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This book lists national authorities empowered to authorize and regulate the import and export of narcotic drugs, psychotropic substances and essential chemicals.

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The Career Path, Education, and Activities of Academic Law Library Directors Revisited Twenty-Five Years Later

Michael J. Slinger** and Sarah C. Slinger***

This comprehensive study of the education, experiences, and activities of sitting academic law library directors in 2012 compares current findings with Michael Slinger’s previously published 1986 study: The Career Paths and Education of Current Academic Law Library Directors, 80 LAW LIBR. J. 217 (1988).

[The law librarian] must command the respect of those with whom he associates constantly, through his ability, intelligence, and knowledge, legally, culturally and scholarly, and through his ability as a librarian to make the law library an effective educational instrument.

Harry Bitner

Contrary to popular opinion, directors do not sit in their offices all day, dreaming up ideas to keep everyone else in the library busy. In reality, an academic law library director is running a multimillion-dollar, not-for-profit service organization. Our law libraries are pretty sizeable businesses that require solid administrative abilities as well as the talents that are necessary for achievement in an academic environment.

Janis L. Johnston

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1. Harry A. Bitner, The Educational Background of the University’s Law Librarian, 40 LAW LIBR. J. 49, 52 (1947).

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Introduction

¶1 In 1986, I was a relative newcomer to the profession of law librarianship having been employed full-time as an academic law librarian for just two years. Despite my inexperience, I had already set a goal for myself of someday becoming the director of a law school library. I wished to embrace the challenge of leadership in my chosen profession and join the ranks of the law faculty, but had very little idea what I needed to do to accomplish this goal.

¶2 In attempting to find answers that would inform my future professional activities in support of becoming a director, I searched the existing literature but did not find much overall guidance. I decided people with similar ambitions would benefit from a serious and comprehensive study of the education, skills, experiences, and duties that transform one into a candidate that a law school would want to hire as its law library director. With the encouragement of my then director Roger Jacobs, I undertook just such a study. I crafted my research into an article that was chosen as one of the winning entries in the 1987 AALL Call for Papers competition and was then published in Law Library Journal. The article was well received by colleagues and was even read by law school deans. Some of these deans also contacted me to ask questions about the findings.

¶3 For years after I published the study, colleagues often asked me whether I was going to update the article. I always intended to do a follow-up study but found my own career path, which has included the directorship at three law school libraries, left me with insufficient time to focus on a new study.


4. Articles published prior to my original study that contained useful information include James F. Bailey & Matthew F. Dee, Law School Libraries: Survey Relating to Autonomy and Faculty Status, 67 LAW LIBR. J. 3 (1974); Bitner, supra note 1; Connie E. Bolden, Educational and Experience Backgrounds of College and University Law Librarians, 57 LAW LIBR. J. 58 (1964); Donald J. Dunn, The Law Librarian’s Obligation to Publish, 75 LAW LIBR. J. 225 (1982); Frank G. Houdek, Career Development in Law Librarianship: Thoughts on the Occasion of Becoming a Law Library Director, LEGAL REFERENCE SERVICES Q., Fall/Winter 1986, at 81; Arthur S. McDaniel, The Educational and Cultural Background of a Law Librarian, 23 LAW LIBR. J. 68 (1930); Kathleen Price & Nancy Kitchen, Degree-Oriented Study Among Law Librarians, 8 LAW LIBR. J. 29 (1936).


However, several things recently came together enabling me the time and motivation to finally undertake and complete a new study. These included:

1. Many of the duties, and even the status, of the academic law library director have changed significantly since the original study. Finding out with certainty exactly what those changes are will help to determine how they have (and will) impact the director position.
2. My employer, Widener University Delaware Law School, was willing to grant me a semester-long sabbatical to undertake the research.  
3. My daughter and coauthor, Sarah Slinger, was in the process of completing her second year as a law student at Widener and is planning a career as a professional law librarian. I very much wanted to include her as my co-researcher/author with the ultimate goal of her continuing to update this study after I retire.

In conducting this new study, our goal is to provide useful information to the profession and guidance to future law library directors. We also think that by examining the director position we can provide a window into how the profession of academic law librarianship is evolving. Some of the changes we uncovered we see as positive. However, other changes are of concern, including an emerging trend at some institutions to remove full faculty status from the director. This is alarming to those of us who think retaining full partnership with the law faculty is crucial for the future effectiveness of the law library.

**How We Conducted the Research**

The original study relied exclusively on published information found in two resources:


One of the advantages of using these sources in 1986 was that both directories contained such substantial career information about those who were directors that there was no need to look for additional sources. However, when we began our research in 2014 with the **Directory of Law Teachers 2011–2012**, we discovered that the information we could glean from this publication concerning each director was in many cases now incomplete. Many directors only partially completed the infor-

---

7. One of the best perks of obtaining a position that includes full membership on the law faculty is to be granted the opportunity to occasionally apply for a sabbatical leave to conduct research.
8. Although my retirement is not imminent, it would make me quite happy to see this study continue well into the future.
9. We decided to conduct our research by examining those who served in 2012 as law library directors at ABA accredited law schools. We picked 2012 because it was the most recent year in which the **Directory of Law Teachers** had been published.
mation categories requested by the Directory. Some provided nothing more than their names and places of employment. In addition, we discovered a phenomenon not encountered in 1986; a significant number of directors were not included in the Directory at all. This was probably due to a status issue that was not present when the 1986 study was completed, that is, because their position no longer holds a faculty appointment with the law faculty.

¶8 In addition, because the American Association of Law Libraries Biographical Directory was no longer being published, it could not be used in our new study. However, the American Association of Law Libraries (AALL) now offers an online directory of membership information on their AALLNET site that, although somewhat sporadically completed by many members, was a useful substitute.

¶9 Unfortunately, even with access to these tools, we were not very far into our research before we discovered gaps in the information we were seeking for many of the directors. We then turned to the Internet to find the additional information we needed about the directors. The wealth of information found on the Internet enabled us to gather more complete information using a wider variety of sources than was available in the 1986 study. We found the website of each employing law school to be particularly useful because it often provided relevant biographical information about its law library director. Providentially, we found many of the directors’ complete resumes on their law school websites.

¶10 The discovery of these online resumes made us realize how much more complete our information would be if we had the resume of every director in hand. Therefore, we contacted via e-mail every director whose resume we did not yet have and asked him or her to supply us with a vitae. Validating that our profession is filled with great colleagues, the vast majority of directors who were asked did promptly provide us with their resume.

¶11 The results of all of our information-gathering efforts are that we were able to investigate many of the categories more comprehensively than in the original 1986 study.

¶12 A major difference in how we approached the new study is that the 1986 study gave us a baseline to compare its data with our new research. By doing this, we were able to discover how each of the categories had evolved since 1986. For example, by examining gender differences in each 2012 category, we could observe whether female directors made any significant strides since 1986.

¶13 It is our hope that by providing a true analysis of the data we will eliminate the need to rely on anecdotes or speculation. We think our study will assist the profession in understanding and addressing important trends that in turn will help determine the future direction of academic law librarianship.

**General Information**

**General Information Profile**

¶14 In 1986, there were 173 American Bar Association (ABA) accredited law schools in the United States. By 2012, the number of ABA accredited law schools had increased to 203.
Despite our efforts to search as comprehensively as we could for information about each sitting director, it was not possible to include all 203 directors in the study. As was the case in 1986, we omitted from the study any director who did not hold a permanent position as law library director in 2012. In other words, those holding acting or interim titles were excluded from this study. Additionally, we were forced to exclude a relatively small number of permanent directors because we were unable to find sufficient information about them in numerous categories. We also excluded two directors because they are not professional librarians but rather full-time teaching professors who have been given the title of library director by their institutions.

The 1986 study included 160 directors representing 92% of all ABA accredited law schools. In 2012, we were able to find complete information for 177 directors representing 87% of all ABA accredited law schools. (See table 1.)

In 1986, 98 of the directors or 61% of all directors in the study were males. In 2012, there were 87 male directors representing 49% of directors in the study: a decrease of 12%.

Reflective of the overall decrease of male directors is the corresponding significant increase in female directors. In the 1986 study, 62 women represented 39% of all directors. In 2012, the 90 women included in the study constituted 51% of all directors: an increase of 12%.

The fact that women now constitute a majority of academic law library directors is a substantial change from the 1986 study and may indicate markedly increased opportunities for women in the field now and in the future.

It is interesting to note, only 28 of the directors (16%) who were included in the 1986 study continued to hold the position of director in 2012. This demonstrates that during the past twenty-five years most director positions became vacant and were filled by those who were not directors in 1986.

Master of Library Science Degree or Graduate Level Equivalent Awarded

In the 1986 study, 92% of all directors held the M.L.S. degree or equivalent. In 2012, this increased to 100% of all directors, signifying that holding a professional library degree became de facto mandatory. (See table 2.)

The 1986 study proved that one could become an academic law library director by obtaining an M.L.S. degree from any American Library Association (ALA) accredited program. In 1986, directors obtained an M.L.S. degree from 45 different programs. This trend continued in 2012, with directors earning their M.L.S. degree from 52 different programs.

The law school libraries with acting or interim directors in 2012 were Charlotte, Denver, District of Columbia, Faulkner, Florida A&M, Gonzaga, Hamline, Harvard, Maine, Northwestern, Santa Clara, Thomas Jefferson, Tulsa, USC, Western State, West Virginia, and Willamette. Also excluded was the Judge Advocate General School because it does not award J.D. degrees.

These directors were from Barry, California–Davis, John Marshall (Illinois), Liberty, Loyola–Chicago, Massachusetts School of Law, and Regent.

These directors were from Iowa and Seton Hall.

This shows that whatever program one chooses to attend to earn an M.L.S. degree is not a significant factor for gaining employment as a director. An interesting fact is that although there were...
Despite the fact that a director may choose to obtain his or her M.L.S. from any one of a number of accredited programs, in 2012, as was the case in 1986, one program does stand out as a principal educator of academic law library directors. The University of Washington’s Master of Law Librarianship Program continues to set the standard by producing the highest number of academic law library directors. In 1986, Washington was the M.L.I.S. alma mater of 21 directors. In 2012, the number of its graduates who serve as academic law library directors increased to 25.

Other programs providing the M.L.S. to multiple directors in the 2012 study included the University of Illinois (13 directors), University of Michigan (11 directors), Indiana University–Bloomington (9 directors), and Simmons College (8 directors).

Juris Doctor Degree

Until the ABA promulgated the 2014–2015 changes to its Standards for Legal Education, academic law library directors were mandated to hold both law and library science degrees. However, new Standard 603(c) does not require any specific education but rather states a law library director “shall have appropriate academic qualifications.” The new standard will likely result in some law schools choosing to hire a law library director who does not possess the educational requirements for a faculty appointment. Over time this new standard may lead to the weakening of full faculty status for law library directors.

The 2012 study makes clear that academic law library directors are overwhelmingly required by their employers to hold a U.S. Juris Doctor, with 98% of directors possessing this degree. (See table 3.) This was an increase of 9% (89% of directors held J.D. degrees in 1986).
In contrast to the dominance of the University of Washington’s M.L.I.S. Program in producing law library directors, there is no equivalent law school educating such a large number of directors. Ninety-eight individual law schools provided a J.D. to one or more directors in 1986 and 94 individual law schools supplied directors in the 2012 study. In 2012, 41 schools produced two or more directors, while 57 schools produced only a single director.

Law Degree Awarded Before M.L.S. Degree

The order in which a director receives his or her J.D. and M.L.S. degree may point to a person’s initial career orientation. In other words, did one begin his or her career initially as a librarian and later decide to undergo legal training, or did he or she first aspire to be a lawyer, but after obtaining legal training decided to transition into law librarianship?

Attracting candidates to the law library profession as a first choice is traditionally somewhat difficult because law librarianship as a career is relatively unknown to the majority of persons who seek a J.D. degree. Therefore, for many directors, law librarianship once discovered becomes a second career choice. Our study affirms this point because, in 2012, 62% of the directors obtained their J.D. first, while only 35% earned the M.L.S. degree first. An additional 3% earned J.D. and M.L.S. degrees concurrently. Only 2 of the directors in the 2012 study did not hold a J.D. degree. (See table 4.)

The 2012 study represents a significant increase of 13% in J.D. first degrees from the 1986 study (49% to 62%). An examination by gender indicates in 2012 far more males earned their J.D. first with 75% doing so. In a comparison by gender, only 48% of females earned their J.D. first, a male-female difference of 27%. In the 1986 study, 65% of males earned their J.D. first, but only 24% of females did so. This was a remarkable increase in 2012 of females who earn their J.D. first, doubling the percentage in the 1986 study.

The large gender disparity in this category seems to indicate that far more males select law librarianship as their second career than do females. In other words, many more female directors start their professional lives as librarians rather than as lawyers.

Other Advanced Degrees

Considering the time, effort, and expense required to earn both a J.D. degree and an M.L.S. degree, it is probably not surprising that the majority of law library directors end their formal education after the receipt of those two degrees.

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21. Interestingly, the University of Washington also leads in the number of directors (6) who hold a J.D. from its university. Other schools providing the most directors with the J.D. degree are University of Michigan and University of North Carolina (5 each); and Indiana University–Bloomington, University of Mississippi, and Washburn University (4 each). Only Indiana University–Bloomington is represented as a leading provider of J.D.s for directors in both the 1986 and 2012 studies.

22. Those choosing to earn both the J.D. and M.L.S. degree concurrently may be among the few to make a deliberate choice to immediately embark on a career as a law librarian.

23. In 1986, only 2 directors earned J.D. and M.L.S. degrees concurrently.
The position of law library director is part of an academic profession that attracts lifelong learners. As the duties and responsibility of a director have become more sophisticated and challenging, directors have increasingly participated in continuing education and a number have sought additional graduate degrees.

In 2012, 36 (20%) of the directors had obtained an additional graduate degree beyond the M.L.S. and J.D. Six of these directors earned more than one additional graduate degree. This data is consistent with the numbers from the 1986 study in which 28 directors or 18% had earned additional graduate degrees. (See table 5.)

An examination by gender demonstrates similar numbers between the 1986 and 2012 studies. In 1986, 23% of males and 9% of females earned additional graduate degrees. In 2012, the numbers were 28% for males and 13% for females. We note that male directors earned additional graduate degrees at a much higher rate than do females in both the 2012 and 1986 studies.

Member of a State Bar

Membership in a state bar is not a requirement for employment as a law library director. Nonetheless, a majority of directors in both the 1986 and 2012 studies hold membership in a state bar. In 1986, 73% of directors held membership, by 2012 bar membership decreased to 70%. (See table 6.)

An examination by gender shows that in 2012 males held a slight increase over their female counterparts in bar membership with 75% of males and 71% of females holding bar membership. In the 1986 study, 80% of males and 63% of females held bar membership. Therefore, we note in 2012 a 5% decrease in bar membership among males, and an 8% increase among female directors.

We speculate that the smaller number of female directors who are members of state bars may reflect the fact that many more females than males obtain their M.L.S. degree before their J.D. degree. Since most of these individuals are not seeking careers in legal practice, they possibly do not consider bar membership to be critical to their future career plans.

Experience Prior to First Directorship

Years of Professional Law Library Experience Prior to First Permanent Directorship

The 2012 study revealed a major difference in this category. In the 1986 study it took an average of only 5 years of professional law library experience for a person to obtain his or her first permanent directorship. (See table 7.) By 2012, the average number of years of experience required had doubled to 10. We think this reflects at least two factors: (1) increased sophistication in the duties of a law library director now requiring additional years of experience and training; and (2) a higher level of competition for a directorship in 2012 due to the presence of significantly more qualified individuals holding both a J.D. and M.L.S. degree than was the case in 1986.
Gender comparison for 2012 indicates males average 9 years of experience while females average 10 years of experience. In 1986, the figures were males averaging 4 years and females averaging 6 years of experience.

Number of Professional Law Library Positions Prior to First Directorship

An academic law library director leads an organization that requires him or her to exercise significant supervisory, technical, and academic responsibilities. To prepare for these responsibilities, one normally first works in a subordinate role at one or more law school libraries. Reflective of the increased sophistication and talents required to successfully accomplish the duties of a director, the number of individuals who achieved their first permanent directorship without having prior work experience in a law school library position declined from 18% (28 directors) in 1986 to 4% (7 directors) in 2012.\(^\text{24}\) (See table 8.)

In working toward their first directorships, the vast majority of directors (97% in 2012, 82% in 1986) had prior experience in one or more law school libraries. In both 1986 and 2012, the greatest number of directors (39%) had worked for only one previous law school library employer.

In the 2012 study, 35% had worked for two previous law school library employers. This was an increase of 7% over the 1986 study (28%).

Sixteen percent of directors in the 2012 study worked for 3 law school library employers prior to achieving their first permanent directorship, a 2% increase from 1986 (14%). Six percent of directors in 2012 had worked for 4 previous law school library employers, a 5% increase over the previous study (1%).\(^\text{25}\) We found that gender differences in 2012 are unremarkable in this category.

We also analyzed this data to determine whether we could identify if the previous employing law school libraries point to a pattern in which certain employers prove to be more successful in preparing or promoting their staff for future directorships. In the 2012 study, we found that current directors had previously worked for 126 different law schools.\(^\text{26}\) However, the top 14 previous law school employers had employed 54% of all directors.\(^\text{27}\) We conclude from this data that some law school libraries can indeed be identified as “feeders” that more often produce future directors.

Law Library Title Immediately Prior to First Directorship

While all directorships require an individual to possess many diverse talents, the core function of a director is to serve as an administrator. Accordingly, it

\(^{24}\) By 2012, it had become extremely uncommon for an individual to be hired as a law school library director without prior working experience in another law school library. We wonder whether the change in educational requirements in the new ABA Standard 603(c) will reverse this trend.

\(^{25}\) A single director held positions with 6 previous law school library employers in 2012.

\(^{26}\) Seventy-eight law schools produced 2 or more directors. Forty-eight law school libraries produced a single future director.

\(^{27}\) The University of Texas had the highest number of directors as previous employees with 13. They were followed by Duke University and Georgetown University with 9 directors each; Columbia University with 8 directors; Nova Southeastern University and University of Toledo with 7; Georgia State University and Lewis & Clark University with 6 each; and New York Law School, Louisiana State University, University of Southern California, University of Chicago, University of Minnesota, and University of North Carolina each with 5 directors.
is logical to expect that hiring committees will seek out individuals who have some level of demonstrated administrative experience and expertise in their previous employment. Those holding senior administrative titles such as associate director, deputy director, or assistant director will, therefore, constitute the majority of those moving into permanent director positions. In 2012, 68% of all directors held one of these administrative titles immediately prior to assuming their first permanent directorships. This was an increase of 9% from the 1986 study (59%). (See table 9.)

¶47 The largest increase in the number of directors ascending from a specific administrative title came from those who previously held the title of associate or deputy director. In 1986, only 26% of directors had moved immediately to a directorship from one of these titles. However, by 2012 those immediately moving from these titles constituted 58% of all directors, an increase of nearly a third (32%).

¶48 We also saw a significant decrease in 2012 among those moving from the title of assistant director. In 1986, a third of all directors were elevated from this title, but by 2012 that number had been reduced to only 10% of directors.28

¶49 It remains possible to move to a directorship from a non-senior administrative title, and 32% of directors did so in the 2012 study. Traditionally, the vast majority of directors have come from the public services areas of the law library, possibly due to the prevalence of joint degrees (J.D./M.L.S.) held by these law librarians. The J.D. degree is not a credential typically held by technical services librarians. In 2012, 23% (38 directors) were elevated from public services positions but only 4% (7 directors) from technical services or collection development positions. In the 2012 study we found that a new category of titles emphasizing technology services appeared for some ascending directors. We discovered that 4% (7 directors) were elevated from titles labeled as technology positions. This is identical to the number promoted from technical services/collection development titles.

Public Services or Technical Services Experience

¶50 Below the rank of director, most law librarians specialize in either public services or technical services.29 Traditionally, most directors worked exclusively in the areas of public services before becoming a director. However, the 2012 study revealed that a significant number of directors have had prior experience in both public services and technical services. This is a major change from the 1986 study where only 8% of directors had experience in both areas. By 2012, that number rose to more than a quarter of all directors (26%). (See table 10.) The increase in directors having experience in both specialties may reflect the desire to become a better-rounded candidate for directorship, possessing facility in all aspects of library operations.

¶51 Despite the emergence of a significant number of directors with both public services and technical services experience, in 2012 we found that the majority of directors (73%) have continued to come exclusively from a public services background. It remains unlikely that individuals will become academic law library

28. We found gender numbers to be close in these categories, making the difference unremarkable.
29. More recently, an emerging subspecialty has been in the area of technology services.
directors if they possess only technical services experience since just 1% of directors were elevated with exclusive experience in this area.

Geographic Moves Prior to First Directorship

¶52 Geographic movement from one law library employer to another may reflect the desire to assist career advancement by working in a variety of different professional experiences.

¶53 However, while future directors do indeed move to advance their careers, our study shows these moves are relatively infrequent. In 2012, 132 directors or 75% made one or more moves prior to their first permanent directorship. But the average number of moves, when all directors are included, is only 1.4 moves per director.30 Forty-five individuals or 25% of all directors obtained their first directorship without making any professional moves. (See table 11.)

¶54 Females moved prior to their first permanent directorship only slightly more frequently than their male counterparts, averaging 1.5 moves per female as opposed to 1.3 moves per male.31

¶55 Analyzing the number of moves per director in the 2012 study, we found that among those who did move, 30% made 1 move, 25% made 2 moves, 14% made 3 moves, 4% made 4 moves, and 1% made 5 moves.

¶56 In the 1986 study, the average number of moves per director was 1.1, and among those directors who did move, the average was 1.6. The number of directors who never moved prior to obtaining their first permanent directorship was 52 or 33%.

¶57 These numbers led us to conclude that, prior to obtaining their first directorship, future directors’ moves are fairly infrequent. Therefore the majority of directors have, at most, experience at one or two law school library employers prior to obtaining their first permanent directorship.

Working as a Professional Librarian While Attending Law School

¶58 We speculate that the results in this category reflect the fact that the majority of directors obtain their law degree before attending library school. Obtaining an M.L.S. degree is the standard requirement to be considered to be a professional librarian in virtually all types of libraries.

¶59 A comparison between the 1986 and 2012 studies reveals similar percentages of directors who worked as professional librarians while attending law school. In 2012, 28% did so, whereas in 1986, 31% did. (See table 12.) More females than males work as professional librarians while attending law school. In 2012, 34% of female directors and 22% of male directors served as professional librarians while attending law school. A comparison between the two studies demonstrates a marked difference. In the 1986 study, 48% or nearly half of female directors had worked as professional librarians while attending law school. However, in the 2012 study only

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30. The average number of moves among those directors who actually did move is 1.9.
31. The average number of moves among those directors who actually did move is 1.8 for males and 2 for females.
34% had done so. The male numbers were much less dramatic, with 19% doing so in 1986. That number rose slightly to 22% of males having done so in 2012.

**Law Library Left Immediately Prior to First Directorship**

60. Probably the most important professional experiences garnered before achieving the first permanent directorship are those gained with the employer immediately prior to directorship. The directors in the 2012 study worked at 99 separate law school employers prior to assuming their first permanent directorship.32 This was an increase from the 1986 study in which there were 78 prior employers. (See table 13.) An examination of the identity of these prior employers may answer the question as to whether some employers are more successful than others in seeing their staff members appointed to directorships. In 2012, the top “feeder” employers were Georgetown University with 8 directors, University of Texas with 7 directors, Duke University with 6 directors, and the University of California–Berkeley and the University of North Carolina with 4 each.33

**Professional Experience in a Non-Law School Law Library Prior to First Directorship**

61. This category explores the question whether it is typical for directors to gain experience in other types of law libraries in addition to their prior academic law library experience.

62. In 2012, 42 or 24% of all directors had experience in nonacademic law libraries. This was an 8% increase over the 1986 study. Males and females had an identical 24% rate of this experience in 2012. In 1986, these numbers were 16% for males and 15% for females. (See table 14.) The average number of years of this experience was identical in 2012 and in 1986 (4 years).

63. An examination of the type of library employer indicated law firms were the leading employer, with 15 directors having this experience in 2012.34

64. These numbers lead us to conclude that although this type of experience is undoubtedly useful, only about a quarter of directors have non-law school law library experience, and to date it does not appear to be an important factor in buorning one’s credentials to help achieve a permanent academic directorship.

32. In addition to the law school employers, two directors came from law firms, one from the National Judicial College Law Library, one from the U.S. Supreme Court Library, and one from a state court library. Three directors did not come from a law library immediately prior to their first permanent directorship.

33. In the 1986 study, the top “feeders” were the University of Texas with 7 directors, Harvard University and the University of Michigan with 5 directors each, Yale University and Villanova University with 4 directors each. Therefore, the University of Texas is the only law library employer to be among the leaders in both the 1986 and 2012 studies.

34. For 2012, county law libraries employed 7 directors, federal law libraries 6 directors, court libraries 5 directors, state law libraries 5 directors, and other private law libraries employed 4 directors. In the 1986 study, county law libraries employed 7 directors, law firm libraries 7 directors, state law libraries 6 directors, federal law libraries 4 directors, bar association libraries 2 directors, corporate law libraries 1 director, legal services libraries 1 director, Library of Congress 1 director, National Judicial College Law Library 1 director, and state court libraries 1 director.
Non-Law Library Professional Library Experience Prior to First Directorship

§65 Law librarianship is a very distinct specialty. Both the 1986 and 2012 studies show that experience in other types of libraries is not very typical for law library directors. We speculate that having such experience is not considered to be an overly valuable trait in the minds of hiring authorities.

§66 In 2012, 19% of directors had experience as professionals in non-law school libraries. Although this is not a high number, it is interesting to note that it more than doubles the number of directors with such experience in the 1986 study, where only 8% had non-law school library experience. (See table 15.)

§67 It is far more typical for female directors to have had experience in non-law libraries. In 2012, 29% of females had this experience versus only 9% of males.35

§68 The average number of years of professional experience as a non-law librarian was 5 years in 2012 and 6 years in 1986. Males averaged 5 years of experience in 2012 and females 6 years. In 1986, males averaged 4 years and females 8 years of experience.

Law Practice Experience Prior to First Directorship

§69 Although 70% of directors were members of a state bar, our research revealed that only 40% of directors had legal practice experience. This may indicate that a significant number of directors became members of a state bar without the corresponding desire to practice law. However, it is interesting to note that in the 1986 study only 14% of directors had practice experience.36 (See table 16.)

§70 In 2012, practice experience averaged 4 years, with males averaging 5 years and females 4 years. In 1986 the average number of years of practice experience was 3 years, with both males and females averaging 3 years.

§71 We also conclude that, as is the case with most law professors, years of practice experience for directors may be limited due to the corresponding desire to move into the academic world as quickly as possible.

Internal Promotion to First Directorship

§72 Seeking the opportunity to be elevated to a permanent directorship by one’s current employer can be a double-edged sword. While some employers are eager to promote from within, others are adamant in looking for “new blood” to infuse an organization with fresh experiences and enthusiasm.

§73 The 2012 study shows that approximately one-third (34%) of directors assumed their first permanent directorship as the result of an internal promotion. The gender breakdown is 30% for males and 39% for females.37 (See table 17.)

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35. In 1986, the gender breakdown was 11% for females and 6% for males.
36. The small number of directors in 1986 with legal practice experience may partially be a result of a higher number of directors without J.D. degrees and a higher number of directors with foreign law degrees.
37. This category was not included in the 1986 study.
Courses Taught Prior to First Directorship

¶74 Law library directors, like their counterparts on the full-time teaching faculty, are usually required to excel in three areas: (1) scholarship, (2) service, and (3) teaching. Therefore, law school hiring authorities do look to determine whether a prospective director has experience, success, and/or potential as a teacher. Therefore, it is to the advantage of the director candidate to have demonstrated prior teaching experience in law school courses. In examining this category, we looked for courses in which the director had primary teaching or coteaching responsibility, and we did not count guest teaching or any informal teaching experiences in this category.

¶75 In the 2012 study, only 31 directors (or 17% of the total) did not teach any law school courses prior to assuming their first permanent directorship. The number of males who did not teach was twice the number of females. Twenty-four percent of all males but only 12% of females did not teach. (See table 18.) Nineteen percent of future directors taught a substantive law course, while 81% taught a research-related course.

¶76 Teaching multiple distinct courses was also examined in our study. We found that prior to their first permanent directorship 8 directors taught two substantive law courses each, one director taught 3 substantive courses, and one taught 4 substantive courses. Thirty-one directors, or 18% of the total, taught multiple distinct research courses.

Experience and Activities on Attainment of Directorship

Was First Directorship Acting or Interim

¶77 On-the-job training with your current employer in the position to which you aspire sounds like an ideal scenario in moving to your first permanent directorship. These internal opportunities are usually accompanied by the title of either acting or interim director. In some instances, these opportunities arise simply because the permanent director is taking a leave of absence, and in these cases an acting or interim experience does not usually lead immediately to a permanent directorship at the same institution.

¶78 On the other hand, acting or interim responsibilities are also often undertaken when the current director leaves his or her position permanently. This creates a true vacancy, which a current staff member is asked to fill until a permanent appointment is made. In either scenario, the acting or interim director gains extremely valuable experience by assuming the duties of a permanent director for some period of time.

¶79 In 2012, 31% of directors previously served as acting or interim directors. This was a 14% increase from the 1986 study, in which only 17% served as acting or interim directors. The gender breakdown for 2012 was 24% of males and 38% of females serving in these capacities. (See table 19.)

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38. Of course, law library directors must add excellence in administration to this portfolio.
39. In the 1986 study, 25% of females served as acting or interim directors. Unfortunately, we did not have figures available for males serving in these positions in the 1986 study.
One question that we examined in 2012 was not part of the 1986 study: did those serving in an acting or interim capacity move immediately to a permanent directorship, or did they return to their former duties? We discovered that 30 of the interim or acting directors moved immediately to permanent director positions at their same schools. Five acting or interim directors moved immediately to permanent directorships at different law schools. Twenty directors returned to their former nondirector positions. In 1986, only 4 (15%) returned to nondirector positions. By contrast, in 2012, 36% of the acting or interim directors returned to their former positions.

Age Upon First Permanent Directorship

We found a major increase from 1986 to 2012 in the age at which an individual attains his or her first permanent directorship. This strongly suggests that becoming a director is now a significantly longer process. In 1986, the average age of a new director was 33, but by 2012 the average age had risen 10 years to 43. (See table 20.)

In 2012, males assumed their first permanent directorship at a slightly younger age (42) compared to females (44). Ironically, we found that the age at which the greatest number of males (6 directors) achieved their first permanent directorship was 33, the same average age as in the 1986 study. In 2012, the age with the highest number of females becoming directors (10 directors) was 47.

Number of Years at First Directorship

For some directors, the institution that hires them for their first directorship is their lifelong professional home. For others, the initial employer represents only the first in a series of directorships. We found that the average number of years spent at the first directorship was nearly identical between 1986 (8 years) and 2012 (9 years). In 2012, males spent an average of 10 years at their first directorship while females served an average of 8 years. (See table 21.)

In the 1986 study, 65% of directors remained employed at their first permanent directorship. In 2012, only 50% of directors still remained at their first permanent directorship. The gender differences in this category are striking. Males saw a 10% decrease in those who remained at their first directorship, from 55% in 1986 to 45% in 2012. One of the most dramatic differences from our 1986 study is the decreased rate at which females remained at their first directorship. In 1986, it was nearly universal for females to remain at their first directorship, and 81% did so. However, in 2012, the number who remained at their first directorship had decreased by 25% with only 56% remaining at their first directorship. This seems to be clear evidence that female directors have become far more mobile since 1986.

In this category it is also instructive to look at the ranges of time spent at the first directorship. We found that in 2012, 50% of directors spent 5 or fewer years at their first directorship. This was a 14% decrease from the 1986 study.

It is far less common for a director to spend 25 or more years at his or her first directorship. We found that in 2012, only 9% had spent 25 or more years. This was a 5% reduction from the 14% who had done so in 1986.
Total Number of Directorships

As detailed above, in 2012, 89 individuals or 50% of directors remained at their first permanent directorship, a 15% decrease (65% or 56 directors) from the 1986 study. This also indicates that 50% of directors in 2012 had moved from their first director position to one or more subsequent directorships. In 2012, 39 males or 45% and 50 females or 56% had served in only one directorship. (See table 22.)

Sixty directors or 34% of all directors had served in two directorships in 2012. The gender breakdown was 31 males or 36% of all males, and 29 females or 32% of all females. In 1986, 38 persons (24%) had served in two directorships, a nearly identical percentage to the 2012 statistic. In 1986, 30 males representing 31% of all male directors and 8 females representing 13% of all female directors served in two directorships. This indicates a 5% increase for males and a 19% increase for females.

For 2012, 19 directors or 11% served in 3 directorships. The gender breakdown was 11 males or 13%, and 8 females or 9% served in 3 directorships. In 1986, 7 males or 7% and 3 females or 5% served in a third directorship. This indicates a 6% increase for males and a 4% increase for females in the 2012 figures.

In 2012, 8 directors or 5% of all directors served in a fourth directorship. There were 5 males or 6% and 3 females or 3% serving in a fourth directorship. The 1986 gender breakdown for those serving at a fourth directorship was 6 males or 6%, and 1 female or 2%. This indicates that in 2012 there was no increase for males and only a 1% increase for females. In both 1986 and 2012, 1 director (1%) had served a fifth directorship.

We found that the average number of years spent at the first directorship was nearly identical between 1986 (8 years) and 2012 (9 years). In 2012, males spent an average of 10 years at their first directorship while females spent an average of 8 years.

The average number of years spent at the second directorship in the 2012 study was 9 years. In the 1986 study, the average number of years spent at the second directorship was 8. Therefore, in 2012, directors spent, on average, an additional year at the second directorship. Males spent an average of 9 years at the second directorship in 2012, whereas in 1986 males spent an average of 8 years. For females in 2012, 8 years were spent at a second directorship and in 1986, 6 years were spent. This marks an increase of 2 years for females.

The average number of years spent at the third directorship in 2012 was 7 years, which was identical to 1986. The breakdown for males in 2012 was 8 years, which was also identical to 1986. In 2012, females averaged 6 years at a third directorship and in 1986 4 years, a 1-year increase.

For a fourth directorship, the average number of years in 2012 was 5 years. In 1986 it was 7 years, a decrease of 2 years. In 2012, males spent an average of 4 years, whereas in 1986 males spent an average of 7 years. This marks a decrease of 3 years. Females, in 2012, spent an average of 6 years as opposed to an average of 5 years in 1986, a 1-year increase.\footnote{The only director in 2012 who moved to a fifth directorship had spent 5 years in the position. In 1986, the one director who moved to a fifth directorship spent 2 years in the post. Both of these directors are males.}
The data from both studies indicates that although at least half of directors have moved to a second directorship, movement beyond this was not as common. This contradicts a popularly held idea that academic law library directors move frequently from employer to employer.

**Average Number of Years as Director**

In 2012, directors averaged 14 years of directorship experience. This marks an increase of 2 years from the 1986 study. Male directors averaged 14 years, up from 13 years in 1986. Females averaged 12 years, up from 10 years in 1986. (See table 23.)

An important conclusion in examining the 2012 statistics results from the fact that of the 54 directors with 5 years or less of experience, 20 are males (23% of all male directors) and 34 females (38% of all female directors). This shows that significantly more females than males in the past 5 years are now being hired as law school library directors. One can expect that if this trend continues, there will be a substantial majority of females serving as directors in the near future.

We determined that the number of newer directors (those with 5 years or less of director experience) was 20% less than the 1986 study. In 2012, 31% of directors had 5 years or less of experience in contrast to the 51% of directors in 1986. We conclude this is a result of sitting directors staying longer in their current positions than in the earlier study. However, we also anticipate that because directors are now on average at an age much closer to retirement, a high number of vacancies in the next few years will provide significant additional opportunities for new directorships.

**Age of Sitting Director in 2012**

We found a significant increase in the average age of sitting directors in 2012 when compared with 1986. In 2012, the average age of a sitting director was 57. This was a 12-year increase from 1986, where the average age was 45. In 2012, 45% of sitting directors were 60 or older. (See table 24.) The highest number of directors in any one age group is 62, which was the age of 15 directors. The next most common ages, each of which represented 13 directors, were 58, 59, 60, and 64 years of age. By comparison, only 4 directors were under the age of 40. These figures, taken together, indicate that we can expect numerous retirements leading to substantial numbers of vacancies that must be filled by new directors during the next decade.

An interesting finding regarding gender is that, in 2012, male and female directors are on average nearly identical in age. Males average 58 years of age and females 57 years of age. This contrasts with the 1986 study where there was a 6-year age gap between males and females, with males averaging 47 years of age and females 41 years of age.

41. See the section below titled “Age of Sitting Director in 2012.”

42. Thirty-one directors were between 40 and 49 years of age. Sixty-two directors were between the ages of 50 and 59. Seventy-seven were between the ages of 60 and 69. Two directors were between the ages of 70 and 74.
Years at Current Directorship

¶101 We found little difference in this category between 1986 and 2012. In 1986, directors averaged 9 years at their current directorship and in 2012 directors averaged 10 years, an increase of just 1 year. There was a 2-year increase for males who, in 1986, averaged 9 years, a number that increased to 11 years for males in 2012. (See table 25.) However, females remained the same, averaging 9 years in both studies.

¶102 In the 2012 study, we discovered that nearly one-half of all directors (46%) have been employed in their current position for 5 years or less. This indicates there was significant job movement in the 5 years preceding 2012. We also discovered that 30 directors (19% of all directors) in 2012 were in their first year at their current positions. Of this number, 24 (27%) were females and only 6 (7%) were males. This may indicate increasing opportunities for females in obtaining directorships.

Status and Activities of Current Directors

Current Academic Rank on the Law Faculty

¶103 For the purposes of the study, we interpret those holding a regular law faculty rank as either a professor of law, an associate professor of law, or an assistant professor of law. We excluded anyone holding the title of instructor, those who indicated their rank is with the library faculty, anyone with an adjunct rank, those who hold some other specialized rank that indicates they are not regular members of the law faculty, and those who indicate they hold no rank whatsoever.

¶104 This category represents one of the most controversial topics among academic law library directors. The ABA Standards for Legal Education state, “Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.”43 This standard remains unchanged in the ABA revised standards of 2014–2015. However, despite the clear language and intention of this standard to compel ABA-accredited law schools to grant full faculty status to their law library directors, our 2012 study found that only 75% (132) of law schools are in compliance. The 25% (45) of law schools in noncompliance represents a 14% increase over the 11% of law schools who were not in compliance in the 1986 study. (See table 26.) This appears to be a clear sign that full faculty status for law library directors has been significantly eroding. Taken in combination with the changed 2014 Standard 603(c),44 which no longer explicitly requires that a law school library director hold both a law and library science degree, it is reasonable to predict that increasing numbers of law schools will hire new directors with less than full faculty status.45 Further validating our conclusions

43. AM. BAR ASS’N, supra note 17, at 40 (Standard 603(d)).
44. See supra notes 16 & 17 for the text of the previous and current versions of Standard 603(c).
45. Some law schools have ignored the plain intent of the ABA standard either because the ABA does not appear to be enforcing the standard or because the term “extraordinary circumstances” appears to be so liberally construed as to make the standard meaningless.
is that in the 2012 study, among directors with 1 to 5 years of experience, 40% (18 directors) have no law school rank.\footnote{46}

\textsection{105} In the 2012 study, among the 75\% of academic law library directors who held rank with the regular law faculty, we found that 62\% had earned the rank of professor, 30\% held the rank of associate professor, and 8\% held the rank of assistant professor. Comparing these results with the 1986 study, we noted 57\% of those holding academic rank were professors, an increase of 5\% in those holding the rank of professor.\footnote{47} Among those holding the rank of associate professor in 2012 (39 or 30\%), we note an increase of 1\% (42 or 29\%) from the 1986 study.\footnote{48} In 1986, 19 directors or 13\% of those holding academic rank were assistant professors, but in 2012 only 11 directors or 8\% held that rank.\footnote{49}

\textsection{106} An examination of rank by gender demonstrates several important points. Males holding the rank of professor changed only slightly between 1986 and 2012. In 2012, 68\% of males with academic rank were full professors, a 2\% increase over the 66\% who held this rank in 1986. However, we note a substantial difference among females holding the rank of professor. In 1986, 39\% (18) of female directors who had an academic rank were professors, whereas that number increased to 54\% (32) in 2012. This means that 15\% more females held the highest law faculty rank in 2012 than was the case in 1986.

