup>107</sup> It should be noted, though, that ALA is a much larger organization than AALL, with correspondingly greater resources at its disposal for addressing diversity issues.<sup>108</sup>

¶41 Finally, diversity in law librarianship may struggle with a common misperception among some library students that in order to be a law librarian, a law degree is required.<sup>109</sup> For those students thinking of entering a library science graduate program, or who are already enrolled in one, this perceived requirement would surely deter those who cannot afford the extra time and expense necessary to obtain yet another graduate-level degree.

101. Howland, *supra* note 95, at 28.

102. *Committee on Diversity (COD)*, AM. LIBRARY ASS’N, <http://www.ala.org/ala/mgrps/committees/ala/ala-minconcul.cfm> (last visited Apr. 22, 2012).

103. *Office for Diversity*, AM. LIBRARY ASS’N, <http://www.ala.org/offices/diversity> (last visited Apr. 22, 2012).

104. *Key Action Areas*, AM. LIBRARY ASS’N, <http://www.ala.org/ala/aboutala/missionhistory/keyactionareas/index.cfm> (last visited May 4, 2012).

105. Howland, *supra* note 95, at 28.

106. George Jackson, *A Diversity Officer for AALL*, AALL SPECTRUM, Nov. 2000, at 32, 32.

107. *About Us*, *supra* note 8; *Strategic Directions 2010–2013*, *supra* note 32.

108. ALA, for instance, had more than 61,000 members as of 2010, compared to AALL’s approximately 5000 members. *About ALA*, AM. LIBRARY ASS’N, <http://ala.org/ala/aboutala/governance/annualreport/annualreport/aboutala/aboutala.cfm> (last visited Apr. 23, 2012); *About Us*, *supra* note 8.

109. JOHANNA C. BIZUB ET AL., IMLS STUDY ON THE FUTURE OF THE LIBRARY WORKFORCE, PANEL ON LAW LIBRARIES 13 [n.d.], available at [http://www.aallnet.org/services/future\\_of\\_library\\_workforce.pdf](http://www.aallnet.org/services/future_of_library_workforce.pdf).

### Time and Budget Constraints Within AALL

¶42 In some cases, available resources simply have not existed to allow AALL to fully follow through on certain well-intentioned efforts to increase diversity. These resources include both time and money. In 1992, for instance, AALL was unsuccessful in obtaining financial support for a Minority Internship Program, despite vigorous advocacy by association members.<sup>110</sup> In another example, in 2009, an AALL Developing Law Librarians for the Future Special Committee proposed the development of an “AALL Recruitment Ambassadors Program.”<sup>111</sup> This program would have chosen ten recruitment ambassadors, each responsible for a specific geographic region, who would work with local AALL chapters to develop recruitment efforts and to personally conduct some local recruitment activities on AALL’s behalf.<sup>112</sup> However, this program stalled due to a lack of sufficient funding from AALL, as well as a lack of time to develop and manage the project.<sup>113</sup>

### A Paucity of Minorities in Law School and the Legal Profession

¶43 As previously noted, having a law degree is not essential to becoming a law librarian; less than twenty percent of law librarian positions require both a law degree and a master’s degree in library and information science.<sup>114</sup> However, AALL recommends obtaining both degrees for those seeking the widest range of possible positions.<sup>115</sup> Thus, active recruitment of those who are working toward or who already have a law degree would seem to be a particularly viable means of increasing diversity. Indeed, exploring alternative legal careers is a popular topic for both law students and practicing attorneys, either of which might be a group that is particularly receptive to learning more about our profession.<sup>116</sup> Many minority law librarians have indicated that their career choices were inspired by personal interactions with librarians at their law schools;<sup>117</sup> and many respondents to the 2007 AALL minority member survey first developed their interest in law librarianship by working in a library while attending law school.<sup>118</sup> In addition, in recent years, the number of minority AALL members who are dual-degreed has increased. In

110. NICHOLSON, HILL & GARCES, *supra* note 4, at 9.

111. AM. ASS’N OF LAW LIBRARIES, DEVELOPING LAW LIBRARIANS FOR THE FUTURE SPECIAL COMM., FINAL REPORT 8–9 (2009), available at <http://www.aallnet.org/committee/reports/DLLF-FinalReport.pdf>.

