

## Status and Qualifications of Law School Librarians<sup>1</sup>

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The mere fact that we are assembled here today is no doubt sufficient evidence of the importance to us of the several topics that are occupying our attention. Since this is the first time a round table has been assigned to library problems we should, I believe, feel fully justified in devoting our attention to fundamental considerations. Without apologies, then, and without in any way detracting from the importance of the other topics to be discussed this evening, let me state that in my opinion the librarian is himself the crux of our whole problem. If this is in fact true, every important contemplated improvement in library service will in some way depend upon the law school librarians individually or collectively, and, by raising their standards of performance, we may confidently assume that we will contribute to substantial improvements in every phase of law school library service.

Before we attempt to demonstrate the truth of this, our initial proposition, let us for a few moments turn our exclusive attention to the librarian himself, for we should have before us a fairly clear conception of the kind of individual he should be.<sup>2</sup> Following the suggestions indicated by the title of this paper, we may simplify our inquiry by dividing it into two parts so as to concern ourselves with the problems of status and qualifications separately. However, it is clearly advantageous first to enumerate

and briefly discuss some of his essential qualifications in order to assemble facts which will establish the importance of the question of his status.

Turning, then, to a consideration of his qualifications, we may further simplify our problem by regarding them as of two general classes, namely, (1) informal and nonacademic qualifications; and (2) formal academic qualifications. The word "academic" is here used to denote accredited college, university, and professional training.

Having thus suggested a general analysis or outline of our subject, we can now proceed to a consideration of the specific elements involved. First among the informal nonacademic qualifications is one which, although perfectly obvious, requires our attention because, unfortunately, responsible law library posts are sometimes occupied by persons who do not possess it. The law school librarian should have a genuine interest in books including but extending far beyond the desire merely to read them. He should also be imbued with the passion for collecting them. They should appeal to him as physical objects. They should arrest his attention everywhere and always, for only thus will he be inspired with that constancy and alertness of interest that makes the building of his library a primary and ever present concern. He must of course be discriminating, but his capacity for discrimination must not be limited by a cramped and narrow range of interests.

A librarian so motivated will make the utmost of his resources. The value of his library will not be measured solely by the number of volumes cataloged, al-

<sup>1</sup> A paper read at the Round Table on Library Problems at the Thirtieth Annual Meeting of the Association of American Law Schools, the Stevens Hotel, Chicago, Ill., December 28, 1932.

<sup>2</sup> For an interesting discussion of this subject see Hicks, "Educational Requirements of Law Librarians" (1929) 15 A.B.A.Jour. 699; (1930) 23 Law Lib.Jour. 62.

though this is always an important consideration. He will also build book by book and pamphlet by pamphlet in order to meet present and future needs. Broken sets will gradually be completed as out of print volumes and sets are unearthed and brought to light, for a deep interest in collecting will sharpen his capacity for locating what is needed. He will, of course, keep in touch with other libraries, and he has long since discovered the most reliable and resourceful dealers and knows in just what fields each is likely to excel. And last but not least he has made it a part of his weekly round to request and receive material distributed to libraries free or at nominal prices, for he knows that some of these books and pamphlets, documentary and of other classes, are of great practical interest and value.

While no specific data is available, we can, in my opinion, safely venture the assertion that in more than half of our law school libraries there is at present no systematic attempt to develop the library with the consistent addition of material such as is indicated above. Why is this so? Certainly not because a better library is not desirable. The answer is obvious. In these libraries no one is responsible for, or interested in, such a development. We may be perfectly certain that, whenever we find a valuable and useful legal collection, we will also find that it is due to the eager and persistent efforts of one or more persons with a genuine collecting interest.

But our law school librarians must be far more than diligent collectors. This attribute, however important, must be but one among a far wider circle of interests. He should, most assuredly, have certain character traits, among which one of great importance is a natural capacity for co-operation. This necessarily involves a sympathetic appreciation of the interests of others. Every research project commenced or in progress should quicken his desire to see that all pertinent material is made available. If it is not already in the collec-

tion he should be not only willing, but eager, to procure it if possible, either by purchase or through interlibrary loan. He should also be on the alert for new material relating to any project in which his library is in any way interested.