\textsection{107} Examining those at the rank of associate professor, we found that 25\% (18) of males in 2012 who had an academic rank held this rank. This was a 1\% decrease from the 26\% (25) that held the rank of associate professor in 1986. Among those females who had an academic rank in 2012, 21 directors or 36\% were associate professors, a decrease of 1\% from the 37\% (17) of female directors holding this rank in 1986.

\textsection{108} The rank that experienced the greatest reduction is assistant professor. Seven percent (5) of males who had an academic rank were assistant professors in 2012, a decrease of 1\% from the 8\% that held this rank in 1986. Female assistant professors dropped by 14\% (6) in 2012 with 10\% (6) holding this rank in 2012 versus 24\% (11) in 1986.

\textsection{109} We conclude that, among those holding rank with the law school faculty in 2012, the majority has achieved higher rank than was the case in 1986. We observe there has been a particularly noteworthy increase among females who hold the rank of professor (39\% in 1986 versus 54\% in 2012).\footnote{50}

\begin{itemize}
\item \footnote{46} Among directors with 6 to 10 years of experience, 22\% did not hold rank with the law faculty. For those with 11 to 20 years of experience, 27\% held no rank. For those with 20 or more years of experience, only 11\% held no rank.
\item \footnote{47} The 1986 study indicates 51\% of all directors in the study held the rank of professor.
\item \footnote{48} In 1986, 26\% of all directors in the study held the rank of associate professor.
\item \footnote{49} The reduction in the number of assistant professors may correlate to the increased number of years of experience represented by those obtaining their first permanent directorship. More years of experience prior to the first directorship likely indicates more teaching experience and more scholarship. These are significant factors in establishing rank among the law school faculty. Another factor may be the increased age of sitting directors, which is normally consistent with higher rank. Of course, the decreasing number of directors holding faculty rank may also affect the decline of those holding this title.
\item \footnote{50} Despite the substantial gains, we note that females still lag well behind males at the rank of professor where there are 14\% fewer female professors than males (male professors’ equal 68\%, female professors’ equal 54\%).
\end{itemize}
Unfortunately, our study also demonstrates substantial increases (14% more than the 1986 study) among those not holding rank with the law school faculty. This number increased for male directors from 1% in 1986 to 16% in 2012. Among female directors, the increase of non-rank directors increased by 8% (34% in 2012 versus 26% in 1986).

**Holds Title of Associate Dean or Equivalent**

Reflective of the greater responsibilities and challenges undertaken by many law library directors since the 1986 study is the emergence of decanal titles assigned to many directors. In 1986, virtually no director had the title of associate dean, assistant dean, or equivalent. However, we found that in 2012, 75 individuals or 43% of all directors now held a decanal title. (See table 27.) The statistics show that females hold decanal titles more frequently than male directors, with 46% of females holding such a title compared to 39% of males.

A breakdown by specific title indicates that 92% (69 out of 75 total) of the directors who hold a decanal title are associate deans. The gender breakdown for associate deans is 30 males and 39 females. We found two additional decanal titles in usage: four directors hold the title of assistant dean (two males and two females); two directors are also vice deans (one male and one female).

The abundance of decanal titles held in 2012 is likely indicative of law library directors assuming responsibilities beyond their traditional duties in the law library. In particular, we speculate the rise in use of this title by directors is consistent with the fact that many law library directors have assumed responsibility for aspects of technology services at their law schools. We also believe these titles demonstrate that because of their skill as administrators, law library directors are often asked to assume responsibilities for aspects of the overall administration of the law school. The value of directors participating in leadership roles beyond the confines of the law library is a positive step for the future of the profession.

**Responsibility for Technology in the Law School**

Assigning responsibility to the law library director for law school technology was uncommon in 1986. However, law library directors were pioneers in the use of information technology (IT) at many law schools due to the introduction of the computer-assisted legal research systems LexisNexis and Westlaw. When librarians plunged fearlessly ahead to introduce this technology to faculty and students, the library staff earned a reputation as technology innovators in the law school. As the use of technology increased in the law school, many deans searched for someone to take administrative control in promoting technology use and providing instruction and support. Library directors, because of their administrative expertise and willingness to fill this gap, were often selected for this important role.

The 2012 study revealed that 38% of all directors have administrative responsibility for IT services at their law school. There is no gender distinction in this category; both males and females hold this responsibility at a rate of 38%. (See table 28.)
¶116 We wonder whether the anticipated arrival of new directors due to retirements in the next decade may expand the 38% figure. We think this is likely to be the case because younger directors have grown up with technology and therefore often have greater comfort and facility in these areas than many of the current directors who are close to retirement.

Courses Taught as Director

¶117 In this category, we count courses taught in the law school by individuals while they hold the position of law library director. We divided the courses taught into either research courses or substantive law courses.

¶118 We included as research courses any class taught to law students for academic credit in which the major focus was on research, legal research, or legal writing. We included among law courses all those taught for academic credit to law students on any substantive legal subject matter.

¶119 Directors who are members of the law faculty are, in almost all cases, required to teach courses in the law school. Even among those directors who are not afforded faculty status in the law school, teaching is common. Law librarians are recognized as experts in all types of research, especially legal research. Since legal research is an essential skill for law students to master, it makes sense for law librarians to participate in teaching this important skill. It is also the case that as a member of the law faculty, a substantial number of directors are expected, or at least afforded the opportunity, to teach substantive courses in other aspects of law.

¶120 Our 2012 study found that only 11 directors or 6% of the total did not teach any courses in the law school. The 94% of directors who did teach is nearly identical to the 1986 study, which found that 92% of directors taught one or more courses in the law school. (See table 29.) Gender differences are not substantial in this category, with 91% of the females and 96% of the males teaching courses in the law school. It is interesting to note that many directors have taught multiple courses in the law school. In 2012, we found 61% of directors had taught two or more distinct courses.

¶121 As experts in legal research, it is not surprising that in 2012 89% of all directors have taught one or more research courses in the law school: 91% of male directors and 86% of female directors. Fifty percent of directors have taught only a single research course, while 37% have taught two or more research courses; a total of 87%. In 1986, 85% of directors taught one or more legal research courses in the law school (86% of males and 84% of females).

¶122 What may be surprising to many is that nearly half (46%) of directors have taught a substantive law course, a number unchanged from 1986. The 2012 gender breakdown is 60% of male directors and 33% of female directors. In 1986, males

52. For example, Introduction to Legal Research, Legal Methods, Legal Research & Writing, Advanced Legal Research, topic-specific legal research. We counted only distinct course titles, not how many times the same course was taught by an individual director.

53. For example, torts, legal history, contracts.

54. In this era of shrinking student enrollment in law schools resulting in smaller faculties and less use of adjuncts due to budget restrictions, it may be the case that in the future library directors will be asked to teach more substantive law courses.
teaching substantive law courses constituted 57% and females 29% of all directors.55

Publications

§123 Law librarians have established a long history of contributions to scholarly writing, with particular emphasis on the topics of legal research and law librarianship. Creating published scholarship is one of the three core activities expected of a faculty member.56 Since many law library directors are members of the law faculty, they are expected to produce scholarship, and this section of our study examines the scholarly record of directors.

§124 In the 2012 study, we evaluated scholarship in the following ways: (a) To be counted, the writing had to be included in a traditional print publication.57 (b) We made no distinction for counting purposes between various types of printed scholarship. For example, a book counted as one piece of scholarship, as did a single journal article.58 (c) To make a more precise determination as to the types of scholarship being produced by law library directors, we divided all of the publications into six categories: (1) librarianship; (2) substantive law; (3) legal research, law school related, or how-to-teach articles; (4) book reviews; (5) chapters in books; and (6) monographs.

§125 We discovered that, in 2012, 94% of directors on whom we were able to find information had produced one or more publications. This represented a 19% increase over the 1986 study (75% of directors had one or more publications). (See table 30.)

§126 Examining the breakdown by gender we found in 2012, 96% of male directors and 92% of female directors had one or more publications. These figures represent substantial increases from 1986, where we found that 82% of males and only 61% of females had one or more publications.

§127 In 2012, the average number of publications per director was 12. This was an increase of 25% over the 1986 study (9 publications per director). By gender, in 2012, males averaged 13 publications and females averaged 12, while in 1986, males averaged 12 publications and females only 4.

§128 An examination of the number of publications by director in 2012 revealed that 24% of directors produced 1 to 5 publications. Breaking down this figure by gender, we found that 46% of males produced 1 to 5 publications, as did 13% of females.59

55. We are unsure why female directors continue to lag far behind male directors in teaching substantive law courses, but this warrants additional investigation.
56. The other two core activities are considered to be teaching and service.
57. We included articles found in legal journals, law reviews, and professional library science journals. We also counted book reviews, chapters in monographs, and stand-alone publications such as books. We do not mean to denigrate writing found in other media such as blogs. Some people believe this may become a standard form of recognized scholarship in the future; however, we attempted to evaluate traditional print publications to retain the equivalent standard with which most law schools judge faculty scholarship.
58. We also did not attempt to evaluate or rank any of the publications for quality or any other factors.
59. The 1986 study did not break down this category by range of number of publications; therefore, we do not have comparative numbers.
¶129 In 2012, 29% of directors produced 6 to 10 publications. The gender breakdown is 17% of male directors and 53% of female directors.

¶130 Eleven to 16 publications were produced by 18% of directors (males 17% and females 20%). Seventeen to 30 publications were produced by 3% of directors (males 5% and females 1%). Finally, 8% of directors produced 30 or more publications (males 10% and females 6%).

¶131 The 2012 study demonstrates that male directors, on average, are likely to have produced between 1 to 5 publications. Female directors, on the other hand, most often produce between 6 and 10 publications.

¶132 Examining the pattern of publications by type, we found that 76% of directors in 2012 had produced one or more titles on the topic of librarianship. The gender split is nearly identical: 76% of males and 77% of females. The average number of librarianship articles produced by directors is 5 (males produced 4, females 5). These are significant increases from the 1986 study, where we found only 48% of directors (47% of males and 56% of females) produced librarianship articles.

¶133 The next category we examined were articles produced on substantive law topics. This category may be particularly of interest in supporting faculty status because publishing outside of the field of librarianship demonstrates subject expertise equivalent to that of the other members of the law faculty. In 2012, we found that 50% of directors produced one or more articles on topics of substantive law. The gender breakdown was 48% of males and 52% of females. Among those who have published substantive law articles, the average was 4 pieces. In the 1986 study, only 16% of directors produced substantive law articles (males 18% and females 4%). We can conclude from these comparative figures that both male and female directors increasingly appear to be integrated with the other members of the law faculty in producing substantive law articles. This increase is particularly profound for female directors and likely represents a major difference in their professional orientation from what was found in 1986.60

¶134 Law library directors can be expected to produce numerous articles on the topics of legal research, teaching, and other articles related to legal education since the position requires expertise in all of these fields. This was confirmed in the 2012 study, which revealed that 77% of directors produced one or more articles in these categories. The average, per director, published in these areas was 5 articles. Both male and female directors averaged 5 articles. Again, we see substantial increases from the 1986 study, in which 48% of directors had published in the comparable category of library articles (47% of males and 56% of females).

¶135 Today, there are fewer opportunities to publish book reviews than in 1986 due to the fact that fewer outlets for this type of scholarship are currently available. However, traditionally this has been an often-used scholarly outlet for law library directors. In the 2012 study, 37% of directors had produced one or more book reviews. The average among those who had produced one or more book review was 5. The gender average was evenly split at 37%. Surprisingly, given fewer outlets for

60. More integration into the scholarly mission of the law school makes the director more accepted as a full member of the law faculty.
book reviews, the 37% of directors producing book reviews is a 13% increase over the 1986 study (24%). We posit this is another sign of the increased importance of all kinds of scholarly publications to law library directors.

¶136 Law librarians, by nature, enjoy working in a collaborative fashion with other professionals. Therefore, participating in the production of a work that requires separately authored chapters in a larger publication is a frequently undertaken project by many directors. The 2012 study delineates that 46% of directors have produced one or more book chapters. The gender split is: 38 males and 40 females. The average number of book chapters per director in this category is 3.

¶137 The type of publication that normally requires the most work and often yields the greatest recognition is the self-contained monograph or book. In 2012, the study revealed that 35% of directors had produced one or more monographs or books (41% of males and 29% of females). The average number among the directors who had produced a monograph or book is 2. When compared with the 1986 study, we found a 23% increase in the production of monographs in 2012.

¶138 Based on our examination of all these categories, we concluded that in 2012 publications by law library directors have become far more common and are of increased type and number than was the case in 1986. This leads us to hypothesize that directors, either by requirement or inclination, are now more scholarly oriented than in the past.

**Comparisons**

**1986 Composite of the Average Academic Law Library Director**

¶139 Our 1986 study produced the following composite portrait of the average sitting academic law library director.

¶140 The average director was likely to be male, hold graduate degrees in both law and library science, and have earned a law degree before the M.L.S. degree. The average director was unlikely to hold advanced degrees beyond the J.D. and M.L.S. The director was likely to be a member of a state bar but unlikely to have practiced law. The director probably did not work as a professional law librarian while attending law school, but once employed as a professional law librarian had served five years in this capacity, holding two distinct positions, and had moved twice prior to attaining his or her first permanent directorship. The director’s professional specialization was in the area of public services, with almost no experience in technical services. It was unlikely that the director had worked in another law library except a law school library or held a professional position in any other type of library.

¶141 In 1986, a sitting director was more often than not still serving in his or her first permanent directorship and had been in this position for 9 years. The director probably did not ascend to this directorship from an acting director’s position. The

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61. Delineation by book chapters was not included in the 1986 study.
62. Twelve percent of directors produced monographs (9% produced library monographs and 3% law monographs) in 1986.
average director had not often moved for the purpose of obtaining additional directorships. A sitting director averaged 12 years of experience as an academic law library director. He or she was overwhelmingly likely to be a member of the law school faculty and, if male, to hold the rank of professor. If female, the director was just as likely to hold the rank of associate professor as to hold the rank of professor. As part of his or her duties, the director taught at least one course in the law school and produced one or more publication. The director was young, having risen to his or her first directorship at the tender age of 33 and was currently only 44 years of age.

2012 Composite of the Average Academic Law Library Director

¶142 Our 2012 study revealed the following composite portrait of the average sitting academic law library director.

¶143 The average director was slightly more likely to be female than male and to hold graduate degrees in both law and library science; about half earned their law degree after their M.L.S. degree. The average director was unlikely to hold advanced degrees beyond the J.D. and M.L.S. The director was likely to hold membership in a state bar but was unlikely to have practiced law. The director probably did not work as a professional law librarian while attending law school; this was particularly the case if male. He or she served 10 years as a professional law librarian, holding no more than two distinct positions, and had moved approximately twice prior to attaining his or her first permanent directorship. The director’s professional specialization was in the area of public services, but he or she was increasingly likely to have experience in both public and technical services. It was unlikely that the director had worked as a librarian in other than a law school library or held a professional position in another type of library.

¶144 In 2012, half of sitting directors were still serving at their first permanent directorships and had been in these positions for 9 years. Only about a third ascended to their first directorships from an acting or interim director position. The average director had not moved often for the purpose of obtaining additional directorships. Sitting directors averaged 14 years of experience as an academic law library director. They were likely to be members of their law school faculty, and females, as well as males, most often held the rank of professor. As part of their duties, they taught at least two courses in the law school and had produced an average of 12 publications. The 2012 directors had aged considerably over their 1986 counterparts. The average age upon their first directorship rose to 43, and current directors were on average 57 years of age.

Notable Differences Between the 1986 and 2012 Studies

¶145 The most notable differences in the various categories between the 1986 and 2012 studies were as follows.

• There was a major increase in the number of female directors, who in 2012 now constituted a majority of those holding directorships. In 1986, 62 females constituted 39% of the law library directors. But in 2012, the number of females rose to 90 or 51% percent of all directors. Correspondingly, male directors decreased from 98 or 61% in 1986 to 87 or 49% in 2012.
Holding a U.S. J.D. degree had become nearly universal for directors by 2012. The greatest increase was seen among female directors; those holding this degree rose from 84% in 1986 to 97% in 2012.

The number of female directors obtaining a J.D. degree before their M.L.S. degree doubled from 24% in 1986 to 48% in 2012.

The average number of years of experience prior to obtaining the first permanent directorship doubled from 5 years in 1986 to 10 years in 2012.

Those who held the title of associate director immediately prior to assuming their first permanent directorship more than doubled. In 1986, only 26% held the title of associate director immediately prior. This number rose to 55% in 2012.

The 2012 directors evidence more diverse specialization experience than in the previous study. In 1986, only 17% had any experience in technical services, whereas in 2012 27% had added this background to their public services experience.

In 1986, only 14% of directors had legal practice experience. In 2012, 40% had such experience.

Non-law library professional library experience for female directors rose from 11% in 1986 to 29% in 2012.

There was a 14% increase (17% in 1986 rising to 31% in 2012) among those serving as an acting or interim director prior to attaining the first permanent directorship.

The age of directors upon assuming the first permanent directorship increased by 10 years, from 33 in 1986 to 43 in 2012.

In 1986, the vast majority of females remained at their first permanent directorship (81%). However, in 2012, only 56% remained at their first directorship. This was a decrease of 25% and a clear indication that female directors have become much more mobile and interested in seeking additional directorships.

The average age of current sitting directors rose from 45 in 1986 to 57 in 2012.

In 1986, 89% of law library directors held academic rank with their law faculty. In 2012, only 75% percent held academic rank with their law faculty, a 14% decrease. Most concerning is that the 2012 study shows that among directors with 1 to 5 years of experience, 40% (18 directors) have no law school rank.

In 1986, only 29% of female directors held the rank of professor. In 2012, the percentage of female directors holding the rank of professor increased to 36%. In 1986, virtually no directors held a decanal title, but by 2012, 43% percent had achieved a dean’s title.

A major additional duty assumed by 38% of directors was responsibility for technology services in the law school. This duty was uncommon in 1986.

In 1986, 61% of female directors produced one or more publications. The 2012 study showed a 31% increase in female directors who have published (92%).

63. In 2012, 54% of female directors who held an academic rank were full professors.
Conclusion

¶146 Any type of successful leadership role requires the employment of an individual of rare talents, temperament, drive, and vision. The profession of academic law librarianship, which has been an integral part of the educational and scholarly mission of every law school for generations, has benefited from a pool of highly educated, service-oriented, and skilled individuals who have excelled in the difficult role of law library director.

¶147 Like nearly every profession, change has proven to be constant for academic law library directors. The duties of this position evolve due to changes in the use of technology, increased responsibilities of the director and staff, the transition from print to online resources, and a myriad of additional challenges. While many of these changes have proven to be positive, some are not. Academic law library directors must meet the challenge of remaining successful in the face of severely shrinking budgets, reductions in staff, complex and sometimes competing demands from their law school and university administration, and, at some institutions, criticism from the misinformed as to the continuing value of the work of the law library and its staff. Additionally, some in the legal academy wish to turn the position of the law library director from its historic status as a full member of the law faculty into some type of nonfaculty administrative status, which strips away important voting rights, affects tenure protection,⁶⁴ and lessens the value of the law library in the eyes of many of its constituents.

¶148 It is the responsibility of present and future academic law library directors to continue to demonstrate their unique and important value in serving the law school community. We hope our study will provide valuable information for current and aspiring law library directors and will encourage law school deans and faculty to better appreciate the tremendous diversity of talents that a law library director brings to the law school.

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⁶⁴. Tenure protection for the academic law library director is critically important if the director is to exercise the best professional judgment without undue concern that an unpopular decision may lead to his or her termination.
### Table 1
**General Information Profile—2012**

<table>
<thead>
<tr>
<th>Total ABA Accredited Law Schools</th>
<th>Total Directors in Study</th>
<th>Males in Study</th>
<th>Females in Study</th>
</tr>
</thead>
<tbody>
<tr>
<td>203</td>
<td>177 or 87%</td>
<td>87 or 49%</td>
<td>90 or 51%</td>
</tr>
</tbody>
</table>

**General Information Profile—1986**

<table>
<thead>
<tr>
<th>Total ABA Accredited Law Schools</th>
<th>Total Directors in Study</th>
<th>Males in Study</th>
<th>Females in Study</th>
</tr>
</thead>
<tbody>
<tr>
<td>173</td>
<td>160 or 92%</td>
<td>98 or 61%</td>
<td>62 or 39%</td>
</tr>
</tbody>
</table>

### Table 2
**M.L.S. Degree or Graduate Level Equivalent Awarded—2012**

<table>
<thead>
<tr>
<th></th>
<th>Hold</th>
<th>Do Not Hold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>87</td>
<td>0</td>
</tr>
<tr>
<td>Female</td>
<td>90</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>177 or 100%</td>
<td>0</td>
</tr>
</tbody>
</table>

**M.L.S. Degree or Graduate Level Equivalent Awarded—1986**

<table>
<thead>
<tr>
<th></th>
<th>Hold</th>
<th>Do Not Hold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>90 or 92%</td>
<td>8 or 8%</td>
</tr>
<tr>
<td>Female</td>
<td>58 or 94%</td>
<td>4 or 6%</td>
</tr>
<tr>
<td>Total</td>
<td>148 or 92%</td>
<td>12 or 8%</td>
</tr>
</tbody>
</table>

### M.L.S. Granting Institution—2012

<table>
<thead>
<tr>
<th>School</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington</td>
<td>25 or 14%</td>
</tr>
<tr>
<td>Illinois</td>
<td>13 or 7%</td>
</tr>
<tr>
<td>Michigan</td>
<td>11 or 6%</td>
</tr>
<tr>
<td>Indiana–Bloomington</td>
<td>9 or 5%</td>
</tr>
<tr>
<td>Simmons</td>
<td>8 or 5%</td>
</tr>
<tr>
<td>Catholic, Florida State, Oklahoma, Pratt, Texas</td>
<td>5 or 3% each</td>
</tr>
<tr>
<td>California–Berkeley, Columbia, Denver</td>
<td>4 or 2% each</td>
</tr>
<tr>
<td>Chicago, DePaul, Kentucky, LSU, Maryland, Missouri, North Carolina, Pittsburgh, South Carolina, Southern Connecticut</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td>Alabama, Clark (ATL), Emory, Kent State, Northern Texas, Rutgers, San Jose, Southern Florida, Southern Mississippi, SUNY–Buffalo, UCLA, Wayne State, Wisconsin–Madison</td>
<td>2 or 1% each</td>
</tr>
<tr>
<td>16 schools*</td>
<td>1 or 1% each</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>52 schools</strong></td>
</tr>
</tbody>
</table>

* California–Fullerton, California State, Case Western, East Carolina, Emporia State, Iowa, Maine, Memphis, Minnesota, Peabody, Puerto Rico, Rosary, SUNY–Geneseo, Syracuse, Western Michigan, and Wisconsin–Milwaukee.
Table 2 continued
M.L.S. Granting Institution—1986

<table>
<thead>
<tr>
<th>School</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington</td>
<td>21 or 13%</td>
</tr>
<tr>
<td>Columbia, Michigan</td>
<td>10 or 7% each</td>
</tr>
<tr>
<td>Texas</td>
<td>8 or 5%</td>
</tr>
<tr>
<td>Rutgers</td>
<td>6 or 4%</td>
</tr>
<tr>
<td>California–Berkeley, Florida State, Illinois, Simmons, Wisconsin</td>
<td>5 or 3% each</td>
</tr>
<tr>
<td>Drexel, LSU, Oregon, Pratt</td>
<td>4 or 3% each</td>
</tr>
<tr>
<td>Alabama, BYU, Catholic, Indiana, North Carolina, Pittsburgh</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td>Chicago, Maryland, Peabody, Southern California, Southern Connecticut, Syracuse, UCLA, Villanova</td>
<td>2 or 1% each</td>
</tr>
<tr>
<td>17 schools(^a)</td>
<td>1 or 1% each</td>
</tr>
<tr>
<td>Total</td>
<td>45 schools</td>
</tr>
</tbody>
</table>

\(^a\) Atlanta University, Denver, Fullerton State, Kentucky, Minnesota, Missouri, Northern Texas, Puerto Rico, Rosary, Southern Mississippi, SUNY–Buffalo, SUNY–Albany, St. John’s, Texas Women’s, Utah, Wayne State, and Western Michigan.

Table 3
Juris Doctor Degree—2012

<table>
<thead>
<tr>
<th></th>
<th>U.S. Law</th>
<th>Foreign Law</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>85 or 98%</td>
<td>1 or 1%</td>
<td>1 or 1%</td>
</tr>
<tr>
<td>Female</td>
<td>87 or 97%</td>
<td>2 or 2%</td>
<td>1 or 1%</td>
</tr>
<tr>
<td>Total</td>
<td>172 or 98%</td>
<td>3 or 2%</td>
<td>2 or 1%</td>
</tr>
</tbody>
</table>

Juris Doctor Degree—1986

<table>
<thead>
<tr>
<th></th>
<th>U.S. Law</th>
<th>Foreign Law</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>90 or 92%</td>
<td>7 or 7%</td>
<td>1 or 1%</td>
</tr>
<tr>
<td>Female</td>
<td>52 or 84%</td>
<td>1 or 2%</td>
<td>9 or 14%</td>
</tr>
<tr>
<td>Total</td>
<td>142 or 89%</td>
<td>8 or 5%</td>
<td>10 or 6%</td>
</tr>
</tbody>
</table>

Law Schools Attended—2012

<table>
<thead>
<tr>
<th>Schools</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington</td>
<td>6 or 7%</td>
</tr>
<tr>
<td>Michigan, North Carolina</td>
<td>5 or 6% each</td>
</tr>
<tr>
<td>Indiana–Bloomington</td>
<td>4 or 4% each</td>
</tr>
<tr>
<td>Mississippi</td>
<td>4 or 4% each</td>
</tr>
<tr>
<td>Washburn</td>
<td>4 or 4% each</td>
</tr>
<tr>
<td>Alabama</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td>Duke</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td>Idaho</td>
<td>3 or 2% each</td>
</tr>
</tbody>
</table>
### Table 3 continued

#### Law Schools Attended—2012 continued

<table>
<thead>
<tr>
<th>Schools</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minnesota</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td>Northern Kentucky</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td>Nova Southeastern</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td>Seattle</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td>Temple</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td>Tennessee</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td>Western New England</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td>24 schools(^a)</td>
<td>2 or 1% each</td>
</tr>
<tr>
<td>54 schools(^b)</td>
<td>1 or 1% each</td>
</tr>
</tbody>
</table>


\(^b\) Albany, Arkansas–Fayetteville, Boston University, California Western, Campbell, Catholic–Puerto Rico, Chicago-Kent, Connecticut, Creighton, Duquesne, Fordham, Franklin Pierce, Georgetown, George Washington, Georgia, Georgia State, Louisville, Loyola–New Orleans, LSU, Maine, Marquette, Maryland, Miami, Nebraska, North Carolina Central, North Dakota, NYU, Pepperdine, Puget Sound, Quinnipiac, Regent, Rutgers–Camden, Rutgers–Newark, San Diego, San Francisco, Santa Clara, St. Louis, St. Mary’s, St. Thomas–Florida, South Carolina, SUNY–Buffalo, Syracuse, Texas Southern, Texas Wesleyan, Tulane, Tulsa, UMKC, USC, Utah, Wayne State, William Mitchell, and Wisconsin.

#### Law Schools Attended—1986

<table>
<thead>
<tr>
<th>Schools</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indiana–Bloomington</td>
<td>5 or 4%</td>
</tr>
<tr>
<td>Houston</td>
<td>4 or 3%</td>
</tr>
<tr>
<td>Texas</td>
<td>4 or 3%</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>4 or 3%</td>
</tr>
<tr>
<td>Boston</td>
<td>3 or 2%</td>
</tr>
<tr>
<td>DePaul</td>
<td>3 or 2%</td>
</tr>
<tr>
<td>Michigan</td>
<td>3 or 2%</td>
</tr>
<tr>
<td>Puget Sound</td>
<td>3 or 2%</td>
</tr>
<tr>
<td>Tulane</td>
<td>3 or 2%</td>
</tr>
<tr>
<td>Washington</td>
<td>3 or 2%</td>
</tr>
<tr>
<td>Yale</td>
<td>3 or 2%</td>
</tr>
<tr>
<td>25 schools(^a)</td>
<td>2 or 1% each</td>
</tr>
<tr>
<td>62 schools(^b)</td>
<td>1 or 1% each</td>
</tr>
</tbody>
</table>


### Table 4

<table>
<thead>
<tr>
<th></th>
<th>J.D. First</th>
<th>M.L.S. First</th>
<th>Concurrent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Male</strong></td>
<td>65 or 75%</td>
<td>17 or 20%</td>
<td>4 or 5%</td>
</tr>
<tr>
<td><strong>Female</strong></td>
<td>43 or 48%</td>
<td>44 or 49%</td>
<td>2 or 2%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>108 or 62%</td>
<td>61 or 35%</td>
<td>6 or 3%</td>
</tr>
</tbody>
</table>

* Two directors do not hold a J.D. degree.

### Juris Doctor Degree Awarded Before M.L.S. Degree—1986

<table>
<thead>
<tr>
<th></th>
<th>J.D. First</th>
<th>M.L.S. First</th>
<th>Concurrent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Male</strong></td>
<td>64 or 65%</td>
<td>24 or 25%</td>
<td>2 or 2%</td>
</tr>
<tr>
<td><strong>Female</strong></td>
<td>15 or 24%</td>
<td>37 or 60%</td>
<td>0 or 0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>79 or 49%</td>
<td>60 or 38%</td>
<td>2 or 1%</td>
</tr>
</tbody>
</table>

* Nineteen directors held only one degree.

### Table 5

#### Other Advanced Degrees—2012

<table>
<thead>
<tr>
<th>Total Directors Holding Other Advanced Degrees</th>
<th>36 or 20%</th>
</tr>
</thead>
</table>

**Breakdown by Gender—2012**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Additional Degree</th>
<th>2 or More Additional Degrees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>24 or 28%</td>
<td>5 or 6%</td>
</tr>
<tr>
<td>Female</td>
<td>12 or 13%</td>
<td>1 or 1%</td>
</tr>
</tbody>
</table>

#### Other Advanced Degrees—1986

<table>
<thead>
<tr>
<th>Total Directors Holding Other Advanced Degrees</th>
<th>28 or 18%</th>
</tr>
</thead>
</table>

**Breakdown by Gender—1986**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Additional Degrees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>20 or 23%</td>
</tr>
<tr>
<td>Female</td>
<td>8 or 9%</td>
</tr>
</tbody>
</table>
Table 6
Member of a State Bar—2012

<table>
<thead>
<tr>
<th>Gender</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>64 or 75%</td>
<td>22 or 25%</td>
</tr>
<tr>
<td>Female</td>
<td>60 or 71%</td>
<td>29 or 29%</td>
</tr>
<tr>
<td>Total</td>
<td>124 or 70%</td>
<td>51 or 29%</td>
</tr>
</tbody>
</table>

Member of a State Bar—1986

<table>
<thead>
<tr>
<th>Gender</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>78 or 80%</td>
<td>20 or 20%</td>
</tr>
<tr>
<td>Male</td>
<td>39 or 63%</td>
<td>23 or 37%</td>
</tr>
<tr>
<td>Total</td>
<td>117 or 73%</td>
<td>43 or 27%</td>
</tr>
</tbody>
</table>

Table 7
Years of Professional Law Library Experience Prior to First Permanent Directorship—2012

<table>
<thead>
<tr>
<th>Gender</th>
<th>Average Number of Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>9</td>
</tr>
<tr>
<td>Female</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
</tr>
</tbody>
</table>

Years of Professional Law Library Experience Prior to First Permanent Directorship—1986

<table>
<thead>
<tr>
<th>Gender</th>
<th>Average Number of Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>4</td>
</tr>
<tr>
<td>Female</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>5</td>
</tr>
</tbody>
</table>
### Table 8

**Number of Professional Law Library Positions Prior to First Directorship—2012**

<table>
<thead>
<tr>
<th>Number of Prior Positions</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>7 or 4%</td>
</tr>
<tr>
<td>1</td>
<td>68 or 39%</td>
</tr>
<tr>
<td>2</td>
<td>61 or 35%</td>
</tr>
<tr>
<td>3</td>
<td>28 or 16%</td>
</tr>
<tr>
<td>4</td>
<td>10 or 6%</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
</tr>
</tbody>
</table>

**Breakdown by Gender—2012**

<table>
<thead>
<tr>
<th>Number of Positions</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>5 or 6%</td>
<td>2 or 2%</td>
</tr>
<tr>
<td>1</td>
<td>29 or 34%</td>
<td>39 or 43%</td>
</tr>
<tr>
<td>2</td>
<td>33 or 39%</td>
<td>28 or 31%</td>
</tr>
<tr>
<td>3</td>
<td>12 or 14%</td>
<td>16 or 18%</td>
</tr>
<tr>
<td>4</td>
<td>6 or 7%</td>
<td>4 or 4%</td>
</tr>
<tr>
<td>6</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

* We were unable to find sufficient information in this category for 2 male directors.

**Number of Professional Law Library Positions Prior to First Directorship—1986**

<table>
<thead>
<tr>
<th>Number of Prior Positions</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>28 or 18%</td>
</tr>
<tr>
<td>1</td>
<td>63 or 39%</td>
</tr>
<tr>
<td>2</td>
<td>44 or 28%</td>
</tr>
<tr>
<td>3</td>
<td>23 or 14%</td>
</tr>
<tr>
<td>4</td>
<td>2 or 19%</td>
</tr>
</tbody>
</table>

**Breakdown by Gender—1986**

<table>
<thead>
<tr>
<th>Number of Positions</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>20 or 20%</td>
<td>8 or 13%</td>
</tr>
<tr>
<td>1</td>
<td>34 or 35%</td>
<td>29 or 46%</td>
</tr>
<tr>
<td>2</td>
<td>28 or 29%</td>
<td>16 or 26%</td>
</tr>
<tr>
<td>3</td>
<td>15 or 15%</td>
<td>8 or 13%</td>
</tr>
<tr>
<td>4</td>
<td>1 or 1%</td>
<td>1 or 2%</td>
</tr>
</tbody>
</table>
Table 9

Law Library Title Immediately Prior to First Directorship—2012

<table>
<thead>
<tr>
<th></th>
<th>Associate/Deputy Director</th>
<th>Assistant Director</th>
<th>Other or None</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Male</strong></td>
<td>49 or 56%</td>
<td>9 or 10%</td>
<td>29 or 33%</td>
</tr>
<tr>
<td><strong>Female</strong></td>
<td>49 or 54%</td>
<td>8 or 9%</td>
<td>33 or 37%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>98 or 55%</td>
<td>17 or 10%</td>
<td>62 or 35%</td>
</tr>
</tbody>
</table>

* Breakdown by type of titles: public services 23% (38 directors); technical services/collection development 4% (7 directors); technology services 4% (7 directors). Seven directors came from non-law school library employers, and 3 were non-categorizable.

Law Library Title Immediately Prior to First Directorship—1986

<table>
<thead>
<tr>
<th></th>
<th>Associate Director</th>
<th>Assistant Director</th>
<th>Other or None</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Male</strong></td>
<td>26 or 27%</td>
<td>33 or 34%</td>
<td>39 or 39%</td>
</tr>
<tr>
<td><strong>Female</strong></td>
<td>15 or 24%</td>
<td>20 or 32%</td>
<td>27 or 44%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>41 or 26%</td>
<td>53 or 33%</td>
<td>66 or 41%</td>
</tr>
</tbody>
</table>

Table 10

Public Services or Technical Services Experience—2012

<table>
<thead>
<tr>
<th></th>
<th>Public Services</th>
<th>Technical Services</th>
<th>Both</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Male</strong></td>
<td>65 or 77%</td>
<td>0</td>
<td>19 or 23%</td>
</tr>
<tr>
<td><strong>Female</strong></td>
<td>60 or 68%</td>
<td>2 or 1%</td>
<td>26 or 30%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>125 or 73%</td>
<td>2 or 1%</td>
<td>45 or 26%*</td>
</tr>
</tbody>
</table>

* There was insufficient information to categorize 5 directors.

Public Services or Technical Services Experience—1986

<table>
<thead>
<tr>
<th></th>
<th>Public Services</th>
<th>Technical Services</th>
<th>Both</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Male</strong></td>
<td>29 or 30%</td>
<td>4 or 4%</td>
<td>4 or 4%</td>
</tr>
<tr>
<td><strong>Female</strong></td>
<td>21 or 34%</td>
<td>11 or 18%</td>
<td>8 or 13%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>50 or 31%</td>
<td>15 or 9%</td>
<td>12 or 8%</td>
</tr>
</tbody>
</table>

* We have no comparison data for the categories “none” or “noncategorized” in the 2012 study. Therefore, we eliminated these categories from the 1986 table. However, under “noncategorized,” the 1986 numbers were 41 males or 42%; 14 females or 22%; the total was 55 directors or 34%. Under the “none” category, the numbers were 20 males or 20%; 8 females or 13%; the total was 28 directors or 18%.
Table 11

Geographic Moves Prior to First Directorship—2012*

<table>
<thead>
<tr>
<th></th>
<th>One Move</th>
<th>Two Moves</th>
<th>Three Moves</th>
<th>Four Moves</th>
<th>Five Moves</th>
<th>Total Moves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>31 or 36%</td>
<td>21 or 24%</td>
<td>12 or 14%</td>
<td>3 or 3%</td>
<td>0</td>
<td>67 or 77%</td>
</tr>
<tr>
<td>Female</td>
<td>22 or 24%</td>
<td>24 or 27%</td>
<td>13 or 14%</td>
<td>4 or 4%</td>
<td>2 or 2%</td>
<td>65 or 72%</td>
</tr>
<tr>
<td>Total</td>
<td>53 or 30%</td>
<td>45 or 25%</td>
<td>25 or 14%</td>
<td>7 or 4%</td>
<td>2 or 1%</td>
<td>132 or 75%</td>
</tr>
</tbody>
</table>

Average Moves Including All Directors

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.3</td>
<td>1.5</td>
<td>1.4</td>
</tr>
</tbody>
</table>

Average Moves Among Those with One or More Moves

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.8</td>
<td>2</td>
<td>1.9</td>
</tr>
</tbody>
</table>

* Forty-five directors or 25% obtained their first directorship without making any moves. Gender breakdown: 20 males or 23% and 25 females or 28%.

Geographic Moves Prior to First Directorship—1986*

<table>
<thead>
<tr>
<th></th>
<th>Average Moves</th>
<th>Total Moves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>1.1</td>
<td>112</td>
</tr>
<tr>
<td>Female</td>
<td>1.0</td>
<td>65</td>
</tr>
<tr>
<td>Total</td>
<td>1.1</td>
<td>177</td>
</tr>
</tbody>
</table>

* In the 1986 study, we did not have statistics that allowed us to calculate a breakdown beyond what appears in the table.

Table 12

Working as a Professional Librarian While Attending Law School—2012

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>No J.D.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>19 or 22%</td>
<td>67 or 78%</td>
<td>1 or 1%</td>
</tr>
<tr>
<td>Female</td>
<td>30 or 34%</td>
<td>59 or 66%</td>
<td>1 or 1%</td>
</tr>
<tr>
<td>Total</td>
<td>49 or 28%</td>
<td>126 or 72%</td>
<td>2 or 1%</td>
</tr>
</tbody>
</table>

Working as a Professional Librarian While Attending Law School—1986

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>No J.D.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>19 or 19%</td>
<td>79 or 81%</td>
<td>N/A</td>
</tr>
<tr>
<td>Female</td>
<td>30 or 48%</td>
<td>32 or 52%</td>
<td>N/A</td>
</tr>
<tr>
<td>Total</td>
<td>49 or 31%</td>
<td>101 or 63%</td>
<td>10 or 6%</td>
</tr>
</tbody>
</table>
### Table 13

#### Law Library Left Immediately Prior to First Directorship—2012

<table>
<thead>
<tr>
<th>Schools</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgetown</td>
<td>8 or 5%</td>
</tr>
<tr>
<td>Texas</td>
<td>7 or 4%</td>
</tr>
<tr>
<td>Duke</td>
<td>6 or 3%</td>
</tr>
<tr>
<td>California–Berkeley, North Carolina</td>
<td>4 or 2% each</td>
</tr>
<tr>
<td>Chicago, Connecticut, Georgia State, Louisville, Michigan, Nova Southeastern, Oklahoma City, Yale</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td><strong>28 schools</strong> a</td>
<td>2 or 1%</td>
</tr>
<tr>
<td><strong>59 schools</strong> b</td>
<td>1 or 1%</td>
</tr>
</tbody>
</table>


* Nine directors were not employed by an academic law library prior to their first directorship.

