

Managing the Law Library in the 1990s*

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Managers of all types of law libraries in the 1990s will be faced with a variety of challenges in areas beyond those traditionally considered part of library management. Professor Danner outlines some of those challenges as they fall within the themes of the 1988 AALL Institute on Law Library Management.

Introduction

In one of his regular *Library Journal* columns, Herbert White observed that "management is hard and it requires sacrifice, at least for those who take the process seriously."¹ Few good library managers would argue the contrary. But what is it that the library manager does? Defining the responsibilities of a library manager and measuring the manager's performance grow increasingly difficult as we look ahead to the 1990s.

According to White, the "job of managers is to help articulate and accomplish organizational objectives as translated into plans and programs."² While that definition is true as far as it goes, it may imply too passive a role for the manager, and place too little emphasis on the library manager's need to be actively involved in the *formulation* of the objectives of the larger organization. Involvement in the external environment is important for all managers. It is particularly vital for library managers because libraries tend to operate in ways that largely mystify the larger organizations of which they are part.

It is not too much of an exaggeration to say that in many organizations those outside the library are clear on only two things: the library is costing too much to run this year, and the librarian will be back asking for even more money next year. Even in institutions where the library's excellent

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1. White, *Managing Libraries and the Societal Moral Good*, *LIBR. J.*, Apr. 15, 1988, at 60, 61.
2. *Id.* at 60.

performance is recognized by primary users and administrators, there is little understanding of how the library dollars are actually put to use in support of organizational objectives.

Part of the reason for this mystification is the increasingly wider range of things that library managers are expected to be and to do. The topics considered and eventually chosen for the 1988 AALL Institute on Law Library Management give some idea of all that is and will be expected of the law library manager.

The general theme for the institute was "Managing the Law Library in the 1990s." The institute was designed to attract young law library managers from all types of law libraries, to present them with some of the best current thinking about issues of library management, and to provide a forum for law librarians from a variety of backgrounds to discuss management issues affecting them in the future. Within the general theme, the institute covered four main topics, some of which may not have been obvious choices. Budgeting and personnel administration are standard topics for a management program; changing technologies and communication and negotiation skills might not be. The participants learned that even our traditional concerns with budget and finance and with personnel matters have changed and are changing. This article surveys the issues encompassed within the four topics of the institute.

Budgeting and Finance

A working knowledge of library budgeting and finance is acknowledged by library managers as a matter of vital importance for the new manager with budgetary responsibilities. But it is also something that is not often enough covered in library school education, and is too often left for continuing education courses or trial-and-error learning on the job.

The financial concerns of the librarian always have involved two things: obtaining funding to provide materials and services, and managing the use of those funds over the budget year to fulfill the goals set forth in the budget.

At one time obtaining funding for the law library and its programs was primarily a matter of presenting a convincing case to the library's budget authority: the dean of the law school, the university librarian, the managing partner in a law firm, or the chief justice of the court. If the librarian made a persuasive case, the library got the money; if a competitor within the institution made a better case, perhaps the library got less than it wanted or needed.

Thus, the wise library budgeter prepared a budget that could handle some paring during the budget process, hoped that the final result would include enough money at least to sustain operations, and then made do

with the available moneys to get through the year. If funds ran short, the library held invoices until the next cycle began, and paid them then.

What, if anything, has changed?

Certainly, it is no easier to obtain money from funding authorities. The days of expanding budgets in the mid-sixties are long over; library managers who survived the turnaround in funding at that time, or who came into the business later, have learned how to manage with static budgets, sometimes declining budgets, but even at best, budgets whose increases are not adequate to cover the increasing costs for materials, new services, and staff.

To use available resources more efficiently and to help create justifications for increases, librarians learned from the business sector and elsewhere about new ways to look at the budget process and financial management. The professional literature became filled with articles explaining the initialisms PPBS, ZBB, and others.³ All of these have proven to be useful tools for budget management in at least some settings. Ultimately, however, their effectiveness in the library depends on whether the library's larger institution implements them wholeheartedly. They have not freed the library from the problems of the budget process.

A more fundamental change has been in the expanding parameters of the library budgeting and budget management process. Obtaining funding for the library is no longer simply a matter of submitting a budget to a single funding authority, which then supplies a share of the money from its own resources. Increasingly, in law libraries of all types, the library manager is not only encouraged, but is expected to raise funds through grants, donations, or cost-recovery programs, and to control costs by negotiating favorable deals with suppliers of services (e.g., free terminals from suppliers of online services, discounts on multiple copies of publications).