From the foregoing remarks it should be clear that above all else the librarian must regard his work—the library—as a co-operative undertaking, involving the interests and activities of his staff, the faculty, the students, and all other users of the library. Hence it follows that he must be sensitively attuned to all of these diverse groups and interests, none of which can, however, be fully served unless he has a similar attitude toward the legal and library professions in general, but of these we will have more to say under a subsequent heading.

Such co-operation as has been outlined above cannot be effectively achieved unless the librarian has an intelligent general understanding of the law. His work, if properly performed, is far from clerical routine. While books are in the first place physical units, uniqueness is an essential characteristic, and he must have a full appreciation of their intrinsic qualities and their essential differences. Without intelligence and a capacity for acute discrimination, he cannot possibly make wise purchases, nor can he arrange the material conveniently or assist those who use it. In short, he cannot play his real part in the law school organization unless he is both generally and legally trained; regardless of how such training may have been obtained. And to this must be added a working knowledge of good library practice. The time is past when any one from the janitor up is "good enough" to act as librarian. A disregard of the above truths accounts for many present deficiencies in law school library service.

But even such qualifications will not avail much unless the librarian has some capacity for organization. If he is in charge of a small library, this can and should express itself in effecting a convenient arrangement and full cataloging

of the books and other materials. If he is in charge of a large library, he must in addition be able to organize the work as a whole so as to direct the activities of his assistants toward desired ends. The librarian, regardless of all other qualifications, should definitely contribute to the efficient administration of the law school. Let me emphasize the fact that it is not the proper post for an impractical scholar.

There are few undertakings in which development can be carried on more indefinitely and in which at the same time there is a greater temptation to let well enough alone. The tendency to succumb to a tranquil inertia, so easily associated with the popular conception of a library, must be offset by a strong desire for growth and expansion. Unfortunate and surprising as it may seem, there are librarians who "preside" over the printed and written legal treasures of the past and present and yet see nothing to do. Such a situation is inconceivable if the librarian has the requisite capacities and inclinations. Assuming that his library is well arranged and completely cataloged and its financial resources for book purchases have been exhausted, how can his task be finished while hundreds and perhaps thousands of books are at hand, opening vistas into many legal fields. Surely a librarian can and should also have the inclinations of a scholar, and one of his legitimate complaints should ever be that he does not have the necessary leisure to satisfy these inclinations.

But this very inclination, although essential, may perhaps lead him astray, for his capacity for growth should first express itself in the development of the library, as the normal condition of every law library should be one of growth, although it is of course desirable that his development and self-expression extend beyond the four walls of his own department.

Time will not permit, nor is it for our present purpose necessary, to do more than point out the fact that the law school librarian should also be an educa-

tor. His opportunities are many although unobtrusive. He has the great advantage of using absolutely no coercion, but his industry and ingenuity in making the treasures of legal literature available may and should have far-reaching consequence. His assistance to students, either directly or through members of his staff, should supplement the formal instruction of faculty members in various ways, and he may frequently render valuable assistance by making suggestions as to reading, or as to the purchase of books for personal libraries. In short, his opportunities as an educator in the highest sense of the word are limited only by his capacities.

Just one more informal qualification and we will pass on to other matters. For this one I am certain I need make no apology when addressing this group. The ideal law school librarian should, in addition to all other attributes, have the desire and capacity to contribute to the development of his own profession. Such activities will not only make him a better librarian, but they will add to the common fund of professional assets available to all. As librarians usually work alone, as such, and as they are frequently scattered geographically, "provincialism" is unfortunately a common evil, and naturally there is a crying need for greater co-operation. As the knowledge and experience of many is broader than the knowledge and experience of one, the efficient librarian should be on the alert to seize ideas and adopt practices evolved by others confronted with similar problems. It is both stupid and inefficient to work them out independently and anew time and again as is now frequently being done. But obviously each librarian should also reciprocate by making contributions of general value. The fact that the profession of law librarian is just beginning to receive distinct recognition as an independent and specialized profession suggests the exceptional opportunities to assist in consolidating the gains already made as well as in augmenting this nucleus with sub-

stantial and imperatively needed contributions such as will greatly improve library service to the legal profession in all its branches.