112. *Id.* at 9. These activities would have included, for instance, “annual visits to colleges, information school and law school placement staffs, and representation of AALL at job fairs or on career panels . . .” *Id.*

113. Interview with Sara Galligan, Chair of the Recruitment to Law Librarianship Committee (Feb. 10, 2011).

114. *Education Requirements*, *supra* note 62.

115. *Id.*

116. See, e.g., SUSAN ECHAORE-McDAVID, CAREER OPPORTUNITIES IN LAW AND THE LEGAL INDUSTRY 191–99 (2d ed. 2007) (discussing various law librarian positions as potential alternative legal careers).

117. See NICHOLSON, HILL & GARCES, *supra* note 4, at 201.

118. Rhea Ballard-Thrower, Dwight King & Grace M. Mills, *Profiling Minority Law Librarians: An Update*, 101 LAW LIBR. J. 267, 269, 2009 LAW LIBR. J. 16, ¶ 12.

1992, twenty-five percent of minority AALL members had both an M.L.S. and a J.D.; in 2007, that percentage had increased to thirty-five percent.<sup>119</sup>

¶44 Yet targeting recruitment efforts at law students and attorneys may not solve the diversity problem as easily as might be hoped. The legal profession itself has long faced problems with increasing diversity; the American Bar Association (ABA) recently asserted that “the paucity of minorities entering the profession is one of the most significant problems facing [it] now and in the future.”<sup>120</sup> In 2000, the legal profession remained about ninety percent Caucasian despite decades of initiatives, reports, and goals, and according to the ABA, this figure was not expected to vary greatly in the near future.<sup>121</sup> Ten years later, in 2010, blacks made up only 6.5%, Asians 3.4%, and Hispanics 5.5% of all employed civilians in legal occupations.<sup>122</sup>

¶45 Gains in diversity among law students have certainly been made, with the help of the active efforts of law schools nationwide.<sup>123</sup> What is of concern is that law school minority enrollment has in fact decreased for certain minority groups. A recent Columbia University School of Law study revealed that, despite an overall increase in minority enrollment in law schools, the percentage of African American and Mexican American student enrollments was significantly less in 2008 than it was in 1993.<sup>124</sup> Other data have shown that American Indian/Alaska Native law student enrollments have remained flat over the past decade.<sup>125</sup>

¶46 As with law librarianship, multiple reasons have been given for the continuing lack of ethnic minorities in law schools. One traditional explanation is the “pipeline problem,” which refers to the educational divide between white students and students from certain ethnic minority groups.<sup>126</sup> This divide begins at an early age, resulting in fewer minorities successfully graduating from or succeeding in school; in turn, there are fewer qualified minority applicants who meet law school standards for admission.<sup>127</sup>

119. *Id.* at 273, ¶ 25.

120. AM. BAR ASS'N, COLLABORATING TO EXPAND THE PIPELINE 10 (2006), available at [http://www.americanbar.org/content/dam/aba/migrated/2011\\_build/diversity/pipelinepostreport.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/2011_build/diversity/pipelinepostreport.authcheckdam.pdf).

121. DIVERSITY IN THE LEGAL PROFESSION, *supra* note 40, at 12.

122. STATISTICAL ABSTRACT, *supra* note 64, at 394 tbl.616. These data exclude persons reporting more than one race. *Id.* at 39, n.1.

123. See, e.g., Rebecca Larsen, *Most Diverse Law Schools*, NAT'L JURIST, Mar. 2011, at 30 (profiling and describing the efforts of a number of law schools that have made critical gains in their minority student enrollment over time).