The need for greater activity in locating sources of funding is closely related to another major change in financial management. Library managers are increasingly aware of their accountability for specific expenditures from their large budgets and that they are accountable to multiple authorities.

In the academic sector, even in autonomous law schools and libraries, it is not only the law school deans who are watching how library money is being spent. Two years ago at Duke, the university auditors examined the projected costs of our locally developed library automation system (shared

3. See generally Koenig & Stam, *Budgeting and Financial Planning for Libraries*, in 4 *ADVANCES IN LIBRARY ADMINISTRATION AND ORGANIZATION* 77 (1985). See also King, *Library Budgeting for Librarians: A Selected Bibliography, 1965-1986*, 80 *LAW LIBR. J.* 291 (1988).

by all campus libraries and our neighbors at the University of North Carolina-Chapel Hill and North Carolina State). The audit was completed without participation by library staff, and resulted in a report to the university president that the system was outrageously more costly than a commercial system the auditors had heard about secondhand. An unrelated audit of the Duke libraries' shared local acquisitions system questioned long-standing payment practices at our main library and led to the imposition of new procedures at the law library as well.

In the private sector, auditing and close control over budgeting and expenditures are standard practices. But in recent years, law firms have expressed more interest in billing for library services and in efficient and cost-effective management generally. This is evidenced by the growing corps of professional law firm administrators.

Today's library managers are held to greater standards of financial responsibility and accountability than in the past. It will be vital for library managers in the 1990s to know that, to understand what they will be held accountable for, and to make sure that their library's budgeting and management processes provide the information necessary for them to administer the budget, and for their supervisors to understand it.

Communication

Communication in libraries is a broad and multifaceted area. The library manager's need to communicate effectively and to market library services are things that the profession has grown more and more concerned about in recent years.⁴ Perhaps this is because we are increasingly aware of the multiple constituencies with whom we must communicate to be successful. Perhaps it is because of the nagging feeling that we don't do it very effectively.

This may begin with our long-standing concern with image and with how to make the rest of the world accept librarianship as a "true profession" like medicine or the practice of law. The reality is that we haven't done a good job of promoting the nature of our specialized skills to the groups that we serve. Surveys of university faculty show that faculty have little idea what librarians do, other than answer reference questions, and that faculty and administrators have little understanding of librarians' role in meeting long-range institutional goals.⁵

4. See, e.g., Stone, *Marketing as an Integral Part of Law Library Management*, 79 LAW LIBR. J. 103 (1987).

5. See, e.g., Divay, Ducas & Michaud-Oystryk, *Faculty Perceptions of Librarians at the University of Manitoba*, 48 C. & RES. LIBR. 27, 34 (1987).

This lack of recognition and understanding is a problem not only for librarians' image, but because it impacts on matters of librarian status and pay in the university, the firm, and the court. It will pose a greater challenge as we enter a future in which library users will be increasingly capable of and interested in accessing information directly through electronic means.

We all have known for a long time that a great portion of primary and secondary legal information is available electronically through terminals on the desks of the assistant professor researching his tenure piece, the law firm associate struggling with the brief that will earn her an offer of partnership, and the state supreme court justice writing a difficult opinion. We continue to wonder and worry about the effect this will have on the future of our profession.

A number of years ago, I wrote an article speculating on the future of the legal reference librarian in light of the anticipated growth of electronic publishing and increased end user access to information.⁶ At that time I concluded that, for a variety of reasons, the future was bright. Regardless of the availability of vast quantities of information through desktop computers, it was likely that most users would consider the efficiencies in time and results gained through an expert intermediary, the legal information specialist, to outweigh what they could or would want to do on their own.

I still think that is true, and I think that the need for our expertise will grow as the sources of legal information expand and become more complex. Yet, it is clear that we have not made library users fully appreciative of the extent of that expertise, or of the pitfalls of bypassing the information expert and relying on "quick and dirty" searches. We have to do a better job at communicating that expertise, not only for the traditional reasons, but also because the suppliers of information services are out there waiting to deal directly with our patrons and to market aggressively their services to our users. We should not be surprised to see the local CALR representative wanting to survey faculty or firm members to determine their special needs, or to visit the dean or office manager to tout the virtues of their service over those of the competition.

When that happens, if the law librarian has not already established the importance of his or her role in the research process, don't expect the vendor to do it.