So much for the informal nonacademic qualifications which the ideal law school librarian should possess. I hope I have succeeded in demonstrating the fact that the several enumerated are so diverse and exacting that we are justified in giving far more thought to the selection of librarians. Surely it is apparent that such positions should not be filled by incompetent or indifferent persons, nor should they be regarded as mere side issues for persons otherwise fully occupied. However, we must now supplement our discussion by turning to the question of formal academic qualifications.<sup>3</sup> We here encounter some serious difficulties, for the law school librarian should not only have (1) a general liberal education, but he should also have (2) legal training and (3) a general grounding in library science. From a purely academic point of view, an obvious first answer is that the law school librarian should have a regular undergraduate college education, plus a standard course in an approved law school, plus training in library science. However, this may require eight or even more years for formal preparation. Is it possible to establish and maintain such academic standards as a prerequisite? Under present conditions we must confess that it is generally not possible, and perhaps a slightly more modest and yet satisfactory standard can be established.

However, this should not deter us from setting up an ideal standard, or one that can only be realized in the future. And yet we should also endeavor to find some practical method by which we may take some forward steps without delay. Before making specific sug-

gestions as to such methods for proceeding, let us take note of conditions as they actually exist. We thus find that there are active law school librarians today with practically no formal educational qualifications as well as a number representing almost every conceivable combination of such qualifications, including several with the maximum as above outlined.

The fact that a number of the men and women with meager formal academic qualifications are not only rendering a first-class service in their own specific libraries but have contributed and are contributing much to the upbuilding of the profession is so well known to those familiar with the field that it should not be necessary to state more than that what follows is not said in disregard of this fact. Nothing is more obvious than that no amount of formal training will compensate for the absence of natural industry and ability and education has certainly never been the exclusive possession of formal educational institutions. However, other things being equal, the man (or woman) with an adequate formal training should, and I believe usually does, render the most satisfactory service in any field demanding specialized knowledge and attainments.

If, then, we are in agreement on this point, are we not confronted with these two questions: First, what formal educational standards should be established; and, second, if such standards are established, is there any practical way in which they can be made effective?

In my opinion we cannot come to specific and detailed conclusions today, both because we have not the time to consider these matters at length and because satisfactory and acceptable plans not only depend upon further study, but must come as the result of collaboration between various interested professional groups. I will therefore limit myself to the submission of a few suggestions which I hope will be of some value.

1. As this Association has, since its organization, concerned itself with the

<sup>3</sup> In this connection, see Report of Committee on Education for Law Librarianship (1935) 28 *Law Lib.Jour.* 222. For a statement of the personal views of the Chairman of this Committee for 1935-36, see Beardsley, "Education for Law Librarianship" (1936) 30 *A.L.A.Bu.* 168.

raising of the standards of legal education, an inescapable logic seems to suggest that it could legitimately concern itself with the task of raising the educational standards of the librarians in its member schools.

2. Since a serious consideration of this problem is primarily one dealing with library administration, it seems highly advisable to collaborate with the American Association of Law Libraries, a group which has already devoted some thought to this problem—a problem with which it must sooner or later come to grips.

3. Assuming that a study as above suggested is made, would it not at least in the beginning be advisable to promulgate the conclusions reached as recommendations only. Little or nothing can be gained by forcing higher standards on either unwilling individuals or institutions. The primary objective should be that of education.

4. Would it not also be well to make it clear that such standards are not to be applied retroactively. It would be a manifest injustice to displace a librarian whose work is otherwise satisfactory merely because of such formal deficiencies. The adoption of any other policy would unnecessarily arouse opposition to improvement.