124. SOC'Y OF AM. LAW TEACHERS ET AL., A DISTURBING TREND IN LAW SCHOOL DIVERSITY, <http://blogs.law.columbia.edu/salt> (last visited Apr. 22, 2012). The data showed that African American and Mexican American students applied to law school in relatively constant numbers between 1993 and 2008, and that the number of law schools and the size of law school classes both increased during that same period. However, African American student enrollment in law schools decreased by 7.5% between 1993 and 2008; for Mexican American students, enrollment decreased by 11.7%. *Id.*

125. Sarah E. Redfield, *The Educational Pipeline to Law School—Too Broken and Too Narrow to Provide Diversity*, 8 PIERCE L. REV. 347, 353–54 (2010) (showing a .02% decrease in American Indian/Alaska Native law school enrollment between the years 1996–97 and 2007–08).

126. See *id.* at 358.

127. *Id.*

¶47 Another contributing factor is the use of LSAT scores in the compilation of the annual law school rankings by *U.S. News & World Report* magazine.<sup>128</sup> The LSAT is given great numerical weight in the *U.S. News* rankings formula, with the result that many law school admissions officers must balance goals of attracting both diverse applicants and students with higher LSAT scores.<sup>129</sup> As LSAT results “vary significantly along race, gender and class lines,”<sup>130</sup> this balancing act tends to disadvantage minority law school applicants.

¶48 The recent recession has also contributed to lower diversity in the legal profession. Downsizing and cutbacks in law firms across the country mean that there is less money for these organizations to successfully implement diversity initiatives—which may have the net effect of reversing any progress made to date.<sup>131</sup> Economic hardship also makes the already burdensome cost of attending law school an even greater obstacle for low-income and minority individuals.<sup>132</sup>

¶49 Finally, the use of affirmative action in admissions—meant to promote increased racial diversity in colleges and universities—is under threat. Several states have already outlawed the practice, and the U.S. Supreme Court recently agreed to hear a case in which it may rule in favor of rolling back the practice entirely.<sup>133</sup> This is despite a 2003 Supreme Court decision that upheld the use of race as a valid criterion in higher education admissions decisions, holding that “student body diversity is a compelling state interest that can justify the use of race in university admissions.”<sup>134</sup> A blanket ban on affirmative action would be highly disadvantageous for those law schools that actively pursue the creation and maintenance of

128. These rankings are very influential among law school applicants, many of whom emphasize them over any other consideration in selecting schools to apply to. Brian Burnsed, *Law Students Rank Their Future*, U.S. NEWS & WORLD REP., Jan. 7, 2011, <http://www.usnews.com/education/best-graduate-schools/top-law-schools/paying/articles/2011/01/07/law-students-rank-their-future>.

129. Laura Rothstein, *The LSAT*, U.S. News & World Report, and *Minority Admissions: Special Challenges and Special Opportunities for Law School Deans*, 80 ST. JOHN'S L. REV. 257, 272–73 (2006). The *U.S. News* rankings methodology weights a law school's overall selectivity as 25% of the total score; within the selectivity category, the median LSAT scores of the members of the school's entering class are weighted at 12.5%. Robert Morse & Sam Flanigan, *Methodology: Law School Rankings*, U.S. NEWS & WORLD REP., Mar. 14, 2011, <http://www.usnews.com/education/best-graduate-schools/articles/2011/03/14/law-school-rankings-methodology-2012>.

130. SOC'Y OF AM. LAW TEACHERS, SALT ON THE LSAT 5 (Dec. 2003), available at [http://www.saltlaw.org/userfiles/file/2003\\_StatementLSATBrochure.pdf](http://www.saltlaw.org/userfiles/file/2003_StatementLSATBrochure.pdf). The SALT report also notes that relying too much on LSAT scores “impedes the attainment” of goals such as “creat[ing] a challenging and diverse learning environment, and, ultimately . . . graduat[ing] better qualified legal professionals.” *Id.* at 6. *But see* Ashby Jones, *Is the LSAT Going to Go the Way of the Dodo?*, WALL ST. J. LAW BLOG (Jan. 13, 2011, 9:58 A.M.), <http://blogs.wsj.com/law/2011/01/13/is-the-lsat-going-to-go-the-way-of-the-dodo> (reporting that the ABA is exploring the possibility of making the LSAT a voluntary, rather than a mandatory, law school admission requirement).