#### Law Library Left Immediately Prior to First Directorship—1986

<table>
<thead>
<tr>
<th>Schools</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas</td>
<td>7 or 4%</td>
</tr>
<tr>
<td>Villanova, Yale</td>
<td>4 or 3% each</td>
</tr>
<tr>
<td>Chicago, Columbia, Illinos, NYU, Oklahoma, SUNY–Buffalo, US</td>
<td>3 or 2% each</td>
</tr>
<tr>
<td>Akron, Connecticut, Duke, Georgetown, Illinois, Indiana–Bloomington, Maine, McGeorge, Oregon, SMU, Texas Tech, Wayne State</td>
<td>2 or 1% each</td>
</tr>
<tr>
<td><strong>53 schools</strong> ab</td>
<td>1 or 1% each</td>
</tr>
</tbody>
</table>


b The 1986 study erroneously omitted five institutions from the above list.

* Nine directors left nonacademic law libraries for their first directorship.
### Table 14

**Professional Experience in a Non-Law School Law Library Prior to First Directorship—2012**

<table>
<thead>
<tr>
<th>Experience in a Non-Law School Library</th>
<th>No Experience in a Non-Law School Library</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>21 or 24%</td>
</tr>
<tr>
<td>Female</td>
<td>21 or 24%</td>
</tr>
<tr>
<td>Total</td>
<td>42 or 24%</td>
</tr>
</tbody>
</table>

**Average Number of Years in a Non-Law School Library**

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

* Breaking down the number of directors per years of experience in a non-law school library we found 10 directors spent only 1 year, 8 directors spent 2 years, 5 directors 3 years, 8 directors 4 years, 2 directors 5 years, 2 directors 6 years, 1 director 7 years, 3 directors 8 years, 1 director 10 years, 1 director 18 years, and 1 director 29 years.

**By Type—2012**

<table>
<thead>
<tr>
<th>County</th>
<th>Private Law Firm</th>
<th>State Law Library</th>
<th>Federal</th>
<th>Other Private Law Library</th>
<th>Court Law Library</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>5</td>
<td>6</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Female</td>
<td>2</td>
<td>9</td>
<td>2</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>7</td>
<td>15</td>
<td>5</td>
<td>6</td>
<td>4</td>
</tr>
</tbody>
</table>

**Professional Experience in a Non-Law School Library Prior to First Directorship—1986**

<table>
<thead>
<tr>
<th>Experience in a Non-Law School Library</th>
<th>No Experience in a Non-Law School Library</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>16 or 16%</td>
</tr>
<tr>
<td>Female</td>
<td>9 or 15%</td>
</tr>
<tr>
<td>Total</td>
<td>25 or 16%</td>
</tr>
</tbody>
</table>

**Average Number of Years in a Non-Law School Library**

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

**By Type—1986**

<table>
<thead>
<tr>
<th>County</th>
<th>Private Law Firm</th>
<th>State</th>
<th>Federal Agency</th>
<th>Bar</th>
<th>State Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>4</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Female</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>7</td>
<td>7</td>
<td>6</td>
<td>4</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Legal Services</th>
<th>National Judicial College</th>
<th>Library of Congress</th>
<th>State Government</th>
<th>Corporate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>Female</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>25</td>
</tr>
</tbody>
</table>
### Table 15

Non-Law Library Professional Library Experience Prior to First Directorship—2012

<table>
<thead>
<tr>
<th></th>
<th>With Experience</th>
<th>Average Years</th>
<th>No Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>8 or 9%</td>
<td>5</td>
<td>77 or 91%</td>
</tr>
<tr>
<td>Female</td>
<td>25 or 29%</td>
<td>6</td>
<td>61 or 71%</td>
</tr>
<tr>
<td>Total</td>
<td>33 or 19%</td>
<td>5</td>
<td>138 or 81%</td>
</tr>
</tbody>
</table>

* Of the 40 directors with non-law library experience, 22 worked in academic libraries (5 males, 17 females); 9 in public libraries (2 males, 7 females); 4 in school libraries (4 females); 2 in a state library (2 females); 1 in a medical library (female); 1 in a military library (male); and 1 in a private library (female). We do not have a breakdown by type of library for the 1986 study.

### Table 16

Law Practice Experience Prior to First Directorship—2012

<table>
<thead>
<tr>
<th></th>
<th>Practice-U.S.</th>
<th>Average Years</th>
<th>No Practice Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>33 or 39%</td>
<td>5</td>
<td>51 or 61%</td>
</tr>
<tr>
<td>Female</td>
<td>35 or 41%</td>
<td>4</td>
<td>51 or 59%</td>
</tr>
<tr>
<td>Total</td>
<td>68 or 40%</td>
<td>4</td>
<td>102 or 60%</td>
</tr>
</tbody>
</table>

* By years of practice experience, the 2012 study revealed 12 directors (6 males, 6 females) had 1 year of experience; 13 directors (4 males, 9 females) had 2 years of experience; 7 directors (4 males, 3 females) had 3 years of experience; 6 directors (3 males, 3 females) had 4 years of experience; 1 director (female) had 5 years of experience; 5 directors (3 males, 2 females) had 6 years of experience; 6 directors (3 males, 3 females) had 7 years of experience; 5 directors (3 males, 2 females) had 8 years of experience; 3 directors (males) had 9 years of experience; 2 directors (1 male, 1 female) had 10 years of experience; 2 directors (females) had 12 years of experience; 1 director (male) had 13 years of experience; and 1 director (female) had 17 years of experience. We were unable to establish the years of practice experience for 4 directors.

### Table 16

Law Practice Experience Prior to First Directorship—1986

<table>
<thead>
<tr>
<th></th>
<th>Practice-U.S.</th>
<th>Average Years</th>
<th>No Practice Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>13 or 13%</td>
<td>3</td>
<td>86 or 87%</td>
</tr>
<tr>
<td>Female</td>
<td>9 or 15%</td>
<td>3</td>
<td>53 or 85%</td>
</tr>
<tr>
<td>Total</td>
<td>22 or 14%</td>
<td>3</td>
<td>138 or 86%</td>
</tr>
</tbody>
</table>

* Because there is no comparison data in the 2012 study, we have omitted the category of foreign practice from this table. In the 1986 study, 3 directors or 2% (all were males) had foreign law practice experience. The average number of years of foreign practice was 6.
Table 17

Internal Promotion to First Directorship—2012*

<table>
<thead>
<tr>
<th>Internal Promotion</th>
<th>Not Promoted Internally</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>26 or 30%</td>
</tr>
<tr>
<td>Female</td>
<td>35 or 39%</td>
</tr>
<tr>
<td>Total</td>
<td>61 or 34%</td>
</tr>
</tbody>
</table>

* This category was not studied in 1986.

Table 18

Courses Taught Prior to First Directorship—2012*

<table>
<thead>
<tr>
<th>One or More Course Taught</th>
<th>Did Not Teach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>67 or 77%</td>
</tr>
<tr>
<td>Female</td>
<td>79 or 88%</td>
</tr>
<tr>
<td>Total</td>
<td>146 or 82%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Course</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research &amp; Writing</td>
<td>63 or 72%</td>
<td>80 or 89%</td>
<td>143 or 81%</td>
</tr>
<tr>
<td>Substantive Law</td>
<td>11 or 13%</td>
<td>22 or 24%</td>
<td>33 or 19%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Course</th>
<th>By Number of Courses Taught</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research &amp; Writing</td>
<td>1</td>
<td>47 or 54%</td>
<td>57 or 63%</td>
<td>104 or 59%</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>13 or 15%</td>
<td>18 or 20%</td>
<td>31 or 18%</td>
</tr>
<tr>
<td>Substantive Law</td>
<td>1</td>
<td>8 or 9%</td>
<td>15 or 17%</td>
<td>23 or 13%</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2 or 2%</td>
<td>6 or 7%</td>
<td>8 or 5%</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>1 or 1%</td>
<td>0</td>
<td>1 or 1%</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>0</td>
<td>1 or 1%</td>
<td>1 or 1%</td>
</tr>
</tbody>
</table>

* This category was not studied in 1986.

Table 19

Was First Directorship Acting or Interim—2012

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>21 or 24%</td>
</tr>
<tr>
<td>Female</td>
<td>34 or 38%</td>
</tr>
<tr>
<td>Total</td>
<td>55 or 31%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>11 or 11%</td>
</tr>
<tr>
<td>Female</td>
<td>16 or 25%</td>
</tr>
<tr>
<td>Total</td>
<td>27 or 17%</td>
</tr>
</tbody>
</table>
Table 20

Age Upon First Directorship—2012

<table>
<thead>
<tr>
<th></th>
<th>Average Age in Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>42</td>
</tr>
<tr>
<td>Female</td>
<td>44</td>
</tr>
<tr>
<td>Total</td>
<td>43</td>
</tr>
</tbody>
</table>

Age Upon First Directorship—1986*

<table>
<thead>
<tr>
<th></th>
<th>Average Age in Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>N/A</td>
</tr>
<tr>
<td>Female</td>
<td>N/A</td>
</tr>
<tr>
<td>Total</td>
<td>33</td>
</tr>
</tbody>
</table>

* A gender breakdown was unavailable for the 1986 study.

Table 21

Number of Years at First Directorship—2012

<table>
<thead>
<tr>
<th></th>
<th>Average Number of Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>10</td>
</tr>
<tr>
<td>Female</td>
<td>8</td>
</tr>
<tr>
<td>Total Average</td>
<td>9</td>
</tr>
</tbody>
</table>

Number of Years at First Directorship—1986*

<table>
<thead>
<tr>
<th></th>
<th>Average Number of Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>N/A</td>
</tr>
<tr>
<td>Female</td>
<td>N/A</td>
</tr>
<tr>
<td>Total Average</td>
<td>8</td>
</tr>
</tbody>
</table>

* A gender breakdown was unavailable for the 1986 study.
### Table 22

#### Total Number of Directorships—2012

<table>
<thead>
<tr>
<th>Number of Directorships</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>39 or 45%</td>
<td>50 or 56%</td>
<td>89 or 50%</td>
</tr>
<tr>
<td>2</td>
<td>31 or 36%</td>
<td>29 or 32%</td>
<td>60 or 34%</td>
</tr>
<tr>
<td>3</td>
<td>11 or 13%</td>
<td>8 or 9%</td>
<td>19 or 11%</td>
</tr>
<tr>
<td>4</td>
<td>5 or 6%</td>
<td>3 or 3%</td>
<td>8 or 5%</td>
</tr>
<tr>
<td>5</td>
<td>1 or 1%</td>
<td>0</td>
<td>1 or 1%</td>
</tr>
</tbody>
</table>

* In 2012, 50% of directors were still employed at their first permanent directorship.

#### Average Years Spent at Each Directorship—2012

<table>
<thead>
<tr>
<th>Number of Directorships</th>
<th>Average Years – Male</th>
<th>Average Years – Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>2</td>
<td>9</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>3</td>
<td>8</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>4</td>
<td>4</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
</tbody>
</table>

#### Total Number of Directorships—1986

<table>
<thead>
<tr>
<th>Number of Directorships</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>54 or 55%</td>
<td>50 or 81%</td>
<td>104 or 65%</td>
</tr>
<tr>
<td>2</td>
<td>30 or 31%</td>
<td>8 or 13%</td>
<td>38 or 24%</td>
</tr>
<tr>
<td>3</td>
<td>7 or 7%</td>
<td>3 or 5%</td>
<td>10 or 6%</td>
</tr>
<tr>
<td>4</td>
<td>6 or 6%</td>
<td>1 or 2%</td>
<td>7 or 4%</td>
</tr>
<tr>
<td>5</td>
<td>1 or 1%</td>
<td>0</td>
<td>1 or 1%</td>
</tr>
</tbody>
</table>

#### Average Years Spent at Each Directorship—1986

<table>
<thead>
<tr>
<th>Number of Directorships</th>
<th>Average Years – Male</th>
<th>Average Years – Female</th>
<th>Total Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>N/A*</td>
<td>N/A*</td>
<td>8</td>
</tr>
<tr>
<td>2</td>
<td>8</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>3</td>
<td>8</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>4</td>
<td>7</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>5</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

* Gender calculations for the first directorship were not done in the 1986 study.
### Table 23

**Average Number of Years as Director—2012**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Average Number of Years as Director</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>14</td>
</tr>
<tr>
<td>Female</td>
<td>12</td>
</tr>
<tr>
<td>Average Total</td>
<td>14</td>
</tr>
</tbody>
</table>

**Gender Breakdown by Range of Years—2012**

<table>
<thead>
<tr>
<th>Years</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–5</td>
<td>20 or 23%</td>
<td>34 or 38%</td>
<td>54 or 31%</td>
</tr>
<tr>
<td>6–19</td>
<td>36 or 41%</td>
<td>37 or 41%</td>
<td>73 or 41%</td>
</tr>
<tr>
<td>20 or More</td>
<td>30 or 34%</td>
<td>19 or 21%</td>
<td>49 or 28%</td>
</tr>
</tbody>
</table>

**Average Number of Years as Director—1986**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Average Number of Years as Director</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>13</td>
</tr>
<tr>
<td>Female</td>
<td>10</td>
</tr>
<tr>
<td>Average Total</td>
<td>12</td>
</tr>
</tbody>
</table>

**Gender Breakdown by Range of Years—1986**

<table>
<thead>
<tr>
<th>Years</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–5</td>
<td>81 or 51%</td>
</tr>
</tbody>
</table>

* Additional breakdowns in this category were not calculated in the 1986 study.

### Table 24

**Age of Sitting Director—2012**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Average Age in Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>58</td>
</tr>
<tr>
<td>Female</td>
<td>57</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
</tr>
</tbody>
</table>

**Age of Sitting Director—1986**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Average Age in Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>47</td>
</tr>
<tr>
<td>Female</td>
<td>41</td>
</tr>
<tr>
<td>Total</td>
<td>45</td>
</tr>
</tbody>
</table>
Table 25
Years at Current Directorship—2012

<table>
<thead>
<tr>
<th></th>
<th>Average Years at Current Directorship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>11</td>
</tr>
<tr>
<td>Female</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
</tr>
</tbody>
</table>

Years at Current Directorship by Range of Years—2012

<table>
<thead>
<tr>
<th>Range of Years</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–5*</td>
<td>32 or 37%</td>
<td>49 or 54%</td>
<td>81 or 46%</td>
</tr>
<tr>
<td>6–14</td>
<td>28 or 32%</td>
<td>22 or 24%</td>
<td>50 or 28%</td>
</tr>
<tr>
<td>15 or more</td>
<td>27 or 31%</td>
<td>19 or 21%</td>
<td>46 or 26%</td>
</tr>
</tbody>
</table>

* Thirty directors were in their first year at their current position: 6 males or 7% and 24 females or 27%.

Years at Current Directorship—1986

<table>
<thead>
<tr>
<th></th>
<th>Average Years at Current Directorship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>9</td>
</tr>
<tr>
<td>Female</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>9</td>
</tr>
</tbody>
</table>

Years at Current Directorship by Range of Years—1986

<table>
<thead>
<tr>
<th>Range of Years</th>
<th>Male*</th>
<th>Female*</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–5</td>
<td>N/A</td>
<td>N/A</td>
<td>81 or 51%</td>
</tr>
<tr>
<td>6–14</td>
<td>N/A</td>
<td>N/A</td>
<td>50 or 31%</td>
</tr>
<tr>
<td>15 or More</td>
<td>N/A</td>
<td>N/A</td>
<td>29 or 18%</td>
</tr>
</tbody>
</table>

* A gender breakdown was unavailable for the 1986 study.
Table 26
Current Academic Rank on the Law Faculty—2012

<table>
<thead>
<tr>
<th>Academic Rank with Law Faculty</th>
<th>No Academic Rank with Law Faculty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>73 or 84%</td>
</tr>
<tr>
<td>Female</td>
<td>59 or 66%</td>
</tr>
<tr>
<td>Total</td>
<td>132 or 75%</td>
</tr>
</tbody>
</table>

Rank Held Out of All Directors—2012

<table>
<thead>
<tr>
<th>Professor</th>
<th>Associate Professor</th>
<th>Assistant Professor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>50 or 57%</td>
<td>18 or 21%</td>
</tr>
<tr>
<td>Female</td>
<td>32 or 36%</td>
<td>21 or 23%</td>
</tr>
<tr>
<td>Total</td>
<td>82 or 46%</td>
<td>39 or 22%</td>
</tr>
</tbody>
</table>

Rank Held Out of All Ranked Directors—2012

<table>
<thead>
<tr>
<th>Professor</th>
<th>Associate Professor</th>
<th>Assistant Professor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>50 or 68%</td>
<td>18 or 25%</td>
</tr>
<tr>
<td>Female</td>
<td>32 or 54%</td>
<td>21 or 36%</td>
</tr>
<tr>
<td>Total</td>
<td>82 or 62%</td>
<td>39 or 30%</td>
</tr>
</tbody>
</table>

Rank by Years of Experience as Director—2012*

<table>
<thead>
<tr>
<th>Male—Professor</th>
<th>Female—Professor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–5</td>
<td>4 or 5%</td>
<td>5 or 6%</td>
</tr>
<tr>
<td>6–10</td>
<td>9 or 10%</td>
<td>3 or 3%</td>
</tr>
<tr>
<td>11–20</td>
<td>11 or 13%</td>
<td>14 or 17%</td>
</tr>
<tr>
<td>21 or more</td>
<td>27 or 31%</td>
<td>10 or 11%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Male—Associate Professor</th>
<th>Female—Associate Professor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–5</td>
<td>8 or 9%</td>
<td>10 or 11%</td>
</tr>
<tr>
<td>6–10</td>
<td>5 or 6%</td>
<td>4 or 4%</td>
</tr>
<tr>
<td>11–20</td>
<td>4 or 5%</td>
<td>5 or 6%</td>
</tr>
<tr>
<td>21 or more</td>
<td>1 or 1%</td>
<td>3 or 3%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Male—Assistant Professor</th>
<th>Female—Assistant Professor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–5</td>
<td>4 or 5%</td>
<td>6 or 7%</td>
</tr>
<tr>
<td>6–10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>11–20</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>21 or more</td>
<td>1 or 1%</td>
<td>0</td>
</tr>
</tbody>
</table>

* We did not have comparative breakdown figures for these ranges of years in the 1986 study.
Table 26 continued

Current Academic Rank—1986

<table>
<thead>
<tr>
<th>Academic Rank with Law Faculty</th>
<th>No Academic Rank with Law Faculty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>97 or 89%</td>
</tr>
<tr>
<td>Female</td>
<td>46 or 74%</td>
</tr>
<tr>
<td>Total</td>
<td>143 or 89%</td>
</tr>
</tbody>
</table>

Rank Held Out of All Directors—1986

<table>
<thead>
<tr>
<th></th>
<th>Professor</th>
<th>Associate Professor</th>
<th>Assistant Professor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>64 or 65%</td>
<td>25 or 26%</td>
<td>8 or 8%</td>
</tr>
<tr>
<td>Female</td>
<td>18 or 29%</td>
<td>17 or 27%</td>
<td>11 or 18%</td>
</tr>
<tr>
<td>Total</td>
<td>82 or 51%</td>
<td>42 or 26%</td>
<td>19 or 12%</td>
</tr>
</tbody>
</table>

Rank Held Out of All Ranked Directors—1986

<table>
<thead>
<tr>
<th></th>
<th>Professor</th>
<th>Associate Professor</th>
<th>Assistant Professor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>64 or 66%</td>
<td>25 or 26%</td>
<td>8 or 8%</td>
</tr>
<tr>
<td>Female</td>
<td>18 or 39%</td>
<td>17 or 37%</td>
<td>11 or 24%</td>
</tr>
<tr>
<td>Total</td>
<td>82 or 57%</td>
<td>42 or 29%</td>
<td>19 or 13%</td>
</tr>
</tbody>
</table>

Table 27

Holds Title of Associate Dean or Equivalent—2012*

<table>
<thead>
<tr>
<th>Holds a Decanal Title</th>
<th>Does Not Hold a Decanal Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>33 or 39%</td>
</tr>
<tr>
<td>Female</td>
<td>42 or 46%</td>
</tr>
<tr>
<td>Total</td>
<td>75 or 43%</td>
</tr>
<tr>
<td></td>
<td>54 or 62%</td>
</tr>
<tr>
<td></td>
<td>48 or 53%</td>
</tr>
<tr>
<td></td>
<td>102 or 58%</td>
</tr>
</tbody>
</table>

* This category was not included in the 1986 study.

Type of Decanal Title Held

<table>
<thead>
<tr>
<th></th>
<th>Associate Dean</th>
<th>Assistant Dean</th>
<th>Vice Dean</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>30 or 34%</td>
<td>2 or 2%</td>
<td>1 or 1%</td>
</tr>
<tr>
<td>Female</td>
<td>39 or 43%</td>
<td>2 or 2%</td>
<td>1 or 1%</td>
</tr>
<tr>
<td>Total</td>
<td>69 or 39%</td>
<td>4 or 2%</td>
<td>2 or 2%</td>
</tr>
</tbody>
</table>

* 92% of all those who hold a decanal title hold the title of Associate Dean. 5% of all those holding a decanal title hold the title of Assistant Dean. 3% of those holding a decanal title hold the title of Vice Dean.
Table 28

Responsibility for Technology in the Law School—2012*

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>30 or 38%</td>
<td>49 or 62%</td>
</tr>
<tr>
<td>Female</td>
<td>34 or 38%</td>
<td>55 or 62%</td>
</tr>
<tr>
<td>Total</td>
<td>64 or 38%</td>
<td>104 or 62%</td>
</tr>
</tbody>
</table>

* This category was not included in the 1986 study. In the 2012 study, 168 or 95% of directors in the total study were included; there was insufficient information for 9 directors.
Table 29

Courses Taught as Director—2012*

<table>
<thead>
<tr>
<th></th>
<th>One or More Course Taught</th>
<th>Did Not Teach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male **</td>
<td>81 or 96%</td>
<td>3 or 4%</td>
</tr>
<tr>
<td>Female</td>
<td>82 or 91%</td>
<td>8 or 9%</td>
</tr>
<tr>
<td>Total</td>
<td>163 or 94%</td>
<td>11 or 6%</td>
</tr>
</tbody>
</table>

Number of Courses*  

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>21 or 25%</td>
<td>36 or 40%</td>
<td>57 or 33%</td>
</tr>
<tr>
<td>2 or More</td>
<td>61 or 73%</td>
<td>46 or 51%</td>
<td>107 or 61%</td>
</tr>
</tbody>
</table>

* This category includes combined courses from both research & writing and substantive law.

<table>
<thead>
<tr>
<th>Type of Course</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research &amp; Writing</td>
<td>77 or 91%</td>
<td>77 or 86%</td>
<td>154 or 87%</td>
</tr>
<tr>
<td>Substantive Law</td>
<td>50 or 60%</td>
<td>30 or 33%</td>
<td>80 or 46%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Course</th>
<th>By Number of Courses Taught</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research &amp; Writing</td>
<td>1</td>
<td>43 or 51%</td>
<td>45 or 50%</td>
<td>88 or 50%</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>27 or 32%</td>
<td>29 or 32%</td>
<td>56 or 32%</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>7 or 8%</td>
<td>3 or 3%</td>
<td>10 or 6%</td>
</tr>
<tr>
<td>Substantive Law</td>
<td>1</td>
<td>20 or 24%</td>
<td>21 or 23%</td>
<td>41 or 24%</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>12 or 14%</td>
<td>5 or 6%</td>
<td>17 or 10%</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>4 or 5%</td>
<td>1 or 1%</td>
<td>5 or 3%</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>9 or 11%</td>
<td>2 or 2%</td>
<td>11 or 6%</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>2 or 2%</td>
<td>0</td>
<td>2 or 1%</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>1 or 1%</td>
<td>1 or 1%</td>
<td>2 or 1%</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>1 or 1%</td>
<td>0</td>
<td>1 or 1%</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>1 or 1%</td>
<td>0</td>
<td>1 or 1%</td>
</tr>
</tbody>
</table>

* It is interesting to note that the vast majority of directors are teaching both during their directorships but also pre-directorship (146 or 82%). This is a clear sign of the necessity of teaching as part of the duties of academic law librarians.

** For the 2012 study, we were able to find information sufficient to include 174 directors: 84 males and 90 females.

Courses Taught as Director—1986*

<table>
<thead>
<tr>
<th></th>
<th>One or More Course Taught</th>
<th>Did Not Teach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>92%</td>
<td>8%</td>
</tr>
</tbody>
</table>

* A gender breakdown was not discernable by examining the 1986 study due to a different method of compiling data.

<table>
<thead>
<tr>
<th>Type of Course</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research &amp; Writing</td>
<td>84 or 86%</td>
<td>52 or 84%</td>
<td>136 or 85%</td>
</tr>
<tr>
<td>Substantive Law</td>
<td>56 or 57%</td>
<td>18 or 29%</td>
<td>74 or 46%</td>
</tr>
</tbody>
</table>
Table 30
Publications—2012

<table>
<thead>
<tr>
<th>Have Published</th>
<th>Average Pieces</th>
<th>Have Not Published</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>80 or 96%</td>
<td>13</td>
</tr>
<tr>
<td>Female</td>
<td>80 or 92%</td>
<td>12</td>
</tr>
<tr>
<td>Total*</td>
<td>160 or 94%</td>
<td>12</td>
</tr>
</tbody>
</table>

* For the 2012 study, we were able to find information sufficient to include 170 directors. There were 4 males and 3 females not included because of insufficient information.

Publications by Type—2012*

<table>
<thead>
<tr>
<th></th>
<th>Librarianship Articles</th>
<th>Substantive Law Articles</th>
<th>Legal Research/Law School/Teaching Articles</th>
<th>Book Reviews</th>
<th>Chapters in Books</th>
<th>Monographs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>63 or 76%</td>
<td>40 or 48%</td>
<td>70 or 84%</td>
<td>31 or 37%</td>
<td>38 or 46%</td>
<td>34 or 41%</td>
</tr>
<tr>
<td>Female</td>
<td>67 or 77%</td>
<td>45 or 52%</td>
<td>61 or 70%</td>
<td>32 or 37%</td>
<td>40 or 46%</td>
<td>25 or 29%</td>
</tr>
<tr>
<td>Total</td>
<td>130 or 76%</td>
<td>85 or 50%</td>
<td>131 or 77%</td>
<td>63 or 37%</td>
<td>78 or 46%</td>
<td>59 or 35%</td>
</tr>
</tbody>
</table>

* In the 2012 study, we expanded the types of publications from those examined in the 1986 study, therefore the categories are not identical, but in most cases they are comparable.

Publications by Range of Numbers—2012

<table>
<thead>
<tr>
<th>Number of Publications</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–5</td>
<td>37 or 46%</td>
<td>10 or 13%</td>
<td>47 or 24%</td>
</tr>
<tr>
<td>6–10</td>
<td>14 or 17%</td>
<td>42 or 53%</td>
<td>56 or 29%</td>
</tr>
<tr>
<td>11–16</td>
<td>14 or 17%</td>
<td>16 or 20%</td>
<td>30 or 18%</td>
</tr>
<tr>
<td>17–30</td>
<td>4 or 5%</td>
<td>1 or 1%</td>
<td>5 or 3%</td>
</tr>
<tr>
<td>30 or more</td>
<td>8 or 10%</td>
<td>5 or 6%</td>
<td>13 or 8%</td>
</tr>
</tbody>
</table>

Publications—1986

<table>
<thead>
<tr>
<th>Have Published</th>
<th>Average Pieces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>82 or 82%</td>
</tr>
<tr>
<td>Female</td>
<td>38 or 61%</td>
</tr>
<tr>
<td>Total</td>
<td>120 or 75%</td>
</tr>
</tbody>
</table>

Publications by Type—1986

<table>
<thead>
<tr>
<th></th>
<th>Law Monographs</th>
<th>Library Monographs</th>
<th>Law Articles</th>
<th>Library Articles</th>
<th>Book Reviews</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>32 or 3%</td>
<td>79 or 8%</td>
<td>175 or 18%</td>
<td>458 or 47%</td>
<td>225 or 23%</td>
</tr>
<tr>
<td>Female</td>
<td>3 or 2%</td>
<td>16 or 11%</td>
<td>6 or 4%</td>
<td>83 or 56%</td>
<td>40 or 27%</td>
</tr>
<tr>
<td>Total</td>
<td>35 or 3%</td>
<td>95 or 9%</td>
<td>181 or 16%</td>
<td>541 or 48%</td>
<td>265 or 24%</td>
</tr>
</tbody>
</table>
A Survey of Law Libraries in Rwanda*

Brian D. Anderson**

More than simply satisfying intellectual curiosity, surveys of law libraries can show how these institutions support the justice sector, provide access to legal information, and guide future library development. This article investigates Rwanda’s law libraries and their potential to contribute to the justice sector and overall society in Rwanda.

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* © Brian D. Anderson, 2015. Funding for field research used to complete this article wasprovided in 2013 by a grant from the AALL Research Fund, an endowment established by LexisNexis. Special thanks to AALL for funding this research and LexisNexis for providing funding to support researchers investigating important topics in law librarianship.

** Assistant Professor of Law and Assistant Director, LL.M. Program in Democratic Governance and Rule of Law, Ohio Northern University, Ada, Ohio.
Introduction

¶1 The Republic of Rwanda is a small East African nation with a population of more than twelve million and a land mass slightly smaller than the state of Maryland.¹ The country gained global attention in a tragic way in 1994 when a genocide that lasted a mere 100 days took the lives of nearly one million Rwandans. In the twenty years since, Rwanda has become a beacon for a different kind of international attention, one that has triggered an influx of foreign aid and assistance. After the creation of a new government, Rwanda has seen unprecedented development and economic growth, and many have hailed it as a global success story for post-conflict transition.

¶2 A new constitution in 2003 reorganized the government and created several new institutions, including some within the justice sector. As a result, a country with one law school in 1994 now boasts five, a necessary change with an expanding focus on the rule of law and good governance. But no corresponding attention has been paid to law libraries and the role they can play in promoting justice reform in the small but robust transitional state.

¶3 In an effort to understand how Rwanda’s law libraries can contribute to the country’s justice sector, overall society, and democratic transition, a survey of law libraries was conducted in June 2013. Site visits and interviews with library personnel were conducted at all of Rwanda’s law libraries. Additional visits were made to other libraries that serve legal institutions, notably at Rwanda’s law schools. Questions focused on two main areas: the users of libraries, as perceived by library personnel; and the collections in the libraries and how they serve their users. Inquiries were also made into library management, funding, and other issues generally related to library management. Finally, a user survey was circulated to understand how students, lawyers, and judges access legal information in Rwanda.

Study of Foreign Law Libraries

¶4 Surveys of law libraries outside the United States have been done for decades, and for a variety of reasons. Published accounts of law libraries in foreign jurisdictions date back as early as 1925, with a detailed look at some of Italy’s law libraries.² A Swedish librarian’s visit to the University of Minnesota in the 1980s prompted a survey of academic law libraries in Scandinavia that same decade.³ In 1990, Theodore Mahr wrote the first in-depth nationwide study on the public and private law libraries in India.⁴ This study not only produced a great perspective of the role and importance of law libraries in the Indian legal system but also looked

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² Michael Angelo Musmanno, Law Libraries in Italy, 18 LAW LBR. J. 59 (1925).
at the needs and shortfalls of law libraries—something incredibly useful, especially from the perspective of a researcher outside the Indian system.\(^5\)

\(^5\) In more recent years, the curiosity of studying how law libraries exist in different places has extended even beyond the limits of foreign countries. For instance, an article written in 2000 looked at “law libraries in hyperspace,” which sought to understand the role and growing presence of academic law libraries online.\(^6\) More recently, online content was investigated to understand “law libraries in the cloud” and the online presence of information accessed by law libraries.\(^7\)

\(^6\) These studies and others like them provide insight into law libraries separated not only by physical space but also by differences in culture, traditions, and roles. For librarians especially, this is intriguing at the very least. At most, understanding law libraries in other societies and cultures can have more profound roles, from better assisting emerging legal institutions to developing ways to improve society as a whole.

**Rwanda: History and Legal System**

\(^7\) Rwanda has a rich and fascinating history. Centuries before colonization took hold in the small East African country, hundreds of years of migration led to monarchical rule of a vast area in East Africa larger than present-day Rwanda.\(^8\) This history was interrupted in 1890 when Germany asserted a claim of colonial control over the territory and its people.\(^9\) With Germany’s defeat in World War I, Belgium took over colonial governance in Rwanda and aggressively implemented not only Belgian law but a series of divisive social policies in the colony.\(^10\) Eventually, under Belgian colonial rule, Rwanda’s traditional class system was codified into a system of racial identification and division. This provided significant benefit to a small ruling minority—the Tutsi (approximately fifteen percent of the population)—over the vast majority of Rwandans—the Hutu (approximately eighty-five percent of the population). As a result, because of the inequities perpetuated by the Belgian colonial government, significant resentment began to rise against the colonial government and the minority Tutsi ruling class.\(^11\)

\(^8\) Rwanda became an independent state in November 1962 under President Grégoire Kayibanda.\(^12\) The simmering resentment of both colonial and minority Rwandan rule boiled over into a violent change in power, with the majority Hutu taking power during a time of significant periods of tribal violence of Hutus against Tutsis.\(^13\) This violence led to the death of tens of thousands and the displacement

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5. *Id.* at 108–11, 126–27.
10. *Id.* at 4–6.
12. *Id.* at 6.
of hundreds of thousands over the course of some thirty years after independence.\textsuperscript{14} This violent period culminated in the 1994 genocide in Rwanda, where an estimated one million Tutsi and moderate Hutu were killed in the span of only 100 days. The genocide stopped when the rebel group Rwandan Patriotic Front (RPF) took control of the capital city of Kigali, ended hostilities, and ultimately seized control of the Rwandan government.\textsuperscript{15} Today, the RPF remains in power under President Paul Kagame, who led the rebellion in 1994 to end the genocide.\textsuperscript{16} Since then, significant governmental reforms have led some to regard Rwanda as having made one of the most successful transitions in post-conflict governance in recent history.\textsuperscript{17}

¶9 Initial reforms led to the creation of a new government nearly ten years after the 1994 conflict. A new constitution was adopted in 2003 that divided power between executive, legislative, and judicial branches.\textsuperscript{18} The executive branch is led by a president, who is constitutionally limited to two seven-year terms and has several powers of appointment and executive level controls in the country.\textsuperscript{19} The Parliament of Rwanda consists of two chambers—the Senate and the Chamber of Deputies.\textsuperscript{20} While some pre-2003 laws remain in force (including, for instance, the colonial era Belgian civil code), the Parliament of Rwanda is now charged with drafting and adopting organic laws in the country. The Rwandan Parliament holds the distinction as the legislative body with the largest percentage of women elected in the world, currently at sixty-four percent.\textsuperscript{21}

¶10 The judiciary in Rwanda is divided among four levels of courts: primary courts, intermediate courts, the High Court, and the Supreme Court of Rwanda.\textsuperscript{22} Specialty courts dealing with commercial and military matters also exist in the judicial system. Depending on their type or the severity of charges, cases enter at a given level in the judicial system, with higher courts having appellate jurisdiction over final judgments. The courts come from a civil law tradition, first inherited by the Belgian colonial system and then implemented in independent Rwanda. This tradition continued with the new government in 2003; however, after joining the East African Community of States (EAC) in 2008, Rwanda was required to harmonize several laws and institutions with the supranational body. This harmonization included what has become a gradual shift toward common law, much like three of Rwanda’s sister nations in the EAC.

\textsuperscript{15} Clark, supra note 13, at 12–18.
\textsuperscript{16} Id.
\textsuperscript{18} Rwanda Const. tit. IV, art. 60 (2003).
\textsuperscript{19} Id. tit. IV, ch. III.
\textsuperscript{20} Id. tit. IV, art. 62.
\textsuperscript{22} Rwanda Const. tit. IV, art. 143.
The government of Rwanda has been slow to adopt common law principles in its courts, as several challenges emerged from the start of the proposal to do so. Chief among these was unfamiliarity with common law principles and the need for improving judgment writing in Rwanda. Also, and of significant importance to this study, there was a need for meaningful research access to case law in Rwanda, presumably with the help of Rwanda’s law libraries.

An attempt to tackle the issue of improving Rwanda’s law libraries occurred in 2011, with a USAID-funded project working in the justice sector in Rwanda. Part of this project involved a needs assessment of the law libraries and a seminar for library representatives. Several ideas emerged during the process, such as adopting common collection development goals, utilizing a shared library catalog, and developing a system of interlibrary loans between libraries. Unfortunately, few of the ideas established in this endeavor gained traction. This study and its findings may provide some helpful information to promote Rwanda’s legal information needs.

Law Libraries in Rwanda

Rwanda has a total of eight law libraries that divide into three general categories: academic law libraries, government institution law libraries, and international organization law libraries. In reality, six of these eight law libraries are in government institutions. Nonetheless, the two nongovernment law libraries are excellent examples that highlight distinctly different missions and purposes than their government counterparts, and the great potential for the growth of law libraries in the country.

National University of Rwanda Law Library

The National University of Rwanda (NUR) is the country’s flagship university and contains multiple colleges, including a law college known as the NUR faculty of law. The university is alone in Rwanda in having more than one library, and it is only one of five law colleges with a law library on its campus. The NUR is located in Butare, in the southern province of the country, roughly two hours south from the capital of Kigali where the majority of legal institutions are located. This remote location away from the legal center of the country makes accessing the physical collection very impractical for those outside the university setting or the local bar.

The library is run by librarian Bernadette Nyiratunga, who is formally titled a documentalist at the NUR Law Library. She studied library science at the University of Dakar in Senegal. She holds faculty status at the National University and teaches a course in research methodology at the faculty of law. The most recent inventory of the law library (taken in 2011) showed approximately 1500 mono-

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24. Information in this section from interviews with Dean Emmanuel Muragijimana, Dean of Law Faculty, NUR, and Bernadette Nyiratunga, Documentalist, NUR Law Library (June 25, 2013) (notes and audio recording on file with author).
graphs in the library’s collection and approximately 9000 other items, including serials, periodicals, and a large number of dissertations. By all accounts the NUR law library is unique in the role it plays in legal education and legal information literacy in law schools, with its librarian formally participating in the law school curriculum and taking a proactive educational role in legal research.

¶16 Acquisitions for the NUR law library are arranged by the central NUR library. However, according to Nyiratunga, it takes approximately one year for the law library to receive an acquisitions request because of the bureaucratic processes required of the public institution. Limited funding also affects the number of items the law library can acquire in a given year. The central NUR library also facilitates acquisitions of electronic resources; however, none are specific to the law curriculum. Indeed, Emmanuel Muragijimana, Dean of the Faculty of Law, describes the available e-resources as “insufficient for the research needs of students and professors.”

¶17 Nyiratunga and Muragijimana both believe that law libraries have vital contributions to make to legal practice and education in Rwanda. Nyiratunga states they are “needed, and very important.” She notes the need for more resources, and perhaps a library consortium agreement could fulfill maximizing use of the available materials within the country. Muragijimana finds that law libraries are “extremely critical to empower people to do legal research” and very necessary at NUR and more broadly throughout Rwanda. Further, he envisions the law library playing a major role as the country transitions toward a common law system and completely integrates into the EAC. Muragijimana indicates that law libraries should “play a major role in achieving quality justice in Rwanda.”

Institute of Legal Practice and Development

¶18 The Institute of Legal Practice and Development (ILPD) is a postgraduate practical education institution for lawyers in Rwanda. While educational in mission, it is a government institution designed to qualify lawyers to practice law in Rwanda. The ILPD houses a law library on its small campus in Nyanza, also located in Rwanda’s southern province. Its mission is to empower new Rwandan lawyers through continuing education and practical skills training, including developing lawyers’ research skills.

¶19 The ILPD library is run by librarian Justin Rwabukwisi, who has no formal education in law or librarianship. The library receives an annual budget for acquisitions, but it relies in substantial part on donations to the collection. This collection contains approximately 6000 monographs related to the law. Primary legal materials in print include all current copies of the Official Gazette. Additionally, two computer labs with twenty computers each provide Internet access and some

25. Until recently, all students at the faculty of law needed to complete a dissertation for the LL.B. degree, and had to deposit a copy at the law library, which in part accounts for this high number of items in the law library’s collection.
26. Interview with Dean Emmanual Muragijimana, supra note 24.
27. Id.
28. Information in this section from interviews with Nick Johnson, Rector, ILPD, and Justin Rwabukwisi, Librarian, ILPD (June 21, 2013) (notes and audio recording on file with author).
online databases for legal research. Like most of Rwanda's law libraries, the ILPD library collects some nonlegal periodicals, such as regional magazines and newspapers. The library is open to the public; however, its relatively rural location approximately one hour from Kigali includes no major legal or citizen communities to serve outside students at ILPD.

