

Summer 2014

Is This a Profession? Establishing Educational Criteria for Law Librarians

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This article seeks to encourage discussion that will lead to the standardization of educational criteria for law librarians. The article recounts the history of the debate about educational standards for law librarians, discusses why some law librarians historically had law degrees, and proposes formal educational requirements for law librarians to facilitate the professionalization of law librarianship.

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* © Elizabeth Caulfield, 2014. This is a revised version of the winning entry in the open division of the 2014 AALL/LexisNexis Call for Papers Competition. I wish to thank Uwe Beltz for giving me the inspiration and encouragement to write this article and Joseph D. Lawson, Alan Pannell, Heather Simmons, and Dr. Natalie Tarenko for their thoughtful comments about its style and substance.

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*The “essence [of a profession] is that it assumes certain responsibilities for the competence of its members or the quality of its wares. . . .”*¹

Introduction

¶1 In the 2010 film *The King’s Speech*, the character King George VI is nearly undone by the challenge of reading a speech aloud without stuttering. In distress he cries out, “I’m not a king.”² While it may not be as vexing as the king’s problem, the law librarianship profession’s lack of interest in establishing educational standards for members is perplexing. If the king was unable to meet the standards of his profession, law librarians have failed even to set such criteria for their field. Having high expectations like the king, why should we not lament the lack of formal educational standards, note the long unresolved historical debate about education, and conclude despairingly that law librarianship is not yet a profession?

¶2 Although the proper education for law librarians has been debated for decades, specific educational criteria have yet to be established. Thus, some law librarians must earn the often costly degree that belongs to another field (the J.D. for attorneys) without the corresponding salary and status that often accompanies that credential, while others find employment in the same libraries without the additional education, but their jobs lack comparable salary or status. This inconsistency can lead to fissures among colleagues in the workplace when some librarians are deemed qualified for professional opportunities and others are not. Entry-level professionals who have yet to enter the workplace may be uncertain about the academic qualifications they must obtain. They may also wonder whether obtaining a law degree is prudent if the price is long-term student loan debt.

¶3 The goal of this article is to encourage discussion that leads to the standardization of educational qualifications for law librarians and the establishment of law librarianship as a distinct profession. Part I recounts the history of the debate regarding educational standards for law librarians. Part II discusses why some law librarians historically had law degrees. Part III proposes formal educational requirements to facilitate the professionalization of law librarianship. Part IV concludes with a call for law librarianship to establish educational criteria. Throughout, the article refers to events in popular culture, namely, movies, to provide milestones in the debate about education for law librarians.

I. Education for Law Librarians: The History of the Debate

Visions of What the Profession Could Be

¶4 More than four score and seven years ago, in 1906 to be exact, the American Association of Law Libraries (AALL) convened for the first time. Law librarians

1. Christine Brock, *Law Libraries and Librarians: A Revisionist History; or More Than You Ever Wanted to Know*, 67 LAW LIBR. J. 325, 353 (1974) (quoting R.H. TAWNEY, *THE ACQUISITIVE SOCIETY* 93 (1920)).

2. *THE KING’S SPEECH* (The Weinstein Company 2010).

gathered for a common purpose: to advance “the interests of law libraries.”³ The organization’s constitution stated, “The object shall be to develop and increase the usefulness and efficiency of the several law libraries.”⁴ The same year, Frank B. Gilbert, librarian at the New York State Library, envisioned the professional knowledge needed by the law librarian: “While perhaps it should not be insisted that he have the grasp of legal principles possessed by the well-trained lawyer, he nevertheless should know how those principles are best classified, and where best to find cases illustrating their application.”⁵

¶5 At the second meeting in Asheville, N.C., in 1907, A.J. Small, president of the Iowa State Law Library, called for an end to the practice of cashiering librarians based on political favoritism. “Make the librarian’s vocation a profession rather than a mere occupation.”⁶ In advocating for merit-based employment, he tasked the librarian with “fit[ting] himself for life work.”⁷

¶6 Gilson G. Glasier, librarian at the Wisconsin State Library, published an article in *Law Library Journal* in 1956, summarizing the first twenty-four annual meetings, as well as describing the Association’s founders. He explained their views about the professionalization of law librarianship throughout the early years of the organization: “They believed that the work of the law librarian should be taken out of the ‘job’ class and out of politics and raised to the level of a profession.”⁸

¶7 In his address to the 1909 gathering in Bretton Woods, N.H., Ernest A. Feazel, president of the Cleveland Law Library Association, explained why he believed law librarianship was not perceived by the public as a profession. He quoted from a definition of the word that emphasized the concept of knowledge,⁹ then mentioned an anecdote illustrating an employer’s perception that a law librarian position could be filled simply with a human body.¹⁰ From these observations, Feazel concluded, “law librarians themselves are responsible for the way in which their positions are regarded, and until they profess to understand their vocation, to possess special knowledge and attainments and can in other respects make the definition I have quoted descriptive of themselves, they cannot complain.”¹¹ Thus, as early as the year actress Mary Pickford first appeared in silent motion pictures, the

3. A.J. Small, *President’s Address*, 1 INDEX TO LEGAL PERIODICALS AND LAW LIBR. J. 4, 4 (1908).

4. FRANK G. HOUDEK, THE FIRST CENTURY: ONE HUNDRED YEARS OF AALL HISTORY, 1906–2005, Illustration 2 (2008).

5. Frank B. Gilbert, *Duties of the Law Librarian*, 2 AM. L. SCH. REV. 85, 89 (1906).

6. Small, *supra* note 3.

7. *Id.*

8. Gilson S. Glasier, *History of the American Association of Law Libraries: The Founders and the Early Years, 1906–1929*, 49 LAW LIBR. J. 82, 103 (1956).

9. E.A. Feazel, *The Status of the Law Librarian*, 2 LAW LIBR. J. 21, 21–22 (1909).

10. *Id.* at 22.

11. *Id.* As late as 1978, Lester Asheim, the professor of library science at University of North Carolina, Chapel Hill, argued that librarians’ lack of educational standards for themselves had led society to believe that formal education was unnecessary for librarianship. “[N]either the public nor the field itself is convinced that successful achievement in librarianship must be based on the systematic knowledge of doctrine that can only be acquired through the long period of prescribed training.” James M. Donovan, *Order Matters: Typology of Dual-Degreed Law Librarians*, 33 LEGAL REFERENCE SERVICES Q. 1, 4 (2014) (quoting Lester Asheim, *Librarians as Professionals*, 27 LIBR. TRENDS 225, 231 (1978)).

president of the organization created to improve law libraries believed that law librarians should distinguish themselves through knowledge.¹²

¶8 Feazel advised law librarians to be knowledgeable about “[t]he science of law, library science, and legal bibliography,” but he expressed concern about formal educational opportunities for law librarians, whose numbers were small.¹³ As a result, he advised “self education.”¹⁴ Today’s law librarians may respond to that prescription as then library school student Theodora Belniak did in 2009: “Feazel’s suggestion . . . highlights the vacant space aching for a formal educational program that incorporated library science and the law; and . . . underlines the tenacity and drive of the law librarian of this time period.”¹⁵