131. DIVERSITY IN THE LEGAL PROFESSION, *supra* note 40, at 11.

132. *Id.*

133. *Fisher v. University of Texas at Austin*, 631 F.3d 213 (5th Cir. 2011), cert. granted 132 S. Ct. 1536 (U.S. Feb. 21, 2012) (No. 11-345).

134. *Gutter v. Bollinger*, 539 U.S. 306, 325 (2003). *But see* Rachel F. Moran, *Of Doubt and Diversity: The Future of Affirmative Action in Higher Education*, 67 OHIO ST. L.J. 201, 226 (2006) (stating that the efficacy of affirmative action programs is “the subject of academic inquiry and disagreement.”).

diverse student bodies, and for which the use of affirmative action to recruit minorities would be beneficial.<sup>135</sup>

### **At the Crossroads: Suggestions for Improving Minority Recruitment**

¶50 With a more racially and ethnically diverse nation becoming a growing and inescapable reality, it is essential that law librarianship—a profession centered on equal and effective access to legal information—not be complacent about diversity in its own ranks. It has been written that one of the predominant challenges may simply be that the profession has been “lulled into complacency” regarding diversity, believing that mere discussion of the issue is sufficient.<sup>136</sup> But there is still much more that can—and should—be done.

¶51 AALL, as the central nationwide organization representing law librarians’ interests, is in the most visible position to reassert the importance of diversity in the profession. Despite its comparatively smaller size and smaller resources, AALL might look to ALA for further ideas for developing and devoting additional intra-organizational resources to increasing diversity. Examples include creating a centralized information resource like the ALA’s Office for Diversity, or something as small as incorporating diversity into the organization’s strategic directions or mission statement. The latter would openly affirm AALL’s ongoing commitment to achieving diversity. Furthermore, given the lack of regular and reliable data about the percentage of minorities in law librarianship, AALL might explore ways to collect this information on a regular basis, such as reinstating it as a category in the biennial Salary Survey.

¶52 Specialized AALL committees and caucuses could also step up current efforts in minority recruitment. In particular, the various minority caucuses could more actively participate in minority outreach and recruitment efforts, perhaps by creating or borrowing law librarianship recruitment materials to place on their web sites. As an example, the Black Caucus of AALL does not currently provide such material on its home page, despite noting recruitment of blacks as a caucus goal.<sup>137</sup> In comparison, the ALA Black Caucus provides links to education and resources on its web site for minorities interested in library careers.<sup>138</sup>

¶53 Specific minority caucus outreach to target communities would be particularly beneficial, as different groups of minorities respond differently to outreach and recruitment methods.<sup>139</sup> Within each broad racial and ethnic category there exists an incredible diversity of languages, cultures, and national backgrounds.<sup>140</sup>

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135. See, e.g., Leigh Jones, *Minority Enrollment Is Faltering*, NAT’L LAW J., Jan. 21, 2008, at 4.

136. Gabriel, *supra* note 2, at 152, ¶ 17.

137. *Black Caucus*, AM. ASS’N OF LAW LIBRARIES, <http://www.aallnet.org/caucus/blc> (last visited May 14, 2012).

138. *Resources*, BLACK CAUCUS OF THE AM. LIBRARY ASS’N, INC., <http://www.bcala.org/resources/about.htm> (last visited May 14, 2012).

139. GREGORY L. REESE & ERNESTINE L. HAWKINS, STOP TALKING, START DOING! ATTRACTING PEOPLE OF COLOR TO THE LIBRARY PROFESSION 34–35 (1999).