¶20 Professor Nick Johnson, who heads the ILPD, explained one important reason why law libraries have not become critical institutions in the Rwandan legal system as they have in other more developed systems: Rwanda’s “unelaborated legal system” has no history or tradition of commentary or critique of the law. Notably, law faculties have no publication requirements of their professors, and there is no significant scholarly or practical critique of the law, in part due to Rwanda’s history as a relatively closed society. Johnson believes, however, that law libraries are critically important to the future of Rwanda’s legal system, especially as places of discovery in the legal academy. In the sciences, notes Johnson, the laboratory is critical to discovery; in law, the law library is the laboratory for discovery and knowledge.

**Parliamentary Law Library and Archives**

¶21 The Rwandan Parliament building houses both a law library and parliamentary archives.29 The law library is operated by Yves Twagirayezu, a Documentation Officer of Parliament with no formal education in law or librarianship. The collection houses approximately 3700 monographs related to the law, as well as newspapers and magazines. All library materials are housed in a large open stack and reading room space—essentially the entire library space. The primary users of the law library are Ministers of Parliament and their staff. In addition, the library frequently serves members of the public and students who require access to laws and other legal materials.

¶22 The law library is one of the few in Rwanda that keeps patron counts, and it averaged an impressive 177 users per month during the first six months of 2012. Twagirayezu indicates that the more frequent users of the library are those Ministers of Parliament “known to be readers.” The library is open to the public, and three times a year the Parliament hosts an “open public day” when services, including access to the library, are promoted to the public. The library offers some research assistance but largely assists patrons with subject searching the library’s online catalog to find library materials.

¶23 The parliamentary library has a budget for acquisitions; however, the funds do not always reach the library. It therefore relies on donations for a large part of acquisitions activity. If funds are available, requests from Ministers and staff are fulfilled provided they meet the needs of the institution. The library has print copies of the *Official Gazette* for public use. It does not have publicly available computer terminals or wireless access, however, meaning that parliamentary library patrons have no electronic resources available to them.

¶24 The parliamentary archives are also housed in the Parliament building in two separate locations. They contain explanatory notes, records of discussion and

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29. Information in this section from an interview with Yves Twagirayezu, Documentation Officer, Parliament of Rwanda (June 24, 2013) (notes and audio recording on file with author).
debate from committees, and records from the plenary sessions of Parliament. These records are used, albeit infrequently, by researchers such as law students, lawyers, and judges. One staff member works in the archives, which are not well organized due to lack of space and are thus difficult to search. No one is able to browse the archives, and retrieval of materials from the archives is possible only through request for a specific document. By all practical measure, the Parliamentary archives are essential a closed collection of government records, in that they are open to the public without meaningful access through indexing or searching.

Supreme Court Law Library

¶25 The law library at the Supreme Court of Rwanda is located on the top floor of the six-story Supreme Court building in a complex of justice sector buildings located in an enclosed space in Kigali.\(^{30}\) Located across the street from the Parliament building, the Supreme Court is within a 100-meter walking distance to the Ministry of Justice and the National Public Prosecution Authority, both of which have law libraries also accessible to members of the Court.

¶26 The Supreme Court library has one staff person, Prisca Uwimana, who has no formal education in law or librarianship. The library is housed in a small room, which primarily serves as a conference space and contains a large table and only a dozen bookshelves of library materials. Uwimana describes the library’s collection of approximately 1000 books as “very poor.” The library also keeps track of the justices’ personal collections; those books total 1319. Uwimana states that justices often find it easier to use their own books than to rely on the Supreme Court’s library. For primary law sources, the library maintains copies of the *Official Gazette* and facilitates the distribution of copies of the *Official Gazette* to all members of the Court. Since 2011, the Supreme Court library has had no acquisitions funding.

¶27 The Supreme Court library is open to the public but is rarely so used, and then only by students and lawyers. Despite its small collection and limited use, the library is very important to the work of the court, says Uwimana. She notes that when the library cannot fill a request for legal materials, she contacts other law libraries in Rwanda to seek materials. Perhaps due to the close proximity between the Supreme Court law library and three other government law libraries, there seems to be an ad hoc consortium between these libraries, with frequent interlibrary loans to serve the diverse range of government library patrons.

National Public Prosecution Authority Law Library

¶28 The National Public Prosecution Authority (NPPA) is the chief law enforcement office in the Rwandan justice sector, representing the government as prosecuting authority in the courts.\(^{31}\) Located next to the Supreme Court in Kigali,
it has a moderate-sized room on the building’s second floor reserved as the NPPA’s law library. The library is run by Jane Kembabazi, who has worked in this role for three years despite having no formal training in law or library science. The library is open to the public, but most often the users of the library are lawyers with the NPPA.

¶29 The majority of items in the collection are primary sources of Rwandan law, typically the *Official Gazette*, and other texts related to the law. The NPPA law library has no budget to acquire items in the collection and has not added any items to the collection since 2012. The most recent acquisitions have been donations of books from a USAID project working in Rwanda in 2011.32 Though the Law Library at NPPA does not subscribe to electronic resources, it has access to some e-resources through the subscription at the NUR law library. These resources are “frequently searched” to find information for users of the NPPA law library.

¶30 Kembabazi believes libraries are important to the work of the NPPA. Jean-Damascène Habimana, secretary general of the NPPA, agrees, stating that law libraries are needed to meet the increasing demand for electronic materials and legal information online.

**Ministry of Justice Law Library**

¶31 The Ministry of Justice is primarily responsible for coordinating legislation and legal counsel to the government of Rwanda and is a key member of the justice sector.33 It is located next to the Supreme Court in Kigali and houses a library on its ground floor. The library has one staff member, Alphonse Ndeze, who has no formal training in law or library science. The library is open to the public but is most often used by Ministry of Justice members or those from other nearby government offices. Most public patrons of the library use its Internet access or newspapers for job searches or to practice reading with English-language periodicals.

¶32 The library’s collection contains approximately 3000 items. Primary law sources consist of all copies of the *Official Gazette* as well as historical copies of the colonial administrative code that was in force prior to independence. The library has ever not had any funds for acquisitions; however, 120 books were donated in 2011 from a USAID-funded project in Rwanda. Two computers with Internet access are available to the public, though the library does not subscribe to any commercially produced legal databases. Items in the library catalog are searched using a paper copy or a Microsoft Excel document.

¶33 The Law Library at the Ministry of Justice also houses historical legal and public documents related to property ownership and citizenship. These documents date to 1932, during Belgian colonial rule. Access to these documents, however, is limited, as they are seemingly not organized in any meaningful way.

32. The author was part of the team of advisers selecting legal texts to donate to Rwandan law libraries in 2011 as part of the Millennium Challenge Corporation’s Rwanda Justice Strengthening Project.

33. Information in this section from an interview with Alphonse Ndeze, Librarian, Ministry of Justice (June 24, 2013) (notes and audio recording on file with author).
Rwanda Bar Association Law Library

¶34 The Rwanda Bar Association (RBA) is a national government organization responsible for the certification of lawyers in Rwanda. Membership is required for all practicing lawyers, except those working for the government, in nongovernmental organizations, or as corporate counsel, who are not eligible to join. At the time of my visit to the RBA, it had approximately 660 members with another 100 expected to join within the next two months. The RBA is located in an office—essentially a large house—in the Kicukiru neighborhood of Kigali, easily accessible to RBA members.

¶35 The RBA office reserves a small room lined with shelves as its law library, a space the bar association staff describes as “insufficient.” Currently no staff maintains the library. The library contains many copies of the Official Gazette as well as legal texts and treatises that were donated to the organization. Like many of the law libraries in Rwanda, there is no budget in place for acquiring new materials at the RBA law library. Sadly, despite the room’s air conditioner, conditions were damp and musty. Several of the items in the library, in fact, had visible mold. Of all the libraries visited, this was the only one that caused serious concern for the physical collection.

¶36 Despite the relatively small size and poor condition of the law library at the RBA, its membership expressed the opinion that law libraries are of significant importance to serve lawyers and the public in Rwanda. The executive director of the RBA stated that a combined effort of all members of the justice sector would be necessary to achieve a goal of improving conditions of law libraries in Rwanda. Online access to legal information is also viewed as important, as it will soon become the primary mode of legal research by RBA members.

United Nations ICTR Law Library

¶37 Perhaps the most impressive and best-funded law library in Rwanda is the library of the United Nations’ International Criminal Tribunal for Rwanda (ICTR). Formally known as the ICTR Information and Documentation Centre, it is located in the Kyovu neighborhood of Kigali and is open to the public. In fact, one of the missions of the library is to serve as an outreach center and public resource about the ICTR. In 2013, the library received on average fifty to eighty visitors per day, including local schoolchildren who use the library’s lower-level reading room as after-school study space. The library has two full-time staff members: a library assistant and an information officer and outreach program coordinator. Neither has formal education in library science or law. Despite this, both are well versed in knowing their collection and serving the mission of the library.

34. Information in this section from an interview with Victor Mugabe, Executive Director, RBA (formerly the Kigali Bar Association) (June 19, 2013) (notes and audio recording on file with author).
35. Information in this section from interviews with Mathias Sebaprazi, Library Assistant, and Innocent Kamanzi, Information Officer, UN ICTR Information and Documentation Centre (June 19, 2013) (notes and audio recording on file with author).
The library has more than 5000 monographs, subscribes to periodicals such as local and regional newspapers and magazines, and has access to several research resources online. Among the library’s users are law students from all of Rwanda’s law schools (primarily the schools in Kigali), professors, lawyers, journalists, and members of the general public. Research assistance is given to judges, prosecutors, and other members of the justice sector. The library is primarily funded by a mandate from the ICTR, with additional sporadic funding from foreign donors. To date there is no specific plan for the library when the mandate of the ICTR ends, though it is likely that control of the law library and outreach center will be given to the government of Rwanda.

The law library’s information officer, Innocent Kamanzi, stated that in Rwanda there is “a need for the rule of law and a need for access to laws, and many do not know where to find it.” In his opinion, too few Rwandan citizens know where and how to access the law, despite having law libraries open to them.

Other Libraries with Law Collections

In addition to the eight law libraries already described, two others in Kigali serve users of legal information: the university libraries at the Université Libre de Kigali (ULK) and the Independent Institute of Lay Adventists of Kigali (INILAK). Both these institutions have faculties of law but no law libraries on campus. The library at INILAK is impressive with more than 45,000 items in the library’s collection, but with only a small section of legal materials. Robert Ruryahebwa, the dean of the faculty of law at INILAK, believes that the legal materials in the law library are insufficient to support the legal scholarship needs of students and professors. He indicated that students are often directed to online resources as well as to other libraries, including the nearby ICTR Law Library and the law library at the Ministry of Justice.

The university library at ULK also supports its faculty of law with a small collection of law-related materials in the library. The dean of the faculty of law at ULK described the library as “poor in the number of books” it has to support legal research and study. He stated that other law libraries are needed to supplement the legal collection at ULK. However, computer labs and online research programs supplement the lack of legal materials in the university library. ULK boasts more than 2000 computers and offers wireless Internet access in its main library and administrative building. Professors and students doing research, however, are more likely to find primary and secondary legal materials at one of Rwanda’s law libraries, as acknowledged by both institutions.

37. Interview with Robert Turyahebwa, Dean, Faculty of Law, INILAK (June 19, 2013) (notes and audio recording on file with author).
38. Interview with Titien Habumugisha, Dean, Faculty of Law, Université Libre de Kigali (ULK) (June 19, 2013) (notes and audio recording on file with author).
Role of Law Libraries in Rwandan Society

¶42 The onsite visits to Rwanda’s law libraries and other libraries with legal materials has led to some general observations about the state of law libraries and legal information in the country. A survey instrument was also made available to consumers of legal information in Rwanda to better understand how well their use of law libraries and the Internet were meeting their legal research needs. A number of judges, lawyers, and students completed the survey in print or online, which contributed to the following overall observations of the role of law libraries in Rwanda.

Open but Not Used by the Public

¶43 All law libraries in Rwanda are open to the public—perhaps a true testament to the spirit of democracy flourishing in the transitional country. In practice, however, very few members of the public use the law libraries, and the libraries almost exclusively serve those primary patron populations of the institutions to which they belong. Libraries do not advertise that they are open to the public and thus make no real effort to reach out to a wider base of library users.

¶44 Librarians and library staff believe two main causes explain the lack of public use of law libraries in Rwanda: (1) the public is not aware they can use the law libraries; and (2) in general, many members of the greater public lack the education necessary to use legal materials. The executive director of the RBA, discussing the bar association’s library, succinctly states that the library is “open but not promoted.” This captures the sentiment of all law libraries in the country. Nonetheless, the libraries remain open to the public.

Limitations to Collection Development

¶45 One of the most prevalent themes that emerged from the onsite visits and survey responses relates to acquiring materials. Staff at nearly all libraries indicate that their institutions face significant funding deficits, with more than one library currently relying entirely on donations to build and maintain collections. Perhaps as a result of this alone, no law library in Rwanda has a detailed collection development plan or a list of core collections that are found in any given library. All law libraries, however, maintain print copies of the *Official Gazette*, the official government publication of laws of Rwanda.

¶46 All law libraries visited also have odd items in their collections, most certainly gifts from visiting legal professionals or cast-offs acquired through third parties. For example, random volumes of U.S. court reporters are scattered around shelves of most of the law libraries in the country. Early editions of law

39. A survey was conducted online and promoted for three months from June 2013 through August 2013, with the assistance of a research assistant hired to solicit survey responses. Bureaucratic restrictions prevented obtaining an overwhelming number of responses; however, those obtained are representative in that they show a consistency in responses across different members of the legal field and show common trends related to perceptions of law libraries and sources of legal information in Rwanda. The survey instrument and results are on file with the author.
40. Interview with Victor Mugabe, supra note 34.
41. Almost all libraries, for example, had one or more random case reporters from the United States, which contains case law from a given jurisdiction for a small period of time. Such texts are virtually useless to legal researchers unless a case they require is actually located in the volume.
casebooks and textbooks were found. Many of these, however, offer little practical value to users in the country.

Lack of Formal Training in Law and Library Science

§47 Also common among Rwandan law libraries is their staffs’ lack of formal training. Most law libraries have only one dedicated staff member, but none more than two. Among those, only one person designated as a librarian or head of a law library has any formal library science education. Moreover, no staff at any of the law libraries has any formal legal training.

§48 The lack of formal training does not necessarily predict the capacity of those running law libraries or discredit the services they offer. Most staff of Rwanda’s law libraries are confident in their ability to find materials within their respective collections and to search for information held at other institutions. However, based on interviews with library personnel, only two (or at best three) law libraries provide meaningful reference and research assistance.

Transition to E-Resources Outpacing Law Libraries’ Capacity

§49 All aspects of life in Rwanda have transitioned rapidly to relying on electronic resources and technology, from personal mobile devices to online banking. This online presence was made possible due to massive investment creating the infrastructure for high-speed Internet access in the country. In 2011 work was completed that ran 2300 kilometers of fiber optic cable across the country, linking it with undersea cables along the east African coast.42

§50 While the rapid growth of online connectivity in Rwanda has caused a dramatic increase in the ability to use online resources for legal research, libraries—and the government—have not caught up with the growing demand for e-resources. The same is true with the transition to online legal information in Rwanda. The Official Gazette has been published online for several years, and online research was also supported by an online database to search Rwandan laws, called Amategeko.net (amategeko is Kinyarwanda for “law”).43 This database, however, went without updates for the first six months of 2013 and has since gone offline. Its would-be replacement, the Legal Information Portal, was created in 2011 by a USAID-funded project, but it has also suffered from a lack of funding and is now offline.

§51 Rwanda’s law libraries have suffered the same fate in terms of funding. To date there is little or no funding for subscriptions to online legal materials. Libraries that have subscriptions receive funding through individual donors or partnerships with national institutions funded by donors.44 Additionally, law libraries have few,

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43. Access to the now defunct website is through the Rwanda Legal Information Portal, which was defunded in 2011 and has since not been updated with current laws. Interview with Jean-Louis Kaliningondo, ICT Advisor, Ministry of Justice (June 18, 2013) (notes and audio recording on file with author); see also Legal Information Portal, Republic of Rwanda, http://www.lip.gov.rw/LIP/Laws_all.aspx (last visited May 29, 2015).
44. The Swedish International Development Cooperation Agency is largely responsible for providing funding earmarked for subscriptions to online databases at the NUR and the UN ICTR Law Library. Because it is a government university, other government users have been granted access to the NUR databases, though they are seldom used outside NUR.
if any, computer terminals for public use—the number ranges from as many as
nine computers at the ICTR law library to none at the law libraries at Parliament
and the Supreme Court. Finally, most library staff at Rwanda’s law libraries have
little expertise searching for online legal materials. In fact, several law libraries
maintain print catalogs only and, in some cases, even use a handwritten notebook
to log when items are borrowed. Thus, even with the infrastructure in place to
access online materials, there is generally little capacity for law libraries to provide
meaningful access to online legal materials.

¶ 52 Despite the lagging transition of online legal information, its access and use
is critical to legal research in Rwanda. All survey respondents indicated that the
Internet is important to legal research, and ninety-six percent indicated that law
libraries are good places to learn about Internet legal research. More than eighty
percent of users utilize the Internet for research more than once a day.

Legal Research Education

¶ 53 Overall, law libraries in Rwanda make few contributions to research educa-
tion. Culturally and historically, libraries are viewed only as depositories of books
and information, and librarians and staff, while they maintain collections, are not
expected to instruct users in research methodology or information literacy. This is
perhaps painfully obvious at the university library at ULK, where books are in a
type of closed stacks, and library patrons interact with library staff through glass-
encased teller-style booths to access materials. Only at the law library at NUR is a
librarian involved in research education to law students and operating a reference
desk as is customary in other libraries.

¶ 54 Given this history, it is not surprising that fewer than ten percent of survey
respondents view law libraries as places to receive instruction on research skills or
research methodology. In fact, the majority of survey respondents indicated that
they have sought assistance from librarians to find books, laws, or other informa-
tion. There is a great opportunity, therefore, for skilled law librarians to contribute
to research education and information literacy needs of library users.

Positive Perceptions of Law Libraries in Rwanda

¶ 55 Regardless of the room for improvement in many of the law libraries in
Rwanda, all those encountered—whether users, staff, or administrators at law
libraries—believe that their institutions serve an important need of legal commu-
nities in Rwanda. Each librarian or library administrator was able to articulate,
often times in different ways, the important information needs served by his or her
institution. Even when acknowledging problems such as limited collections and
funding deficits, librarians were confident of the quality of their services to the
legal communities in Rwanda.

¶ 56 In addition to library staff, several high-ranking officials in several justice
sector and legal education institutions highlighted the importance of law libraries
in Rwanda. Régis Rukundakuvuga, Inspector General of the Supreme Court of
Rwanda, indicated that law libraries serve an important role in legal society in
Rwanda. The secretary general of the NPPA, the executive-appointed head of the agency, stated in no uncertain terms the importance of law libraries in Rwanda and the critical need for them to support legal institutions. The rector of the ILPD also stressed the importance of law libraries in Rwanda and specifically related their role in supporting the rule of law. Finally, all law faculty deans as well as the head of the RBA noted the importance of law libraries to students and lawyers, as well as the entire legal community and civil society as a whole.

In addition to librarians and high-ranking officials in the justice sector and legal education, lawyers surveyed expressed that law libraries were important to their work and to society overall. The library user survey included lawyers of various backgrounds in Rwanda, all of whom consistently stated that they believe law libraries are important to legal research in Rwanda.

Conclusions: Law Libraries in Rwanda

Law libraries are universally hailed as being important to legal institutions in Rwanda. The overall perception from those in the Rwandan legal community that law libraries are critical to the access to legal information, which is in turn important to the rule of law in Rwanda, shows that libraries have an important place in the justice sector. Moreover, despite overall lack of professional training, most librarians and staff make the most of scarce resources and provide excellent service to those seeking legal information. This is a testament to the potential for Rwanda’s law libraries, which could thrive in an environment of more institutional support and offer far greater services to legal institutions and the public at large.

While law libraries in Rwanda have emerged as functional institutions supporting various aspects of the legal system, their importance, and even future existence, is at a crossroads. The lack of funding for libraries, and for legal information management in general, risks turning libraries into mere archives not able to keep up with the fast-paced changes in the law. With the anticipated increased use of case law in the country, libraries are best suited, but least equipped, to tackle the challenge of providing access to judicial decisions. Moreover, with the prevalence of Internet research by primary users of legal information, the continued development of legal information systems and libraries that can provide meaningful access to laws for Rwandans has never been so important. The good news is that these institutions have managed to thrive in a challenging environment, and hopefully can continue to do so.

45. Interview with Régis Rukundakuvuga, Inspector General, Supreme Court of Rwanda (June 24, 2013) (notes and audio recording on file with author).
46. Interview with Jean-Damascène Habimana, supra note 31.
47. Interview with Nick Johnson, supra note 28.
Indian Treaties: A Bibliography*

Beth DiFelice**

This bibliography describes sources for research into treaties between the U.S. government and Indian tribes, focusing on primary sources. The sources are preceded by an overview of the treaty process and the termination of the government’s power to enter into treaties with Indian nations.

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* © Beth DiFelice, 2015.
** Associate Director and Head of Public Services, Ross-Blakley Law Library, Arizona State University, Tempe, Arizona.
¶1 This bibliography describes sources for research into treaties between the U.S. government and Indian tribes, focusing on primary sources. Treatises and journal articles on the topic of Indian treaties are excluded. In addition, while many of the printed sources described in this bibliography are also available online through commercial vendors, particularly HeinOnline’s American Indian Law collection, only free online resources are listed here.

¶2 Most of the sources discussed are documents produced by U.S. government officials. “The historian of the American Indian faces a difficult task. He is attempting to reconstruct Indian history from sources which are almost exclusively the product of white soldiers, traders, missionaries, and government officials. These documents reflect the ethnocentricity one would expect.”

¶3 The bibliography is intended to be a resource both for scholars and for lawyers involved in litigation over treaty rights. Although the last treaty was signed in 1868, Indian treaties continue to be subjects of litigation today. The historical primary sources listed here can be useful in determining and proving the meaning of treaty terms.

¶4 Treaties were written and negotiated in English, so language often presented an obstacle to tribes’ understanding of treaty terms. Not only were words and concepts used in a treaty difficult or impossible to translate into the tribe’s language, but, “[a]s linguistic anthropology has revealed, people who speak different languages may see the world differently or at least talk about it differently. Certain concepts may not translate perfectly between cultural groups.” When ambiguous language in an Indian treaty is at issue in a case, courts, as a general rule, will liberally construe the language in favor of the tribe and as the tribe would have understood the terms of the treaty at the time of the signing. Courts will seek to determine the meaning of the language at the time and the general historical context.


2. See, e.g., United States v. Bouchard, 464 F. Supp. 1316, 1323 (W.D. Wis. 1978), rev’d sub nom. Lac Courte Oreilles Band of Lake Superior Chippewa Indians v. Voigt, 700 F.2d 341 (7th Cir. 1983) (“The accounts of what was said, of course, are only of what was understood by the white men. Van Antwerp commented after one particularly clumsy passage in his notes: ‘This of course is nonsense but is given literally as rendered by the Intrepeters (sic) who are unfit to act in that capacity. I presume it to mean . . . ’” (final ellipsis in original)); United States v. Washington, 384 F. Supp. 312, 330 (W.D. Wash. 1974), aff’d & remanded, 520 F.2d 676, 685 (9th Cir. 1975) (“The treaties were written in English, a language unknown to most of the tribal representatives, and translated for the Indians by an interpreter in the service of the United States using Chinook Jargon, which was also unknown to some tribal representatives. Having only about three hundred words in its vocabulary, the Jargon was capable of conveying only rudimentary concepts, but not the sophisticated or implied meaning of treaty provisions about which highly learned jurists and scholars differ.”).


4. See, e.g., Choctaw Nation v. Oklahoma, 397 U.S. 620, 631 (1970) (“[T]reaties were imposed upon them and they had no choice but to consent. As a consequence, this Court has often held that treaties with the Indians must be interpreted as they would have understood them . . . and any doubtful expressions in them should be resolved in the Indians’ favor.”).
Overview of the Indian Treaty Process

§5 It is helpful to understand how negotiation and ratification of treaties occurred before looking for documents created during that process. Treaties were negotiated and signed by representatives of the tribe and U.S. treaty commissioners and then sent to the Secretary of War (until 1849) or the Secretary of Interior (after the Interior Department was created in 1849), accompanied by a letter of transmittal and sometimes a report on the negotiations and terms of the treaty, or even a journal of the treaty proceedings.5

§6 The treaty was then forwarded to the President with a report by the Secretary of War or Interior. The President would send the treaty to the Senate for its consideration and approval. The Senate might approve the treaty as is, approve it with amendments, reject it, or table it.6 The Senate’s decision “was sent to the president in the form of [a Senate] resolution, with the original treaty attached.” When the Senate approved a treaty, the President would sign a proclamation of ratification.7 Without these actions by the Senate and the President, the treaty was not ratified and, thus, was not considered in force by the United States.8 Once ratified, treaties were sent to the State Department for filing and safekeeping.9

§7 The House of Representatives was not involved in the treaty ratification process. However, treaties involving the disbursement of government funds required appropriations legislation, which had to be approved by both the House and the Senate. Therefore, treaty ratification was often followed by appropriations legislation originating in the House of Representatives.10

Congressional Termination of the Treaty Power

§8 The President’s power to enter into treaties with Indian nations was terminated by Congress in 1871. This was done by an appropriations bill originating in the House of Representatives, which provided:

Hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty: Provided, further, That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe.11

6. Id. at 434.
7. Id.
9. See Prucha, supra note 5, at 521.
The last Indian treaty entered into was the 1868 treaty with the Nez Perce tribe. Although not included in this bibliography, it is worth noting that the U.S. government continued to enter into agreements with Indian tribes after 1871.

How Many Indian Treaties?

Treaties between the U.S. and Indian nations number between 367 and 375; scholars and compilers have not settled on a definitive number. “The actual number of treaties signed between the United States and the tribes will probably never be prepared on a final list to which everyone can agree.”

The number 375 comes from the State Department, which filed and numbered ratified treaties as they were sent to them for safekeeping. Regarding the State Department’s number, Deloria and DeMallie write that “[w]e must assume that something more was involved than the uncritical filing of documents: that those documents having political and legal potency had a certain status in the department. Consequently, the State Department’s listing should receive serious consideration by scholars attempting to count or classify Indian treaties.” In contrast, Charles J. Kappler compiled 369 treaties in his *Indian Affairs: Laws and Treaties*, while Francis Paul Prucha, in his book *American Indian Treaties: The History of a Political Anomaly*, gives 367 as the number of ratified treaties, with 6 more treaties being of “questionable” status.

The State Department’s count of 375 treaties is higher than that of the other compilers because its treaty numbering system begins with treaties that predate the formation of the U.S. government. Its treaty number 1 is the 1722 treaty “Between the Five Nations, the Mahicans, and the Colonies of New York, Virginia, and Pennsylvania.” The treaties numbered 2 through 7 have dates from 1726 to 1768. Neither Kappler’s nor the *United States Statutes at Large* compilations, two of the most widely used collections of Indian treaties, include the State Department’s first seven treaties. Both Kappler’s and *Statutes at Large* begin their compilations with the State Department’s treaty number 8, the 1778 Treaty of Fort Pitt with the Delaware Nation, which was signed during the Revolutionary War.

Although both Kappler’s and the *Statutes at Large* begin their treaty compilations with the same treaty, Kappler’s compilation is not a duplication of the *Statutes at Large*. For example, the text of the 1851 Treaty of Fort Laramie with the Sioux is in Kappler’s but not *Statutes at Large*. In place of the text of the treaty, the *Statutes at Large* notes why the treaty is excluded:

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13. For a useful discussion of these treaty substitutes, see *id.* at 311–33.
When it was before the Senate for ratification, certain amendments were made which require the assent of the Tribes, parties to it, before it can be considered a complete instrument. This assent of all the Tribes has not been obtained, and consequently, . . . it is not yet in a proper form for publication.19

By the time Kappler’s treaty volume was published in 1904, the Fort Laramie treaty was considered a valid treaty and was published as such.20 The Fort Laramie treaty is not included in the State Department’s list of ratified treaties.

§14 Another issue with respect to the numbering of treaties is that some compilers counted supplementary treaties as part of the treaty they modified, and some compilers considered the supplementary treaties as separate documents.21

Ratified Versus Nonratified Treaties

§15 In addition to ratified treaties, this bibliography includes sources for information about treaties that were signed but not ratified, which DeMallie states number “as many as 200.”22 These include, for example, the 18 treaties with California tribes negotiated and signed in 1851, which the Senate refused to ratify.23

Oral Traditions

§16 During the treaty years, tribes were nonliterate and thus did not produce written documentation, although their oral stories were sometimes memorialized in written accounts by outsiders such as missionaries and explorers. Tribes’ stories and interpretations of their treaties may have been transmitted to present-day members of the tribes through their oral traditions. These intergenerational memories are one source that may assist in the interpretation of a treaty. However, “[a]lthough exceptions exist to hearsay rules, which allow oral history to be admitted as evidence and are common in multiple jurisdictions, fact finders are not comfortable placing conclusive weight on intergenerational memories.”24 In 1933, the U.S. Court of Claims discounted a tribe’s oral history:

It is true that a number of the Assiniboines testified that the treaty was not signed by them or any of the tribe except possibly by one member and that there were protests made against taking the land away from them at the time. These witnesses were either Indians who

23. PRUCHA, supra note 5, at 434.
were children at the time of the signing of the treaty or very old men at the time when they
gave their testimony, and on account of age having at best a very incomplete recollection
of matters that occurred fifty years prior thereto. The circumstances of the case make this
testimony so unsatisfactory as to be unworthy of any credit.25

¶17 More recently, in 1997, the U.S. District Court for the Eastern District of
Washington did allow oral tradition as evidence in the interpretation of a treaty:

[T]he court considers Mr. Y allup the ultimate expert in the proceeding. From his early
childhood, Mr. Y allup was taught the meaning of the Treaty, as understood by the Yakamas,
through oral history passed down through the generations. Further, Mr. Y allup has been
entrusted with the role of preserving the cultural history of the Yakamas. Therefore, the
court views his testimony with considerable respect.26

Treaty Compilations

¶18 After ratification, original treaty documents were sent to the State Depart-
ment for filing and safekeeping. The State Department treaty file is now in the
National Archives, Record Group 11. The file contains the original texts of ratified
and unratified treaties, official letters of treaty transmittal, the Senate’s resolution
of ratification, and the proclamation of the treaty by the President. Some treaties
are accompanied by instructions to treaty commissioners, correspondence, jour-
nals of treaty proceedings, and other documents.

¶19 The Bureau of Indian Affairs also maintained a file of ratified and unrati-
fied treaties, separate from the State Department file. These documents are in the
National Archives, Record Group 75.4.


The set has eight volumes in which treaties are arranged as follows: the Sioux
Nation, tribes of the Pacific Northwest, tribes of the northern plains, the Five
Civilized Tribes, eastern Oklahoma tribes, tribes of the Southwest, the Chippewa,
tribes of the Great Lakes.


The two Indian Affairs volumes of American State Papers contain documents
relating to U.S. Indian affairs from 1789 to 1827. These documents include the
text of treaties, often accompanied by minutes of treaty proceedings and other
related documents. Included in volume 1 is an 1813 document titled Cessions of
Land by Indians, 1789–1812. In table format, this document lists treaties in which
Indian tribes ceded lands to the United States, giving the dollar amount of the
purchase, the name of commissioner, the location of the treaty negotiations, and
the dates of signature and ratification. American State Papers is available online as
part of the Library of Congress’s American Memory Project (http://memory.loc.
gov/ammem/amlaw/lwsp.html).

Cree v. Flores, 157 F.3d 762 (9th Cir. 1998).

This volume has 389 treaties, including some treaties with foreign nations that refer to Indian tribes.


Prepared at the direction of Congress, the treaties in this volume are arranged alphabetically by tribe. This volume is available online through the Internet Archive (https://archive.org/index.php).


Indian treaties from 1817 until the last treaty of 1868 were published in the *Congressional Serial Set*, often accompanied by documents relating to the negotiation of the treaty. The *Congressional Serial Set* is covered in more detail in the section on “Collections of Congressional Documents.”


As stated by the authors in their introduction, “[t]his study supplements Kappler’s by offering a new chronological list composed of the State Department list supplemented by those treaties that have or that we believe should have full status as ratified treaties. It offers an accurate list of ratified agreements made with Indian tribes, and it suggests deletion of certain treaties from the old list because they were legally defective from the beginning and should have been eliminated by Kappler” (p.3–4). The treaties are organized into categories, such as ratified treaties, treaties rejected by the Senate, and treaties rejected by the Indian nations.


This website from the University of Nebraska has nine treaties that were not published in either Kappler’s or the *Statutes at Large*. These are State Department treaties numbered 1–7, 28 (1798 treaty between New York and the Oneida Indians), and 44 (1805 treaty with the Wyandot, Ottawa, Chippewa, Munsee, and Delaware, Shawnee, and Pattawatamy nations).


Compiled at the request of the Secretary of War, this volume has ratified treaties from 1778 to 1826, arranged alphabetically by tribe. It is available through Google Books (https://books.google.com).


*Indian Affairs: Laws and Treaties* is commonly referred to as Kappler’s. The treaty volume, volume II, has ratified and some unratified treaties from 1778 to 1883 in chronological order. Generally, the treaties were printed as amended. This volume of Kappler’s was initially released in 1902 as Senate Document 452 and was revised and republished in 1904 as Senate Document 319. Charles J. Kappler was clerk to the Senate Committee on Indian Affairs at the time of this compilation. The compilation was made at the request of the Commissioner of Indian Affairs. Kappler’s is available as part of the Oklahoma State University Library’s digital collection (http://digital.library.okstate.edu/kappler/).


This volume is available online through the Internet Archive (https://archive.org/index.php).

Treaties and Other Documents Having Operation and Respect to the Public Lands. Washington, D.C.: Roger C. Weightman, 1811.
This volume, compiled at the request of Congress, has Indian treaties that relate to the extinguishment of Indian title to the public lands. It is available in full text through Google Books (https://books.google.com).

Compiled by direction of the Commissioner of Indian Affairs, this volume contains ratified treaties from 1778 to 1837 in chronological order. A table of contents, which is more like an index, lists the treaties alphabetically by tribe. This volume is available online through the Internet Archive (https://archive.org/index.php).

Ratified Indian treaties were published in the Statutes at Large. Volume 7 of the Statutes at Large, published in 1846, has Indian treaties from 1778 to 1842, printed in chronological order. Thereafter, Indian treaties are intermingled with treaties with foreign nations. In these later volumes, volumes 9 through 18 (1845–1875), Indian treaties also appear in chronological order, with some exceptions. These volumes of the Statutes at Large are available online as part of the Library of Congress’s American Memory Project (http://memory.loc.gov/ammem/amlaw/lwsl.html).

This twenty-volume set has the text of treaties between Indian tribes and British and early American governments from 1607 to 1789. In addition to the treaty text, it includes documents relating to the negotiation of the treaties such as council minutes, treaty commissioner reports, and the like.

Lists of Treaties

This volume has tables that are arranged by both State Department treaty number and alphabetically by the name of the tribe.

This book, which is volume 1 of the American Indian Treaty Series, covers the years 1778 to 1909. In chronological order, it lists ratified treaties, treaties that were never ratified but are considered valid by the compiler, and treaty-like agreements signed after 1871.

For treaties between Indian nations and American colonies from 1677 to 1768, this bibliography gives a synopsis of the treaty and a description of documents available regarding the negotiation of the treaty. This volume is available online through the Internet Archive (https://archive.org/index.php) and Google Books (https://books.google.com).

These two volumes were published under the direction of the Commission on the Codification of Existing Laws Relating to the Survey and Disposition of the Public Domain. In volume 2, beginning on page 1185, is a list of Indian treaties affecting titles to public land, arranged alphabetically by tribe. It is available online through Google Books (https://books.google.com).

**Treaty Proceedings**

¶20 Documents produced during a treaty negotiation may include minutes, journals, and letters. Many compilations of these documents are available, and some are discussed elsewhere in this bibliography, including in the State Department records (Record Group 11 in the National Archives), the Indian Affairs volumes of *American State Papers*, and the *Congressional Serial Set*. Documents may also be contained in the archives or published papers of those present at the treaty negotiation and signing. There are some compilations that relate to an individual treaty, an example of which is included here. Tribal leaders often made speeches during treaty negotiations. However, their speeches are difficult to find because “[m]ost remain unpublished or generally unavailable.”


A useful finding aid to the documents from treaty proceedings in National Archives Record Groups 75 (Bureau of Indian Affairs) and 48 (Department of Interior). This volume is arranged chronologically by treaty. It is available online from the University of Wisconsin (http://uwdc.library.wisc.edu/collections/History/IndianTreatiesMicro).


**Congressional Documents**

**Statements by Tribal Leaders**

¶21 Some tribal leaders testified before or presented documents to Congress. These may be found in congressional documents, sources for which are listed elsewhere in this bibliography. Two examples of documents include:


• **Testimony Taken by a Select Committee of the Senate Concerning the Removal of the Northern Cheyenne Indians, Hearing of the Senate Select Committee on Removal of Northern Cheyennes, Aug. 12, 19–21, 1879; Jan. 24, 28; Feb. 4; Mar. 12, 24; Apr. 26; May 15, 1880.**

**National Archives**

¶22 Congressional documents available in the National Archives include:

- Senate Record Group 46, specifically:
  - Record Group 46.2: general records of the U.S. Senate 1789–1988
  - Record Group 46.14: committee records relating to Interior and Insular Affairs, 1816–1988
  - Record Group 46.23: cartographic records

- U.S. House of Representatives Record Group 233, specifically:
  - Record Group 233.15: Interior and Insular Affairs Committee records

**Collections of Congressional Documents**


*American State Papers* is comprised of thirty-eight volumes that compile congressional documents from 1789 to 1838. Documents are published chronologically, and an index is included at the end of each volume. Of particular interest are the two volumes devoted to Indian Affairs and the seven volumes covering Military Affairs. *American State Papers* is available online as part of the Library of Congress’s American Memory Project (http://memory.loc.gov/ammem/amlaw/lwsp.html).


This index covers the *American State Papers* (1789–1816) as well as the *Congressional Serial Set.*


The *Congressional Serial Set* is a U.S. government publication consisting of reports and documents of the U.S. House of Representatives and the Senate. It began publication with the 15th Congress (1817–1819) and consists of more than 15,000 volumes. Documents in the *Congressional Serial Set* relating to Indian treaties include documents submitted to the Senate for their consideration of a treaty; reports of the Senate Committee on Indian Affairs; annual reports from executive agencies, such as the Commissioner of Indian Affairs and the Secretary of War; maps; and many other useful documents.


In this volume, entries are arranged by year, and each entry gives the citation to the *Congressional Serial Set.* A subject index is available at the end of the volume. Appendix I is a chronological list of congressional documents relating to Indian Affairs that were not published in the *Congressional Serial Set.*
The New American State Papers includes documents from American State Papers, the Congressional Serial Set, and the Legislative Records Section of the National Archives. The Indian Affairs section is comprised of thirteen volumes.

Journal of the Executive Proceedings of the Senate

The Senate met in Executive Session when it considered Indian treaties. Each day’s proceedings are summarized in the Journal of the Executive Proceedings of the Senate. The Journal is included in the Congressional Serial Set. Additionally, the volumes covering the treaty years (1789–1875) are part of the Library of Congress’s American Memory Project (http://lcweb2.loc.gov/ammem/amlaw/lwej.html).


This volume covers the years 1789 to 1791 and is volume 2 of the series titled The Documentary History of the First Federal Congress of the United States of America, March 4, 1789–March 3, 1791.


Congressional Committee Hearings

The Senate Committee on Indian Affairs was established in 1820. Its documents are included in the Congressional Serial Set, as well as in National Archives Record Group 46.14: Records of Senate Committee on Indian Affairs, 1820–1946. Hearings by this committee and other congressional committees may contain testimony relevant to Indian treaties, including testimony from tribal members. Hearings after the treaty years may also be helpful.