6. Danner, *Reference Theory and the Future of Legal Reference Service*, 76 *LAW LIBR. J.* 217 (1983).

Personnel Management and Personal Development

Personnel management is another of the standard subjects of management and administration. For librarians, as for managers in other types of organizations, there is a constant flow of publications and other sources of information about managing people.⁷ There is a literature on how to hire (and how to fire); how to write job descriptions and how to interview; and how to do these things more efficiently and confidently. There also is a host of legal and institutional regulations and guidelines that the manager must be aware of and adhere to in dealing with personnel questions. These are facts about which the library manager needs to be aware, both to guide action and to be able to answer the questions of the staff. And the manager needs to be able to communicate this information to the staff clearly and fairly. Yet, knowing and understanding these sorts of processes is not all there is to working with personnel.

Despite our increasing reliance on automated processes, libraries remain highly labor-intensive operations. Ultimately, the quality of the service we provide depends directly on the quality of the people who provide it. Now, as ever, the successful manager is the successful motivator.

Success in motivation requires understanding the needs and goals of the people working in an organization. In libraries, as in other organizations, this is something that may be more difficult to achieve now than in the past. Why? Because the nature of the work force is changing.

Much traditional management theory operated on the premise that the manager's role in motivation was to get employees to accept the goals of the organization as their own and to work together in a common cause for the benefit of the organization. Personal goals would be fulfilled through the organization, under a sort of "company picnic" philosophy of management. Evidence of this approach is found in programs awarding prizes for best idea of the month, or for perfect attendance. There is nothing wrong with such programs (although perfect attendance awards for adults seem rather paternalistic), other than the assumption that they play much of a role in motivating people to do their best work.

7. Law librarianship's management literature is richest in the personnel area. See Sinder, *Law Library Management: An Annotated Bibliography*, 81 LAW LIBR. J. (1989) (forthcoming). The literature shows an interesting evolution to our current concerns with the needs of highly trained professional staffs. The earliest LLJ personnel management article was on training student assistants. Compton, *The Student Assistant*, 23 LAW LIBR. J. 24 (1929). Later articles focused on the selection and handling of staff, and the performance of subprofessional work. See Borgeson, *The Selection and Handling of Personnel in the Law Library*, 50 LAW LIBR. J. 499 (1957); Coffey, *Non-Professional or Sub-Professional Work in Law Libraries*, 39 LAW LIBR. J. 175 (1946).

Newer theories of management acknowledge that the work force has changed.⁸ Employees at all levels are better educated and, as a consequence, are striving for things in their lives that they don't believe can be fulfilled in the workplace. Nonprofessional positions in law libraries, as elsewhere, are likely to be filled by people who have been trained to do something else, who would rather be doing something else, who have the abilities to do more than the basic job requires, who grow increasingly dubious that the professional staff does anything more responsible or difficult than they do, and who are less than thrilled filling in timecards and taking home a tiny paycheck. Perfect attendance prizes won't make much difference to these people.

Working with professional staffs poses different problems, but problems that are no more tractable. In academic law libraries, for example, there appears to be much less opportunity for upward advancement than in the past. If we consider movement into the top positions, there are fewer than 180 directorships to begin with. Michael Slinger's recent study found that the average law library director in 1986 was only 45 years of age.⁹ Thus, there is unlikely to be a lot of turnover due to retirement.

Based on more impressionistic data, there appears to be not a lot of movement into associate director positions, either. Scanning the ads in the *AALL Newsletter*, one sees fewer advertised associate and other midlevel management positions than opportunities for reference librarians or entry level positions in all specialities.

In law firm and other smaller law libraries, there may be more current growth and possibility for promotion, but opportunities there will always be limited because of staff size, and advancement within a particular firm may require the development of new skills needed to take on responsibilities beyond the library.

Limited opportunity for advancement is a problem in a profession like ours, which has typically relied on hopes for advancement as a prime motivating factor for young librarians, particularly those with both law and library degrees. The degree in law provides such highly trained individuals many career options. Often they have chosen law librarianship as a profession, not to specialize indefinitely as reference librarians or to serve in other largely nonadministrative positions, but to move up the career ladder toward directorships. If these people are to spend longer

8. See, e.g., R. KELLEY, *THE GOLD COLLAR WORKER: HARNESSING THE BRAINPOWER OF THE NEW WORK FORCE* (1985); J. RAËLIN, *CLASH OF CULTURES: MANAGERS AND PROFESSIONALS* (1986).

9. Slinger, *The Career Paths and Education of Current Academic Law Library Directors*, 80 *LAW LIBR. J.* 217, 227 (1988).

periods of their careers in positions that they first saw as stepping stones, law library managers are going to have to create new incentives to motivate them and to keep their energies devoted to library services, rather than the pursuit of outside activities and interests.