140. See Lorna Peterson, *Alternative Perspectives in Library and Information Science: Issues of Race*, 37 J. EDUC. LIBR. & INFO. SCI. 163, 164 (1996).

Individual members of the profession can contribute to ongoing diversity efforts by researching and publishing on potential ways to reach out to the many specific minority groups.<sup>141</sup>

¶54 Youth outreach is another popular and practical minority recruitment suggestion that has recently been featured in law library literature and at Diversity Committee symposia at AALL Annual Meetings.<sup>142</sup> As previously noted, early exposure to law librarianship, including personal interactions with law librarians or working in law libraries as students, motivated many to choose this career path.<sup>143</sup> Children begin to form solid ideas about their intended career paths at an early age, even ruling certain careers in or out by the time they enter high school.<sup>144</sup>

¶55 Programs operating around youth outreach, called “pipeline programs,” are already popular in other fields, such as math and the sciences.<sup>145</sup> There are different ways that law librarians can develop their own pipeline programs and activities to reach out to younger minority students, with the goal of instilling in them at least an awareness—if not an outright interest—in law librarianship.<sup>146</sup> One example is outreach to local community organizations that work with minority youth, especially those that aim to encourage youth to consider legal careers.<sup>147</sup> One existing program is the Arizona State University (ASU)/South Mountain Diversity Pipeline Collaboration, in which the ASU College of Law (in conjunction

141. See, e.g., Monique Lloyd, *The Under-Represented Native American Student: Diversity in Library Science*, 2007 LIBR. STUDENT J., at [5–6], <http://www.librarystudentjournal.org/index.php/ljsj/article/view/39> (“[Where recruiting Native Americans is concerned], [t]he first step must be to more clearly define exactly what population we are discussing, recognizing that there are some profound differences between those who live on tribal homelands and those who do not, and between those who identify themselves as tribal members and those who view themselves as being of more than one race. . . . When we know what works best for each subset we can focus our time, money, and energy more productively as we seek to increase diversity in the library community.”); Patterson, *supra* note 75, at 182, 183–86 (noting that “[t]he relationship between Native Americans and librarianship is fundamentally different from that of other ethnic groups” due to the tribal governments’ “mutual interdependence” with the U.S. government, and discussing particular issues with recruitment of Native American students to librarianship).

142. See, e.g., Alyssa Altshuler, *Recruit the Missing: Diversity Symposium Presents Historical and Theoretical Framework of the Representation of Minorities in Law Librarianship*, AALL SPECTRUM, Sept.–Oct. 2008, at 21, 22; Mersky, *supra* note 43, at 863 (suggesting the necessity of developing programs targeting high school and college students); Perry, *supra* note 47, at 19 (discussing ideas such as “attending middle and high school career fairs; working with the Black Law Students Association; speaking at library school career programs; and creating internship programs for high school students.”).

143. Ballard-Thrower, King & Mills, *supra* note 118, at 280, ¶ 44 (“Nearly half [of minority law librarians] worked in a library during college.”).

144. Ellen G. Detlefsen, Editorial, *The Pipeline Problem: Where Do We Go From Here?*, 95 J. MED. LIBR. ASS’N 115, 115 (2007).

145. See DIVERSITY IN THE LEGAL PROFESSION, *supra* note 40, at 14.

146. A central challenge with a youth-centered approach “is to provide role models and opportunities for an age group that will not enter our ranks for at least eight to ten years,” and members of which may certainly lose interest before entering college or graduate school. Detlefsen, *supra* note 144, at 115. Yet, by taking no action, even a remote possibility of attracting more young people into librarianship, the law, or law librarianship will be lost. Law librarians, many of whom are members of both the library and the legal professions, have a unique opportunity to stimulate younger people’s interest in both types of careers.