Debates of Congress

Summaries of speeches made on the floor of the Senate and the House covering the treaty years are available in the predecessors of the Congressional Record. Unlike the Congressional Record, these are not verbatim transcriptions of congressional speeches. Sets covering the treaty years are the Annals of Congress (1789–1824), Register of Debates (1824–1837), and Congressional Globe (1833–1873). They are available as part of the Library of Congress American Memory Project (http://memory.loc.gov/ammem/amlaw/lawhome.html).

29. See, e.g., Indian Fishing Rights, Hearing Before the Subcomm. on Indian Affairs of the S. Comm. on Interior & Insular Affairs, 88th Cong. (1964).
Presidential Documents

¶26 Documents issued by the President relating to Indian treaties include, among others, executive orders, proclamations, and messages. The Library of Congress, Manuscript Division, has presidential papers from President Washington to President Coolidge, as well as papers of other government officials. Some of these collections are available online:

- George Washington (http://memory.loc.gov/ammem/gwhtml/gwhome.html)
- Thomas Jefferson (http://memory.loc.gov/ammem/collections/jefferson_papers/)
- James Madison (http://memory.loc.gov/ammem/collections/madison_papers/)
- Abraham Lincoln (http://memory.loc.gov/ammem/alhtml/malhome.html)

¶27 The Illinois Historic Preservation Agency and the Abraham Lincoln Presidential Library and Museum have digitized papers of Abraham Lincoln (http://www.papersofabrahamlincoln.org). The Massachusetts Historical Society has digitized papers of John Adams and John Quincy Adams (http://www.masshist.org/adams,Read_Documents). Many presidential documents, from George Washington to the present, are available online as part of the American Presidency Project from the University of California, Santa Barbara (http://www.presidency.ucsb.edu).


Includes executive orders and proclamations.


War Department Records

¶28 Indian affairs were under the U.S. Department of War until 1849, when that responsibility was transferred to the newly created Department of Interior. Within the War Department, an Indian Office was created in 1824 and the position of Commissioner of Indian Affairs in 1832.

31. 4 Encyclopedia of American History 1418 (Bruce E. Johansen & Barry M. Pritzker eds., 2008).
¶29 Both the *Congressional Serial Set* and *American State Papers* include the Secretary of War’s annual reports to Congress, their appropriations requests, and various letters and reports to Congress by the Secretary of War and military officers.

¶30 On November 8, 1800, many War Department records were destroyed by fire in the building housing the Department. Some early War Department documents not destroyed by fire have been digitized and made available online by the Roy Rosenzweig Center for History and New Media, George Mason University. Records available at the National Archives are in Record Group 75.2: Records of the Office of the Secretary of War Relating to Indian Affairs, 1794–1824.

**Office of Indian Affairs**

¶31 The War Department’s Office of Indian Affairs was created in 1824; it is sometimes referred to as the “Bureau” of Indian Affairs. The position of Commissioner of Indian Affairs was created in 1832 and was transferred from the War Department to the Interior Department in 1849.

¶32 The annual reports of the Commissioner of Indian Affairs were published in the *Congressional Serial Set* and are available online as part of the University of Wisconsin Digital Collections (http://uwdc.library.wisc.edu/collections/History/IndianTreatiesMicro). Within the Office of Indian Affairs were agents and superintendents. Their reports were published as an appendix to the annual reports of the Commissioner of Indian Affairs.

¶33 National Archives Record Group 75 contains records of the Office of Indian Affairs, and Record Group 48 contains records of the Department of Interior. Specifically,

- Record Group 75.4: letters sent and received by the Bureau (1824–1907), report books (1838–1885), ratified and unratified treaties, journals of commissions (1824–1839), and more
- Record Group 75.15: records of superintendencies (1813–1885)
- Record Group 75.19: records of Indian agencies (1794–1988)
- Record Group 48.5.4: records of the Indian Division of the Department of Interior, including letters sent and received, registers of Indian treaties, records relating to claims and negotiations, journals, and more

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Territorial Records

¶34 Territorial governors were at times involved in the negotiation of Indian treaties. Therefore, their papers may be relevant.


This set contains official records of areas of the United States that were governed by the federal government as territories or colonies and that eventually became states. Documents were taken from the archives of the State Department, War Department, Bureau of Indian Affairs, Post Office, General Land Office, and Congress. These twenty-eight volumes are arranged chronologically, with an index at the end of each volume.

General Guides to U.S. Government Publications


This is an alphabetical list by title of government documents issued by the legislative, executive, and judicial branches, with a subject index in the back of the volume.

Court Records

¶35 Tribal members present at treaty negotiations may have testified at trials, and their statements may be available in court records. Background information about particular treaties may also be found in these sources. Testimony of experts, such as historians and anthropologists, and exhibits introduced at trial may also be useful.

Indian Claims Commission

¶36 The Indian Claims Commission was created by Congress in 1946 and disbanded in 1978. The Commission had jurisdiction over claims by Indian tribes against the U.S. government, which included claims based on treaties. Approximately 850 claims were brought before the Commission. Cases not resolved by


39. Nancy Oestreich Lurie, The Indian Claims Commission, 436 ANNALS AM. ACAD. POL. & SOC. SCI. 97, 100 (1978) (noting that there were approximately 615 dockets, many of which contained more than one claim).
1978 were transferred to the U.S. Court of Claims.40 Records and opinions of the Indian Claims Commission are a good source of information about treaties. “Indian Land Areas Judicially Established 1978,” a map by the U.S. Geological Survey, shows the results of cases before the Indian Claims Commission.41

¶37 National Archives Record Group 279 contains records of the Indian Claims Commission, specifically:

- 279.2: opinions, findings of fact, orders, journal of the commission, correspondence, etc.
- 279.3: case files, including anthropological and ethnological reports
- 279.4: cartographic records


This document includes an alphabetical index to the cases filed and a map that shows the adjudicated areas.

Digital Archives

¶38 Some digital archives have already been listed. Others include the following:


• Southeastern Native American Documents, 1730–1842. Documents from the collections of the University of Georgia Libraries, University of Tennessee and Knoxville Library, the Frank H. McClung Museum, the Tennessee State Library and Archives, the Tennessee State Museum, the Museum of the Cherokee Indian, and the LaFayette-Walker County Library. http://www.galileo.usg.edu/express?link=zlna.

Library of Congress


A guide to the many useful collections at the Library of Congress.

Maps

¶39 Because land was generally a component of treaties, maps are an important resource.42 Many maps relating to Indian treaties were published in the Congressional Serial Set. Maps can also be found in the National Archives Record Group 46.23, cartographic records of the Senate, and Record Group 75, the Bureau of Indian Affairs. Maps are also available online through the Library of Congress (http://www.loc.gov/maps/).

42. For more information about maps related to Indian affairs, see Daniel G. Cole & Imre Sutton, A Cartographic History of Indian-White Government Relations During the Past 400 Years, 37 Am. INDIAN CULTURE & RES. J. 5 (2013).

A finding guide to the BIA collection, arranged alphabetically by state.


Published as part 2 of the Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1896–1897, H. Doc. No. 736, 56th Cong., 1st Session, vol. 4015 of the *Congressional Serial Set*. This volume has sixty-seven maps of land cessions by treaty, statute, or executive order, and two tables organizing information by date and by tribal name. It is available online as part of the Library of Congress American Memory Project (http://memory.loc.gov/ammem/amlaw/lwss-ilc.html).

### National Archives

¶40 A list of National Archives locations and links to its websites is available online (http://www.archives.gov/locations/). The holdings of the National Archives can be searched using its catalog (http://www.archives.gov/research/search/). Guides to National Archives collections include:


### Tribal Records

¶41 Tribal libraries and archives can be valuable resources. The following may be helpful in locating relevant libraries, archives, and museums:

Contemporary Land Grabbing: Research Sources and Bibliography*

Jootaek Lee**

This article investigates issues related to contemporary land grabbing. First it defines contemporary land grabbing and identifies the difficulties of research. Next, it delineates various mechanisms and international principles that can be useful in protecting those affected by contemporary land grabs. Finally, it selectively reviews current literature that provides useful starting points for contemporary land grabbing research.

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** Senior Law Librarian for Foreign, Comparative, and International Law, and Affiliated Faculty of the Program of Human Rights and Global Economy, Northeastern School of Law, Boston, Massachusetts.
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Introduction

1. Contemporary land grabbing often involves large-scale land acquisitions by foreign or nonindigenous investors. These acquisitions, in turn, create issues such as land alienation from local communities, human rights violations, and loss of livelihoods and culture. Since the early twenty-first century, investors—whether large- or small-scale, state or nonstate, from developed or developing countries—have been buying large areas of land in developing countries, mostly in Sub-Saharan Africa, Southeast Asia, and Latin America. Between 2006 and the middle of 2009, 37 to 49 million acres of arable land were either intended (where there has been an expression of interest and where a contract is under negotiation, but not yet signed) or acquired in the developing countries by foreign investors. According to Land Matrix, since 2000, land deals for agriculture have been made for about 18.5 million hectares of land, and “intended” deals for agriculture cover around 32 million hectares of land.

2. Many complicated factors have stimulated this new contemporary land grabbing; examples include the 2008 price spikes in food and fuel prices, the motivation of states and investors to secure food supplies under market volatility, safe investment alternatives under land and commodity price increases, the search for alternative energy sources such as biofuels, and expected compensation for carbon.


2. According to Food & Agricultural Organization (FAO) estimates, there are 400 million hectares of available land—land with less than twenty-five people per square kilometer—of which 202 million can be found in Sub-Saharan Africa. Stefano Liberti, Land Grabbing: Journeys in the New Colonialism 91 (Enda Flannelly trans., 2013). Two-thirds of the Sub-Saharan African land deals are made in Ethiopia, Ghana, Liberia, Madagascar, Mozambique, South Sudan, and Zambia. See Lester R. Brown, Full Planet, Empty Plates 104 (2012).


4. See Dynamics Overview, supra note 1.

5. Between 2008 and 2013, tens of billions of dollars were transferred from the purely financial sector into agriculture through the commodity market, including grain, corn, rice, and soya, and through direct investments by investment funds linked to agricultural production. Liberti, supra note 2, at 100.
sequestration. To the investors, the land is considered as “a new asset in differentiating one’s investment portfolio and guaranteeing high returns.” This global land rush has threatened rural and indigenous people’s access to various resources including food, causing hunger and poverty. This situation is newly defined as a “new era of colonization” or “neoliberalism.”

Investors such as multinational and transnational business entities, various types of investment banks, and funds normally backed by investing countries and international financial institutions (IFIs) such as the World Bank have also been supported and protected by the governments of target countries, putting local and indigenous people in a weaker position. Furthermore, investments from the outside world have worsened rural and indigenous people’s land tenure problems. Once alienated from their traditional lands, people who lack access to education often cannot find alternative income sources, and their lack of marketable skills leads to unemployment. This results in poverty, alcoholism, and domestic violence, which are followed by dismantled social and cultural structures and ultimately an insecure society with high crime rates. In addition, contemporary land deals have changed household dynamics and roles to the detriment of women, and aggravated the already poor conditions of women’s land access and ownership, or exacerbated women’s inability to generate income. Worst of all is that local and indigenous people have lost land that has important cultural, ancestral, or religious significance to the communities in question.

Researching contemporary land grabbing issues is more complicated than researching those of traditional land grabbing, typically defined as occurring between the colonial period and the early twenty-first century. Research is made more difficult by the complex reasons and motivations behind contemporary land grabbing, the number of stakeholders involved, the interdisciplinary nature of research, the many different types of legal sources to search (for example, international treaties, custom, jurisprudence, soft law, and domestic statutes and customary law), lack of empirical evidence, and scattered resources in many different places. The research is a mixture of international and domestic legal research and legal and nonlegal research.

8. See generally *id.* This is distinguishable from a neocolonial divestment process where certain states or private companies deal with other corrupt governments; this provides only a limited explanation of the new land grabbing issues. *Id.* at 3.
12. See *id.*
14. *Id.* at 54.
§5 In this article, I first investigate contemporary land grabbing and land alienation and their definitions and identify the difficulties of research. Next, I delineate various mechanisms and international principles that can be useful for protecting the rights of indigenous and local people from the attack of state and nonstate actors. Finally, I selectively review several books and articles that provide excellent starting points for contemporary land grabbing research.

Contemporary Land Grabbing and Its Definitions

§6 Land grabbing is not a new phenomenon. It has existed since the imperial era and has been closely associated with colonialism. Contemporary land grabbing, however, is not related to only imperialism and colonialism. It represents a global land rush by a diverse group of actors, such as investors seeking new financial opportunities and states seeking guaranteed food production for their citizens.\(^{15}\) Also involved are various stakeholders, including asset management firms; commercial banks and development finance institutions; parent companies; principal enterprises; brokers and intermediaries; contractors, suppliers, and buyers; investing and hosting governments; local communities; and indigenous people.\(^{16}\) Changing dynamics of globalization in a polycentric world add complexities to land grabbing issues and make it hard to resolve the issues in a simple global legal mechanism because of the multi-layered stakeholders involved. Transnational corporations (TNCs)—backed by their states, IFIs, and financially unstable target states—are aggressively investing in the developing countries and their lands without regard to the livelihoods and rights of local and indigenous people. Contemporary land grabbing is not a matter of the North-South divide any more. Even middle-income countries, including the Arab Gulf countries\(^{17}\) and the BRICS countries (Brazil, Russia, India, China, and South Africa), are actively participating in land grabbing, looking for the production of staple crops and accompanying food security.

§7 The motivations behind contemporary global land rushes are not simply foods and lands anymore but include water, energy, climate change and environmental protection, and financial safe havens. Increasing urbanization, population growth, and tourism add complexities to this global land rush.\(^{18}\) The new phenomenon of “flex crops”—crops that have multiple uses as food, feed, fuel, and industrial material and are easily interchanged, such as soya, sugarcane, oil palm, and corn, depending on various economic environments\(^ {19}\)—illustrates the complexities now faced.

\(^{15}\) LIBERTI, supra note 2, at 2. Investors include high net worth individuals, commercial banks, pension funds, mutual funds, life insurance firms, sovereign wealth funds, and development finance institutions. See LORENZO COTULA & EMMA BLACKMORE, UNDERSTANDING AGRICULTURAL INVESTMENT CHAINS: LESSONS TO IMPROVE GOVERNANCE 70 (2014).

\(^{16}\) See COTULA & BLACKMORE, supra note 15, at 70.

\(^{17}\) After the 2008 food crisis, many producing countries from which the Arab states had imported foods started blocking exportation, which caused the Arab states to seek guaranteed lands for food supply. Id. at 10.

\(^{18}\) Behrman et al., supra note 13, at 50.

\(^{19}\) Saturnino M. Borras Jr. et al., Land Grabbing in Latin America and the Caribbean, 39 J. PEASANT STUD. 845, 851 (2012).
The term “land grabbing” has been defined both broadly and narrowly, depending on the source. Policymakers, nongovernmental organizations (NGOs), and scholars tend to define the term narrowly and descriptively by considering only certain factors, such as land area; subjects (types of land grabbers); purpose, direction, and change of land use; relationships between the affected people and those who receive profits; and so on. For example, the Tirana Declaration, made by more than 150 representatives of civil society organizations, grassroots organizations, international agencies, and governments, primarily blames powerful local elites and denounces only large-scale land grabbing. While the declaration tried to cover all the land grabbing issues—deals that were not based on a thorough assessment, transparent contracts, or effective democratic planning that result in human rights violations—it failed to take into account small-scale land investments and foreign actors such as TNCs, international actors such as IFIs, and states. Foreign, state, and international actors who are not included in this type of narrow definition tend to avoid legal or nonlegal responsibility. Furthermore, simple hectare-centric data analysis of contemporary land grabbing fails to consider methodological and epistemological issues and, as a result, also fails to consider the different levels of capitalization to the land and the environmental and social impacts of land grabbing. Simply looking at the size of land grabbed and country of origin for investment, researchers do not sufficiently appreciate the complexities and ambiguities of analyzing issues relating to land tenure on the ground.

Recognizing the problems that result from a narrow definition of land grabbing, scholars and civil movements have begun to provide broader definitions. The more broadly the term is defined, the more comprehensively activists can address and deal with land grabbing issues. Borras and other scholars criticized the limit of previous definitions, especially the definition provided by the Food and Agriculture Organization of the United Nations (FAO)—large-scale land acquisitions involving foreign governments and undermining good security of a country—as too narrow and focused only on large-size land deals, the involvement of foreign governments in the land deals, and the negative impact on food security of the recipient country. This resulted in catching only two land grabs in Brazil and Argentina.


22. Id.

23. Künnemann & Suárez, supra note 20, at 128.


25. Id. at 490.


27. Id. at 847.
among seventeen countries in Latin America and the Caribbean. To remedy these problems, Borras et al. have suggested a new definition of contemporary land grabbing:

[Contemporary land grabbing is the capturing of control of relatively vast tracts of land and other natural resources through a variety of mechanisms and forms that involve large-scale capital that often shifts resource use orientation into extractive character, whether for international or domestic purposes, as capital’s response to the convergence of food, energy and financial crises, climate change mitigation imperatives, and demands for resources from newer hubs of global capital.]

¶11 Another broad definition was introduced by an international activist organization concerned with world hunger, FIAN International. Its definition identifies five types of contemporary land grabs that do not fall completely within any existing definitions of land grabbing:

1. Land acquisitions related to mining by corporations from the Organization for Economic Cooperation and Development (OECD) and Global South countries
2. Large-scale infrastructure development funded by IFIs such as the World Bank, regional development banks, and international banks; and state and private development banks from the BRICS countries
3. Land and livelihood alienation from local communities by the OECD and non-OECD countries for commercial agricultural production of commodities such as coffee, rice, and forest plantations
4. Land alienation by land policy reforms and services financed through official development assistance, which is highly discriminatory and exclusionary against poor households living in the areas
5. Land alienation facilitated by the international regime for proliferated investment protection and the difficulty of expropriation/redistribution by state governments

A case following out of FIAN’s five definitions above caused by the countries for commercial agricultural production most directly affects the rights to land and livelihoods of the local communities; local people lost their access to farmland for subsistence agriculture, could not gather fruits and medicinal plants, and could not find resources for home construction and energy. In addition to the environmental impacts, this loss of access to lands and forests could not be compensated by scarce, temporary, and poorly paid jobs and has considerable impacts on the enjoyment of fundamental freedoms and human rights of the local people.
International Principles, Mechanisms, and Movements

Recent Development of International Principles Relating to Contemporary Land Grabbing

Various global-level efforts have been made to address land grabbing issues such as food scarcity, human rights violations, and right to land. One of the major developments is the Guiding Principles on Business and Human Rights,34 adopted as Resolution 17/4 by the U.N. Human Rights Council on June 16, 2011.35 The Guiding Principles emphasize the state duty to protect human rights, the corporate responsibility to respect human rights, and victims’ access to remedy, the so-called Protect, Respect, and Remedy Framework.36 The corporate responsibility to respect human rights is followed by the OECD in Guidelines for Multinational Enterprises, the International Organization for Standardization in the Guidance on Social Responsibility (ISO 26000), the International Finance Corporation in the Sustainability Framework and Performance Standards, and the European Commission in Communication on Corporate Social Responsibility.37 However, the Guiding Principles have been criticized as no more than recommendations because they do not effectively restrain corporations’ behaviors and do not clearly impose extraterritorial obligations on states to prevent their corporations from human rights abuses.38

Another major development to address and fix the human rights protection gap was made in Maastricht.39 A group of experts40 in international law and human rights adopted the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights on September 28, 2011.41 The Maastricht Principles preamble emphasizes that the extraterritorial acts and omissions of state and nonstate actors alike threaten the human rights of people, espe-

36. See SHIFT, supra note 35.
37. Id.
38. Künnemann & Suárez, supra note 20, at 134.
39. The gaps include:
   • the lack of human rights regulation and accountability of transnational corporations (TNCs)
   • the absence of human rights accountability of Intergovernmental Organizations (IGOs), in particular international financial institutions (IFIs)
   • the ineffective application of human rights law to investment and trade laws, policies and disputes
   • the lack of implementation of duties to protect and fulfil ESCRs abroad, inter alia through the obligations of international cooperation and assistance

40. The forty experts included current and former members of international human rights treaty bodies, regional human rights bodies, and special rapporteurs of the U.N. Human Rights Council.
41. Maastricht Principles, supra note 39.
cially their economic, social, and cultural rights. Further, these acts deprive and deny access to essential land, resources, goods, and services. The *Maastricht Principles* address states’ extraterritorial obligations (ETOs) and is a culmination of efforts by the human rights community starting from 1999 by the U.N. Committee on Economic, Social, and Cultural Rights.

¶14 In 2007, the ETO Consortium was launched by NGOs and experts. This transnational network of experts is making efforts to strengthen ETOs and to counteract the negative effects of TNCs in developing countries by strengthening ETOs. It established a thematic focal group devoted to land grabbing. In 2010, the World Bank, the FAO, the U.N. Conference for Trade and Development (UNCTAD), and the International Fund for Agricultural Development (IFAD) adopted the *Principles for Responsible Agricultural Investment that Respect Rights, Livelihoods and Resources* (PRAI). The FAO separately adopted a broad land-related principle, *Voluntary Guidelines on the Responsible Governance on Tenure of Land, Fisheries and Forests in the Context of National Food Security* in 2012. While the *Voluntary Guidelines* do not directly provide, protect, and guarantee the right to land, they suggest that securing tenure rights and equitable access to land, fisheries, and forests is essential for realization of the right to adequate food.

¶15 The special rapporteur on the right to food, Olivier De Schutter, also presented a report to the Human Rights Council, entitled *Large-Scale Land Acquisitions and Leases: A Set of Minimum Principles and Measures to Address the Human Rights Challenge of Large-Scale Land Acquisitions or Leases*. It suggests that the human right to food cannot be realized if local people lose access to land without being provided with suitable alternatives. The *Minimum Principles* extend the principle of free, prior, and informed consent to nonindigenous rural communities and urge states to assist local communities to make collective registration of lands. While the *Minimum Principles* suggest desirable, ethical directions to the investors and target states, they were endorsed by only a small number of states since they were presented as an annex of a special rapporteur without being discussed in depth among international actors and states. Some transnational activists

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42. *Id.*
43. *Id.*
46. PRAI, supra note 6.
48. *Id.*
50. *Id.* at ¶ 4.
51. *Id.* Annex, principle 2.
52. *Id.* Annex, principle 3.
criticized the *Minimum Principles* since they could legitimize the very practice of land grabs.\(^ {53}\) The biggest problem of these guidelines and principles is that they are nonbinding.

**Traditional Human Rights Principles That Apply to Contemporary Land Grabbing**

\(^{16}\) Many general principles drawn from human rights instruments and documents, however, do apply to state and nonstate actors and protect the rights of rural and indigenous people from land alienation.\(^ {54}\) The following compilation of international instruments and documents lists numerous examples.

**United Nations Charter (1945)**

\(^{17}\) In its preamble, the U.N. Charter takes a universal principle of fundamental human rights the dignity and worth of the human person and the equal rights of men and women. To create the conditions of stability and well-being based on respect for the principle of equal rights and self-determination of peoples, U.N. members will universally respect and observe human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion,\(^ {55}\) and will commit to take joint and separate action.\(^ {56}\) The U.N. Charter takes an “indirect” approach to protect the rights of minorities based on the general principle of human rights\(^ {57}\) and does not have enforcement mechanisms.

**Universal Declaration of Human Rights (UDHR) (1948)**

\(^{18}\) The *UDHR* was adopted as a U.N. General Assembly resolution in 1948.\(^ {58}\) It provides a standard-setting and fundamental framework for prospective human rights law and lists recognized human rights. Some of the provisions of the *UDHR* are considered part of customary international law and binding on all states.\(^ {59}\) The following rights recognized in the *UDHR* apply to contemporary land grabbing issues: freedom and equality (art. 1); nondiscrimination (art. 2); right to life and security of person (art. 3); prohibition of slavery (art. 4); prohibition against inhuman treatment (art. 5); equal protection (art. 7); prohibition against arbitrary arrest and detention (art. 9); the right to own property alone as well as in association with others and prohibition against arbitrary deprivation of one’s property (art. 17); the right to realization of the economic, social, and cultural rights indispensable for

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54. Even in 2009, it was unclear that existing national laws and international standards were sufficient to regulate this emerging phenomenon of land grabbing; some scholars viewed this land grabbing as a “simple resurgence of investments typical of the colonial era.” *Id.* at 193.

55. U.N. Charter art. 55, ¶ c.

56. *Id.* art. 56.


human dignity (art. 22); the right to just and favorable conditions of work and to protection against unemployment (art. 23); and the right to a standard of living adequate for human health and well-being (art. 25). The UDHR was later reaf-

International Convention on the Elimination of All Forms of Racial Discrimination (CEDR) (1965)

¶19 The CERD was the first human rights treaty adopted by the United Nations. The term “racial discrimination” is defined as any distinction based on race, color, descent, or national or ethnic origin that has the purpose of nullifying or impairing the recognition, enjoyment, or exercise of human rights and fundamental freedoms in the political, economic, social, and cultural fields of public life (art. 1). When land grabbing is backed by a state and is related to racial minorities in the state—such as afro-descendants making up a local community—this instrument may be cited and applied. Under the CERD, the racial minorities enjoy the right to security of person and protection by the state against violence or bodily harm, whether inflicted by government officials or by any individual, group, or institution and the right to own property alone as well as in association with others (art. 5). They are also supposed to enjoy economic, social, and cultural rights, including the rights to work, housing, public health, education, and equal participation in cultural activities (art. 59(e)). The Committee on the Elimination of Racial Discrimination is created to implement the CERD (art. 8).

International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)

¶20 With the UDHR and the International Covenant on Civil and Political Rights (ICCPR), the ICESCR comprise the International Bill of Rights. Unlike the UDHR, the ICESCR and the ICCPR recognize right of self-determination by all people (art. 1(a)), and the right to own property mentioned in article 17 of the UDHR disappeared. Under the ICESCR, all peoples freely pursue their economic, social, and cultural development (art. 1.1). The following rights recognized in the ICESCR apply to contemporary land grabbing issues: the right of self-determination (art. 1.1); equal protection without discrimination (art. 2.2.); the equal right of men and women to the enjoyment of all economic, social, and cultural rights (art. 3); the right to work (art. 6); the right to the enjoyment of just and favorable conditions of work (art. 7); the right of trade unions (art. 8); the right to social security (art. 9); the

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61. G.A. Res. 55/2, ¶ 25, U.N. Doc. A/55/2 (Sept. 8, 2000). Additionally, it pledges to strive for the full protection and promotion of civil, political, social, and cultural rights including minority rights.
65. See Humphrey, supra note 59, at 528.
66. Id. at 533.
right to an adequate standard of living, including adequate food, clothing, and housing, and to the continuous improvement of living conditions (art. 11); the right to the enjoyment of the highest attainable standard of physical and mental health (art. 12); the right to education (art. 13); and the right to take part in cultural life (art. 15).


¶21 A group of international experts prepared a set of principles and interpretations relating to economic, social, and cultural rights, which contributed to the development of General Comment No. 3 (1991) of the Committee on Economic, Social and Cultural Rights regarding the nature and extent of state parties’ obligations under the ICESCR.

**Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (1998)**

¶22 The *Maastricht Guidelines* suggest promotional and monitoring bodies that can address violations of economic, social, and cultural rights just like General Comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social, and cultural rights.

**International Covenant on Civil and Political Rights (ICCPR) (1966)**

¶23 The International Bill of Rights is composed of the UDHR, the International Covenant on Economic, Social, and Cultural Rights, and the ICCPR. As has been mentioned, unlike the UDHR, the ICESCR and the ICCPR recognize right of self-determination by all people (art. 1(a)), and the right to own property mentioned in article 17 of the UDHR disappeared. Under the ICCPR, all people enjoy the right to nondiscrimination (art. 2.2), the equal right of men and women to the enjoyment of all civil and political rights (art. 3), the right to life (art. 6), the right to liberty and security of person (art. 9), the right to liberty of movement and freedom to choose one’s residence (art. 12), the right to peaceful assembly (art. 21), and the right to freedom of association with others (art. 22). Additionally, minorities enjoy the right, in community with the other members of their group, to enjoy their...
own culture (art. 27). Slavery (art. 8) and discrimination (art. 26) are prohibited by the ICCPR. A Human Rights Committee was established to implement the convention (arts. 28–45).

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)

¶24 The Declaration assures that states must protect the existence of the national (or ethnic) cultural identity of minorities within their respective territories and must encourage conditions for the promotion of that identity (art. 1). Also related to the contemporary land grabbing issues are the right to enjoy minorities’ own culture; the right to effective participation in cultural, religious, social, economic and public life; and the right to practice their own language (art. 2). These minority rights may be exercised in community with other members of their group (art. 3), and states should encourage knowledge of the history, traditions, and culture of the minorities existing within their territory (art. 4).


¶25 The Declaration recognizes the individual and collective rights of indigenous peoples to ownership of land and to live as they wish (arts. 1, 26), and the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas, and other resources (art. 25). Under the U.N. Declaration, indigenous people must not be forcibly removed from their lands or territories (art. 10). Before adopting and implementing laws and measures that may affect indigenous people, states must consult in good faith with them to obtain their free, prior, and informed consent (art. 19). In addition, the U.N. Declaration provides indigenous peoples with the right to equal protection without any kind of discrimination (art. 2); the right to self-determination (art. 3); the right to the political, social, and cultural life of the state (art. 5); the right to life (art. 6); the right not to be subjected to forced assimilation or destruction of culture (art. 8); the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned (art. 9); the right to keep cultural traditions and customs (art. 11); the right to the dignity and diversity of indigenous cultures, traditions, histories, and aspirations (art. 15); the right to development (art. 23); the right to traditional medicines (art. 24); the right to the conservation and pro-

78. For this purpose, states must provide effective mechanisms to prevent dispossessing them of their lands, territories, or resources and prohibit racial or ethnic discrimination against them (art. 8.2(b) & (e)).
tection of the environment and the productive capacity of the lands or territories and resources (art. 29); and the right to determine and develop priorities and strategies for the development or use of lands or territories or other resources (art. 32).

**Convention Concerning Indigenous and Tribal Peoples in Independent Countries (1989)**

¶26 This convention\(^79\) comprehensively recognizes and safeguards land and property rights for indigenous peoples. The provisions relating to land, territories, and resources are similar to the ILO Convention No. 107,\(^80\) which is partly revised by the current convention and no longer accepts accession since the adoption of the ILO Convention No. 169. The U.N. General Assembly also endorses the convention and encourages states to accede to it.\(^81\) This convention applies to tribal people\(^82\) or indigenous people (art. 1). The convention tells governments to adopt coordinated and systematic action to promote the full realization of the social, economic, and cultural rights of these people (art. 2.2(b)). Under the convention, these people enjoy the right to nondiscrimination (art. 3.1); the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and the lands they occupy or otherwise use, and the right to exercise control over their own economic, social, and cultural development (art. 7.1); and the right of full enjoyment of their customs and customary laws (art. 8). Land is specifically dealt with as a part of their lives (part II) from article 13 to article 19. Lands are defined as territories that cover the total environment of the areas that the people concerned occupy or otherwise use (art. 13). The rights of ownership and possession over the lands that these people traditionally occupy and to which they have traditionally had access for their subsistence and traditional activities are recognized; governments are asked to take proactive measures and steps to identify and safeguard the rights (art. 14). The convention also asks for special safeguards for the rights of the people concerned to the natural resources (art. 15). The people also enjoy the freedom of movement and must not be removed from the lands that they occupy, except on special occasions, and must be consulted whenever consideration is being given to alienate their lands or otherwise transmit their rights outside their own community (arts. 16, 17.2). The convention also covers topics such as recruit-

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82. Tribal people are defined as people “whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations.” ILO Convention No. 169, *supra* note 79, art. 1(a).
ment and conditions of employment (part III); vocational training, handicrafts, and rural industries (part IV); social security and health (part V); education and means of communication (part VI); and contacts and cooperation across borders (part VII).

Global Institutionalized Systematic Mechanisms and Movements to Protect the Land Rights of Indigenous People

¶27 Various intergovernmental organizations (IGOs) and nongovernmental organizations (NGOs) have been working to protect indigenous people’s right to land. IGOs working on this issue include the U.N. Permanent Forum on Indigenous Issues (UNPFII), the U.N. Human Rights Council through the Expert Mechanism on the Rights of Indigenous Peoples, the Working Group on Indigenous Population, the Special Rapporteur on the Rights of Indigenous People, the Office of the Special Rapporteur on the Rights of Indigenous Peoples of the Organization of American States (OAS),83 the African Commission on Human and People’s Rights: Working Group on Indigenous Populations/Communities in Africa,84 the Asia Indigenous Peoples Pact (AIPP),85 and the International Labor Organizations (ILO). NGOs include the Assembly of First Nations,86 the World Council of Indigenous Peoples, and Survival International.87

¶28 Until 2007, however, few global, institutionalized systematic mechanisms were available to protect the land rights of local and rural people and minorities who cannot be included under the category of indigenous people. As mentioned above, in 2007, the ETO Consortium was launched by NGOs and experts.88 The World Bank, the FAO, the UNCTAD, and the IFAD also collaborated on contemporary land grabbing issues and adopted the PRAI and the Voluntary Guidelines, even though they are merely recommendations. FAO sees land grabbing as an emerging issue and devotes a webpage to it with the title of Foreign Investments in Agriculture for Food Security.89


88. ETO CONSORTIUM, supra note 44.

The U.N. Committee on World Food Security (CFS) and the World Food Programme may be good starting points to approach land grabbing issues based on the right food and food security policies. The final report of the fortieth session of the CFS notes the multiple and complex relationships between biofuels and food security, dynamic and complex food prices affected by the production and consumption of biofuels, and competition between biofuel crops and food crops due to current biofuel production. The report asks states to add to existing guidelines, to minimize the risks and maximize the opportunities of biofuels in relation to food security. The report also invites the FAO to propose a program of work considering food security concerns and legitimate land tenure rights. Furthermore, the report tells members to “strongly promote responsible governance of land and natural resources with emphasis on securing access and tenure for smallholders, particularly women, in accordance with the Voluntary Guidelines.”

International agrarian movements such as La Vía Campesina and International Land Coalition, and NGOs such as GRAIN and FIAN are also striving to solve the issue of agrarian land alienation of local and rural communities and to protect their access to land and water. These organizations scrutinize investors and lenders, especially by leveraging reputational risk, and make investors and lenders pressure agribusiness companies and local enterprise to protect local people’s land rights. Furthermore, they suggest alternatives to large land deals and help to facilitate “constructive dialogue” with investors, lenders, agribusiness companies, governments, and federations of rural producer organizations on how these alternatives could be upscaled. The following international movements, coalitions, and NGOs are actively working on resolving contemporary land grabbing issues, and their websites are excellent sources for cutting-edge information and empirical data.

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90. The Committee on World Food Security (CFS) is an intergovernmental body providing a forum for food security policies. It also created the High Level Panel of Experts on Food Security and Nutrition (HLPE) in 2009 to provide expert advice. Comm. on World Food Sec., http://www.fao.org /cfs/cfs-home/en (last visited May 2, 2015).


92. These include the CFS Global Strategic Framework for Food Security and Nutrition (GSF); the Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT); the Voluntary Guidelines for the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (RTF); The Global Bioenergy Partnership (GBEP) Sustainability Indicators for Bioenergy and FAO Bioenergy and Food Security (BEFS). Id.

93. Id. at ¶ 22.

94. Id. at ¶ 41.

95. Cotula & Blackmore, supra note 15, at 72–73.

96. Id. at 73. They sometimes bring transnational litigation for corporate accountability and leverage opportunities provided by international trade arrangements. Id. at 78.

97. General international human rights and environmental NGOs (e.g., Greenpeace, Amnesty International, Human Rights Watch, Human Rights First, Oxfam) are not dealt with in this article although they are also vigorously working on contemporary land grabbing issues.
Center for World Indigenous Studies (CWIS)

The CWIS\textsuperscript{98} has been advocating that the states take the primary responsibility for formulating and instituting international principles relating to indigenous peoples. It drafted the \textit{International Covenant on the Rights of Indigenous Nations}.\textsuperscript{99} Its website includes tribal and intertribal resolutions and papers; U.N. documents, treaties, agreements, and other constructive arrangements; and internationally focused documents. The Center also maintains the Indigenous Node of the WWW Virtual Library, which provides annotated links to many different resources.

GRAIN

GRAIN\textsuperscript{100} is an international not-for-profit organization that assists small farmers and social movements in Asia, Africa, and Latin America with research and analysis, advocacy, and networking; it also encourages alliances and cooperation for biodiversity-based food systems under the control of local communities.\textsuperscript{101} Even though GRAIN is a small organization, many research institutes and researchers rely on its research and data.\textsuperscript{102} In 2012, while dealing with financial problems, GRAIN underwent external evaluation on its work on land grabbing between 2008 and 2011.\textsuperscript{103} The evaluation concluded that GRAIN was “extremely effective in its mission to expose the risks of land grabbing” and was remarkably influential on the global debate on land grabbing.\textsuperscript{104} GRAIN maintains and continues to update the Farmlandgrab.org website,\textsuperscript{105} even though it has stopped publishing its magazine, Seedling. GRAIN’s publications include \textit{Against the Grain}, \textit{Reports}, \textit{Seedling}, and \textit{Biodiversidad}; it also produces photos, videos, and audio programs. Most notably, \textit{Reports} provides excellent empirical data and background information.

\begin{itemize}
\item \textsuperscript{98} \textsc{center for world indigenous studies}, http://cwis.org/ (last visited May 2, 2015).
\item \textsuperscript{100} GRAIN monitors land acquisition projects throughout the world from 2009. See GRAIN, http://www.grain.org (last visited May 2, 2015).
\item \textsuperscript{101} \textit{Organisation}, GRAIN, http://www.grain.org/pages/organisation (last visited May 2, 2015).
\item \textsuperscript{102} \textit{Brown, supra} note 2, at 103.
\item \textsuperscript{103} The evaluation focused on the relevance of GRAIN’s emphasis on land grabbing, assessment of specific outputs, outcome and impact of GRAIN’s work on land grabbing, effectiveness and efficiency, sustainability of GRAIN’s involvement in the field, future priorities and strategies, and organizational issues. See Göran Eklöf, Joan Baxter & Alberto Villareal, \textit{Evaluation of GRAIN’s Work on Land Grabbing: Executive Summary and Recommendations} (June 2012), available at http://www.grain.org/media/BAhbBlsHOgZmSSJ3MjAxMi8wOC8wMS8xMF8yMF8zMF80MjVfRJBSU5fRXh0RXZhbF8yMDEyX3dYi5wZGYGOGZFVA.
\item \textsuperscript{104} \textit{Id.} at 2.
\item \textsuperscript{105} See \textsc{Farmlandgrab.org}, http://Farmlandgrab.org (last visited May 2, 2015).
\end{itemize}
• Earth Policy Institute

§33 This institute\textsuperscript{106} does in-depth research on food, population, water, and sustainable development, striving for public awareness and to provide a global plan for sustainable development and demonstrative examples.\textsuperscript{107} Its founder, Lester R. Brown, and his team have researched the recent food crisis and land and water grabbing issues and published \textit{Full Planet, Empty Plates: The New Geopolitics of Food Scarcity},\textsuperscript{108} Its website maintains a data center that provides data in Excel format relating to five different topics: (1) population, health, and society; (2) natural systems; (3) climate, energy, and transportation; (4) food and agriculture; and (5) economy and policy. For example, it provides useful data on \textit{World Grainland Area Per Person, 1950–2011} under the food and agriculture category. It also maintains a very useful blog and press release pages.

• ETO Consortium

§34 The ETO Consortium\textsuperscript{109} is a network of about eighty human rights civil society organizations and academics trying to solve the contemporary land grabbing issues by regulating transnational corporations, IGOs, and IFIs.\textsuperscript{110} The Consortium supports and emphasizes the idea of imposing extraterritorial obligations (ETOs), which are specifically stated and confirmed in the \textit{Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Affairs}. Its thematic focal groups include finance regulation, tax, corruption, trade, investment, intellectual property rights, extractive industries, land grab, transnational corporations, eco-destruction, climate change, international financial institutions, development cooperation, food rights, health, conflict, occupation, and war. The website provides a library that compiles documents for the topics above and a bibliography relating to ETOs.