¶9 At the 1914 meeting in Washington, D.C., E.M.H. Fleming of Indiana, in a discussion on training for law librarians, commented, “I, at least, feel our profession should not be a stepping-stone to the law. The time is here when we must vaunt law librarianship as a permanent profession.”¹⁶ “When I told the judge of another neighboring county that [having] a librarian would pay as an investment he was astounded. He had thought merely of the old book custodian type as a means of keeping the library door open. I think we have been modest long enough.”¹⁷

¶10 Advancing fifteen years to 1930, Arthur S. McDaniel of the New York City Bar Association proposed that law librarians obtain backgrounds in “languages, history, and government or political science” to establish law librarianship as “a learned profession.”¹⁸ In an ideal world, an education in both law and library science “would be excellent if the law library profession offer[ed] sufficient inducement for the candidate to spend four years at college, then three years at law school and finally two years in a library school.”¹⁹

¶11 Former president Small at that year’s convention recollected the Association’s first gathering, in which law librarians met “with a single purpose in view—that of making librarianship a profession rather than simply holding a job and the betterment of the institutions which we represented.”²⁰ He commented on the organization’s progress; professional positions were generally now obtained through “merit rather than as political rewards.”²¹ In an era of fewer employment regulations, such a change may have been true advancement. But by the time law librarianship had gained this modicum of respect, twenty years had passed and

12. EILEEN WHITFIELD, PICKFORD: THE WOMAN WHO MADE HOLLYWOOD 416 (1997).

13. Feazel, *supra* note 9, at 22–23.

14. *Id.* at 23.

15. Theodora Belniak, *The Law Librarian of the Twentieth and Twenty-First Centuries: A Figuration in Flux*, 101 LAW LIBR. J. 427, 434, 2009 LAW LIBR. J. 24, ¶ 29.

16. Am. Ass’n of L. Libr., *Minutes of the Annual Meeting*, 7 LAW LIBR. J. 37, 43 (1914) (remarks of E.M.H. Fleming).

17. *Id.* at 44 (remarks of E.M.H. Fleming).

18. Arthur S. McDaniel, *The Educational and Cultural Background of a Law Librarian*, 23 LAW LIBR. J. 68, 69–71 (1930).

19. *Id.* at 70.

20. A.J. Small, *Reflections*, 24 LAW LIBR. J. 12, 12 (1931).

21. *Id.*

silent film director D.W. Griffith had made his first sound film, *Abraham Lincoln*.²²

¶12 In subsequent decades, the discussion about the professionalization of law librarianship took the form of a debate about whether law librarians should have two degrees, a master of library science and a juris doctor, and whether one degree was preferred over the other.²³ Ironically, a review of historical surveys indicates that many law librarians lacked a college education, not to mention advanced degrees, well into the twentieth century.²⁴ Thus, the conversation about education led leaders in the field both to appreciate the fact that many law librarians also did not have law library training and to contemplate whether that specialized instruction should be required for employment, in addition or as an alternative to the law degree.²⁵

From 1906 to the Early 1950s: Specifics Are Left to the Future

¶13 About the same time that the AALL was established, the New York State Library School in Albany began offering “[l]ectures on ‘the arrangement and use of law libraries’ and ‘law books for a popular library,’” with courses in law librarianship beginning around 1910.²⁶ From 1923 to 1925 the program required students to have “studied law and [to be] familiar with legal terms.”²⁷

¶14 In 1926, Frederick C. Hicks, law librarian at Columbia University and former AALL president, addressed the AALL annual meeting in Atlantic City. In his remarks, titled “The Widening Scope of Law Librarianship,” he observed that law students and lawyers were beginning to introduce issues involving the social sciences into their legal arguments.²⁸ Noting how many “specialties” comprised law

22. John J. Daly, *Griffith Has Second Great Lincoln Epic*, WASH. POST, Oct. 12, 1930, at A3.

23. See Harry Bitner, *The Educational Background of the University's Law Librarian*, 40 LAW LIBR. J. 49 (1947); Barbara B. Bonney, *The Controversy over Dual Degrees for Law Librarians*, 11 LEGAL REFERENCE SERVICES Q. 1991, no. 1-2, at 127; Mary Brandt Jensen, *The Debate over Degrees and Professionalism in the United States*, 29 THE LAW LIBRARIAN 14 (1998); Serena Brooks, *Educating Aspiring Law Librarians: A Student's Perspective*, 97 LAW LIBR. J. 517, 2005 LAW LIBR. J. 29; Morris L. Cohen, *Education for Law Librarianship*, 11 LIBR. TRENDS 306 (1963); *The Education of a Law Librarian—A Panel*, 50 LAW LIBR. J. 359 (1957); James Hambleton, *Does a Law Librarian Need a Law Degree? in THE SPIRIT OF LAW LIBRARIANSHIP: A READER* 37 (Roy M. Mersky & Richard A. Leiter eds., 1991); Penny A. Hazelton, *Law Libraries as Special Libraries: An Educational Model*, 42 LIBR. TRENDS 319 (1993); Judith E. McAdam, *The Place of Legal Education in Law Librarianship*, 21 CAN. LAW LIBR. 251 (1996); B.W. Mineur, *Law and Librarianship*, 19 THE LAW LIBRARIAN 1 (1988); Robert L. Oakley, *Education for Law Librarianship: Avoiding the Trade School Mentality*, 11 J. LIBR. ADMIN. 147 (1990); Miles O. Price, *The Law School Librarian's Educational Qualifications: A Statistical Study*, 10 J. LEGAL EDUC. 222 (1957).

24. See Am. Ass'n of L. Libr., *Proceedings of the Thirty-First Annual Meeting*, 29 LAW LIBR. J. 95, 199, 202 (1936); Connie E. Bolden, *Educational and Experience Backgrounds of College and University Law Librarians*, 57 LAW LIBR. J. 58, 59 (1964); Penny A. Hazelton, *Education for Law Librarians*, 1990 THE BOOKMARK 278.

25. See Am. Ass'n of L. Libr., *supra* note 24, at 199, 203–08, 215–22; Laurent B. Frantz, *The Education of the Law Librarian*, 44 LAW LIBR. J. 94, 97 (1951); Frederick C. Hicks, *The Widening Scope of Law Librarianship*, 19 LAW LIBR. J. 61, 64–67 (1926); C.C. Williamson, *Plans for the Training of Law Librarians at Columbia University*, 30 LAW LIBR. J. 261, 261–63 (1937).