147. See NICHOLSON, HILL & GARCES, *supra* note 4, at 202.

with a local magnet high school) runs several programs designed to promote interest in the legal profession among minority high school students.<sup>148</sup> As part of this collaboration, the ASU College of Law Library provides an annual tour of the library to students from the high school, during which they receive an introduction to and hands-on experience with legal research.<sup>149</sup> This program also includes the provision of college application and scholarship information, and an opportunity for the students to meet attorneys and law students.<sup>150</sup>

¶56 Law libraries could also explore creating paid work programs or internships for minority junior high and high school students. Examples include the Cornell University Junior Fellows Library Program and the Notre Dame University Project to Recruit the Next Generation of Librarians.<sup>151</sup> The Cornell program provided eight high school students with paid internships in Cornell University libraries, giving them practical and valuable work experience along with more exposure to the profession of librarianship.<sup>152</sup> At Notre Dame, as part of a joint endeavor between the main library and the law library, minority high school students were hired to perform college student assistant-level work in various university library departments.<sup>153</sup> The summer program was expanded in 2004 into the Project to Recruit the Next Generation of Librarians (PRNGL), which employed graduating high school seniors as summer library assistants, and also provided them with mentoring and tracked their subsequent career or education decisions.<sup>154</sup> (While most of the PRNGL student participants ultimately did not pursue librarianship as a career, almost all gained a better appreciation for and awareness of academic librarianship—something that the literature has identified as a fundamental struggle in the recruitment of minorities in the first place.<sup>155</sup>)

¶57 Other potential youth outreach options include law librarians’ sponsoring or attending career fairs or awareness programs at high schools and colleges, especially in areas of the country with larger minority populations, and working to promote law librarianship as a career option among middle school, high school,

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148. MARISOL DIAZ, OUTREACH, PIPELINE AND MENTORING PROGRAMS AT THE SANDRA DAY O’CONNOR COLLEGE OF LAW 3 (n.d., 2010?), available at <http://www.saltlaw.org/userfiles/Calleros-ASU%20Outreach%20and%20Mentoring%20Programs.pdf>.

149. *Id.* at 6.

150. *Id.* at 5–6.

151. Franklin Crawford, *Junior Library Program Exposes Minority High Schoolers to New Worlds, Careers*, CORNELL CHRON. (July 25, 2002), [http://www.news.cornell.edu/chronicle/02/7.25.02/jr\\_library\\_fellows.html](http://www.news.cornell.edu/chronicle/02/7.25.02/jr_library_fellows.html); Dwight King, *The Next Generation: Partnering with High Schools for Future Minority Librarians*, 71 C. & RES. LIBR. NEWS 201 (2010).

152. Crawford, *supra* note 151.

153. King, *supra* note 151, at 201.

154. *Id.* at 202–03. PRNGL was funded by a Laura Bush 21st Century Library Program grant, awarded by the Institute of Museum and Library Services (IMLS). *Id.* at 202. The grant program’s goal is to “support projects to develop faculty and library leaders, to recruit and educate the next generation of librarians and archivists, to conduct research, to build institutional capacity in graduate schools of library and information science, and to assist in the professional development of librarians and archivists.” See *Laura Bush 21st Century Librarian Program Grants—FY12 Guidelines*, INST. OF MUSEUM & LIBRARY SERVS., [http://www.imls.gov/applicants/lb21\\_guidelines\\_2012.aspx](http://www.imls.gov/applicants/lb21_guidelines_2012.aspx) (last visited May 14, 2012).

155. King, *supra* note 151, at 203–04.

and college career counselors.<sup>156</sup> Visiting a school classroom to discuss the profession with younger students is another accessible method of individual outreach.<sup>157</sup> Law librarians could contact high school and college career or counseling offices, offering to be a resource to speak to students who show some interest in the profession. Or, they could explore potential collaboration with some law schools' street law clinics, in which law students teach high school students about practical legal issues.<sup>158</sup>