• International Food Policy Research Institute (IFPRI)

§35 The IFPRI\textsuperscript{111} is a global research institute that, since 1975, has sought sustainable solutions for ending hunger and poverty.\textsuperscript{112} The library of the IFPRI is an e-brary knowledge repository, which contains various digitized publications, including annual reports, global food policy reports, discussion papers, working papers, briefs, \textit{IFPRI Insights Magazine}, as well as a catalog, datasets, a journals list, and FAO policy repository. The institute produces documents relating to land

\textsuperscript{106} See Earth Policy Institute, \url{http://Earth-policy.org} (last visited May 2, 2015).
\textsuperscript{107} See About EPI, Earth Policy Institute, \url{http://www.earth-policy.org/about_epi} (last visited May 2, 2015).
\textsuperscript{108} See id.
\textsuperscript{109} ETOs, \url{http://www.etoconsortium.org/} (last visited May 2, 2015).
\textsuperscript{111} IFPRI: Int’l Food Policy Research Inst., \url{http://Ifpri.org} (last visited May 2, 2015).
\textsuperscript{112} IFPRI’s 2020 Vision is to make sure every person in the world has “access to sufficient food to sustain a healthy and productive life, where malnutrition is absent, and where food originates from efficient, effective, and low-cost food systems that are compatible with sustainable use of natural resources.” \textit{2020 Vision}, Int’l Food Policy Research Inst., \url{http://www.ifpri.org/program/2020-vision} (last visited May 2, 2015).
grabbing such as “Land Grabbing” by Foreign Investors in Developing Countries,¹¹³ which provides great data tables as of July 2009.

- **International Institute for Environment and Development (IIED)¹¹⁴**

  ¶36 IIED is a policy research organization dealing with international development and environment, trying to bridge between policy and practice.¹¹⁵ It works with a wide variety of organizations that includes NGOs, indigenous people’s groups, and grassroots movements.¹¹⁶ One of its publication topics is Land Acquisitions and Rights, for which there are about 127 papers published including the IIED briefing; the most representative one is Understanding Agricultural Investment Chains: Lessons to Improve Governance.¹¹⁷

- **International Land Coalition (ILC)¹¹⁸**

  ¶37 As a successor of the Popular Coalition to Eradicate Hunger and Poverty, the ILC is an international alliance of about 152 organizations that focuses on land access issues.¹¹⁹ It strives to ensure secure and equitable access to land with the reduction of hunger and poverty.¹²⁰ Particularly, the ILC’s works cover setting up National Engagement Strategies in focus countries, land monitoring, drafting global and regional policy, promoting women’s land rights, responding to increasing commercial pressures on land and safeguarding tenure rights of land users, supporting indigenous peoples, protecting the land and resource rights of range-lands, clarifying and recognizing community land and resource rights, and protecting the rights of land defenders. It has published numerous documents and publications, including briefs and opinion papers, newsletters, presentation materials, reports, and videos, which are available from its website. The ILC is a partner of the Global Observatory of the Land Matrix.

- **International Work Group for Indigenous Affairs (IWGIA)¹²²**

  ¶38 IWGIA, established in 1968 by a group of anthropologists, examines and documents the realities of indigenous people and advocates for the improvement of their rights. The IWGIA’s network of researchers and activists extends all over the world. It also concerns environment and development, and culture and iden-

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¹¹⁵ See About Us, int’l inst. for env’t & dev., http://www.iied.org/about-us (last visited May 2, 2015).

¹¹⁶ See id.

¹¹⁷ cotula & blackmore, supra note 15.


¹²⁰ Id.

¹²¹ The ILC separately maintains the Commercial Pressures on Land database, which includes data on large-scale land-based investments and more than 1700 documents. See Commercial Pressures on Land, int’l land coal., http://www.commercialpressesonland.org/ (last visited May 2, 2015).


- **Land Matrix**
  
  §39 The Land Matrix is a very important global initiative to monitor lands and investments in addition to the Farmlandgrab.org and Commercial Pressures on Land online databases. It visualizes decisions over land and investment, promoting transparency and accountability. Its Global Observatory shows visualized information on large-scale land acquisitions and strives to catch most land deals as accurately as possible in the fast-evolving environment of land deals. Admitting that land deals are “notoriously un-transparent,” it strives to remove errors and mistakes. Deals include land deals for agricultural production, timber extraction, carbon trading, industry, renewable energy production, conservation, and tourism in low-income and middle-income countries based on the World Bank country group classification. Its partners include the ILC, Centre de Coopération Internationale en Recherche Agronomique pour le Développement (CIRAD), Centre for Development and Environment (CDE), German Institute of Global and Area Studies (GIGA), and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

- **La Vía Campesina: The International Peasant’s Movement**
  
  §40 Created in 1993, La Vía Campesina is one of the most active grassroots peasant movements, connecting about 164 local and national organizations from all over the world. It seeks and defends “food sovereignty” as addressed at the World Food Summit in 1996. La Vía Campesina tries to realize the right of peoples to healthy and culturally appropriate food produced by a model of small-scale sustainable production benefiting communities and their environment. It further ensures that local and indigenous peoples, not the corporations, have rights to use lands, territories and water, and to enjoy biodiversity. The current and rotating secretary is in Harare, Zimbabwe. Its website provides news updates, announcements of

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125. Id.
126. Id.
127. Id.
128. Id.
131. Id.
132. Id.
133. Id.
actions and events, and various publications, including annual reports and links to newsletters and conference materials.\footnote{134}

- **Shift, *U.N. Guiding Principles on Business and Human Rights***

  \footnote{134. See *Nyeleni*, http://www.nyeleni.org (last visited May 2, 2015).} The Shift\footnote{135. *UN Guiding Principles on Business and Human Rights*, *Shift*, http://www.shiftproject.org/page/un-guiding-principles-business-and-human-rights (last visited May 2, 2015).} is a nonprofit organization for protecting, respecting, and remedying human rights in relation to business. It was established in 2011, following the adoption of the *U.N. Guiding Principles on Business and Human Rights* by the Human Rights Council.\footnote{136. *Id.*} The organization tries to “shift” the *Principles* into practice, making companies be aware of and respect human rights, encouraging governments to protect human rights, and allowing people access to effective remedies. Its programs include business learning, associated with the Corporate Social Responsibility Initiative at the Harvard Kennedy School of Government; engagements with individual governments; international partnerships with key international organizations, industry, or multi-stakeholder groups; and public awareness through workshops and conferences. Under Resources, its website provides about eighty documents and reports it has produced since 2011.

- **The Oakland Institute**

  \footnote{137. *Oakland Inst.*, http://oaklandinstitute.org (last visited May 2, 2015).} The Oakland Institute\footnote{138. *About Us*, *Oakland Inst.*, http://oaklandinstitute.org/about (last visited May 2, 2015).} is a California-based nonprofit organization with the mission “to increase public participation and promote fair debate on critical social, economic and environmental issues in both national and international forums.”\footnote{139. *Land Rights*, *Oakland Inst.*, http://oaklandinstitute.org/land-rights-issue (last visited May 2, 2015).} The organization specifically covers the issues of land rights, high food prices, sustainable food systems, foreign investment, international aid, trade agreements, climate change, and poverty. Its website devotes a separate webpage to each issue and provides related data, recent news, and links to numerous reports and policy briefs. With its primary focus on land rights, the Oakland Institute strives to increase “transparency about land deals including the terms of negotiation, theoretical consequences of investment, real impact on the ground, and ultimate impact on development,”\footnote{140. *Daniel & Mittal*, supra note 3.} mostly in African countries such as Sierra Leone, Ethiopia, South Sudan, Cameroon, Zambia, Tanzania, Mozambique, and Mali. It also analyzes land grabs in terms of human rights and international financial politics. One of its representative reports is *The Great Land Grab: Rush for World’s Farm-land Threatens Food Security for the Poor.*\footnote{141. *World Conference on Indigenous Peoples*, http://wcip2014.org/background (last visited May 2, 2015).}
Assembly Resolution A/RES/65/198, members planned to “share perspectives and best practices on the realization of the rights of indigenous peoples.” Its website provides information on regional indigenous groups with links.

**Selected Treatises, Articles, and Reports**

§44 Since the 2007–2008 world food crisis, plenty of literature on contemporary land grabbing has been created. Several comprehensive land grabbing books have been published. IGOs such as FAO, NGOs such as GRAIN and FIAN, consortia such as the ILC, and research institutes such as the IFPRI have produced numerous reports and articles relating to contemporary land grabbing issues. Scores of scholarly articles also have been published, mainly in the *Journal of Peasant Studies*, the *Journal of Agrarian Change*, the *Journal of Development Studies*, and the *Third World Quarterly*. What follows is a selectively reviewed list of books, articles, and reports with annotations, which will provide great starting points for contemporary land grabbing research.

**Selected Treatises**


This book is a product of the Earth Policy Institute research team to raise public understanding of the recent challenges relating to food, including world food shortages and food price spikes since 2007, and to call for action by political leaders and new policies to reduce hunger. It vividly draws the map of the world food crisis with detailed explanations on the ecology of population growth, the food chain, selection between food and fuel, eroding soils, water scarcity, environmental change, and increased production of soybeans, also providing historical backgrounds. Notably, chapter 10 deals with the global land rush, recognizing that this new global land rush since 2007 focuses more on basic food and feed crops such as wheat, rice, corn, and soybeans, and on biofuels. Land acquisitions are also seen as “lucrative investment opportunity” (p.105). While the author notes the difficulty of acquiring accurate information and data on land deals, he strives to grasp and describe in detail the contemporary land grabbing rushes by countries and explain the resulting effects on local people, human rights violations, and political instability.


This book provides realistic solutions for new land grabbing issues raised by the liberalization of trade, international investment in export-oriented agriculture such as soy for biofuels, and indecisive legal reforms and lack of implementation in Bolivia. It provides a history of resource struggles with vivid stories about the author traveling across the country, participating in various demonstrations and
activities against Bolivian government projects threatening the life of local communities. The author identifies new forms of displacement and socioeconomic dispossession and analyzes issues and causes behind the current problems. Finally, the author emphasizes the importance of movements such as the landless peasant movement—called MST—and the new social projects and political practices of the left and their connection to the state. Recognizing the importance of economic and ecological transformation and culture as a shield, the author asks for the state’s centralized and strong role to create “a truly redistributive and protectionist agenda and the power to reroute transnational capital” (p.200).


This book updates Liberti’s previous version, published in 2010. The author traces the causes of land grabbing starting from 2008, examines the FAO guidelines, and offers predictions about future developments. The author provides many qualitative empirical data collected on the ground, including observatory notes from meetings and interview scripts. The book provides novel-like narratives of land grabbing, from Ethiopia’s agrofuel greenhouses to land grabbing in Saudi Arabia, Brazil, Rome, Geneva, and Tanzania to Chicago’s stock market and Iowa’s ethanol factories.


This book is part of a series titled Rethinking Globalizations, which covers various issues of globalization. The book itself tries to capture a distinct historical event of contemporary land grabbing, closely tied to the changing dynamics of the global agrifood, feed, and fuel complexes. In this collected work, contributors theorize land grabbing and identify transnational actors under emerging global land governance. The final chapter reviews several recent instruments relating to global land governance. Chapters 7 and 12 deal with human rights issue relating to land grabbing.


This book deals with the difference between the theory and practice of development mainly in Central America. Various topics such as food, water, energy, mining, deforestation and reforestation industrialization, indigenous groups, and violence of development are dealt with in depth, relating to the benefits of development. Figures, tables, and boxes summarize land grabbing research such as change in forest cover, number of organic farms, population with access to improved drinking water sources, and population estimates of indigenous groups in Central America and elsewhere from 1990 to 2010. The chapter entitled “Indigenous Groups: The Fourth World Fights Back” succinctly explains and offers examples of land disputes and encroachments on indigenous territories in Central America.


This pamphlet-format report updates a report titled *Land Alienated from Indigenous Minority Communities in Ratanakiri*. This report analyzes land alienation from indigenous communities in the Ratanakiri province in the northeast of
Cambodia. The report concerns the illegality of the vast majority of land sales in Ratanakiri, which is mainly caused by a lack of law enforcement. Some communities have been disintegrated to the extent that cultural and social resources are severely lost. To make things worse, community councils and higher levels of government acquiesce to these sales. The report recommends strict enforcement of the 2001 Land Law, suggesting that the government of Cambodia needs to declare a moratorium on land sales affecting indigenous people. The report redefines “land alienation” to include loss of land that is accompanied by “a sense of powerlessness and alienation within indigenous communities” (p.8). The report also includes graphic maps showing change in land alienation between 2004 and 2006, charts of the impacts of land alienation, and case studies for each indigenous community in the Ratanakiri province.

Selected Articles and Reports


The authors approach land grabbing with a new domestic perspective based on gender equality. They comprehensively overview each phase of large-scale land deals—preexisting situation, consultation and negotiation, contracts and compensation, implementation and changes in production structure, and enforceability—and its varying gender implications. They also show two case studies in two different countries in South East Asia and Africa—a Hibun Dayak community in Sanggau District, West Kalimantan, Indonesia, and a community in the Maputo Province of Mozambique—illustrating different forms of large-scale land deals and different ways women are affected. They conclude that without taking into account local gender implications, investments will, at best, perpetuate existing gender inequalities and, at worst, contribute to increased levels of resource scarcity, poverty, and conflict. While the article directly applies international principles to current gender inequality phenomena, it emphasizes the role for the international research community to play. It also recognizes the lack of empirical evidence on the differential effects that land grabbing has on men and women. Finally, the authors emphasize the role of effective government enforcement to ensure that land deals lead to greater gender equality.


This article analyzes the land grabbing that has occurred in Latin America and the Caribbean based on the FAO studies in seventeen countries. The authors suggest four factors driving land grabbing in the region: production for food security, biofuels, climate change mitigation strategies, and the dynamics of global capital reconfiguration and emerging accumulation imperatives and strategies. They also suggest that land grabbing occurring in this region is unique in that it is wider than previously assumed; is not completely centered on food, land, or new global food regime players; and is intraregional in character. The article criticizes previous definitions of land grabbing which can explain land grabbing in only two countries—Argentina and Brazil—and suggests a new broader definition. The article provides useful tables with qualitative empirical evidence relating to contexts and extent of land grabbing in Latin America and identifying state and capital actors in intraregional land grabbing and its dynamics.

This report was prepared for the U.N. Special Rapporteur on the right to food, Olivier De Schutter. It provides four case studies of Tanzania, Sudan, Pakistan, and Mali, and Mali is introduced as a best-practice case. Admitting the necessity of investment in agriculture in developing countries, the report asks critical questions: what types of investment are needed, for the benefit of whom, and with what impacts on rural poverty and rural development? The authors pay attention to the gap between investment commitments made on paper and their effective implementation. The book also deals with local governments’ dilemmas and choices as they consider channeling investment into their rural societies, the opportunity costs involved, and the surrounding regulatory frameworks.


This report, funded by the FAO, IIED, and the U.K. Department for International Development, analyzes an “investment chain,” a complex web of multiple parties relating to land transactions in three different phases of money flow—“upstream” for project financiers, “midstream” for the enterprise that leads project implementation, and “downstream” for various contractors and suppliers (p.1). The report supplements the *Voluntary Guidelines* by the FAO and provides a solution to implement the *Voluntary Guidelines*, ensuring that investments are balanced with development. Particularly, the report strives to identify various “pressure points” where “public action can influence the behavior of actors or the nature of relations between those actors” (p.2–3) to make an effective implementation of the *Voluntary Guidelines*, which includes action to improve land deals, restrict or cancel such deals, or promote alternative models of agricultural investment. The authors suggest that “midstream” relations provide significant pressure points for public action where strong rights to land and natural resources can be provided to local communities with “robust local consultation and consent requirements and with rigorous and transparent impact assessment process.” They also suggest that “upstream” relations within the corporate structure can be significant pressure points for public actions, and lenders and investors can have significant leverage over the local enterprise. Finally, they suggest that to effectively implement the *Voluntary Guidelines*, public actions are needed at multiple pressure points together with alliances between stakeholders. The report is based on ten case studies of recent large-scale land deals in Brazil, Cambodia, Cameroon, Ethiopia, Ghana, Laos, Liberia, Mali (two), and Sierra Leone.

146. Midstream pressure points also include actions such as regulation of land acquisition by foreign investors and capacity support for governments to govern investment processes effectively, and for communities to analyze, deliberate, and negotiate. *Cotula & Blackmore, supra* note 15, at 4.

This early report analyzes land grabbing issues, suggests implications and potential consequences of land grabbing, stimulates the discussion of land grabbing issues, and draws attention to the actors. It examines the roles of IFIs and criticizes their “win-win” arguments that simplify and fail to solve the contemporary land grabbing issues by commercial land acquisitions and fail to secure food supply for poor and vulnerable populations. The report contains case studies and data from Africa, Southeast Asia, and Latin America, and provides an appendix table showing thirty-two countries in crisis that require external assistance.


Edelman discusses the conundrum of relying on hectare-centric data in the analysis of contemporary land grabbing. He suggests that current land grabbing data do not accurately reflect what is occurring on the ground, not only including preliminary, unverified, and faulty data such as unimplemented land deals, but also epistemologically failing to reflect the levels of capitalization into the land, the availability of water, and social impacts. The author further emphasizes the danger of using quantitative hectare-centric analysis of land grabbing because it ultimately weakens the arguments of activists due to the lack of credibility of quantitative evidence and finally suggests the necessity of case studies. He emphasizes the responsibility of social scientists or historians to explain the reliability of the sources they use.

Eklöf, Göran, Joan Baxter, and Alberto Villareal. “Evaluation of GRAIN’s Work on Land Grabbing: Executive Summary and Recommendations.” June 2012. http://www.grain.org/media/BAhbBlbHOgZmSS13MjAxMi8wOC8wMS8xMF8yMF8zMF80MJVr1J8SU5fRXh0RXZhbF8yMDEyX3dIyi5wZGYGOgZFVA.

Like other nonprofit organizations, GRAIN needs strategies to cope with new financial environments that limit funding and cause the organization financial problems. This report recommends highly visible GRAIN’s online presence, its effective communications, and close and mutually respectful relations with grassroots organizations—particularly in Africa—and strategic communications strategies and policies that prioritize reaching out to the media and new audiences, including social media. It also suggests that for GRAIN to remain sustainable as a small organization, it should hire dedicated fund-raising personnel and diversify its sources of funding, including from individual users, thus emphasizing new generations and supporters of GRAIN’s work.


This article empirically analyzes large-scale land investments by transnational corporations in four countries: Cameroon, Gabon, the Democratic Republic of

147. “The IFC and FIAs are employing a number of methods to assist investors to overcome obstacles that inhibit investment in foreign land markets.” DANIEL & MITTAL, supra note 3, at 7.

148. “Commercial land deals are coming into direct conflict with land reform efforts in many developing countries.” *Id.* at 14.
Congo, and the Republic of Congo. The article shows the recent increase of large-scale land acquisitions in Central Africa since 2000, mainly due to the relative political stability in the region. The report contains figures and tables to show the amount of acquired lands, historical trends, major investors, and compulsory procedures for industrial plantations in Central Africa. Instead of focusing on land alienation from the perspective of indigenous people, Feintrenie focuses on multinational corporations, showing the appropriate, transparent ways of investments such as constant, regular environmental and social impact assessments, and signature of free, prior, and informed consent.


This report notes that rural peoples’ access to land is under attack everywhere, emphasizing that their land and territories are their “backbone of their identities, their cultural landscape and their source of well-being” (p.2). It identifies the limitations (and irony attached) to recent data prepared and cited by the FAO and U.N. agencies that state family farms manage most of the world’s arable land. The report concludes that (1) farms are getting smaller; (2) small farms are less than a quarter of the world’s farmland; (3) big farms are getting bigger; (4) small farms are still major food producers in the world; (5) small farms are overall more productive than big farms; and (6) most small farmers are female. The report includes an interactive map visualizing the number of small farms and percentage of agricultural land in the hands of small farmers; tables showing global distribution of agricultural land; a list of countries that are losing farms, concentrating land, or where more than seventy percent of farms are small yet control less than ten percent of domestic agricultural land; and charts showing the global encroachment of the industrial crops of soybeans, rapeseed, sugar cane, and oil palm. The report finally indicates the difficulty of gathering and analyzing data on land distribution and food production because data are often patchy, slanted, or influenced by the politics, and classification criteria and definitions are highly variable. The report mainly relies on government data and data provided by FAOSTAT and research papers.


This October 2008 report first drew attention to the contemporary land grab issue, recognizing two unique drivers of contemporary land grabbing: seeking food security for the world food crisis and a new source of profit for the world financial crisis. China, India, Japan, Malaysia, South Korea, Egypt, Libya, Bahrain, Jordan, Kuwait, Qatar, Saudi Arabia, and United Arab Emirates are identified and examined as the food security seekers. Deutsche Bank, Goldman Sachs, Black Rock Inc., Morgan Stanley, Black Earth Farming, and Landkom are identified as investors for farmland in poor countries. It suggests that contemporary land grabbing is restructuring the local communities and society, transforming them from small farms or forests into large industrial estates for foreign markets that remove the hope of local farmers to return to their lands.

This report deals with the issue of Africa’s sophisticated water management systems that were destroyed by contemporary land grabbing. It indicates that countries such as Saudi Arabia and India, which lack water for food production, are attacking the African lands, advocating that water is abundant in Africa even though it is not true. In addition, large-scale land deals consume massive amounts of water, threatening the life of local farmers, pastoralists, and other rural communities. The report introduces a graphic and a table showing how the lands near the Nile were given to foreign investors, how much has irrigation potential, how much has already been irrigated and leased out since 2006, and surplus/deficit relating to the Nile basin. The report emphasizes that the land grabs and the accompanying water grabs do not help to reduce hunger and poverty; rather they represent “theft on a grand scale of the very resources—land and water—which the people and communities of Africa must themselves be able to manage and control” (p.18).

Conclusion

\[45\] The lack of understanding on issues relating to contemporary land grabbing among investors, lenders and agribusiness companies, and governments in investing countries has worsened problems relating to contemporary land grabbing, even though these powerful actors control many elements of contemporary land grabs. Comprehensive and effective research, based on both quantitative and qualitative empirical evidence, contextually explains the contemporary land grabbing issues in a specific time and place, and also reflects various international legal principles and mechanisms. The research can help all parties better understand various aspects of large-scale land deals and their accompanying problems.

\[46\] Other fruitful areas of research would include relevant legal and social science theories, such as the right to dignity, which can support the arguments of land grabbing movements and activists. Furthermore, alternative solutions and strategies to industrial agriculture and corporate-controlled food systems could be analyzed and suggested resources given. Various examples and models of agro-ecological and bio-diverse family farming, which can ensure food sovereignty of local and indigenous peoples, could also be useful additions to the dialogue.\[149\]

\[149\]. See Göran Eklöf, Joan Baxter & Alberto Villareal, Evaluation of GRAIN’s Work on Land Grabbing: Executive Summary and Recommendations, June 2012, http://www.grain.org/media/BAhbBlshOgZmS3I3MjAxMi8wOC8wMS8xMF8yMF8zMF80MjY0JRsU5fRXh0RXZhbF8yMDEyX3dIYi5wZGYGOGZFA.
Getting It from the Source: What Librarians Think About Lawyer Search Behavior

Renate Chancellor

The results from a survey of 132 U.S. law library professionals reveal useful insights into lawyers' information-seeking behavior. Survey respondents reported most frequently that lawyers preferred using electronic resources and communications, likely for reasons of accessibility, familiarity, and time. These results can help new librarians better educate and train lawyers as well as improve reference services.

Introduction

Law practitioners such as lawyers, judges, and law faculty search for legal information to represent their clients effectively, reach fair decisions, and better instruct tomorrow’s professionals. In doing so, they often rely on law librarians. As per the American Bar Association’s Model Rules of Professional Conduct, practicing attorneys must provide clients with competent representation. In other words, attorneys must have a solid understanding of legal research as well as to how to apply the law in various contexts. Scholars have long argued that many law students do not learn the legal research skills necessary for basic law practice. While curricula in most law schools instruct across a broad spectrum of practice areas, courses in legal research are often combined with legal writing and merely introduce legal sources. Such classes are typically one- to three-credit semester-long courses that offer very little time for students to develop and design a legal research project that would greatly benefit them as law practitioners. According to a study by Howland and Lewis, who surveyed law firm
librarians to assess the legal research skills of summer law clerks and first-year associates, law school graduates were unable to efficiently and effectively conduct legal research using LexisNexis and Westlaw, despite their training in law school.\[^{5}\]

"Lawyers’ information needs arise under unique circumstances. They often work on numerous cases and must digest a tremendous amount of information in a short period of time. They also have to meet strict deadlines to file court documents and bear the burden of representing clients from diverse backgrounds. Due to the heavy demands of attorneys in these diverse environments, it is often virtually impossible for them to produce immense work product without a skilled support staff and savvy, competent law librarians."

"While legal research is a fundamental lawyering skill,\[^{6}\] legal practitioners often do not have time to conduct their own research. In legal environments such as law firms and government agencies, legal secretaries, paralegals, law clerks, and other support staff assist attorneys with locating cases or statutory law. Law faculty are often assigned student research assistants to assist them with their research. In most instances, legal professionals rely on legal information professionals like librarians to help them with their research needs. This begs the question, what perceptions do law librarians have on the services they provide to their users? This article reports the findings from a pilot study on this topic. A national survey of legal information professionals was conducted to investigate how legal practitioners access and obtain legal information. Results indicate that although attorneys rely heavily on librarians to assist them with their information needs, when searching for information independently, not only do they prefer to use digital resources but when they need assistance, they prefer to use electronic communication such as e-mail."

"This article contributes to existing literature by offering insight into librarians' perceptions of how lawyers search for information. Knowledge of these research processes can lead to more effective services. It can also inform future studies of attorneys’ and students’ research and research writing practices."

**Literature Review**

"There has been significant literature written on related theories, ideas, arguments, approaches, and recent developments within the sub-discipline of information seeking. This literature review offers justification and establishes a framework for this study."

"Much of the work that has been done on the information-seeking behavior of lawyers stems from studies on other professions. Early studies of information seeking of professionals were conducted within the discipline of science. However, Tom Wilson and David Streatfield’s groundbreaking work on social workers\[^{7}\] paved the way for other studies that were not within the field. Library and information

5. *Id.* at 387.
science scholars who were interested in the need for and use of information in daily work began to expand their interests to professions beyond the field of science during the late 1970s. “This expansion to incorporate ‘service-oriented’ professionals included such groups as: doctors, lawyers, teachers, nurses, librarians, accountants and engineers.”

Komlodi explored legal information seekers’ use of their mental memory by externally recorded search histories. Sutton theorized that attorneys construct mental models of the law when performing legal research. While these studies are useful in understanding some behavioral practices of lawyers, they do not examine the relationship between lawyer and information specialist, particularly when the attorney imposes a query onto the specialist, which is common practice and a very important aspect of how lawyers obtain information in a law firm environment. Chancellor explored how the notion of time is a critical factor in lawyer’s search process.

A survey of the library literature on this topic indicates that not one comprehensive work fully investigates the multifaceted behavior of lawyers. “The small number of studies that do exist that address the information-related needs of lawyers demonstrate that access to a wide variety of information is crucial to their work.” However, several studies offer a glimpse into the information needs of lawyers. Japhet Otike contends that although significant research has been conducted on the information-seeking behavior of lawyers, very few studies have been documented in the literature. This is largely because a number of studies have been the subject of master’s theses and dissertations and thus rarely appear in major bibliographical works. In addition, many of the studies were conducted outside of the United States. Although U.S. attorneys practice law and access and retrieve legal information somewhat differently than do other countries’ attorneys, some commonalities exist in their information-seeking behavior.

Otike’s study on the information needs and habits of lawyers in England and in the United Kingdom determined that lawyers’ information needs are influenced by the nature of the work they do. This contention is supported by research conducted in Canada and Ireland. Results published by Ibrahim Haruna and Iyabo

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12. Leckie et al., supra note 8, at 173.
14. Id. at 38.
Mabawonku name nine information needs of lawyers in Lagos, Nigeria;\textsuperscript{17} similarly, a separate Canadian study by Margaret Wilkinson identifies the information-seeking behavior of lawyers.\textsuperscript{18} One element identified by Wilkinson is the knowledge of where and how to find the law. I argue that this is also an important need for lawyers in the United States.

¶10 Perhaps the best-known model in this arena is that developed by Gloria Leckie, Karen Pettigrew, and Christian Sylvain in 1996. From previously published work, Leckie et al. constructed a model of information seeking that illustrates the characteristics common to all three of the professional groups studied: engineering, healthcare, and law.\textsuperscript{19} The model consists of six elements:

1. Work roles  
2. Tasks  
3. Characteristics of information needs  
4. Sources of information  
5. Awareness of information  
6. Outcomes

This work illustrates a causal relationship that begins with work roles and ends with outcomes. Arrows show the relationship between each of the components of the model. The basic premise of the model is that the roles and tasks performed by professionals throughout the course of daily practice dictate specific information needs. As a result, an information-seeking process occurs.

¶11 Leckie et al.’s six-element model is predicated on the hypothesis that information seeking begins with the enactment of a particular work role. Specific roles (element 1) and their related tasks (element 2) result in information needs, which in turn are affected by certain characteristics (element 3). Characteristics of the needs can be influenced by certain variables (such as profession, age, or area of specialization) that may affect the outcome (element 6). Furthermore, sources of information (element 4) and awareness of information (element 5) flow from the characteristics of information needs as representative of other elements of the model.

¶12 These elements directly influence the outcome as it relates to an individual’s access to sources and intended use of sources. The availability of the sources is also key to obtaining the necessary information required by the user. The outcome is determined by the completion of the task. This is accomplished ideally when the professional obtains the information sought. If the information has not being obtained, the model includes a feedback loop that links to the characteristics of the information. This loop serves as a method of repeating the steps of the model to obtain more clarity in the information needed or to refine the role/task in the pro-


\textsuperscript{19} Leckie et al., \textit{supra} note 8.
cess. Once the task is completed and the user has the information requested, it is said that his or her information need has been met.

¶13 Although the Leckie et al. model is useful in understanding how various professionals search for information, it is by no means a comprehensive model. One cannot help but wonder whether a model based on the research of engineering, healthcare, and law professionals applies equally well to all professionals. Furthermore, although Leckie et al. present a compelling argument as to why there is commonality in the information needs of engineering, healthcare, and law professionals, I argue that there are probably far too many differences within each profession to group it with all others into one general model. The information-seeking needs of lawyers differ from those of healthcare professionals, for example. Lawyers are unique because they often practice at different levels, specifically in the law firm environment. Partners, associates, and law clerks occupy different skill levels and therefore have different information needs. Generally, the Leckie et al. model is a good basic start for exploring the information-seeking needs in professions. However, this generalized model does not adequately address unique behaviors of individual groups such as lawyers. Therefore, I contend that further research is needed to explicitly address the specific and unique information needs of lawyers.

¶14 In one of the first empirical studies conducted in the United States, Wilkinson enhanced Leckie et al.’s model by including the various ways lawyers perform their work.20 She argues that organizational context is important in understanding attorneys’ information needs. She claims that lawyers possess unique qualities that set them apart from the service-oriented professionals that the Leckie et al. model addresses. Wilkinson’s study focuses on the specific roles of lawyers in their quest for information. Her data collection included interviews with more 150 attorneys in Canada, and she found that law firm size is a significant factor when performing legal research. Attorneys at smaller firms are more likely to utilize resources outside of the firm as compared to mid- to large-sized firms, which often use support staff to conduct legal research.21

Methodology

¶15 Methods of investigation involved literature review, described in the section above, and a quantitative survey. The data derived from and the ideas incorporated from the literature were analyzed using SurveyMonkey, a commonly used tool for collecting online data. The present study used procedures that are investigative. Law librarians who subscribe to the Law Librarians Society of the District of Columbia (LLSDC) and online members of the American Association of Law Libraries (AALL) were surveyed.

¶16 Participants accessed the survey by directly selecting a web link from the survey e-mail announcement or by copying and pasting the URL into their browsers. The first page offered a brief lay description of the survey. By clicking on Next, respondents were directed to the questions. The multiple-choice questionnaire was

21. Id. at 269.
four pages, and each page was equipped with Back and Next options. Respondents checked the appropriate response in each section; a total of sixteen questions were asked.

¶17 Through *skip logic* technology, sections of the survey were skipped whenever a respondent checked the answer at the end of one section that indicated a lack of knowledge, awareness, or information about the upcoming section. Taking the survey required that participants read questions and check boxes; however, in some instances, they were given an option to specify or explain their answers. At the end of the questionnaire, participants had an opportunity to provide additional comments. Participants who preferred not to take the survey online were offered the option of using fax, mail, or telephone. The tag line at the end of the questionnaire invited participants to take part in follow-up interviews. Follow-up interviews were conducted and will be analyzed for the second part of this study.

¶18 Results from the questionnaire were entered into an online survey program, SurveyMonkey (http://www.surveymonkey.com) to facilitate data analysis. A total of 132 librarians completed the questionnaire. The small sample size is not sufficiently representative to draw definitive conclusions about why lawyers prefer particular digital resources. Conclusions, therefore, are necessarily preliminary.

¶19 Despite its limitations, this study plays an important part in ongoing research into the information-seeking behavior of lawyers. It offers a valuable preliminary understanding from experienced legal information professionals of the information needs of lawyers. Thereby, it serves as an important foundation for future, larger-scale research that further tests these perceptions.

### Results and Analysis

#### TABLE 1

Summary of Selected Survey Responses (N=132)

<table>
<thead>
<tr>
<th>Questions and Responses</th>
<th>Percent (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is your gender?</td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>23</td>
</tr>
<tr>
<td>Female</td>
<td>77</td>
</tr>
<tr>
<td>What is your age?</td>
<td></td>
</tr>
<tr>
<td>26–35</td>
<td>12</td>
</tr>
<tr>
<td>36–45</td>
<td>30</td>
</tr>
<tr>
<td>46–55</td>
<td>24</td>
</tr>
<tr>
<td>Over 55</td>
<td>33</td>
</tr>
<tr>
<td>What is your educational background?</td>
<td></td>
</tr>
<tr>
<td>M.L.I.S.</td>
<td>61</td>
</tr>
<tr>
<td>J.D.</td>
<td>27</td>
</tr>
<tr>
<td>Other</td>
<td>9</td>
</tr>
<tr>
<td>None</td>
<td>3</td>
</tr>
</tbody>
</table>
### TABLE 1 continued

<table>
<thead>
<tr>
<th>Questions and Responses</th>
<th>Percent (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>How long have you been a librarian?</td>
<td></td>
</tr>
<tr>
<td>- Less than 2 years</td>
<td>5</td>
</tr>
<tr>
<td>- 2–5 years</td>
<td>9</td>
</tr>
<tr>
<td>- 5–10 years</td>
<td>22</td>
</tr>
<tr>
<td>- More than 10 years</td>
<td>65</td>
</tr>
<tr>
<td>In what type of law library do you work?</td>
<td></td>
</tr>
<tr>
<td>- Law firm</td>
<td>57</td>
</tr>
<tr>
<td>- Law school</td>
<td>20</td>
</tr>
<tr>
<td>- Government</td>
<td>13</td>
</tr>
<tr>
<td>- Court</td>
<td>4</td>
</tr>
<tr>
<td>- Other</td>
<td>7</td>
</tr>
<tr>
<td>How many years in current position?</td>
<td></td>
</tr>
<tr>
<td>- Less than a year</td>
<td>11</td>
</tr>
<tr>
<td>- 1–5 years</td>
<td>15</td>
</tr>
<tr>
<td>- More than 5 years</td>
<td>33</td>
</tr>
<tr>
<td>- More than 10 years</td>
<td>30</td>
</tr>
<tr>
<td>How many attorneys at law firm?</td>
<td></td>
</tr>
<tr>
<td>- 20–50</td>
<td>5</td>
</tr>
<tr>
<td>- More than 50</td>
<td>93</td>
</tr>
<tr>
<td>- Other</td>
<td>2</td>
</tr>
<tr>
<td>How many hours per week spent conducting reference services?</td>
<td></td>
</tr>
<tr>
<td>- None</td>
<td>3</td>
</tr>
<tr>
<td>- 1–5 hours</td>
<td>19</td>
</tr>
<tr>
<td>- 5–10 hours</td>
<td>24</td>
</tr>
<tr>
<td>- 10–25 hours</td>
<td>54</td>
</tr>
<tr>
<td>Who are primary users?</td>
<td></td>
</tr>
<tr>
<td>- Attorneys</td>
<td>70</td>
</tr>
<tr>
<td>- Faculty</td>
<td>4</td>
</tr>
<tr>
<td>- Judges</td>
<td>3</td>
</tr>
<tr>
<td>- Public</td>
<td>6</td>
</tr>
<tr>
<td>- Students</td>
<td>13</td>
</tr>
<tr>
<td>- Other</td>
<td>4</td>
</tr>
<tr>
<td>How would you characterize most reference requests?</td>
<td></td>
</tr>
<tr>
<td>- Ready reference</td>
<td>54</td>
</tr>
<tr>
<td>- Research</td>
<td>46</td>
</tr>
</tbody>
</table>
Several key themes emerge from the survey data. The demographic makeup of the participants is primarily experienced law librarians who have worked in the field more than ten years. Therefore, they should have a good sense of lawyer information-seeking behavior. The majority of study participants are employed at law firm libraries; therefore their perspectives may differ from those working in
other legal environments (such as courts, academic institutions, or government agencies). Nevertheless, the survey found that seventy percent of the respondents work with attorneys. And most spend between ten and twenty-five hours per week working on reference and research requests.

¶21 The majority of respondents characterized most reference requests as ready reference rather than in-depth research inquiries. This may have many meanings. First, it may be that lawyers simply do not have time to conduct their own searches and therefore rely heavily on law library staff. Furthermore, lawyers may know the value of using library services and simply feel more comfortable going to information experts.

¶22 According to the findings, seventy percent of those surveyed believe that attorneys prefer using electronic resources to print ones. This is not surprising given the ease of using technology and the time pressures lawyers typically face. Likely for similar reasons, lawyers are perceived to prefer electronic means such as e-mail to communicate with library staff. This predilection for accessibility is consistent with Wilkinson’s study on lawyers.22 According to ninety percent of the law librarians surveyed, time is a factor in providing reference services. Attorneys prefer to receive their information within thirty minutes. This speaks to the expedient nature of the legal environment, specifically in law firms, which eighty percent of respondents identified as the most likely to communicate time pressure.

Conclusions and Goals for Future Study

¶23 In addition to its specific results concerning lawyers’ information-seeking behavior, this study highlights the important insights that information professionals can offer to the field. The data collected in this study suggest useful ways to improve the methods law librarians and other information professionals use in providing legal reference services, particularly as related to the demand for electronic resources.

¶24 The need remains for further study to fully understand the behavior of lawyers and how they use information services. Surveys of librarians and personal interviews would provide valuable information about the reasons for libraries’ choices, the full extent to which tools are promoted to users beyond mention on library websites, and the evidence of success or failures in experimenting with these tools.

22. Id. at 258.
Keeping Up with New Legal Titles*

Compiled by Benjamin J. Keele** and Nick Sexton***

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* The works reviewed in this issue were published in 2013 and 2014. If you would like to review books for “Keeping Up with New Legal Titles,” please send an e-mail to bkeele@indiana.edu and nsexton@email.unc.edu.

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*Reviewed by Shannon Roddy*

¶1 *Family Law Reimagined* seeks to redefine what its author, Jill Elaine Hasday, calls the family law canon, “the dominant narratives, stories, examples, and ideas that judges, lawmakers, and . . . commentators repeatedly invoke to describe and explain family law and its governing principles” (p.2). Hasday argues that the family law canon does not accurately portray the realities of family law. For instance, the family law canon describes family law as separate from the rest of the legal sphere and an area of law that has consistently improved over time. The author posits, however, that such descriptions of family law are inaccurate and that perpetuating the current canon is harmful to adults and children affected by family law.

¶2 As a preliminary matter, the author argues that many commentators, while insisting on family law’s exceptionalism, fail to actually define family law. The author’s definition is that “family law regulates the creation and dissolution of legally recognized family relationships and determines legal rights and responsibilities that turn on family status” (p.18). Rather than attempting to create an exhaustive list of areas of family law (for example, marriage, divorce, custody, and adoption), Hasday’s definition encompasses the aforementioned areas and is also broad enough to encompass new familial relationships as they become legally recognized, such as same-sex marriages and domestic partnerships.