26. Cohen, *supra* note 23, at 309.

27. *Id.*

28. Hicks, *supra* note 25, at 63.

librarianship, he asked, “has not the time come for definite attention on the part of this Association to the problem of training for law librarianship?”²⁹

¶15 Hicks noted a new School of Library Service taking shape at Columbia University in combination with the New York State Library School and the school at the New York Public Library.³⁰ He drew special attention to this training for aspiring librarians because it could lead to a master of science, demonstrating the academic world’s seriousness about librarian training.³¹ He advised potential law librarians to take note: “many persons who now feel themselves to be qualified to enter upon a career of law librarianship would not technically be qualified to enter such a school, because they do not already possess a Bachelor’s Degree.”³² In 1929, Hicks, who had become professor of law and law librarian at Yale Law School, again struck a serious tone at the AALL annual meeting in Washington, D.C. He commented that the librarian must “[n]ot necessarily” be a lawyer “but he must at least be ‘legally minded,’ and whether he holds a law degree or not, he must study law as long as he is a law librarian.”³³

¶16 New Orleans hosted the AALL’s annual conference in 1932. On April 27, Rosamond Parma, AALL president and law librarian at the University of California at Berkeley, read the report of the Committee on Education for Law Librarianship, which proposed that law librarians know “the lawyer[’s] . . . unique tools and his terminology” and the librarian’s “standardized equipment and methods.”³⁴ The proportion of each type of knowledge depended on the nature of the law librarian’s work.³⁵

¶17 The Committee pondered the ideal amount of formal education versus what is necessary to give “admirable service,” recommending an introduction to both the lawyer’s and the librarian’s “techniques.”³⁶ An introduction, gained in just one semester, would be inadequate for “a great many positions.”³⁷ But the group left to future committee members the specifics of an education plan that would work for each type of law librarian.³⁸

¶18 In its report, the Committee included the questionnaire on the proper education for law librarians that it had distributed the year before.³⁹ Librarians from a variety of legal environments (such as law schools, bar associations, and

29. *Id.* at 64.

30. *Id.* at 65.

31. *Id.* at 65–66.

32. *Id.* at 66.

33. Frederick C. Hicks, *The Educational Requirements of Law Librarians*, 15 A.B.A. J. 699, 701 (1929).

34. Am. Ass’n of L. Libr., *Proceedings—Twenty-Seventh Annual Meeting*, 25 LAW LIBR. J. 133, 172 (1932).

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.* In its report, the Committee did not specify the law librarian types or positions for which it advised education. But the Committee distributed the questionnaire to institutions it identified as law school libraries, state law libraries, bar association libraries, county law libraries, and law office librar[ies], so one might assume that these types of institutions corresponded with the law librarian types the Committee envisioned. *Id.* at 173.

39. *Id.* at 173–75.

counties) agreed that “a minimal educational qualification” should be required but differed on what that education should be.⁴⁰

¶19 President Parma felt “anxious” for the profession to establish law librarianship courses in library schools.⁴¹

I think that if some course were to be given in a Library School it would be a distinct recognition of law librarianship. As it is now I think the popular impression is that anyone who has been an unsuccessful practitioner or who is a judge who wishes to retire, or someone who is just out of a job, might very well fill the position of law librarian.⁴²

Thomas S. Dabagh of California’s Legislative Counsel Bureau observed that many successful law librarians had no formal legal education.⁴³

¶20 At the end of 1932, William R. Roalfe, librarian at Duke University School of Law, gave an address titled “Status and Qualifications of Law School Librarians” at the annual meeting of the Association of American Law Schools (AALS). He began with the provocative point that “the librarian is himself the crux of our whole problem.”⁴⁴

¶21 He encouraged law librarians to nurture “a natural capacity for co-operation” by developing “an intelligent general understanding of the law.”⁴⁵ After all, he said, the professional law librarian’s work was not “clerical.”⁴⁶ Roalfe concluded that the librarian “cannot play his real part in the law school organization unless he is both generally and legally trained,” but questioned whether many law librarians would find eight years of formal education feasible.⁴⁷

¶22 While acknowledging that some law librarians with little formal education provide “first-class service,” he asserted that the average person with academic credentials usually does the best job in any profession that requires “specialized knowledge and attainments.”⁴⁸ In his view, the AALL “must sooner or later come to grips” with the “problem” of the lack of educational standards for law librarians.⁴⁹ For the present, “a slightly more modest and yet satisfactory” set of formal qualifications could be established, with “an ideal standard” proposed for the future.⁵⁰ Whatever proposals organizations like the AALL and the AALS endorsed, their ideas would require review. “Little or nothing can be gained by forcing higher standards on either unwilling individuals or institutions,” he said.⁵¹

¶23 Three years later, Dr. Arthur S. Beardsley, law librarian at the University of Washington, delivered the report of the Committee on Education for Law

40. *Id.* at 173–74.

41. *Id.* at 175 (remarks of Rosamond Parma).

42. *Id.*

43. *Id.* (remarks of Thomas S. Dabagh shared by Rosamond Parma).

44. William R. Roalfe, *Status and Qualifications of Law School Librarians*, 8 AM. L. SCH. REV. 398, 398 (1936).

45. *Id.* at 399.

46. *Id.*

47. *Id.* at 399, 401.

48. *Id.* at 401.

49. *Id.* at 402.

50. *Id.* at 401.

51. *Id.* at 402.

Librarianship at the AALL annual meeting in Denver. He also took the opportunity to offer his own assessment of the situation. “It is my personal view that (1) legal training (as evidenced by a degree in law) is essential and indispensable, and (2) that a general library training is desirable although perhaps not indispensable.”⁵² He asked, should not the AALL endorse similar principles?⁵³

¶24 The Committee agreed with the need to address the education issue but differed on whether to prioritize law or library knowledge.⁵⁴ Beardsley closed his remarks by emphasizing the need for both types:

[W]hile we cannot at the present time insist that our employees be either wholly law trained or library trained or both, it is desirable at some future time, probably, to set certain definite standards of training for those who from that time on should come into the law library profession . . . for the time being the Committee believes that a legal education is of primary importance and library training of secondary importance.⁵⁵

¶25 After extensive debate about whether to adopt the report, members agreed that the Executive Committee could selectively implement its recommendations.⁵⁶

¶26 In March 1936, the Bulletin of the American Library Association (ALA) published Beardsley’s essay “Education for Law Librarianship.” Though writing for a general library audience, he alerted law librarians to a crisis, emphasizing their paltry progress in establishing academic credentials for themselves.⁵⁷ In view of the achievements of the general library profession in creating “educational standards” to practice in the profession and “standardiz[ing]” the instruction that students received in library schools, the law library profession had fallen behind.⁵⁸

¶27 “[L]aw librarians, although united into a national organization in 1906, have made but little progress toward the attainment of nationally accepted standards of professional service,” Beardsley noted.⁵⁹ This lack of progress may have been explained in part by law librarians’ unwillingness to relinquish control to the organization.⁶⁰ “In fact they have never empowered this association [the American Association of Law Libraries] to define such standards, although for thirty years the association has met annually to discuss matters of library importance.”⁶¹ The lack of formal education and training standards for law librarians was “professional

52. Am. Ass’n of L. Libr., *Proceedings—Thirtieth Annual Meeting*, 28 LAW LIBR. J. 81, 223 (1935) (remarks of Arthur S. Beardsley).

53. *Id.*

54. *Id.* at 226.

55. *Id.* at 229.

56. *Id.* at 232.

57. Arthur S. Beardsley, *Education for Law Librarianship*, 30 BULL. AM. LIBR. ASS’N 168, 169 (1936).

58. *Id.* at 168–69. It appears that there was some conflict between the views of Beardsley and Asheim regarding how far the general library profession had progressed in establishing educational credentials for the profession by the early to mid-twentieth century. See Asheim’s opinion, *supra* note 11.