¶58 Academic law librarians who work in more diverse areas of the country, such as the East Coast, the West, and the Southwest, are particularly well positioned to initiate or intensify efforts to recruit minority law students at their schools.<sup>159</sup> On an individual level, personal outreach by law librarians can help to raise law librarianship's profile among law students as a viable alternative legal career—or, among those who are already aware of it, to change possible preexisting perceptions. "Once students come to realize that law librarianship is a career option, many of them find it a very attractive one."<sup>160</sup> Some options are to attend law school events on alternative careers or perform outreach to minority law student organizations.<sup>161</sup>

¶59 Finally, law library support staff, whose proportion of minorities has historically outnumbered that of professional law librarians,<sup>162</sup> represent another ideal target recruitment group. The 2007 AALL minority member survey showed that forty-three percent of minority law librarians worked in college or university libraries prior to choosing law librarianship; moreover, nearly half (46%) worked in a library previously as library assistants or paraprofessionals.<sup>163</sup> Attempting to recruit support staff, who exist at every type of law library, is feasible for any law librarian. Simply initiating a conversation with a paraprofessional work colleague could stimulate that person's interest in becoming a professional law librarian. A law library could also hold information sessions for its minority staff, or the staff of nearby public or academic libraries, on getting an M.L.S. degree and being a law librarian. (Given that high tuition is a key reason that many minorities do not pursue higher education, any such activities should emphasize that employers often subsidize graduate education for their employees.<sup>164</sup>)

156. See NICHOLSON, HILL & GARCES, *supra* note 4, at 203.

157. See Betsy Chessler, *How to Explain Law Librarianship to 4th Graders*, SANDALL NEWS, May 2010, at 13, available at <http://www.aallnet.org/chapter/sandall/newsletter2010-05.pdf>.

158. See, e.g., *Street Law at the UW School of Law*, UNIV. OF WASH. SCH. OF LAW, <http://www.law.washington.edu/Clinics/Streetlaw/Default.aspx> (last visited Apr. 22, 2012).

159. See Larsen, *supra* note 123, at 36.

160. James Milles, *Law Librarians as Educators and Role Models: The University at Buffalo's JD/MLS Program in Law Librarianship*, AALL SPECTRUM, July 2004, at 20, 21.

161. NICHOLSON, HILL & GARCES, *supra* note 4, at 203.

162. See Brecht & Mills, *supra* note 19, at 283.

163. Ballard-Thrower, King & Mills, *supra* note 118, at 280, ¶ 43.

164. See, e.g., Kim Clark, *Your Employer Can Help Pay for Your Degree*, U.S. NEWS & WORLD REP., Mar. 21, 2008, <http://www.usnews.com/education/articles/2008/03/21/your-employer-can-help-pay-for-your-degree>.

## Conclusion

¶60 It has been suggested that “[f]or all law librarians, the chance to help shape the future of the profession by developing future professionals is a source of both pride and responsibility.”<sup>165</sup> Promoting racial and ethnic diversity in law librarianship is just one way to help shape the profession’s future. It benefits multiple stakeholders, from law library patrons to library staffs to the field as a whole.<sup>166</sup>

¶61 At this point, with little change to show for decades of efforts and initiatives, it should be fairly obvious that successfully increasing diversity is a major challenge that cannot be met overnight. Diversity efforts necessarily struggle against a long history of “laws, practices, and employment decisions that excluded broad sectors from participation in the political, economic, and social activities and benefits of this society.”<sup>167</sup> This article merely seeks to reenergize interest in the issue among a new generation of law librarians, and to collect and present a variety of suggestions that can be realistic involvement opportunities in this area. While law librarianship is certainly not totally lacking in diversity, only when greater gains are made in diversifying the profession will the optimistic statement that “the diversity of AALL’s members is a microcosm of society”<sup>168</sup> be any closer to becoming a reality.

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165. Milles, *supra* note 160, at 22.

166. See Mersky, *supra* note 43, at 860.

167. DIVERSITY IN THE LEGAL PROFESSION, *supra* note 40, at 9.

168. Robert L. Oakley, *Foreword*, in NICHOLSON, HILL & GARCÉS, *supra* note 4, at xi, xi.