¶3 After settling on a definition of family law, Hasday discusses what she believes to be two of the biggest misconceptions perpetuated by the family law
canon: first, that it is inherently local, and second, that it is rightfully set apart from the larger legal system. Hasday argues that federal law affects all aspects of family law, and despite what the family law canon proclaims, federal family law does, in fact, exist. She then provides numerous examples of family law localism in Supreme Court jurisprudence and federal statutes before debunking these declarations of localism with extensive examples of federal family law that exist in the form of statutes, regulations, and case law. The author does not argue in favor of or against federal family law, but rather points out that the family law canon mischaracterizes family law as exclusively local.

¶4 The author then turns to a discussion of what she terms the family law canon’s faulty progress narratives for both adults and children. With regard to adults, the canon insists that family law no longer favors men over women and that contract rules, rather than status rules, now govern family law relationships. Regarding children, the canon contends that children’s best interests are paramount. Hasday argues that while all these narratives have some basis in fact, the canon tends to overstate the progress that family law has made and implies that all needed reforms have already been achieved.

¶5 In the third section, the author argues that family law authorities often overlook certain family relationships and family law affecting the poor. Specifically, the family law canon devotes little attention to sibling, grandparent, and other familial relationships. Likewise, the family law canon excludes welfare law, making little attempt to solve the problems of poverty that are intertwined with family law.

¶6 In her conclusion, Hasday advocates altering the family law canon but recognizes the difficulty in changing entrenched narratives. She suggests that scholars should begin reshaping the canon by changing how they impart information about family law to students and legal decision makers.

¶7 One weakness of the book is the author’s failure to focus on the role that family law practitioners play in shaping the family law canon. While Hasday is a respected law professor who has written extensively on family law issues, it does not appear that she has practiced family law. In my experience as a former family law litigator, the family law bar can be quite influential. Judges often look to family law attorneys to educate them on new and changing family law issues, both through formal CLE programs and more informally through bench and bar events. Attorneys also often participate in drafting, editing, and advocating for family law legislation. Family law attorneys are active participants in shaping the family law canon and should be considered as influential as judges, lawmakers, and academics.

¶8 This book is better suited to an academic law library than for family law judges or practitioners. Law professors and students will likely find Hasday’s arguments thought provoking, and scholars may be inspired to change the way they teach and write about the family law canon. Family law judges and attorneys may also find this book interesting, but its major themes are more academic than practical.

*Reviewed by Lei Zhang*

¶9 Researching legislative history tends to be one of the more difficult skills for law students to develop. Judge Robert Katzmann’s *Judging Statutes* will not necessarily make law students or researchers better at researching legislative history, but it will give them a greater appreciation for why legislative history is important and why one should look to it in the first place. Katzmann describes how judges interpret seemingly ambiguous statutes and argues that judges should be more mindful of congressional intent when interpreting statutes, an approach that often requires consulting legislative history.

¶10 The book begins with a very brief overview of the federal legislative process, focusing on its historical roots and how the legislative sausage is made. Instead of broadly outlining how a bill becomes a law—we have *Schoolhouse Rock* for that—Katzmann highlights the pressures facing legislators and their staffers, while also explaining the importance and utility of committee and conference committee reports. The book also emphasizes that administrative agencies closely consult the legislative history of statutes they are called on to interpret, which underscores the deference they give to congressional intent.

¶11 All of this is background to set up the central argument of the book, which is that judges should consider the intent of Congress when interpreting statutes. The competing schools of statutory interpretation, purposivism (that judges should consider Congress’s purposes and goals when interpreting statutes) and textualism (that the ordinary meaning of a statute’s language, not unenacted intent, should control), are explained. Katzmann argues that an understanding of the complex legislative processes will help judges better interpret statutes and that using extra-textual sources to ascertain congressional intent promotes better government, better relations between the legislative and judicial branches, and better rulings. While an unapologetic purposivist, his treatment of the textualist position is evenhanded and fair.

¶12 The most interesting section of the book is chapter 5, when Katzmann walks through three cases he decided dealing with statutory interpretation, and how he used legislative history and other methods to try to determine Congress’s purpose when enacting the statute. This chapter is a good exercise in identifying statutory ambiguities for someone less experienced with reading statutes who may have trouble recognizing those ambiguities in the first place. For example, *United States v. Gayle*, 342 F.3d 89 (2d Cir. 2003), deals with whether the ambiguous term “any court” in the phrase “convicted in any court” refers to only domestic courts or also includes foreign courts. At first blush, the ambiguity might be hard to find because “any” seems clear: it would include all courts, anywhere; that is what “any” means. But the ambiguity reveals itself when the statute is analyzed more closely, and Katzmann presents both sides of the interpretation (as he does for all three of the

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cases discussed in this chapter). This chapter can help law students think about ways to scrutinize statutory language and to carefully consider the meaning, both explicit and implicit, of the words Congress chooses. Second, this chapter makes more concrete the differences between a purposivist approach and a textualist approach, and it is rather fun to see whether you agree with Katzmann’s decisions.

¶13 This book is not a primer on how to actually do legislative history research. There is no discussion on where to find committee reports, hearings, or other legislative history documents. You can consult any number of legal research textbooks for that information. And despite being about statutory interpretation, this book does not really delve into statutory canons of construction. For that, I highly recommend Antonin Scalia and Bryan Garner’s Reading Law: The Interpretation of Legal Texts.

¶14 The text is quite short, a little more than one hundred pages long, with the balance consisting of appendixes, notes, acknowledgments, and an index. Its length is both a benefit and a drawback. Its brevity means that you can finish it during a long afternoon, but it also feels like the book only scratches the surface of some of Katzmann’s points. For a book with the primary goal of championing the purposivist approach, the roughly twenty-five pages devoted to explaining purposivism and textualism seem insufficient.

¶15 Ultimately, this book would fit nicely in academic law libraries (or other academic libraries and public libraries). It presents a compelling argument in favor of purposivism, and readers interested in statutory interpretation or jurisprudence generally will find it worthwhile. Although the book stresses that judges should consult legislative history and extra-textual sources to find congressional intent when interpreting statutes, there is an implicit argument that attorneys likewise should do the same. Excerpts from the book could be used to help law students understand the nuances of reading statutes and why they should contemplate what Congress intended.


Reviewed by Loren Turner*

¶16 When I selected Phyllis Kitzerow’s book, Women Attorneys and the Changing Workplace: High Hopes, Mixed Outcomes, I expected the book would, as its publicity abstract claimed, “explore[ ] the experiences of women in the legal profession over the past fifty years.” I hoped it would extend the national dialogue about professional women’s obstacles toward workplace advancement (a topic recently addressed by Sandberg,¹ Slaughter,² and Spar³) to the particular plight of today’s women attor-

neys. Although it certainly attempts to do so, the book creates a tenuous connection at best, and my disappointment informs this review.

¶17 Despite the first chapter’s efforts to market this book as important to a critique of current workplace conditions for women professionals on par with the works of Sandberg, Slaughter, and Spar, the book ultimately exists to synthesize the results of two studies the author conducted with women attorneys who graduated from law school by 1975. In the first study, conducted in 1975, the author recruited and interviewed seventy-seven women identified on bar membership lists in one city. In the second study, conducted in 2010 (the book does not provide an explanation of why or how this date was chosen), the author attempted a follow-up to the first study. According to the author, this second study fills a gap in social science research because it is the first to provide qualitative data about a large group of professional women found in the same setting thirty-five years later. However, since so much time had elapsed between studies, only thirty-two of the original seventy-seven participants were available for the follow-up study, and it is unclear which of these participants, if any, were still practicing law in 2010. Rather than limit the second study to those thirty-two women, the author reviewed bar membership lists again and discovered an additional thirty-three women who graduated from law school by 1975, but had moved to the unnamed city after 1975 or had been missed the first time around. Even if readers accept the second study as a follow-up to the first, they must further grapple with the author’s decision to craft a focus group from ten current female law students. Why is a group of ten law students (who have not yet entered the workplace) an appropriate focus group for a study of the workplace experiences of women attorneys who graduated from law school by 1975?

¶18 The author organizes the book’s middle chapters according to the topics and themes extracted from participant responses to a series of open-ended questions: pathways into the law, finding the first position, building a career over the long run, assessing whether law was a good choice, balancing work and family, and evaluating the impact of gender. As one expects, the latter two themes are pervasive throughout all chapters, and the responses are as varied as the participants’ experiences and choices. In these middle chapters, the author uses a heavy hand to synthesize participant responses. Oftentimes, the text follows the stale formula of “woman A said this in response; woman B said that in response.” The author successfully avoids this formula in chapter 4, when she dedicates more space to a handful of women most representative of that chapter’s topic. I wish the other middle chapters permitted a deeper, case study analysis as well because this is where the individual personalities and identities of those women finally appear alongside their names.

¶19 The final chapter is an excellent literature review of studies conducted on college, graduate, and professional women and their workplace challenges. Unfortunately, it is also the author’s final attempt to repeat the mission of the first chapter and argue the importance of her studies to the plight of today’s modern female attorney. It feels forced. Yes, generally speaking, women attorneys then and now probably confront similar obstacles to workplace advancement (billable hour requirements, childcare concerns, spousal and parental expectations), but the
The author does not strengthen that connection with reliable data (for example, with a large focus group of women attorneys currently practicing law rather than a small sample of law students). Additionally, the author does not help today’s women attorneys determine how to leverage the experiences of yesterday’s women attorneys to their advantage. Without addressing these components, the author’s studies do not contribute to the current debate about the particular plight of women attorneys in the workplace today—even though the 1975 and 2010 studies are still interesting and valuable in their own contexts.

¶20 If knowledge of the past is crucial to future progress, then *Women Attorneys and the Changing Workplace* deserves a place in academic law libraries. Feminist legal scholars will appreciate the data gathered in this book to enhance their interdisciplinary research and scholarship, but I do not recommend the book as important reading for a general audience.


Reviewed by Ning Han*

¶21 Researching Chinese law has never been an easy job. Although the process and resources have been hugely demystified over the past several years by law librarians and legal scholars, performing Chinese legal research still poses unique challenges, especially for researchers who have no background in this seemingly exotic legal system and who are not proficient in reading Mandarin. Recognizing these difficulties, Paul Kossof wrote *Chinese Legal Research* to provide a text on the Chinese legal system that “tailors itself to foreign researchers with little to no experience in China by minimizing their reliance on Mandarin text” (p.4).

¶22 Unlike books I have reviewed in the past, this is authored by a graduate student. Kossof received his J.D. from John Marshall Law School in May 2014 and received his LL.M. in international business and trade law in 2015. His unique internship experiences at different law firms in China, his proficiency in Mandarin, and his interactions with the Chinese legal system put him in a good position to provide insights from a foreign researcher’s perspective on how to better understand the Chinese legal system and how to conduct Chinese legal research. Unfortunately, this book is far from perfect, both in terms of the content it delivers and the writing itself.

¶23 The book is divided into eleven chapters, supplemented by six appendixes, one table of abbreviations, and a glossary. An initial glance at the book made me realize that the main text of the book, the eleven chapters, accounts only for 79 of its 199 pages. Appendixes take up more than 100 pages; however, appendixes 1 through 3 are translated versions of enacted Chinese laws, which are readily available online. The enacted laws provided in the appendixes are supposed to be informative and helpful for researchers, but the author fails to provide the sources of the translated versions, and readers have no way to know whether the laws are current.

* © Ning Han, 2015. Assistant Professor and Technical Services Librarian, George R. White Law Library, Concordia University School of Law, Boise, Idaho.
and reliable copies. As a result, the value and reliability of the appendixes are significantly undermined.

¶24 Chapters 1 through 7 introduce the Chinese legal system. Kossof briefly walks readers through Chinese legal history, China’s constitution, its governmental structure, and its legislative and judicial practices. No doubt, a solid understanding of China’s legal system and the relationships among its governmental institutions is a necessary foundation for any successful Chinese legal research. Kossof does a good job providing readers with the necessary basic knowledge of the Chinese legal system without diving too much into details. But even with a concise writing style, the content still needs to be accurate, well researched, and well organized. The author fails at this at multiple points in the book.

¶25 First, in chapter 4, in the subsection on the National People’s Congress (NPC), Kossof states “[t]he NPC has two meetings a year that are conducted during the same two weeks” (p.22). This is an incorrect and confusing statement. The NPC does not meet two times a year. In fact, the NPC meets in session once a year.4 The National Committee of the People’s Political Consultative Conference (CPPCC) usually meets at the same time that the NPC does, so the abbreviated term “two meetings” is used to refer to both annual meetings of the NPC and the CPPCC.

¶26 Kossof also states that “[i]n 1987, the Portuguese government transferred Macao to China” (p.27). The Joint Declaration on the Question of Macau was signed in March 1987.5 But the Portuguese government did not formally transfer Macau to China until December 20, 1999.6

¶27 Finally, Kossof’s writing includes vague statements where readers might appreciate more specific, detailed, and accurate statements. For example, in the subsection on the Standing Committee, Kossof writes: “members of the [NPC] Standing Committee meet often . . .” (p.23). Readers may want to know how often. A quick search reveals that the meeting frequency for the NPC Standing Committee is once every two months.7

¶28 In chapters 8 and 9, Kossof introduces readers to Chinese legal resources. But the introduction is limited to treaties and other international agreements, and secondary and Internet sources. Rather than introducing primary sources in a separate chapter, Kossof chooses to bury “Official Sources” under chapter 9, “Secondary and Internet Sources.”

¶29 The last two chapters are devoted to research strategies and citations, and include tips in overcoming the language barrier. Kossof presents two approaches to research: a law-based approach for a known issue or known law, and an issue-based

approach for situations with no predefined issues or law. Kossof states that one should always start one’s legal research with primary sources. However, as another reviewer of this book pointed out, “complete legal research usually requires starting with secondary resources and cannot be finished without making sure primary sources of law are still valid.” It is probably wise for researchers not to solely rely on Kossof’s work when it comes to research strategies. By the same token, simply relying on a translated version of Chinese law is not always feasible. Researchers may still want to seek help from professional legal translators for cases or local regulations where no translated versions are available.

¶30 One good feature of this book is additional readings. Kossof provides a list of such material at the end of each chapter. Even though some of the readings are cross-listed under different chapters, those titles are carefully selected, valuable resources. Readers may want to refer to these additional resources since Kossof’s book does not have footnotes.

¶31 Other less noticeable flaws of this book are typos and the inaccurate use of agency names and book titles. For example, the first paragraph of chapter 4 states that “Chapter Six will provide all of the information that a foreign legal researcher will need to understand the basics of administrative regulations” (p.21). This should be “researcher” rather than “research.” Kossof provides abbreviated and translated names for many Chinese legal sources, but he fails to do this for one of them: the translated name for Remin Fayuan Anli Xuan (人民法院案例选) is People’s Court Case Selection. The index of this book is not very useful. No subheadings (words or phrases) are provided under any main headings. Page numbers for specific headings are provided, but not all of them point readers to sections where useful material relating to those specific headings can be found. Many of the page locators send readers to sections where headings are merely mentioned.

¶32 Overall, Chinese Legal Research is a quick and fun read. The biggest advantage of this book is that the author keeps the targeted readers’ needs in mind throughout the book. Some of the insights and tips that Kossof provides might resonate with some researchers, but this book should never be used as the reference tool or a definitive guide for conducting Chinese legal research for reasons discussed in this review. Selectors at individual institutions will want to critically evaluate this book before purchasing.


Reviewed by Jennifer S. Prilliman

¶33 In the opening pages of Internet Legal Research on a Budget: Free and Low-Cost Resources for Lawyers, Carole A. Levitt and Judy K. Davis express their hope that their book “empowers you [i.e., a lawyer] to become a more efficient and effec-


* © Jennifer S. Prilliman, 2015. Associate Director and Law Library Professor, Oklahoma City University School of Law, Oklahoma City, Oklahoma.
tive researcher” (p.xix). The book proceeds to carefully walk readers through extensive lists and descriptions of websites and databases that provide free or very low-cost legal research materials. It certainly does empower readers to think outside the box and explore more cost-effective research tools.

¶34 The authors are clear that this book focuses on sources of law rather than fact finding or investigative research. It is not a legal research textbook. It does not provide in-depth background or history of the sources of law, and it contains little substantive basic research instruction. The authors expect readers to have a fair amount of knowledge about the structure and types of primary and secondary sources law. For example, blawgs are referenced throughout the book, but the role they play in legal research is not thoroughly explained. However, the authors do stop throughout the book and briefly explain technical terms that an attorney may not be familiar with, such as “apps” and “crowdsourcing.” There is also a nice short chapter covering how to use major social media networks, such as Twitter and Facebook, for research with or without having your own account.

¶35 The book is divided into concise and palatable chapters organized by subject and then by resource. Rather than read chapter by chapter, the book is best browsed or searched using the index. Each chapter begins with a brief introduction about the landscape of available resources in a given category. For example, part 3 on case law databases is divided into two chapters. One covers free commercial or proprietary databases, including FindLaw and Google Scholar, and the other provides information about government-sponsored online case databases. Unlike many other practical research books, the screenshots and accompanying captions are very crisp and well executed. The writing is clear and avoids librarian jargon. As with any book covering online and electronic search tools, some of the specific content may be outdated by the time the book hits the shelf. Levitt and Davis address this when possible by noting best practices and providing guidance for finding your way around and assessing an online legal research tool.

¶36 Practitioners looking for alternatives to expensive commercial databases are the intended readers. Therefore, librarians who serve public and attorney patrons will find this to be a valuable and accessible reference tool. Firm librarians may also want to add this title to their collections if they are trying to train associates to keep legal research costs down. For legal research instructors looking for a textbook, this is not the resource for you, but it would serve as an excellent recommended text and may provide you with some new ideas to share with your class.


Reviewed by Grace Feldman*

¶37 It is no secret that admitting at a cocktail party that you are a lawyer usually leads to jokes about the unsavory reputation of the legal profession. Quality in the practice of law can be difficult to identify, with countless reports of attorneys faced

with disciplinary proceedings, attorneys filing frivolous claims on behalf of their clients, and generally bad behavior by attorneys highlighted in media. In *The Good Lawyer: Seeking Quality in the Practice of Law*, Douglas O. Linder and Nancy Levit explore what it means to be a good lawyer and seek to guide others on their path to becoming good lawyers. Rather than focusing on bad lawyering to instruct lawyers, Linder and Levit use inspiring examples of lawyers throughout history to explain the qualities of good lawyering in practice.

§38 Observing that both authors are professors at the University of Missouri–Kansas City School of Law, one might expect a dry, pedantic handbook that regurgitates the typical law school legal skills and professional skills curriculum. However, Linder and Levit far exceed expectations with their excellent blending of research, storytelling, and commentary. I found myself so engaged while reading *The Good Lawyer* that I was asked by a stranger whether the book was “a new Grisham” novel. While just as gripping as a Grisham novel, I found that, unlike Grisham’s sensational fiction, Linder and Levit offer practical advice to lawyers and aspiring lawyers on how to become better lawyers and gain personal satisfaction in the legal profession.

§39 *The Good Lawyer* is divided into ten chapters. The first nine chapters focus on specific qualities that good lawyers tend to have, and the final chapter reflects on what it means to strive to be a good lawyer in a rapidly changing profession. Linder and Levit encourage readers to develop virtues such as empathy, courage, willpower, and valuing others to enhance their lawyering. Though these qualities may seem obvious, the authors blend each one with practically applied psychological research and accounts of real lawyers who displayed a command of the stated quality, giving new meaning to it in the practice of law.

§40 My favorite chapter was on courage. In it, Linder and Levit explain courage in the context of the law by profiling lawyers exhibiting courage, including John Adams’s representation of eight British soldiers and their captain; John Doar’s intervention between riot police and demonstrators mourning the assassination of civil rights activist Medgar Evers; Dr. Lothar Kreyssig’s resolute pursuit of justice as a judge in Germany during the Third Reich; and Noah Parden’s representation of a wrongfully convicted Ed Johnson before an all-white southern jury in 1906. Linder and Levit skillfully braid each profile with explanations of physical, moral, and psychological courage, and strategies on how to develop greater courage.

§41 *The Good Lawyer* reads like a field guide that is practical but also surprisingly moving. The authors punctuate their pursuit of quality with real-world examples, anecdotes of good and bad lawyering, and relevant strategies to adopt in practice. Each chapter inspires readers to diligently pursue the quality discussed. Unlike so many other legal ethics titles, *The Good Lawyer* leaves readers with a sense of pride for the legal profession and an aspiration to elevate it. *The Good Lawyer* is a compelling and inspiring book, and it is highly recommended for all law libraries that serve law students, lawyers, or aspiring legal professionals.

Reviewed by Sarah Jaramillo*

¶42 What is in a bill jacket? Does it contain all the relevant pieces of a New York legislative history? What is the nature of mandatory authority in New York courts? How do I find a lien filed in Dutchess County? Can I find a conviction record from Rockland County from 1991? How can I find a New York City court opinion?

¶43 These are just a few of the seemingly countless questions the fourth edition of *Gibson’s New York Legal Research Guide* by William H. Manz answers. For readers familiar with the title, the fourth edition continues the strong tradition of excellence established by earlier editions. This most recent edition offers exhaustive treatment of New York and New York City legal sources with updates on how to find the material electronically, including references to Bloomberg Law.

¶44 This title is broken up into two parts: one on New York State research and the other on New York City research. Even though New York City is just a municipality within this state, this substantial devotion of space is warranted because the New York City legal authority landscape can be labyrinthine. The chapter I consult most often is chapter 6 on legislative history in New York State. Even though I have been a librarian researching New York law for six years, I continually need to be reminded of what documents are most valuable and where to find them.

¶45 Manz also deftly summarizes the nature of mandatory authority in New York in a few paragraphs. I have to explain this concept to confused first-year students repeatedly, so having this section as a resource I can pass on to them is invaluable. Manz’s assiduous treatment of New York City law is impressive. In this realm, the sources are obscure and often overlooked in more succinct guides on New York City law. In general, I am confident that if this book does not contain a source for a type of authority, it is not out there.

¶46 I think any law library or large public library in New York State, as well as surrounding states, should own this title. Any domestic law library that strives to have a comprehensive national collection should also consider acquiring it. A wide array of readers will find this title useful. Most researchers will not want to read this book cover to cover. Adelman, Belniak, and Rowe’s *New York Legal Research*, published by Carolina Academic Press, would be better suited for that type of quick read. However, I think novice New York law librarians and legal researchers should consider a careful read of chapters 2 (state legislation), 6 (legislative history), 7 (the judicial system), and 9 (court reports). It would not hurt more seasoned librarians to review those chapters to keep their knowledge comprehensive and current.

¶47 If you teach or offer training in New York legal research, this title is essential. In terms of preparing for your lectures, the chapter introductions are very helpful. The text of the various chapters is helpful, as one would expect, for providing the nuts and bolts of researching specific sources and types of authority. There are several chapters that would make good preparatory reading for your students.

or trainees. I have a colleague who offers a semester-long New York legal research class for law students, and this book is required reading for the course. I also assign the chapter on New York legislative history research when I teach classes on legislative history in my semester-long advanced legal research course.

Legal researchers with more experience will appreciate the book’s comprehensiveness and ability to answer complex, varied, and obscure questions. For a quick review question, it might be more expedient to consult an online research guide. However, experienced librarians encounter questions on a regular basis for which there is no answer in free online legal research guides. *Gibson’s New York Legal Research Guide* is where they go to find their answers. Even though you cannot perform a full keyword search, the table of contents and detailed index provide nimble access points to all this expert information. In short, *Gibson’s New York Legal Research Guide* is the definitive treatise on New York legal research. It offers value to many types of researchers and information professionals and therefore would strengthen any New York law collection.


Reviewed by Valerie R. Aggerbeck

When someone refers to “the cloud,” what pops into your head? Do the words collaboration, mobile, or backup spring to mind? If not, don’t worry—you are not alone. According to a survey by Wakefield Research, while “the cloud” was the 2012 tech buzzword of the year, “most Americans are also unsure about how the cloud works.”

So what is the “cloud”? It is “technologies that allow applications and data to be hosted on a computer external to [one’s] own computing resources and firewall” (p.xi). For example, if you save personal documents to Dropbox or watch a movie on Netflix, you are accessing the cloud. This enables a user with an Internet connection to access materials at little or no cost from any place.

What does the emergence of cloud technology mean for companies? If you own or manage a business, you should be thinking about how cloud computing relates to electronic discovery, data encryption and security, and data retention. As a recent *Forbes* report notes, “[C]loud computing initiatives are the most important project for the majority of IT departments (16%) today and are expected to cause the most disruption in the future.” Companies need to understand the implications of storing data with one provider versus another and how different types of storage mechanisms may affect discovery practices.


James P. Martin and Harry Cendrowski’s *Cloud Computing and Electronic Discovery* takes on this timely issue. The authors both hold accounting degrees and work for Cendrowski Corporate Advisors, a company specializing in litigation support, risk management, and accounting services. Although they lack legal credentials, their experience working with firms on risk assessment, fraud examination, and information technology has given them practical insights on the subject.

*Cloud Computing* has three parts. The first part provides an overview of the cloud computing solutions available for hosting data. The three main options are infrastructure as a service (IaaS), platform as a service (PaaS), and software as a service (SaaS). These options are implemented in one of three ways: a public cloud, a private cloud, or a hybrid cloud. Most authors take one of two opposing approaches to these options, either emphasizing the need for data security and physical control over the data, which a private cloud provides, or touting the cost savings, convenience, and flexibility associated with the public cloud. Martin and Cendrowski’s perspective is more nuanced. Rather than advocating for a specific type of provider, they emphasize the need to understand service level agreements and the types of data to which organizations typically have access, and adopt whatever technology is most suitable to the company’s needs. This part includes helpful advice on creating a methodical approach to e-discovery in a cloud-based world.

The second part of *Cloud Computing* discusses the history of U.S. communications law and its impact on discovery. Over the last century, Congress has struggled to balance individuals “right of privacy from government intrusion and the legitimate needs of law enforcement in the conduct of their duties” (p.40). The result of this struggle was passage of the Communications Act of 1934, the Omnibus Crime Control and Safe Streets Act of 1968, and the Electronic Communications Privacy Act of 1986 (ECPA), which provide greater protection for communications via radio and telephone, and later electronic communications. According to the authors, these laws should be amended to cover the tremendous technological advances of the last three decades, including smartphones, social media, and surveillance devices like the StingRay.11

The last part of *Cloud Computing* analyzes the major cases shaping cloud computing litigation. The authors review the foundational Supreme Court cases relating to privacy; cases applying the Fourth Amendment to protect individuals’ privacy in their papers, phone conversations, and private property; and cases applying the Fifth Amendment to prevent individuals from producing documents, bank records, and passwords for encrypted computer drives that would lead to testimonial self-incrimination. They note that “courts have struggled with the application of the Fourth Amendment and federal statutes such as the [ECPA]”

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11. A StingRay, “the most well-known brand name of a family of surveillance devices known more generically as ‘IMSI [International Mobile Subscriber Identity] catchers,’ is used by law enforcement agencies to obtain, directly and in real time, . . . detailed location information of cellular phones—data that it would otherwise be unable to obtain without assistance of a wireless carrier.” Stephanie K. Pell & Christopher Soghoian, *A Lot More Than a Pen Register and Less Than a Wiretap: What the StingRay Teaches Us About How Congress Should Approach the Reform of Law Enforcement Surveillance Authorities*, 16 *Yale J.L. & Tech.* 134, 142–43 (2013).
and discuss the lack of uniformity in the legal precedents of various jurisdictions.

¶56 Cloud Computing is an informative, well-organized, and readable text, and a welcome addition to an emerging and rapidly evolving field of law. The extensive footnotes to relevant primary and secondary authorities will help readers who wish to pursue the topic further. Several tables summarize the cases discussed in the book and the discovery mechanisms used to request information. A companion website (http://www.wiley.com/go/cloudcomputing) provides links to new authorities.

¶57 This title is recommended for solo practitioners, IT executives and managers, and law firm and academic libraries. As data sources continue to proliferate at an exponential rate and people continue to rely on digital technology, e-discovery will remain a moving target for businesses and their compliance staff and for legal providers.


Reviewed by Jennifer A. González

¶58 A friend in the field of history and international relations sent me a review of a new book on international law. The final sentence of the review captivated me and immediately sent the book to the top of my reading list: “Rich in insights, thoughtful in argument, sometimes elegant in presentations, well structured, masterful in its command of the material, sweeping in its coverage of the multiple past and present international legal systems that have formed on the planet, [Stephen C.] Neff’s newest publication will take its due place as the leading English-language work on the history of international law.”¹² Justice Among Nations: A History of International Law certainly lives up to that review.

¶59 In this review of the material, I must begin at the book’s end, with its more than forty-page bibliographic essay. Perhaps one of the strongest and most useful sections for law librarians is the bibliographic essay; it is indispensable for researchers of historical international law. Neff evaluates not only those works with a legal focus, but all works that bring light to the subject. Additionally, there is an extensive notes section that complements the bibliographic essay and the work as a whole, bringing authority to Neff’s statements about international law.

¶60 The book’s subtitle calls it a history of international law, but the reach of Justice Among Nations far exceeds the traditional definition of “international law,” as Neff himself states in the introduction. Neff has an expansive view, calling the book “an exploration of the various ways in which conceptions of justice have played a part on the world stage” (p.2). He intends to show international law not as it is defined today, but as a journey that has been reimagined and reconsidered throughout history and includes defining disputes, peacekeeping, and negotiations.


The introduction immediately caught my attention with an anecdote about the “scandal” of George Washington’s failure to return two books to the New York Society Library in October 1789. One of the books was *The Law of Nations* by Emmerich de Vattel, “the first book on international law to be written for a general audience,” “a literary gem” intended for “men of affairs” and “not merely [for] moral philosophers” (p.1). Neff takes the same approach with his book.

*Justice Among Nations* is divided into four chronological and thematic sections. Section 1 begins by tracing the first concepts of international law in the earliest of civilizations, in areas where there was “a relatively high degree of cultural homogeneity, coupled with political fragmentation” as Neff sees in Mesopotamia, ancient India, and pre-unified China (p.13). He continues by surveying ancient Greece and pre-imperial Rome, comparing and contrasting the international relations, religion, cultural values, and philosophy that led to international law becoming a product of Europe rather than China.

The second section of *Justice Among Nations* covers the years 1550 to 1815 and the creation of international law in its modern context of detailed rules and laws. Neff states that this was the era of natural law, but where *ius gentium* (the law of nations) also gained footing. This section describes philosophies and the impact certain people had on the development of international law, including Francisco Suarez, Hugo Grotius, Thomas Hobbes, Benedict de Spinoza, Samuel Pufendorf, Francis Bacon, Christian Wolff, Immanuel Kant, and Emmerich de Vattel.

Section 3 covers 1815 to 1914, a time period bookended by two peace conferences, to show how international law began to take the shape we know today. The first peace conference, in Vienna, was a fashionable social event with few lawyers; the second, in the Hague, was “a drab affair” with many international lawyers present who were given the official title “scientific delegates” (p.217). The end of this section also sees the reintroduction of the East to the dialogue.

The fourth section of Neff’s book is appropriately entitled “Between Yesterday and Tomorrow,” a period built on previous ideas that was able to achieve more results, creating a standing International Court of Justice, international criminal tribunals, and the League of Nations and United Nations. International law grew in strength but “intruded” into areas that were traditionally the exclusive realm of states, thus “increasing misgivings and opposition” (p.344).

In his conclusion, Neff states that his goal is to take this “all-too-rapid journey through the centuries” to make readers “more curious about and aware of international law” (p.483). The survey style of his book cannot be comprehensive, but he provides ample treatment and research for *Justice Among Nations* to be a trustworthy review of the subject.

Neff’s book can be understood by lawyers and nonlawyers alike because he provides enough explanations for readers who have no prior legal knowledge. So much historical information is given that a person with significant legal knowledge can make connections and find deeper dimensions in the writing. The book is, however, not for the novice historian. A fair amount of historical knowledge would be helpful in reading this book.

Neff writes in a narrative style that is easy to read, free of complicated language, and approaches every idea with a refreshing clarity of exactly the point he
wants to make. Each chapter has a clear purpose and many subheadings that keep the point clear and focused and readers interested. Justice Among Nations begins to fill a void since there are very few books on the subject; it should inspire more research and more books on the topic, particularly in the areas that Neff purposefully neglects or minimizes, namely diplomatic law, the law of the sea, and international organizations. Justice Among Nations would make an excellent addition to any academic law collection and is a must for any law library with an international focus.


Reviewed by Leslie A. Street

¶69 In recent years, law libraries have devoted increased attention to the need for a more uniform and robust legal research curriculum with learning outcomes that could be shared across the academic law librarian profession. Law librarians have also recognized the need to connect legal research instruction to wider curricular goals and place research skills on higher footing with other skills taught in the law school classroom. The Boulder Conference, its statements, and now its first published compilation of essays, The Boulder Statements and Legal Research Education: The Intersection of Intellectual and Practical Skills, edited by Susan Nevelow Mart, reflect a significant step toward these goals. The book is comprised of individual essays devoted to different aspects of teaching and understanding legal research. The introduction, by Barbara Bintliff, discusses a brief history of the development of legal research instruction and the general lack of attention to it from the rest of the legal profession. Against this background, she describes the development of the Boulder Statements on Legal Research Education, which were designed “to identify the theoretical foundation for a pedagogy of legal research instruction, and to describe in concrete terms the elements of the pedagogy” (p.xii).

¶70 Legal research instructors and other readers may find some chapters more directly useful and easily applicable than others. For example, Shawn Nevers’s chapter, “Assessment in Legal Research Instruction,” offers useful, practical considerations for successful formative and summative assessment in the legal research classroom. Sarah Valentine’s essay on integrating legal research into the law school curriculum also offers many useful considerations in how law librarians can advocate at their institutions for wider legal research instruction across the legal curriculum. She importantly points out the need for such wider inclusion of legal research across the law school curriculum because “[o]ne’s understanding of the research process directly affects problem-solving success” (p.9).

¶71 Other chapters, more theoretical in nature, give the legal research instructor the opportunity to reflect at a higher level regarding teaching goals and learning
outcomes for students. For example, Julie Krishnaswami’s chapter, “Critical Information Theory: A New Foundation for Teaching Regulatory Research,” discusses applying a more theoretical approach to teaching regulations to students. Other chapters devote discussion to Bloom’s Taxonomy and its application to legal research instruction, as well as broader questions about the classification of legal information. These chapters may seem less accessible and immediately applicable in a legal research classroom, but they offer instructors the ability to see how legal research task management and problems can relate to broader ways of thinking about information organization, categorization, and problem solving.

Although this collection of essays does not represent a holistic and complete discussion of all of the curricular issues surrounding legal research education, it can be helpful in considering many of the important aspects of legal research education, particularly given the current technological context. This book should not be viewed as a how-to guide for setting up a legal research curriculum, and in fact, scant attention is paid to different considerations an instructor might have in a first-year legal research course as opposed to an upper-level advanced research course. However, readers will find many of the essays useful in considering how they teach and evaluate legal research in their own classrooms. Many of the suggestions offered can be easily adapted to a variety of classroom situations. The book offers important considerations for an instructor deciding on what to include in a legal research class and how to relate legal research tasks to higher concepts. More important than the usefulness or practicality of the individual essays, this book represents an important addition to the body of scholarship, both practical and theoretical, discussing legal research instruction for new lawyers and the need to make it a more central part of any law school curriculum.


Reviewed by Genevieve B. Tung*

In Citizens United v. Federal Election Commission, the Supreme Court struck down certain restrictions on corporate campaign spending on the grounds that they silenced speech and conflicted with the First Amendment. In this concise and thoughtful book, Yale Law School Dean Robert Post carefully considers the arguments in the Court’s opinion and the dissent, and finds flaws in both. He effectively bridges the divide between their positions by exploring how the constitutional value of electoral integrity is implicit within our modern conception of First Amendment rights and concludes that First Amendment doctrines alone are insufficient to determine the constitutionality of campaign finance reforms. Although he refrains from offering specific policy prescriptions, he calls for the Court to focus on the constituent elements of electoral integrity—namely public confidence and trust in represen-

* © Genevieve B. Tung, 2015. Reference and Circulation Librarian and Assistant Professor, Rutgers School of Law, Camden, New Jersey.
At the book’s core are two lectures that Post delivered in 2013 as part of the Tanner Lectures on Human Values. The first lecture begins with a vexing question: how do we achieve meaningful self-government under conditions that make direct democracy impracticable? The founders’ solution was a calibrated system of representation, the key to which is the “chain of communication” between the people and their representatives (p.13). This chain is protected by both the First Amendment and frequent elections. For representative democracy to work effectively, Post argues, there must be “representative integrity”: the relationship of trust between the people and their leaders that allows the former to feel truly represented by the latter (p.16).

Post then traces the pendulous history of how representative democracy has evolved to reach the present, a time when public opinion plays a critical role in securing representative integrity and allowing citizens to enjoy democratic legitimacy. The crux of Post’s reconciliation of free speech and campaign finance reform lies in his analysis of how First Amendment rights are designed to uphold “discursive democracy”: the capacity of citizens to participate in “the ongoing and never-ending formation of public opinion, and by establishing institutions designed to make government continuously responsive to public opinion, the people might come to develop a ‘sense of ownership’ of ‘their’ government and so enjoy the benefit of self-government” (p.36).

In the second lecture, Post dismantles and critiques previous arguments in favor of campaign finance restrictions and then methodically demonstrates how the government’s interest in preserving electoral integrity should reframe the questions posed by Citizens United. The Court’s mistake, Post argues, is its failure to recognize both the integrity of elections as a justification for limitations on campaign donations as speech and the fact that electoral integrity is a precondition for First Amendment rights to have real meaning. He further argues that the restrictions at issue in Citizens United were not constraints on public discourse but merely limitations on a type of commercial speech that, at best, provides potentially valuable information to the public. Because the Court has conflated this ordinary commercial speech with public discourse, it is blind to the fact that the former may be subject to regulation in service to the government’s managerial domain of running fair and orderly elections.

The lectures are followed by commentary from professors Lawrence Lessig, Frank Michelman, Nadia Urbinati, and Pamela S. Karlan, each of whom also participated in the Tanner Lecture event. Lessig, whose work Post cites in his critique of previous approaches to regulating corporate electoral expenditures, offers something of a rebuttal and advocates for a more expansive view of corruption as a justification for campaign finance reform. Michelman uses Post’s work to demonstrate a “potentially deeper subversion”: retiring the model of strict scrutiny in constitutional analysis (p.108). Political theorist Urbinati explains how Post’s explanation of discursive democracy can also be understood as a diarchy, in which power flows both from voting and in forming political opinions. Karlan, writing last, reminds us that the subjective nature of electoral integrity may also invite justification for exclusionary regulations, such as voter identification laws.
The volume concludes with a response from Post, making the entire book a dialogue. This format enables the other contributors to question Post’s approach (acting as stand-ins for readers), and it vividly illustrates the importance of discursive approaches to understanding complex ideas. Using the *Citizens United* decision as a critical point of departure for all of the contributors gives readers both deeper insight into this controversial area of law and the benefit of multiple perspectives.

*Citizens Divided: Campaign Finance Reform and the Constitution* combines bold and original thinking with clear and elegant prose. It includes extensive endnotes and a thorough index. It is likely to be of primary interest to legal scholars and students interested in the First Amendment, election law, and Supreme Court jurisprudence, although it may also appeal to those working in political science or public policy. This work is a superb addition to any academic law library and may also be a good choice for general academic collections.


Reviewed by Stacy Fowler*

The Serial Set is a collection of primarily government documents dating from 1789 to the present, a good portion of which are Senate and House documents and reports. Many other types of materials can be found within the Serial Set as well, including congressional journals and publications, annual reports from federal executive agencies, and select reports from some nongovernmental agencies. There are more than 15,000 volumes of the Serial Set, containing more than 13,000,000 pages of documents.

Just knowing the monumental size of this set, it can be intimidating when first setting out to use it for research purposes, but Andrea Sevetson’s edited volume can help with that task. In the opening chapter, she provides a concise overview of what is contained in the Serial Set, the dates of coverage, and various ways in which one can locate a copy. Each subsequent chapter delves into a specific genre contained within the greater set. Whether your subject is the settlement of the American West, art depicting the life and culture of Native Americans, or the history of the Communist Party in America, the Serial Set can provide a plethora of primary and secondary documentation to help in your research. The various chapter authors also offer helpful advice for unearthing particularly sought-after documents that can often be more difficult to locate. In addition, fifty-six pages of illustrations are included, hitting some of the highlights from each subset talked about in the book.