59. *Id.* at 169.

60. *Id.*

61. *Id.*

apathy.”⁶² As proof of the long road law librarians had been traveling to the promised land of educational standards, he cited proposed curricula for law librarian instruction, which had been promoted as far back as 1910 and 1926 by F.D. Colson and Hicks, respectively.⁶³

¶28 It was fitting that Beardsley penned his article for an ALA publication, for he concluded by asking the organization for its “cooperation” and “assistance” to lift “the law librarians out of the difficulties” they had fallen into.⁶⁴ If only the ALA would assist these special librarians, he said, “the [entire] profession of librarianship [would] be enhanced in public esteem.”⁶⁵

¶29 At the 1936 AALL annual meeting, the Committee on Education for Law Librarianship presented its survey and report on the education of law librarians. Beardsley again summarized the report, which described obstacles in establishing an educational program for law librarians. He found “an unwillingness to undertake the responsibility of providing professional training, and an indifference toward the opportunities which such a program might afford.”⁶⁶ The AALL had “accepted the responsibility” of providing an educational program for law librarians and needed to follow through.⁶⁷ It was time for law librarians to support the program universally or cease studying the issue, the Committee stated.⁶⁸

¶30 The survey gauged the interest in education for law librarians, 351 of whom provided responses (a forty percent response rate) from institutions with ten thousand or more volumes in the United States.⁶⁹ Of those respondents, only five percent had both library and law degrees.⁷⁰ Moreover, the Committee reported, only fourteen percent had graduated from law school and sixteen percent from “a library course”; forty-three percent had no law training and forty-eight percent had no library training.⁷¹

¶31 The Committee had this response to the results:

Law librarians are engaged in serving a professional class, and it would seem that the educational training of law librarians should at least be comparable or equivalent to that of the class whom they serve. . . . Surely some knowledge of the subject matter of law is desirable if the librarian is to successfully interpret that literature of the law which embraces in so large a measure the study and use of statutes, decisions, digests, textbooks, encyclopedias, and periodicals.⁷²

62. *Id.* at 170.

63. *Id.* at 176–77.

64. *Id.* at 177.

65. *Id.*

66. Am. Ass’n of L. Libr., *supra* note 24, at 200.

67. *Id.*

68. *Id.*

69. The Committee did not specify the qualifications that entitled one to be called a law librarian in 1936, but the questionnaire indicates that the Committee placed librarians and library staff other than clerical workers in this category. The questionnaire was designed partly to gather information about the education of “full time members” of the law library staff and specifically stated that this number should include librarians “but not clericals.” *Id.* at 202, 213–14.

70. *Id.* at 202.

71. *Id.*

72. *Id.* at 210.

The Committee concluded that law librarians should have an education in “library science,” “legal science,” and “the social sciences and the humanities.”⁷³

¶32 Beardsley announced that Columbia University would offer a course in law librarianship, upon the AALL’s request.⁷⁴ Subsequently, members voted to “endorse[] a program of educational training in some approved school of library service” and “to establish an [educational] institute in connection with the meeting next year.”⁷⁵

¶33 In 1937, the Columbia University School of Library Service began offering a course in law librarianship in alternating summers, a program that continued until 1961.⁷⁶ The announcement of the new course in *Law Library Journal* stated, “This is the first time any accredited library school has found it possible to take a step that has been proposed many times by leading law librarians and others concerned with raising the standards of law librarianship.”⁷⁷

¶34 The dean of the School of Library Service, C.C. Williamson, noted that because the school had “high academic standard[s] for admission to the degree courses,” normally most law librarians would not be eligible to take the class.⁷⁸ (Presumably, they would not qualify because they lacked a bachelor’s degree.) But because the course was a unique summer program, the school could relax the admission standards and would not require a background in law.⁷⁹ Upon making the announcement to attendees at the AALL annual meeting in New York City, Williamson remarked,

I should not be surprised if the successful law librarians of the future should come largely from a group of men and women who have college training, legal training, and a one-year library school course, including a law library major, followed by an internship in some first class law library.⁸⁰

¶35 The AALL and the Board of Education for Librarianship of the ALA also met in New York City in 1937, the year that Walt Disney introduced the world to a “feature-length animated film” in Technicolor with *Snow White and the Seven Dwarfs*.⁸¹ The proceedings reveal the prominence of the idea that law librarians needed both law and library degrees, and even that one year of library school was inadequate library training.⁸² Participants understood, however, that nine years of higher education was probably unaffordable to many potential law librarians.⁸³

73. *Id.* at 211.

74. *Id.* at 214.

75. *Id.* at 222.

76. Cohen, *supra* note 23, at 309.

77. *Columbia University School of Library Service Offers Course in Law Library Service Summer Session, 1937*, 30 *LAW LIBR. J.* 29, 29 (1937). Although the New York State Library School conducted lectures in law librarianship as early as 1906, these may not have been considered part of the official curriculum.

78. Williamson, *supra* note 25, at 263.

79. *Id.*; see also Cohen, *supra* note 23, at 310.

80. Williamson, *supra* note 25, at 264.

81. *CHRONICLE OF THE CINEMA: 100 YEARS OF THE MOVIES* 283 (Robyn Karney ed., 1995).

82. Am. Ass’n of L. Libr., *Proceedings of the Joint Meeting of the American Association of Law Libraries and the Board of Education for Librarianship of the American Library Association*, 30 *LAW LIBR. J.* 514, 515 (1937).

83. *Id.*

¶36 In 1937 at its annual meeting in Chicago, the AALS amended Article 6 of its Articles of Association to state that by September 1, 1940, member libraries must have “a qualified librarian, whose principal activities are devoted to the development and maintenance of an effective library service.”⁸⁴ The Executive Committee pondered the meaning of “qualified librarian.”⁸⁵ The lack of clarity was reflected in comments by Herschel W. Arant, dean of The Ohio State University Moritz College of Law:

I don't know what [“qualified librarian”] means any better than you do, but it is meant to provide library service, of course . . . I don't think the committee would say that it meant a person who had a formal library course or had had experience. I don't think it would require that the person must have studied law, but it would require that the person know something about the requirements of a library, I guess, and that they devote the main part of their time to the library. I can't be any more definite than that.⁸⁶

¶37 AALS proceedings do not indicate whether the quality of the law library under Arant's charge reflected his apathetic attitude about its steward's education. Instead, Malcolm R. Doubles, dean of the University of Richmond School of Law, agreed that “[i]t is rather an indefinite thing as to what constitutes a qualified librarian.”⁸⁷

¶38 In contrast to the puzzled deans, at the 1939 annual meeting in San Francisco, the AALL Committee on Cooperation with the AALS found it possible to define a “qualified law school librarian” as “one whose principal interests and whole time and activities as far as possible are devoted to the library.”⁸⁸ The Committee also managed to outline educational requirements for law librarians, although they were not intended to be applied universally.⁸⁹

¶39 The Committee agreed that regardless of experience, applicants vying for “head and chief assistant” positions should have a college education and some library instruction.⁹⁰ Someone with no experience in a law library should be required to take a year of training in the fundamentals of law and legal bibliography.⁹¹ A professional with two years' experience in a law library needed only the legal bibliographic training, which might be completed in a summer.⁹² Apparently the Committee believed that it was possible for the law librarian of two years who might lack formal legal education to have as much knowledge of the “fundamentals

84. Edward S. Bade, *Quo Vadimus?*, 2 J. LEGAL EDUC. 41, 41 (1949–1950); see also *Proceedings of the Thirty-Fifth Annual Meeting, Proposed Amendments Recommended by Executive Committee 1937*, and *Articles of Association*, 1937 HANDBOOK ASS'N AM. L. SCH. 38, 51–52, 224, 370.