5. And, finally, the standards adopted should be regarded as tentative. The important thing is to make a beginning, and we will do well not to appear to circumscribe the future.

In the foregoing remarks I have attempted to emphasize some of the essential qualifications for adequate law school librarianship—qualifications which I am convinced must be much more generally recognized if we are to improve the service of our law school libraries. Granted, however, that such men (or women) are more generally secured to administer our libraries, we must also see to it that at least one further condition is met, or we will not derive the full benefit we should confidently expect from such incumbents.

To go straight to the point, the present status of the librarian in many of our law schools is not in keeping with the real importance of his work. His functions are really not those of a janitor, page, stenographer, and clerk, although efficient library administration may and usually will involve all of these services. His real function is that of an administrative officer in charge of a specific department of the law school, namely, the library. But because of its particular function it requires supervision by one with intelligent and scholarly tastes. I venture the assertion, and only after considerable opportunity for observation, that, where this important fact is ignored, the inevitable result is indifferent library service. We must have at the helm a competent man (or woman) charged with the responsibility and vested with the authority to see that an aggressive and efficient program of development and service is continuously maintained.

If we accept the foregoing statement, and I do not see how we can deny it, it inevitably follows that the librarian (like any other administrative officer) should be in intimate touch with the governing body of his particular institution in order that he may fully appreciate its policies and ideals and see that they are correctly reflected in the work of his own department. In the case of a library, what could possibly be of more importance? Does it not in fact exist for the sole purpose of catering to the several interests of the law school?

Since the faculty is the governing group in the law school, it follows that the librarian should be possessed of every means which will assist him in functioning as an adequate part of this group. This is, of course, not a novel suggestion, for regular faculty members act as librarians in a number of our schools, but, even where the librarian is a member of the faculty, his function as librarian is usually definitely secondary to his obligations as a teacher. However, in too many of them the library is not only a

thing apart, but is definitely and detrimentally subordinated. It is no wonder that under such circumstances the librarian is, either from the beginning or eventually, merely a clerk.

Now the upshot of the foregoing remarks is that the librarian should have the status implicit in membership in the governing group of the law school, i. e., the faculty. Let me add, however, that this need not necessarily bear any relationship to formal academic standing. Judged by this criterion, he should of course take rank as any one else would and quite independently of his position as librarian. Because of his special functions, he should and will in fact usually have different qualifications. But this is not a novel situation. Law school faculties are generally made up of members with differing academic qualifications and occasionally even include men without legal training. However, a consideration much more to the point is the fact that a number of law schools already so include their librarians, although they have different or even limited academic qualifications. In such cases experience has confirmed the wisdom of this policy, not that the librarian while so acting (for example, in faculty meetings) need do much more than listen, for it is just this that he can frequently do to such good purpose. If it be answered that the librarian is not qualified to collaborate with the faculty, my unhesitating reply is that he is not qualified to act as librarian.

Let me now attempt to give point to my remarks by drawing what I sincerely believe are inevitable conclusions. If we

select our law school librarians with greater care (keeping in mind the more important specific formal and informal qualifications) our faculties will much more frequently be willing to delegate the entire problem of library development and administration to the librarian and will be justified in so doing, and they will inevitably see to it that he is provided with the authority and resources to carry forward his special work. Under such conditions the resources of the library (however limited they may be) will be utilized to the best advantage. In the larger libraries he will more often actually assume the duties of the competent administrative head of a department and in the smaller libraries he will far more frequently be a real asset as a reference assistant.

We are now in a position to return to our original assertion that the librarian is the crux of our whole problem. It is not because he can make the necessary changes or bring about the desired results single-handed, nor because through some form of magic he can dispense with the need for funds for books and assistants and the necessary physical facilities; it is simply that a recognition of the fact that the law school library requires competent direction will result in the more frequent appointment of qualified persons to devote their exclusive attention to library problems, thus laying the foundation for the solution of most of the other difficulties incidental to the development of a finer library service, not only in our member schools, but through their influence and leadership in the libraries of the bench and bar as well.