Rather than divide the book into the groupings of the types of documents that are included in the Serial Set, Sevetson tasked each chapter’s author with dis-

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cussing a particular subject, each of which can be found within multiple categories of documents. For example, the art contained within the varied types of documents available in the Serial Set is an often overlooked treasure trove that highlights many aspects of American history. Some major categories represented are the frontier, birds and wildlife, and an especially expansive collection of art centered on Native Americans. Many chapters also include information on the abundance of authors who have most likely used the Serial Set as primary material for their articles, and all chapters emphasize that the research possibilities are endless. No matter your topic, historical data and context can be found in the Serial Set. It is what Charles Seavey calls “an indispensable source of primary documentation on the history of the United States” (p.215).

¶83 If your library already has a firm understanding of what is contained in the Serial Set and the best ways to access that information, this book might seem unnecessary, but that is probably not the case. While other overviews of the Serial Set mainly reference the set’s indexing and numbering, along with a brief list of what documents can be found within its scope, the authors here dig into the Serial Set and bring to light many hidden gems that may have escaped notice, making this a must-read for any law librarian and even the most seasoned government documents professional.


Reviewed by Gilda Chiu*

¶84 In The Second Amendment: A Biography, Michael Waldman, president of the Brennan Center for Justice at the New York University School of Law, attempts to clarify the history and intent of the Second Amendment from its origins in the time of the framers to its central place in the current battle by gun rights advocates to declare gun ownership a protected individual right. The book consists of three parts, each focusing on a specific time period in which events, politics, and public sentiment guided the courts’ and public’s views and uses of the Second Amendment. Waldman also includes “A Note on Sources” section that will prove especially fruitful for researchers.

¶85 Part 1 looks at public sentiment toward militias and the creation of a centralized and powerful government within the context of the American Revolution, the Constitutional Convention, the ratification of the Constitution, the passage of the Bill of Rights, and the Civil War. Using contemporaneous writings from framers such as James Madison and observations by reputable historians, Waldman outlines how politics and public sentiment greatly influenced the framers and contributed to the inclusion of the Second Amendment in the Constitution in its current form.14 He also provides an in-depth analysis of the syntax of the amendment, put-


14. The final form of the Second Amendment came after the Senate reworded and reordered the version of the amendment sent to it by the House, which was longer and contained more language regarding the militia.
ting forth a number of interpretations of its language based on the definitions of the time and the framers’ use of certain words in other documents, such as the Federalist Papers and their personal notes.

§86 Part 2 seeks to explain how the Supreme Court came to its decision in District of Columbia v. Heller\(^{15}\) by detailing the events and political shifts that created the atmosphere for the decision. These include the transformation of the National Rifle Association from a hunter’s club to an influential political force; the increase in legal scholarship supporting the individual rights model instead of the collective rights model of the Second Amendment; and the rise of the judicial right and its insistence on using originalism to interpret the Constitution. In addition, Waldman offers a close reading of the Heller decision, deconstructing both Justice Scalia’s majority opinion and the dissents written by Justice Stevens and Justice Breyer.

§87 Part 3 explores the post-Heller landscape by looking at the different levels of scrutiny courts have used to decide cases contesting new and established gun laws, and the effects of McDonald v. City of Chicago,\(^{16}\) which expanded the application of Heller to the states. Waldman also contemplates the implications of Heller for both gun control and gun rights advocates. While Heller might seem to benefit only gun rights advocates, Waldman argues the decision could perhaps be a boon for gun control advocates if they can take advantage of the limitations included in Heller to engage the courts and politicians.

§88 Waldman states that his purpose for writing the book was “in part to understand the meaning and history of the Second Amendment and how we read the Constitution” and examining the “question of how our view of the Constitution has changed over time—when and whether we should allow the past to guide our national life today” (p.179). Indeed, these concerns set the overall tone and drive most of the author’s observations and arguments.

§89 The Second Amendment: A Biography would make an excellent addition to any academic law library collection, as well as to general academic library collections. It is easy enough to read for someone with little to no legal training or background, but it has sufficient depth and legal insight to serve as a valuable resource for a law student or professor conducting research on the Second Amendment or gun rights and gun control issues.

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Ms. Whisner reflects on the busy lives of law librarians and why sometimes the demands of reference work may keep law librarians from completing planned writing projects in a timely manner.

¶1 When a state court law clerk asked about citing an unpublished federal district court opinion, I got interested in looking beyond the immediate question. How often do state courts cite unpublished opinions—from their own state courts or elsewhere? When they cite these cases, had the parties cited them first? What are state court rules about parties citing unpublished opinions? How does this fit with the courts’ other use of other nonbinding materials, such as cases from other states or secondary sources?

¶2 I thought these questions could lead to an interesting “Practicing Reference” column, and I began researching. I took notes and created folders of saved cases. But I didn’t get far enough in the research to organize it and write something. And I realized I wouldn’t be able to do so in time for this issue of LLJ. So I’ll set that topic aside for now and instead reflect on what might keep a reference librarian (specifically me) from completing work on an interesting project like this as quickly as she (I) hoped.

Commitment to Service

¶3 Libraries routinely advertise for applicants who are “service oriented” or have “a commitment to service.” I think these are more than pat phrases. Sure there are exceptions, but generally we librarians do feel committed to service. And each librarian’s personal commitment is shaped and reinforced by the commitment exhibited by our coworkers and administrators. As social beings, we want to fit in, which—in many libraries—means caring (as our colleagues do) that our patrons get what they need. There are some libraries with a different overall culture or with employees who are not eager to serve (whether from poor training, distraction, burnout, disaffection, hostility, or laziness), but I don’t know enough about them to say more.

* © Mary Whisner, 2015. I am grateful to Anna Endter, Grace Feldman, Peggy Jarrett, Nancy Unger, and Alena Wolotira, who took time from their own busy days to provide me with helpful comments on a draft.

¶4 When librarians are committed to serving their patrons, they often have plenty to do without tackling any elective projects. People stop by the reference desk: they need help. Faculty members ask questions that might take hours to research. Journal students ask for consultations. Some librarians are needed in the classroom. Some work on SSRN or institutional repositories or library websites. A commitment to service means saying yes to the various requests (or as many as can be handled) and trying to do a pretty good job with them. One’s own projects get moved to the side.

¶5 I feel privileged to have the work I’m obligated to do as part of my job be so interesting and rewarding. I don’t feel that it’s stealing time away from my own, more interesting work.1 I care about the quotation Professor F. wants to track down or the material a graduate student wants to find for her paper—at least for the time I’m working on those tasks.

Not Direct Service, but Part of the Package

¶6 Only some of my work time is devoted to direct service, such as answering a question or speaking to a class. But even activities that do not constitute direct service can be part of the fabric of service. For example, when I attend a faculty colloquium, I’m not directly serving anyone, but I am learning about a legal topic and developing or nurturing relationships with faculty members. Similarly, when I go to various lectures, panels, receptions, moot court competitions, and banquets, it’s not direct service, but such participation helps me be a part of the law school so that I can serve it better.2 I learn about issues of interest to the community (whether the law school community, the city, or beyond), and therefore questions that might come up.3 My presence reminds students, faculty, staff, and alumni that librarians understand the work they do and might be worth consulting.4 Occasionally I can answer a question on the spot or suggest a way to approach a research problem.

¶7 One afternoon when I could have been researching state courts’ use of non-precedential opinions, I wrote a script for the annual law library skit in the Student

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1. One hears of professors who consider their scholarship to be their “real” work, while teaching and institutional service are mere annoyances. I hope they are rare. I’m more sympathetic to the professors who say, “I love teaching. I’d teach for free—but they’d have to pay me to grade exams.”

2. A large, busy law school might offer so many events that a librarian couldn’t go to them all and still have time to provide much service to speak of. As was inscribed on the temple of Apollo at Delphi, “Nothing in excess.” OXFORD ESSENTIAL QUOTATIONS (Susan Ratcliffe ed., 2d ed. online 2014); see also Proverbs, in OXFORD DICTIONARY OF QUOTATIONS (Elizabeth Knowles ed., 8th ed. online 2014) (”Moderation in all things.”) (no. 617 on list).

3. This also helps me think of better examples when I speak to classes or talk to students about their paper topics.

4. One challenge in providing reference service is that some people who could benefit from our service don’t seem to realize that we could help. See Mary Whisner, On Asking for Help, 92 LAW LIBR. J. 377, 2000 LAW LIBR. J. 32 (discussing patrons who could use a reference librarian’s help but do not ask for it); Mary Whisner, The Pajama Way of Research, 99 LAW LIBR. J. 847, 848–49, 2007 LAW LIBR. J. 51, ¶¶ 8–9 (discussing challenge of making students who do their research at home aware of reference service).
Bar Association’s variety show, Law Revue. Over the years, our skits have included an infomercial “selling” the CRS annotated Constitution, a crime drama parody, a Sesame Street take-off, a reenactment of Pierson v. Post, and even interpretive dance. This year Penny Hazelton and I did a variant of Abbott and Costello’s classic “Who’s on First?” routine. Instead of naming ballplayers, Penny was trying to dictate a list of guest speakers for her syllabus, and I was getting horribly confused. We’re not in any danger of being discovered and whisked away to the professional stage, but I think the students appreciate it that we show up, abandon our dignity, and try to entertain them. I don’t have any metrics to show an increase in student goodwill toward the library based on our thespian efforts, but I think there’s a benefit. We foster solidarity, making us more approachable during students’ subsequent visits to the library. Creating and performing a skit is both fun and a bonus.

Professional development activities and professional reading are also not direct service, but they enable and enrich service. An hour with our Westlaw representative, learning about new features in WestlawNext, does not directly serve our patrons, but developing my skills enables me to serve them later, either when I use the system myself or I instruct them on how to use it. Not every news item or blog post I skim is worth sharing with a faculty member, but getting to the good ones is worthwhile. After I send “FYI” messages to different faculty—this one to the ethics folks, that one to the IP folks—it’s rewarding to get a note back that some item will be helpful for a project the professor is currently working on that I hadn’t known about.

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5. I always call it a variety show rather than a talent show to reassure myself and others that we don’t need talent to put on a library skit. (Many of the student acts do display talent.)

6. The Constitution of the United States of America: Analysis and Interpretation (Kenneth R. Thomas et al. eds., Centennial ed. 2014). (I’m citing the current edition, even though the skit was a few years ago. No one could read the bibliographic details from the audience anyway.)


8. Cast members have generally included Penny Hazelton, Cheryl Nyberg, Nancy McMurrer (now retired), and me, as well as occasional brave law librarianship students.

9. Washington Supreme Court Justice Mary Yu’s name was easy to work in, with lines like these: “The next speaker is?” “Yu.” “Me?” “Justice Yu.” “Just as I do what?” I was also pleased with this exchange: “What’s next?” “Yes, that’s right.” “Whaddaya mean?” “That’s right: Watts next.” “That’s what I’m asking: what’s next?” “Professor Kathryn Watts.”

10. Some current awareness service feels more like leisure than work, and indeed it takes place outside work hours. I often make notes about NPR stories I hear in the car for sharing later.
Walking, Napping, Reading, Streaming

¶9 Few people work all the time, and those who do are labeled with a pathology: workaholism. I don’t think I have to work every day, and I enjoy my weekends. But weekends are also a time when I can sometimes make headway on my own research and writing projects. That’s the best way to get them done, given the range of stuff I’m doing at work, and that’s fine with me.

¶10 And yet sometimes I have a Saturday that would be very well suited to a sustained research project—I have no deadlines at work, my spouse is busy in her own office, and there’s nothing to keep me from firing up my computer and running some searches—but I’m just not in the mood. I figure that it’s good for me as well as for the dog to take a nice long walk at the off-leash park. Afterward, I’m just tired and chilled enough that a nap appeals to me. When I wake up, I’d much rather read a book than work on my research project. Soon it’s time for dinner. And, after dinner, isn’t it pleasant to lie on the couch with a blanket and stream videos on the television? After a day like that, I can (and often do) charge myself with laziness. But even though I really do want to work on my project, days like that figure into a balanced life. I may chide myself about sloth, but if my energy is low or my mood is droopy, forcing myself to work might not be very productive in any event. There might be a good reason to take a break.11

What’s My Point?

¶11 All of us lead busy lives, at work and elsewhere. The very things I love about reference—varied questions from diverse patrons, an ongoing need to keep learning, the potential to have a new question walk in the door (or appear in the inbox) at any time—can keep me from something else I enjoy: researching an interesting topic and writing about what I find.

¶12 I’m sure this is the case for many librarians.12 Some authors face external deadlines—for a class, a call for papers, or a tenure application. Others can choose

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11. The incredibly hard-working and productive Louis D. Brandeis knew this: Brandeis learned a lesson that he would practice and preach to others all his life, namely, that unless one found some way to exercise the body as well as the mind, one could not do good work. As a young lawyer he belonged to a riding club, and later took up canoeing. He also took regular vacations, and all of August off. “I learned that I could do a year’s worth of work in eleven months, but not in twelve.” Brandeis’s insistence on taking time off involved not just health; he understood that a tired person more easily made mistakes, not just of fact but of judgment as well. Melvin I. Urofsky, Louis D. Brandeis: A Life 34 (2009). Like me, Brandeis enjoyed walking the family dog. After one walk, he told his wife “that while the dog had behaved reasonably well, he ‘has occasional lapses from virtue which convince me he should be muzzled. He does bite sometimes & we shall have claims made against us if we don’t act soon.” Id. at 361. Although Brandeis’s brilliance, commitment, and productivity are far beyond me, I’m proud that our dog is more peaceable than his and has never bitten anyone. Still, she’s hardly toothless: she eviscerates plush animals and she chewed my laptop’s power cord.

12. For that matter, it’s probably true for anyone with a day job who wants to make progress on another project, whether it’s writing, music, art, or triathlons. This is a column for Law Library Journal, so I’m talking about librarians. But let me note a problem faced by prospective law teachers: Law schools prefer to hire entry-level faculty who have already published, but how can a busy young lawyer who is committed to client service fit in writing for publication?
their own deadlines, perhaps chipping away at a project until it feels done. This isn’t always a plus because a back-burner project might never be completed. And even without a due date, the project may invisibly bear a “best if used by” stamp: the law or the technology may change so much that the paper would be stale if published beyond that date.

¶13 I’m lucky. In this instance, I had a commitment to write something related to practicing reference, not a paper on the use of nonprecedential decisions. So when I realized I couldn’t complete my research satisfactorily, I could change to a low-research topic—that is, why I didn’t complete my research. Reflecting on some of the things that kept me from the more challenging project—providing top-notch reference service, participating in law school events, taking a nap—has illustrated the work and nonwork life of a reference librarian in the early twenty-first century. Perhaps some of you readers have occasionally had trouble completing writing projects and can take heart from my example.13 Doing our core jobs has to be a priority. And life has to have room for walks and naps, too. I’ll get back to my project one day, and you’ll also get yours done, so be confident and give yourself permission to enjoy some time away. And if you come across interesting cases or articles about state courts’ use of either unpublished opinions or cases from other states,14 let me know.

Some predictors of success in scholarship or the classroom . . . may exclude groups that are important to legal education. Preliminary analyses suggest that professors who practiced law before entering teaching published fewer articles before hiring than did professors without practice experience. Lawyers who practiced with law firms or corporations may also have published less than those who practiced with government agencies or public interest groups. Relying too heavily on pre-hiring publications, therefore, might exclude practitioners—or lawyers with particular types of practice experience—from faculties. Similar effects could occur for women and minorities, some of whom may fail to publish as many articles as white men at a young age because of family responsibilities, lack of mentoring, and other constraints.


14. In addition to Kevin Bennardo, Testing the Geographical Proximity Hypothesis: An Empirical Study of Citations to Nonbinding Precedents by Indiana Appellate Courts, 90 NOTRE DAME L. REV. ONLINE 125 (2015), which I recently came across and found very interesting.
Mr. Wheeler suggests that many of our behaviors, in the workplace and elsewhere, are motivated by unconscious triggers and emotions, including racial biases. These behaviors, however, can be prevented by making conscious choices that enhance diversity.

1 The academic literature on diversity in librarianship and in the legal professions tends to focus on institutional barriers to racial and ethnic diversity. Things like law school and library school admissions demographics, law firm employment demographics, and the demographics of legal academe have all been discussed. These types of discussions, while necessary, may also allow most law librarians to feel absolved of any responsibility for diversity. They reinforce the notion that the average lawlibrarian has little control over changing the systemic forces that impede diversity. Yet there are steps that all law librarians, and indeed all people, can take to foster diversity in the workplace. My hope here is to demonstrate that we can all contribute to advancing diversity in our workplaces.

What We Know from Social Psychology

2 Much of what we do on a daily basis is unconscious. Psychologists and other social and behavioral scientists are in agreement about this point. In fact, “one of the least controversial propositions in all psychology is that people are not always

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aware why they do the things they do.” That means not only that we are sometimes unaware of what we are doing, but also that we are sometimes unaware of why we are doing the things that we do. Social psychologists in particular have “investigated the ways in which the higher mental processes such as judgment and social behavior could be triggered and then operate in the absence of conscious intent and guidance.”

¶3 One category of unconscious behaviors are those that we consciously choose to do, but then the unconscious takes over so that we are able to do these tasks without conscious guidance. “Typing and driving a car (for the experienced typist and driver, respectively) are classic examples.” Many of us get in our cars to go to work and then before we know it, we are pulling into our work parking space with no real recollection of the drive to work. Here the unconscious was able to take over the task of driving the car to work without requiring any real conscious thought. The example I like to give from my personal life is running on a treadmill. I can climb onto the treadmill, turn on the Glee tunes on my iPhone, and then run for an hour while not ever consciously thinking about running, where I’m placing my feet, whether I’m close to falling off of the treadmill, and so on. The mechanics of running are operated by my unconscious mind.

¶4 Another category of unconscious behaviors is even more interesting. These are behaviors that we do consciously but are unaware of why we do them. Here there is a “preconscious analysis of stimuli prior to the products of the analysis being furnished to conscious awareness.” In other words, the unconscious analyzes information and produces the motivation for doing something, and the conscious mind does the task in question without any real awareness of where the motivation for action came from. There are lots of examples from experiments and from daily life in the psychology literature. Famous experiments involving seating and gender provide a good illustration of this phenomenon. These experiments have proven that when choosing seating in a waiting room, men will almost never sit next to or across from other men. Unconsciously, “males react negatively and are usually disturbed by frontal invasion [or encounter] by another male” in a waiting room situation. When entering a waiting room where only women are seated, men overwhelmingly prefer the frontal position and will sit across from a woman. Women, however, will almost always sit adjacent to another woman and not across from or in the frontal position. What is important to note is that both men and women are not aware or conscious of why they are making these seating choices.

¶5 Some unconscious triggers are emotional in nature. “Under some conditions an emotional process may remain entirely unconscious, even when the per-

5. Id.
6. Id.
7. Ciani A. Camperio & M. Malaman, Where to Sit In a Waiting Room: Density, Age and Gender Effects on Proxemic Choices, 17 HUM. EVOLUTION 175, 175 (2002).
8. Id.
9. Id. at 182.
son . . . [feeling the emotion can] . . . describe his or her feelings correctly.” In other words, sometimes we know what emotions we are feeling, but we are unaware of why we are feeling them. “Such an emotional process may nevertheless drive the person’s behavior and psychological reactions, even while remaining inaccessible to conscious awareness.” We call this emotional process unconscious or implicit emotion. These emotions, rather than occurring explicitly or with “conscious awareness of an emotion, feeling, or mood state,” occur implicitly or independent of conscious awareness, causing “changes in experience, thought, or action.”

The Role of Bias

§6 The fact that we are often unaware of the stimuli or motivations for the decisions that we make is further complicated by the impact of bias. “Half a century of . . . research has shown that human judgment is often biased.” “By some counts, 80% of Western democratic populations intend benign intergroup relations but display subtle biases.” It happens naturally, and it happens in all of us. “People seem to overrely on stereotypical intuitions and so-called heuristic thinking instead of more demanding, deliberative reasoning when making decisions.” Simply put, it is easier and more efficient for us to make on-the-spot, everyday decisions this way.

§7 Biases come in many forms and can influence all of our interactions, including those occurring in the workplace. Much has been written about the impact of racial bias and unconscious racism. Therefore, for our purposes here, I will assume these are concepts with which most people are familiar. It is enough, then, to assert that unconscious racism exists, and it can be a powerful driver of behavior even in well-meaning individuals harboring no racial intent. The resulting effects on racial diversity can be inferred.

§8 However, even non-race-based unconscious biases drive behavior in the workplace. Biases of all kinds create “awkward social interactions, embarrassing slips of the tongue, unchecked assumptions, stereotypic judgments, and spontaneous neglect.” “The mundane automaticity of bias . . . creates a subtly hostile environment for

11. Id.
12. Id. at 120–21.
15. De Neys, supra note 13, at 28.
17. There are, however, a few contemporary researchers who deny the existence of unconscious racial prejudice. See, e.g., Richard E. Redding, Bias on Prejudice? The Politics of Research on Racial Prejudice, 15 PSYCHOL. INQUIRY 289 (2004).
out-group members.”19 Biases of all kinds can unconsciously drive behaviors such as “withholding positive emotions from out-groups . . . , withholding basic liking and respect . . . , and cool neglect.”20 Understandably, these behaviors can impede diversity by driving away out-group members or making them feel unwelcome and unappreciated.

**Workplace Bias**

¶9 I offer examples of my own unconscious biases and how they play out in the workplace to illuminate their effects on diversity. Unlike most librarians and contrary to the librarian stereotype, I am a super-extrovert. I enjoy interacting with people of all kinds, and I draw energy or recharge through human connections. Conversely, I am depleted or drained by most solitary tasks. I would much rather talk about a problem or issue than think about it alone. As a result, I am very naturally drawn to others who enjoy frequent spontaneous conversation, who seem charged by human interaction, and who exhibit extroverted behaviors.21 What I have noticed in my professional life is that I have a natural tendency to gravitate to the talkers or extroverts in the workplace far more often than I do to the introverts or quiet types. This has in the past created the perception that I am excluding people, that I like some people more than others, or that I value the extroverts over the introverts. This is how unconscious bias works. My intention was never to exclude anyone, and my actions were never driven by conscious choices. Even so, my actions may have caused some to feel devalued, disliked, or unwelcome. The effect could have been to drive away this facet of workplace diversity, which I greatly value. Before I began really thinking deeply about these issues, I was completely unaware of these behaviors of mine, what motivated them, and how they were impacting others in the workplace.

¶10 I can offer another example from my personal life. I have a nephew who, as the result of a motorcycle accident years ago, is paralyzed from the waist down. He is a fun-loving and social guy who navigates the world in a wheelchair. He is an easy person to like, and my perception is that people generally enjoy his company. Nevertheless, I have noticed that even at family gatherings, he will sometimes find himself alone and on the periphery of the assembled group. I believe this happens as a result of unconscious bias. Unconsciously and unknowingly, people gravitate toward easy social interactions. People’s unfamiliarity with interacting with someone in a wheelchair or their fear of the possibility of discussing my nephew’s paralysis or their discomfort around the mechanics of standing while interacting with someone who is seated all conspire to drive their avoidance of people like him. I’ve seen this dynamic happen again and again, and I know those involved are completely without malice and that many do, in fact, love my nephew. Neverthe-

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19. Id.
20. Id. at 125.
21. I realize that extroversion and introversion are far more complex and nuanced concepts than I acknowledge here, and that I am relying here on the stereotypical definitions commonly understood by most people. See THE MYERS & BRIGGS FOUNDATION, http://www.myersbriggs.org/ (last visited May 29, 2015) (for a more thorough examination of the concepts of introversion and extroversion).
less, the impact of these situations could cause him to feel disliked, excluded, and uncomfortable. An understandable consequence would be for him to avoid these social gatherings altogether. Now imagine, as I often do, how these dynamics might play out for my nephew in the workplace. It is not at all difficult to imagine how he might begin to feel excluded or even unwelcome. These dynamics are real, they occur in the workplace, and they impede workplace diversity.

¶11 One final anecdote I’ll offer involves the intersection of race, national origin, and language. Partly as a result of having taught and traveled in China, I have become more aware of the Chinese students studying at my law school. Most of my observations are of interactions outside the classroom in more social contexts like at receptions or other student events. Without fail, I have noticed the students from China ending up alone and looking uncomfortable. Admittedly there could be a host of explanations for this phenomenon including choices being made by the Chinese students themselves. Notwithstanding the Chinese students’ actions, it is the actions and omissions of the U.S. students that interest me. Invariably, I’ve seen U.S. students look at a Chinese student standing alone and then turn and walk the other way. I’ve even witnessed groups of U.S. students suddenly disperse when approached by a Chinese student. I am confident that these U.S. students harbor no ill will and that they intend no harm. I suspect that their actions are driven by unconscious biases, fears, and emotions. I suspect fear of otherness, inexperience with or fear of conversing with nonnative English speakers, or even mere lack of exposure to people born in other countries all unconsciously drive their avoidance behaviors. These types of actions, especially in the workplace context, can cause at best isolation and discomfort. Even worse, people who feel shunned in this way can begin to feel disliked, discriminated against, and unwelcome.

Self-Awareness

¶12 The first thing that we can all do is become more self-aware. It sounds too simplistic to be true, but it works. The contemporary social psychology literature confirms this assertion. “Implicit attitudes are difficult to access through introspection, but . . . with directed introspection their impact can be somewhat controlled.” In my own professional life, I began noticing that while closeness was developing between me and my more extroverted coworkers, a distance was developing between me and my more introverted coworkers. I was saddened by this reality for several reasons. First, I really liked and admired my less verbose colleagues. In fact, in many cases I liked them more than the extroverts with whom I had to compete for floor time during conversations. Additionally, I recognized that it was often the introverts who were more thoughtful and contemplative. They were often the ones who offered a much more nuanced and complete analysis of problems than my more knee-jerk and often grandiloquent opinions contained. I began to realize that I was,

22. I have made these observations at several different law schools at which I have been employed, and my intention is not to implicate any particular law school environment. Instead I mean to assert that these situations occur everywhere.
in great part, responsible for this developing dynamic and that I could take steps to change it.

§13 So, as I made my multiple daily rounds popping into people’s offices for chitchat, I began making a point of including the introverts in my perambulation. This took effort on my part not because the introverts were unpleasant in any way, but because conversation with them often took more effort on my part. I found that I often had to brainstorm a few topics to have at the ready in case the conversation lagged. I discovered that asking questions is a great technique for engaging those less inclined to conversational chatter. Also, I found I had to resist my natural tendency to fill silences with my own bombast. After a while, I discovered that conversation with the introverts became much easier. We both (I think?) began to enjoy each other more, and I felt that there grew a mutual appreciation for each other as colleagues. I definitely felt the distance or isolation from the introverts begin to melt away. Perhaps most important, I learned that I had to respect people’s boundaries when they were sometimes not interested in impromptu conversation. This was a really difficult lesson for me to learn. However, beginning the process of becoming more self-aware and changing some of my behaviors that were driven by unconscious choices were feasible. It merely required me to do some real self-reflection and to be more deliberate in my daily interactions that involved unconscious choices.

Other Solutions

§14 There are other ways to reduce bias and take control of unconscious choices that impede diversity. “Social psychologists have studied the positive effects of constructive intergroup contact that increases mutual appreciation.”24 This means more than merely being in the same room with those for whom you harbor negative biases. It means initiating contacts where there is “equal status within the immediate setting, shared goals, cooperation in pursuit of those goals, and [supervisory or] authorities’ support”25 Being on a workplace or project team is a perfect opportunity. This kind of interaction “provides a basis for intergroup friendship.”26 Most intergroup interactions that provide “opportunities for personal acquaintance and supportive egalitarian norms . . . [are effective at] . . . reducing intergroup bias and conflict.”27 For me this boils down to making an effort to spend time with people, getting to know them personally, and finding commonalities.

§15 Intergroup contact works by “reducing the salience of intergroup boundaries, that is, through decategorization.”28 These contacts “can produce interactions in which people are seen as unique individuals . . . [especially when enhanced by] . . . the exchange of intimate information.”29 My personal experience has been that people are almost always much more than they appear to be. Our tendency as humans, subject to stereotypes and unconscious biases, is to make assumptions

25. Id. at 128.
26. Id.
28. Id. at 103.
29. Id.
based on what we see. Sometimes what we see and what informs our unconscious biases are things like skin color, disability, fashion sense or lack thereof, gray hair, perceived age, perceived sexual orientation, accents, or speech patterns. The discovery that someone you have, for whatever reason, underestimated, misjudged, or merely overlooked is really a fantastic person and a wonderful colleague is a pretty great feeling—for both parties.

¶16 I will offer one final anecdote here that touches on the intersection of race, age, gender, sexual orientation, and perceived affluence. When I was in library school, I worked in the library of a small Catholic college called Marygrove in Detroit. When I began working there, I was in my early thirties, and I would often encounter a middle-aged, fifty-something-year-old, white woman, librarian-coworker while eating lunch in the lunchroom. On several separate occasions we noticed that, coincidentally, we were reading the same novel. This happened several times with several different novels. Finally, one day, she invited me to lunch to talk about one of the books, and from that day forward she and I became fast friends. Our now fifteen-year friendship is one that I truly cherish. Our adventures over the years have included frequent travel together to places like Paris and Buenos Aires. These are special trips where we both leave our husbands at home and just hang out together. I now consider her one of my closest friends.

¶17 I often ponder the fact that, on the surface, a middle-aged white, heterosexual woman from the suburbs and a youngish black gay man from inner-city Detroit would not be expected to have much in common. In fact, both her friends and mine have commented on this issue over the years. Nevertheless, I have found my dear friend to be so very much more than she appeared to be when we first met. My perception of what she “appeared to be” was no doubt colored by my unconscious biases and stereotypes. I am so glad that we both took control and moved beyond our unconscious biases and assumptions and made the effort to interact and to eventually form a lasting friendship. I also sometimes reflect on how very sad it would be to put up walls and choose only to interact with people of particular races or sexual orientations or abilities or ages or personality types. Doing that would cause one to miss out on so much. The same is entirely true of workplace interactions and relationships. Recall that my friendship described above began in the workplace.

Conclusion

¶18 Many of our behaviors, in the workplace and elsewhere, are motivated by unconscious triggers and emotions. Some of those unconscious motivations are fueled by biases of various sorts. Whether they are biases about race, about ability, about personality type, or about gender, biases exist in all of us, and they can drive behaviors that negatively impact diversity. Unconsciously motivated behaviors can cause people to feel excluded, undervalued, disliked, and even discriminated against. But all of that is preventable. We can all take control of these unconscious impulses. We can reflect on the everyday choices we make, especially in the workplace, and we can make more conscious choices that serve to include, to welcome, and to enhance diversity. These are steps that everyone can take to promote diversity in all of its forms.
Ms. Maxwell discusses ways to support library staff members by offering opportunities for career development and mentoring.

1. I am exceedingly lucky and am thankful for it every working day! The entire staff in “my” academic law library is extraordinarily talented, motivated, hard working, and dedicated—and, not surprisingly, I would like to make sure that this winning combination continues unabated. As a law library leader, how can I accomplish this, particularly during these dire days of retrenchment in legal education? After all, like most other institutions in the legal academy, we do not have access to unlimited financial resources, and we also lack the luxury of a large staff. In fact, in response to a mandate from the dean and as a result of natural attrition and movement, our staff has shrunk considerably since I assumed my position one year ago.

2. As a leader, it is nonetheless my responsibility to support the entire library staff in any way possible. In other words, my challenge is to create more out of less by improvising ways to increase productivity, while rewarding accomplishments in meaningful yet, sadly, nonmonetary ways.

3. Mission impossible, perhaps? Not so fast! With the full appreciation of, and for, everyone on the library team and the knowledge that we are all in this together, it is possible to encourage individuals to grow toward the future, even at the expense of delaying full present gratification. True, I cannot promise raises, but I can, and do, guarantee opportunities for development. Admittedly, I am fortunate in having full support from my dean, along with relative autonomy in making personnel decisions. I realize that not all law library leaders have such good fortune, so many of you may not be able to easily orchestrate this sort of workaround to institutional constraints, even when you wish to do so. Nevertheless, if you find my argument compelling and desire to follow suit, here is my working philosophy and three example of how I have begun implementing it.
Communication and Assessment

¶4 During my first year as leader of the law library, I have carved out time to get to know the individual members of the library team. Each day I enjoy spending time with each person, which has allowed me to better get to know her or his personality and interests. This also allows me to get a sense of what team members need and want from the library.

¶5 Of course, many team members are understandably reticent about expressing their opinions about library and law school matters in the presence of their boss, but others are surprisingly candid. I do not pretend, then, to know—absolutely—the true thoughts of everyone, but I think it is accurate to say that, generally, team members are not afraid to tell me what they think, need, and want. With the information provided by these additional perspectives, I am better able to prioritize library projects and initiatives while simultaneously matching skills and talents to overall library and institutional needs and objectives. Best of all, I am able to help team members work toward accomplishing their long-term goals. In fact, this is one of the most satisfying benefits of my job, which I hope becomes evident through the following examples.

¶6 In summary, learning about the members of the library team and listening to them is an excellent way to assess their skills, interests and aspirations. For purposes of conciseness and scope, the examples I present here focus on professional J.D. librarians only. Clearly, the fundamental principle of rewarding team members applies to everyone, regardless of employment classification, and library leaders would do well to remember this.

Librarian One

¶7 To begin, one incredible member of our team has earned four advanced degrees, including a J.D. and an M.B.A. Although I was aware of his substantial academic accomplishments, through early-morning conversations I learned that he had also worked for eight years as a management consultant for one of the nation’s major accounting firms. I also learned that he hopes to eventually become a law library director. What good fortune for our library and law school to have a librarian with quantitative, as well as qualitative, skills on board—and somebody who actually excels at Excel!

¶8 Up until this time, the library had not formally acknowledged his formidable credentials and skills and had failed even to tap them significantly. As I learned more about this talented librarian, I recognized the unique, critical skills he brings to our organization. It became evident that he could make major contributions to our library. It was simple, then, to see what he could do for me, but the real question was, “What can I do for him?” To recognize and capitalize on his skills is one thing, but to do so without exploiting him is another matter entirely. Fortunately, since he aspires to become a law library director, I realized that I could provide him with opportunities to expand his experience and to build his resume toward that end. This arrangement is, I hope, mutually beneficial and rewarding.
How is this playing out so far? Quite well, I think. With the expert help of the library’s senior administrative assistant (who is, in reality, the unsung de facto head of library operations), we were able to expand his official title to encompass a new range of responsibilities that will allow him to demonstrate on his CV that he has risen to assume increasing levels of responsibility, the ubiquitous requirement for career advancement to management positions.

While I will not broadcast his new title for the sake of preserving (meager, admittedly) anonymity, his new position acknowledges and incorporates his project management and leadership skills. He immediately began managing our collection, which is no mean feat, considering the fact that we are undergoing a renovation that will span three years and that entails losing in excess of an entire floor of library space. He has used his quantitative skills to inventory the entire collection and record the results on spreadsheets. He has also supervised teams of library and student workers to complete the inventory. Moreover, he has been the liaison between the library and the library movers and has planned the temporary and permanent arrangement of the collection.

Does this level of responsibility and multiplicity of tasks exceed his pay grade? Yes, indubitably, but this is a stepping-stone to the position I hope to create for him within the next few years: associate director for library operations. Once, *inter alia*, he uses his financial management skills to learn the quirks of planning budgets in a state institution, he will have completed the necessary apprenticeship for assuming the new position. And, with experience as associate director for library operations, he will be well positioned to take the next step: a directorship. Thankfully, he is willing to develop and exercise the full panoply of skills now in order to invest in his future.

Librarian Two

While the librarian previously described clearly brought to us an abundance of life and work experience, we also have a younger librarian who has just completed his library degree. He is not a neophyte reference librarian, however. During law school he worked as a graduate assistant (essentially, a junior reference librarian), which sparked his interest in law librarianship. After law school, he was able to obtain an entry level reference librarian position before obtaining his M.L.S., and he held that position until we recruited him a year later. During his two years at our library, he began, and completed, his library degree, which qualifies him for a university library faculty position. Thus, he is now fully credentialed and has formally assumed an entry level law librarian position in our institution.

During my first year here, I have enjoyed talking at length with him and have learned of his interest in becoming a faculty services librarian. He is also very interested in technology and is serving as electronic services librarian. Finally, he, too, would like to become a law library director some day. My job, then, is to devise ways to help him achieve his goals. How might this be accomplished?

Significantly, this librarian is extremely personable and is well regarded by the faculty. In particular, several high-ranking faculty members almost exclusively
seek his services for conducting research and providing workshops and lectures. Since he is clearly on the fast track to his immediate goal of becoming faculty services librarian, what prevents him from doing so at this time? Absolutely nothing, as it turns out, save for lack of administrative imagination! Upon understanding his short-term goal, the senior administrative assistant and I were able to get him the new working title of faculty services librarian, adding this to his previous title of electronic services librarian.

¶15 While, admittedly, structural impediments imposed by the university prevent me from providing additional financial compensation for assuming additional responsibilities at this time, what he has gained is a significant boost in title and duties. Yes, he has more official responsibilities, but he also has gained a notable enhancement to his resume. As a young librarian, formal recognition as a rising star will position him for future advancement (cum compensation) and bring him closer to achieving his ultimate goal of becoming a law library director.

¶16 While “promoting” this younger librarian to a position that usually requires more experience is a step in the right direction, what else might I offer him in exchange for his willingness to do more with the same? How about offering him supervisory experience? After all, supervisory experience is a *sine qua non* for high-level leadership positions. In assisting this team member in reaching his ultimate goals, I was able to realign departments so that he could supervise one of the circulation staff members who was responsible for working on the website and administering TWEN classrooms for faculty.

¶17 In addition, when we opened a search for a digital and bibliographic services librarian to fill a vacancy in our restructured technical services department, I was also able to appoint the young librarian to head the search committee. This allowed him to gain valuable experience in working with human resources, heading a committee, and conducting and navigating the byzantine interviewing and hiring processes. In turn, this enhanced level of experience is something that he can also add to his resume as evidence of his leadership abilities, yet another step toward achieving his ultimate goal.

¶18 Again, his willingness to assume additional levels of responsibility incommensurate with his pay grade was key to the success here. He realizes that position vacancies do not appear frequently in our library, so that to advance, he will need to acquire new skills and hone them until I am able to create a new position that actually reflects, and properly compensates, the job that he is truly performing. In the meantime, his willingness to work hard, along with his eagerness to learn more and to contribute to the library, will take him a long way toward achieving his ultimate goal of becoming a law library director.

**Librarian Three**

¶19 This librarian has garnered a number of years of experience but has chosen not to pursue the administrative track. She is a classic law librarian, utterly dedicated to serving patrons, particularly our law students. In our early conversations, it became immediately clear that this is her true calling. Despite the fact that she is not actively seeking to enhance her CV, I wanted to capitalize on her special skill
set by simultaneously assigning her as point person for performing the tasks that she loves: working with the law students, but this time as their official liaison. Thus, in providing her with the working title of student outreach librarian (in addition to her title of reference and instructional librarian), she can now claim particular competency in this area and, best of all, receive additional recognition for performing the work that she loves and is already doing anyway.

¶20 She has also willingly assumed responsibility for reaching out to the clinical faculty, discerning their needs, and working to addressing them. While this is perhaps a less dramatic instance of trying to do more for members of the library team, within the constraints dictated by the economy and university policies and procedures, I maintain that it is nonetheless a means of rewarding excellent work and providing affirmation of special talents. It is the least—and, unfortunately, the most—I can do.

Exploitation or Investment in the Future?

¶21 Yes, like other libraries, we must do more with the same—or less—but I like to think that my leadership philosophy can actually generate more, well, more. There is a fine line between capitalizing on native talent and exploiting those who demonstrate it. The last thing I want to do is to punish library team members. I certainly do not want to increase their workload just because they are so good at performing their jobs. Rather, library team members deserve to be rewarded for their excellent work, not exploited because it is possible to take advantage of them.

¶22 As a library leader, I wish that I could reward every member of my incredible library crew in a manner commensurate with what she or he deserves, but, regrettably, since this is not possible, I try to do what I can to establish a sort of quid pro quo. No, folks, alas, I can’t always “show you the money,” but I can assist you in achieving your larger goals by helping you develop your skills and careers, wherever you see them leading. In the end, we all benefit. We are all in this together, and, collectively, our contributions to our library are substantial. Indeed, I maintain that the whole is greater than the sum of the parts. Ultimately, we can do more with less, as long as there is something in it for everyone. As law library leader, it is my job to create that something.