85. *Proceedings of the Thirty-Fifth Annual Meeting*, *supra* note 84, at 41.

86. *Id.* (remarks of Herschel W. Arant).

87. *Id.* (remarks of Malcolm R. Doubles). For more definite ideas about academic law librarians' work being devoted primarily to the law library, see Frederick C. Hicks' comments at the Association of American Law Schools' 34th Annual Meeting in December 1936 in *Proceedings of the Round Table on Library Problems*, 30 LAW LIBR. J. 1, 20–21 (1937).

88. Lucile Elliott, *Report of the Committee on Cooperation with the Association of American Law Schools*, 32 LAW LIBR. J. 207, 365 (1939).

89. *Id.* at 365–66.

90. *Id.*

91. *Id.* at 365.

92. *Id.* at 366.

of law” as the newer law librarian who had submitted to the required year of formal education. This awkward approach to preparing law librarians for their life’s work seems unavoidable, considering the wide variations in educational backgrounds of law librarians at the time.⁹³

¶40 Members voiced concerns about the fate of recommendations that would increase the educational burden.⁹⁴ Beardsley remarked, “We must educate those who are opposed to raising standards.”⁹⁵ Laurie H. Riggs, librarian of the Library Company of the Baltimore Bar, agreed that “[t]here is intense opposition to this report on the part of some of the members.”⁹⁶ In addition, members wondered if small law libraries would be able to afford a law librarian with lofty educational credentials.⁹⁷ Surprisingly, the AALS had not set educational criteria for law school professors; would that organization approve more ambitious recommendations for law librarians?⁹⁸ William B. Stern of the Los Angeles County Law Library expressed concern about the Committee’s emphasis on acquiring degrees rather than subject knowledge.⁹⁹ He asked if the law library profession wished to become a “closed shop.”¹⁰⁰

¶41 But there was also a push to vote on the recommendations, as they represented a much-needed “minimum” set of credentials and would apply only to academic law librarians.¹⁰¹ Dabagh opined, “In the future we cannot let the matter of qualifications rest on the vague basis of personality. There must be an arbitrary minimum.”¹⁰² In the end, AALL members sent the Committee’s report on qualifications for academic law librarians to the Executive Committee for further study.¹⁰³

¶42 Also in 1939, the year the film *Gone With the Wind* introduced mild profanity to American filmgoers,¹⁰⁴ Beardsley inaugurated the law librarianship program at the University of Washington.¹⁰⁵ Admittance required a law degree.¹⁰⁶ Graduates

93. In contemplating an educational program for law librarians in 1936, the AALL’s Committee on Education for Law Librarianship acknowledged this challenge. “[C]ertain difficulties are inherent in any plan of professional training for a class so scattered, and for one whose educational backgrounds are of such a varied character, as are those of law librarians.” Am. Ass’n of L. Libr., *supra* note 24, at 200.

94. *Id.* at 371–72.

95. *Id.* at 372 (remarks of Arthur S. Beardsley).

96. *Id.* at 372 (remarks of Laurie H. Riggs).

97. *Id.* at 372 (remarks of Alfred A. Morrison).

98. *Id.* (remarks of Alfred A. Morrison). See also George Washington University Law Librarian Helen Newman’s remark that only ten AALS members required a college education of law school applicants. *Id.* at 373–74.

99. *Id.* at 368–70 (remarks of William B. Stern).

100. *Id.* at 369. Closed shop is defined as “[a] shop in which the employer, by agreement with a union, employs only union members in good standing.” BLACK’S LAW DICTIONARY 1504 (9th ed. 2009).

101. *Id.* at 372 (remarks of Thomas S. Dabagh).

102. *Id.* at 373.

103. *Id.* at 374.

104. Nelson B. Bell, *Cinema’s Production Code Begins to Meet a Trend*, WASH. POST, May 26, 1940, at L3.

105. Cohen, *supra* note 23, at 310.

106. *Id.* See also Marian G. Gallagher, *The Law Librarianship Course at the University of Washington*, 5 J. LEGAL EDUC. 537, 538 (1952–1953). The website that describes the history of the program notes that some entering students had LL.B. degrees. Betty Wilkins, *The University of Washington Law Librarianship Program*, M.G. GALLAGHER LAW LIBRARY, UNIVERSITY OF WASHINGTON

earned a B.A. in law librarianship until 1953, when the program began awarding master's degrees.¹⁰⁷

¶43 In 1946, the AALS again amended its Articles of Association regarding libraries, calling for each member school's qualified librarian to be employed full time.¹⁰⁸ But two years later, scholars were still asking whether the academic law librarian was to be "merely a custodian, a watchman, a putter up or taker down of books, or . . . the head of an essential part of the instructional apparatus of the school."¹⁰⁹

¶44 In his article, "The Law School Librarian," Miles O. Price, librarian at Columbia University School of Law, answered that the academic law librarian most assuredly was the latter.¹¹⁰ He pointed out the importance of the academic law librarian to the professor and the law school at large:¹¹¹

The study of law on the level offered by schools of the Association of American Law Schools is a complex matter of legal principles, economics, political science, sociology, and criminology, and just as the subject matter of teaching and research has expanded far beyond its former boundaries, so has the literature of the law outgrown its former tight categories. It is therefore a practical impossibility for the law teacher in most subjects today to keep up with the material—legal, borderline, and non-legal—required in his specialty, without the assistance of a trained and competent person, interested in that sort of thing, who will collect it, and bring it to his attention.

This person is or should be the law librarian, with a background of general, technical, and legal education enabling him to appreciate the breadth of the problems involved, who knows how to present and use the material once it is on the library shelves. In his triple role of bibliographer, administrator, and teacher he can be of immense service to the faculty, students, and alumni.¹¹²

¶45 Because of the value that law librarians could bring to law schools, Price noted that law school deans "typically" now required that their law librarians have eight years of formal education.¹¹³ He realized that this demanding educational standard must lead to a rewarding career to entice entrants to the field.¹¹⁴ A respectable salary was a part of this enticement, and the state of salaries for academic law librarians alarmed him.¹¹⁵ The academic law librarian also lacked the perks of law teachers: a higher salary for a shorter contract, extra money for teaching in the summers, and time for scholarship.¹¹⁶

SCHOOL OF LAW (Apr. 1991), <http://lib.law.washington.edu/lawlibrarianship/hiOverview.asp>. Black's Law Dictionary describes LL.B. as "Bachelor of Laws." The LL.B. was "formerly the law degree ordinarily conferred by American law schools." BLACK'S LAW DICTIONARY 1019 (9th ed. 2009).