Technical services librarians, again at least on the academic side, pose special motivational problems for the law library manager. Because many do not hold law degrees, technical services librarians' pay often is less and their chances for advancement fewer than their law-degreed colleagues. A head of technical services is unlikely ever to be director of the library. Yet, in many law libraries, heads of technical services are expected to be experts in matters of cataloging, acquisitions, and automated systems, while supervising large nonprofessional staffs. Their pay is no more and sometimes less, than that of relatively inexperienced reference librarians with law degrees.

When annual increases are calculated, it is not unusual for deans and other budget authorities to accept arguments for higher increases for the law-trained staff than other members. Without adequate compensation and status, however, we will lose many of our best technical services librarians to other libraries where their skills are better appreciated and their opportunities for advancement greater. Most law library directors will agree that there is probably no position harder to fill than that of head of technical services.

Emerging Technology

For the law library managers of the 1990s, nothing will have more impact on the substance of management than continued technological change. The point is not only that more and more technology will be introduced into our libraries. After all, computers have been in use for both processing and public services in law libraries for a long time. No longer do many of us have to help an employee who is long used to working on a typewriter overcome fear of the computer. This current trend toward having more and more data stored locally in optical formats, rather than accessed remotely online, probably makes no qualitative difference for the manager.

What is more important is the growing impact of technology *outside* the library, within our parent and associated organizations. This development is beginning to create new links among organizations that were formerly less closely tied together.

In this environment, the place of the library and the role of the library manager within the organization will change in ways that are both subtle and apparent. Within law schools, shared office automation systems or local area networks—with desktop terminals and capabilities for direct

access to information stored in the law school and outside—create new possibilities for coordinated information management. Under these circumstances, the library may be seen either as an element in the mix (one source of information), or as a dominant player, acting to facilitate access to information of all sorts, even beyond that traditionally reserved for library jurisdiction. There may be competition for control of the organization's information system; the outcome will affect the library's long-term place in the school.

Within the university as a whole, similar forces will operate to link the law school to the larger administrative structure, and the law library (even if autonomously administered) to the university library system. Separate administration and reporting relationships will not prevent universities from directing libraries to work together in the purchase and development of shared automated processing systems. This will affect administrative relationships by creating the need for more conferencing, more cooperation on all staff levels, and more compromise in system development. It will also mean less flexibility to maintain and develop specialized services for the law school clientele.

In law firms, many of the same pressures are in evidence, as firms continue to automate various aspects of their operations and to appreciate the value of information as a commodity within the firm. One result of this is an increased appreciation of the skills of the law librarian. But it also carries an awareness of the need to manage other information as well, and causes the growth within the firm of other specialists (law firm administrators, paralegals) who have an interest in overall information management through a central system. A recent article in *Legal Assistant Today*¹⁰ proclaims the need for an information resource manager to bring together information and access facilities (including legal research materials) within the firm. The author of the article concludes that not only librarians, but also legal assistants, would be excellent candidates for the position.

In court libraries, there is reason to be concerned, judging by the reactions of some of our colleagues in the State, Court, and County Libraries SIS who attended last year's National Conference on Court Technology.¹¹ What they found was much interest and activity on the part of court administrators in automated systems for research and other

10. Griffith, *The Information Resource Manager: A New Career for Legal Assistants?*, *LEGAL ASSISTANT TODAY*, Mar./Apr. 1988, at 52.

11. Billings, *A Letter from the Chair*, *STATE, CT. & COUNTY L. LIBR. SEC. NEWSL.*, May 1988, at 3.

aspects of judicial administration, but little thought given to the links between those activities and the library.

Conclusion

This article started with Herbert White's definition of the manager's job and the comment that White described a role that was, perhaps, a bit too passive. We will find that there is no room for passivity in law library management in the next decade. Law libraries will need managers who are skilled not only in articulating the goals of their libraries, but also in formulating and articulating the information goals of their institutions. In the 1990s law library managers are going to have to be both aware and alert.

We will have to be aware of how technological and other change affects the services *we* provide and the management of the *other* information needed in the operation of the organizations we serve. And we have to be alert to the potential effects of both types of changes on our libraries' relationships with organizations.

The information explosion we have talked about for years means more than a burgeoning of information materials to locate and consider in research. It means that the definition of information itself is expanding and that information traditionally held in the library will increasingly be considered only as one component of the information necessary to run the organization. It affects our budgeting process and financial management, our relations with library staffs, and our need to communicate the importance of our role. Together, these are the major challenges to the library manager in the 1990s.