107. Wilkins, *supra* note 106.

108. *Amendments to the Articles of Association and Articles of Association*, 1946 HANDBOOK ASS'N AM. L. SCH. 162, 171.

109. Dr. Eldon R. James, *Law Librarians in the Survey of the Legal Profession*, 41 LAW LIBR. J. 104, 106–07 (1948).

110. Miles O. Price, *The Law School Librarian*, 1 J. LEGAL EDUC. 268, 268 (1948).

111. *Id.*

112. *Id.*

113. *Id.* at 269.

114. *Id.*

115. *Id.*

116. *Id.*

¶46 In 1950, proposed changes in standards for AALS member libraries referred to standards for law school librarians. The Subcommittee on Library Standards of the AALS recommended that the law school librarian “possess the qualifications of and be a member of the law school faculty, whether or not the library be administered as a part of the law school or as a unit of the university libraries. As such, he shall have either a sound knowledge of the practical problems of a law school library, or a legal education, and preferably both.”¹¹⁷

¶47 A special committee on Revision of Library Standards updated the Subcommittee’s report and made its presentation to the AALS at the annual meeting in 1952.¹¹⁸ The committee recommended that librarians be made faculty members but proposed that this policy be optional so that schools would not violate association standards if their librarians were not of faculty status.¹¹⁹ The language regarding preference for both practical “law school library” knowledge and formal “legal education” remained.¹²⁰ Member schools voted to approve these revisions to the standards at the end of 1952.¹²¹

¶48 Thus, decades into the life of the AALL, esteemed scholars in and outside the organization championed creating educational standards for law librarians. But no advocates advanced that call for standards to the level of state-mandated requirements.

The Year 1953: A Proposal Dies “Aborning”¹²²

¶49 In 1953, Twentieth Century Fox Film Corporation presented the first wide-screen film made in CinemaScope, the religious drama *The Robe*.¹²³ That year brought another breakthrough of sorts for American law librarians. Lester Asheim, dean of the University of Chicago Graduate Library School, offered “A Proposed Program of Preparation for Law Librarianship” at the Second Workshop on Law Library Problems of the Chicago Association of Law Libraries.¹²⁴ He suggested “three years of general undergraduate work followed by a year of general librarianship training, then a year of regular law school courses with an additional year of [a] mixed diet of courses from both library school and law school.”¹²⁵ Asheim’s theory “that a law librarian is primarily a librarian, not a lawyer”¹²⁶ was noteworthy because it was formally asserted as the basis for educational criteria for law librarians and because its suggestion that law librarians could be successful with something less than the dual degree made it vulnerable to attack.

117. Benjamin F. Boyer, *Revised Law Library Standards: A Proposed Draft with Comments*, 3 J. LEGAL EDUC. 174, 179 (1950).

118. *Proceedings of the Annual Meeting of the Association*, 1952 PROC. ASS’N AM. L. SCH. 40.

119. *Id.* at 41.

120. *Id.* at 171.

121. *Id.* at 50–52.

122. Cohen, *supra* note 23, at 309.

123. 6,500 See *Debut of CinemaScope, New Film Process*, in ‘*The Robe*,’ N.Y. TIMES, Sept. 17, 1953, at 1.

124. Kurt Schwerin, *Current Comments*, 47 LAW LIBR. J. 37, 41 (1954).

125. Riley Paul Burton, *Book Notes*, 47 LAW LIBR. J. 262, 263 (1954).

126. Lester Asheim, *A Proposed Program of Preparation for Law Librarianship*, in CHI. ASS’N L. LIBR. PROC., SECOND WORKSHOP ON L. LIBR. PROBS. 37, 37 (1954).

¶50 Asheim pointed out the historical preference for the J.D. for law librarians, noting the “grudging” acceptance of library education by the AALL in 1935.¹²⁷ He believed that to provide good service, law librarians needed to understand attorneys’ and law students’ problems and thinking patterns.¹²⁸ A law degree, however, seemed to him unnecessary.¹²⁹

This kind of understanding can best be gained by attending law school and being introduced to law subjects—indeed it may be that it can be gained in no other way than this. But I do not see the necessity for the law librarian to pursue a program all the way to the law degree.¹³⁰

Organization of materials, collection of materials in related fields, and “interlibrary cooperation” require a librarian, “not a lawyer let loose in a room called the library.”¹³¹

¶51 Asheim believed that under his proposal, status would not elude the law librarian.¹³² “It is my belief that [lawyers] will recognize the virtue of expert knowledge in other fields as well, and that they will accord respect to a man who demonstrates his ability even in some field other than law.”¹³³ “He will be a specialist in law materials, on an equal scholastic and academic footing with the law school graduates whose program he has, in part, shared.”¹³⁴

¶52 Riley Paul Burton, law librarian at the University of Southern California, called Asheim “courageous” for submitting his idea “to a bloodthirsty panel of practicing law librarians,” who volleyed back with “pointed, candid and spirited comments.”¹³⁵

¶53 Bernita J. Davies, law librarian at the University of Illinois, acknowledged that Asheim’s proposal would increase the level of education required of law librarians.¹³⁶ But “[e]ven if we agree with Dean Asheim’s premise that our work is primarily that of a librarian rather than lawyer, does it follow that we need only partial training in the law? Is there any reason for believing, as many do, that a law librarian should be a lawyer?”¹³⁷ In her view, one year of law school was inadequate to learn how to analyze a legal problem or become efficient at fact-finding, a skill law librarians needed to help patrons.¹³⁸ In terms of collecting materials in related fields,

127. *Id.*

128. *Id.* at 38.

129. *Id.*

130. *Id.*

131. *Id.* at 39.

132. *Id.* at 41.

133. *Id.*

134. *Id.* Kristen M. Hallows and Christine Bowersox note that Asheim’s proposal would allow the law librarian to develop the skill set of an informationist, one who has knowledge of a subject area and knows how to find information related to that subject. *Dialectic of Transformation: The Shaping of a Name*, AALL SPECTRUM, Apr. 2014, at 11, 13.

135. Burton, *supra* note 125.

136. Bernita J. Davies, *Comments on Dean Asheim’s Proposed Program of Preparation for Law Librarianship*, in CHI. ASS’N L. LIBR. PROC., SECOND WORKSHOP ON L. LIBR. PROBS. 44, 45 (1954).

137. *Id.*

138. *Id.* at 46–47.

“bibliographical knowledge” was not sufficient.¹³⁹ The law librarian must know which sources “will be pertinent to and answer the needs of the lawyer or law student; and to know what is related calls for a thorough knowledge of law as well as of the bibliographical aspects of the subjects.”¹⁴⁰

¶54 She observed the tide pushing against Asheim’s vision, specifically indications from the AALL Committee on Placement, law school deans, and the AALS of the preference for law librarians with the law degree.¹⁴¹ She argued that the credential brought not only knowledge and respect but also “a feeling of one-ness between the members of the legal profession which is hard for those who have not experienced it to understand.”¹⁴²

¶55 Asheim asked at the end of his presentation, “What’s wrong with this program?”¹⁴³ Davies responded, “Nothing, as far as it goes. I hope it will be carried through. If those enrolled enjoy the study of law as much as I have they will not stop with one year.”¹⁴⁴

¶56 Asheim had argued that the law librarian should be a librarian and not a lawyer, but Marian Gould Gallagher, associate professor and law librarian of the University of Washington, took a different position. Her university’s law librarianship program started from the premise “that the best law librarian is a lawyer who has acquired the techniques of librarianship.”¹⁴⁵ She disagreed with his belief that learning how to classify materials plus taking one year of law training would be sufficient for understanding how to catalog “the whole field of law.”¹⁴⁶ Even with bibliographic training, the law librarian would not be equipped “to anticipate intelligently book needs in all fields of the law, and to select materials to the satisfaction of those who can understand and will use them.”¹⁴⁷

¶57 Gallagher was more pointed when analyzing how Asheim could have reached his conclusions:

The unfortunate assortment of human dregs heretofore introduced to him by his friends at the University of Chicago Law School may contribute to his assumption that only the mentally deficient aspire to the profession of law librarianship, an assumption which is apparently unaffected by the obvious fact that entrance requirements which admit rejects from Law School must attract also rejects from other fields. He attributes to the University of Chicago Law Faculty an “implicit assumption that the law librarian needn’t be as bright as his patrons to provide them with adequate library service,” but he matches them with an implicit assumption that the law librarian needn’t and shouldn’t be as well educated as his patrons.¹⁴⁸

She likened his proposal to “half-a-loaf training” with “no [new] law librarianship courses.”¹⁴⁹

139. *Id.* at 47.

140. *Id.*

141. *Id.*

142. *Id.* at 48.

143. Asheim, *supra* note 126, at 43.

144. Davies, *supra* note 136, at 48.

145. Marian G. Gallagher, *Comments on Dean Asheim’s Proposed Program of Preparation for Law Librarianship*, in CHI. ASS’N L. LIBR. PROC., SECOND WORKSHOP ON L. LIBR. PROBS. 49, 49 (1954).

146. *Id.* at 50.

147. *Id.*

148. *Id.*

149. *Id.* at 50–51.

¶58 The next witness against Asheim was Annabelle M. Paulson of the Railroad Retirement Board Library in Chicago. She agreed that the law librarian is more librarian than lawyer but parted ways with him on the essential training for the profession. “[H]is definition of a librarian is limited to someone who has been turned out of a library school.”¹⁵⁰ Yet a library degree was not definitive. “[M]any early law libraries were handled in a more professional way by people without library training than they have been since by people with library degrees.”¹⁵¹

¶59 Could the aspiring law librarian advance professionally, *despite* graduating from Asheim’s program?¹⁵² “The question here is will Dean Asheim’s proposed course give a student the benefits of a library degree and still make him a good law librarian.”¹⁵³ Whether the law library was large or small, she believed,

a lawyer would find out how to give the best service for the benefit of the lawyers, the intelligent untrained person would carry on the status quo (which in most law libraries is and has been satisfactory) but the library trained person is very apt to come in and commit atrocities.¹⁵⁴

Similar to Davies, she emphasized understanding the subject of one’s special library.¹⁵⁵ “The more any special librarian knows about his subject field, the better service he can give his patrons.”¹⁵⁶ “[S]ince a law librarian never knows too much law, I hesitate to endorse a program that purports to turn out a finished product with one year only.”¹⁵⁷ “No, the law librarian will not be expected to write a brief but he will be asked to guide a lawyer’s research or suggest a different approach to a puzzling problem—most of which will not be in subjects covered during the first year of law.”¹⁵⁸ Her admission raises the question of how any law librarian even with a law degree can be prepared to assist patrons when many of the courses in the advanced years of law school are electives, rendering librarians prepared to assist researchers only in the subjects they choose to study.¹⁵⁹

¶60 Paulson proposed that lawyers know better than librarians how to make materials accessible for fellow attorneys.

Please, Dean Asheim, tell your students to wait before they start making improvements. Maybe the old catalog is excellent even if it doesn’t contain any LC cards. Maybe that old subject index over there by the treatises is more useful than those subjects translated into LC headings and scattered through a dictionary catalog. Make your dictionary catalog but keep that old subject index too.¹⁶⁰

150. Annabelle M. Paulson, *Comments on Dean Asheim’s Proposed Program of Preparation for Law Librarianship*, in CHI. ASS’N L. LIBR. PROC., SECOND WORKSHOP ON L. LIBR. PROBS. 52, 52 (1954).

151. *Id.*

152. *Id.*

153. *Id.*

154. *Id.*

155. *Id.* at 53.

156. *Id.*

157. *Id.* at 55.

158. *Id.* at 54.

159. For another viewpoint, compare Mary Whisner, *Law Librarian, J.D. or Not J.D.?*, 100 LAW LIBR. J. 185, 187, 2008 LAW LIBR. J. 8, ¶ 11, in which Whisner observes that a law librarian with a J.D. can apply the training she receives in learning one legal subject to learn another.

160. Paulson, *supra* note 150, at 53.

The need for subject knowledge of the law and the unique methods used in running a law library left Paulson unenthusiastic about Asheim's plan. Under Asheim's program, she said, students must understand that the first year's library "training is for general libraries and that in his law library some principles will have to be adapted, some radically changed and some scrapped."¹⁶¹

¶61 Price, "dean" of placement,¹⁶² described the proposal as emanating from Asheim's belief "that lawyers enter librarianship because they 'couldn't make it in law.'"¹⁶³ In Price's estimation, the proposal was better than any educational program then offered to aspiring law librarians, save the training at the University of Washington. But the proposal, in his estimation, still needed work.¹⁶⁴ First, it would not give law librarians the right calling card for the most sought-after jobs. The lawyer, the person who most often hired law librarians, understood the J.D. (or LL.B. as it was then called), and therefore wanted librarians with that education.¹⁶⁵ "That [training] he accepts, with no ifs, ands, and buts as to equivalents. Less than that he discounts."¹⁶⁶

¶62 In addition, Asheim's graduates would not be able to compete with colleagues.¹⁶⁷ The dual degree was no longer "a novelty."¹⁶⁸ A cycle was at work. The AALS had increased its standards so that its member libraries should have "qualified" librarians who would be "principal[ly]" devoted to the library and who would even work full time.¹⁶⁹ Price pointed out that as these standards increased, so, too, did librarians' expectations of parity, that is, treatment as "member[s] of the law faculty in full standing."¹⁷⁰ Completing that cycle, employers now expected their librarians to have law degrees.

The result of this [expectation by librarians] in the years since the close of the war has been striking: The schools not only want the LL.B. but they cast a jaundiced eye at the candidate's law school record. They say, and properly, 'if this man is to be a member of our faculty, he must measure up.'¹⁷¹

¶63 And had anyone noticed, Price wondered, the time commitment involved in Asheim's program? The schooling would require six as opposed to the eight or nine years needed to acquire both a law and library degree, a savings in time, yet resulting in neither traditional degree.¹⁷² Of course, that was the point of the pro-

161. *Id.*

162. Price chaired the AALL Committee on Education and Placement in the late 1940s and the first half of the 1950s. *Miles O. Price, 1890–1968*, AM. ASS'N OF L. LIBR., <http://www.aallnet.org/main-menu/Member-Resources/AALLawards/award-hof/Hall-of-Fame-Members/Price.html> (last visited Jan. 18, 2014).

163. Miles O. Price, *Comments on Dean Asheim's Proposed Program of Preparation for Law Librarianship*, in CHI. ASS'N L. LIBR. PROC., SECOND WORKSHOP ON L. LIBR. PROBS. 56, 56 (1954).

164. *Id.* at 62.

165. *Id.* at 58.

166. *Id.*

167. *Id.*

168. *Id.*

169. *Amendments to the Articles of Association and Articles of Association*, *supra* note 108.

170. Price, *supra* note 163, at 59.

171. *Id.*

172. *Id.*

posals: it was a new invention designed to give the ultimate preparation to the aspirant—to make the student a law librarian, “not a lawyer,” as Asheim stated.¹⁷³ But what could one do upon discovering that she could not advance without an actual law degree? An extra year added to Asheim’s plan would not be adequate to earn the LL.B.¹⁷⁴ Price advised Asheim to “take a careful poll of employers of law librarians, to learn their preferences and minimum educational requirements . . . these replies should be carefully checked against salaries paid by those replying. We law librarians are fearful of a lowering of standards, instead of raising, with inevitable lowering of salary and status.”¹⁷⁵

¶64 Lastly, on the substantive side, Price objected to the cursory sort of legal research course he believed that students would receive.¹⁷⁶ He worried that under Asheim’s plan students would be given the sort of legal writing course traditionally taught during the first year of law school, a course that exposed “that part of the iceberg [only] visible above the water.”¹⁷⁷ “A law librarian . . . subject to the most searching questions concerning every kind of law book, simply cannot operate that way, and this sort of course, excellent as it may be for first-year students of legal writing, is inadequate for law librarians.”¹⁷⁸ He proceeded to recommend seven courses for “Library school subject specialization in law.”¹⁷⁹

¶65 Asheim corrected the misperception that he believed law librarians should not be as educated as their patrons.¹⁸⁰ His vision was not for less but for different education.¹⁸¹ “[I]t is not impossible that good professional education can be obtained in fields other than the law.”¹⁸² He believed that the difference in education was an asset.¹⁸³

The admission by Mrs. Davies and Mrs. Paulson that the fully trained lawyer is constantly coming to the librarian for help with basic reference tools and new approaches to his problems seems to me to support my belief that the full course of law training does not supply the kind of approach which is necessary to the law librarian.¹⁸⁴

¶66 Legal education provides “something else” that is also of value, but it should not “overshadow” library training.¹⁸⁵

What is special about librarianship is that it deals with the literature, the reference materials, the indexes and the bibliographies, the guides to information and the ways to find it in a way that the subject courses do not. Every librarian knows how frequently he helps the “experts” in their own subject fields by bringing the “library approach” to the subject.¹⁸⁶

173. Asheim, *supra* note 126, at 37.

174. Price, *supra* note 163, at 59.

175. *Id.*

176. *Id.* at 60–61.

177. *Id.*

178. *Id.* at 61.

179. *Id.* Price’s list consists of courses in “book selection,” “public documents,” “law book dealers and prices,” “special problems in law cataloging and classifications,” “legal bibliography,” “advanced legal reference including contacts with allied subjects,” and “law library administration.”

180. Asheim, *supra* note 126, at 63–64.

181. *Id.*

182. *Id.* at 63.

183. *Id.* at 63–64.

184. *Id.* at 64.

185. *Id.*

186. *Id.*

¶67 Speaking in 1957 at a panel discussion titled “The Education of a Law Librarian,” held at the AALL annual meeting in Colorado Springs, William D. Murphy of Kirkland, Fleming, Green, Martin & Ellis called Asheim’s proposal “entirely inadequate.”¹⁸⁷ Nonetheless, it was “still the only proposal that has been set forth so far for a completely separate course of study in law librarianship and which is aimed at the librarian who might enter the field rather than at the lawyer who is not going to practice law.”¹⁸⁸ Panelist Price argued that Asheim believed only “lame ducks” went into law librarianship and called Asheim’s position “nonsensical.”¹⁸⁹

¶68 Morris L. Cohen, law librarian at the University of Buffalo, summed up the reaction to Asheim’s idea by stating that it “died aborning.”¹⁹⁰ In 1963, he wondered if the proposal might then be viewed as “more appropriate,” especially for libraries “who do not need or want the more demanding legal education.”¹⁹¹ He suggested that finding “the proper balance of law and library science” for law librarians was “a basic problem of law library education.”¹⁹²

After Asheim: Nothing as Decisive

¶69 At the Colorado Springs meeting, three librarians joined Murphy on the panel. Harriet French, law librarian of the University of Miami Law School, suggested that the more power an academic law librarian has, the more advisable a formal legal education.¹⁹³ In her words, “If the librarian has legal training, then he is in a position to improve the services and perhaps to bring the library up out of the doldrums into the higher class.”¹⁹⁴ But she believed that a law degree was not a guarantee of proficiency or success as a law librarian.¹⁹⁵ The caliber of “intelligence and ability” was a deciding factor.¹⁹⁶ “I think the same level of the [law] class that produces the law teachers should produce the law librarian.”¹⁹⁷

¶70 Julius J. Marke, professor of law and law librarian at NYU School of Law, favored the three degrees for making the librarian “a sophisticated individual capable of coping with the many vicissitudes of law librarianship” rather than being deemed the dreaded “custodian of books.”¹⁹⁸ In his view, the J.D. was necessary to enable librarians to translate factual situations into legal issues, understand the context of a legal problem, select resources, comprehend legal vocabulary, and communicate with colleagues.¹⁹⁹

187. *The Education of a Law Librarian—A Panel*, *supra* note 23, at 374 (remarks of William D. Murphy).

188. *Id.*

189. *Id.* at 395 (remarks of Miles O. Price).

190. Cohen, *supra* note 23, at 309.

191. *Id.*

192. *Id.* at 308–09.

193. *The Education of a Law Librarian—A Panel*, *supra* note 23, at 361 (remarks of Harriet L. French).

194. *Id.*

195. *Id.* at 362.

196. *Id.*

197. *Id.*

198. *Id.* at 365 (remarks of Julius J. Marke).

199. *Id.* at 365–67.

¶71 Besides commending Asheim's plan for its focus on the law librarian, Murphy noted that problem of educational criteria for law librarians was "far from being resolved" and that the solution must come "through" the AALL.²⁰⁰ He hoped that the panel discussion would lead "to eventual crystallization of the Association's views on this subject."²⁰¹

¶72 Although he asserted that law librarians' mastery of legal bibliography would not come from "general library training alone," was it realistic to expect law librarians outside of academia to have formal legal educations?²⁰² He noted that law firm librarians work with practitioners who already have legal training.²⁰³ The law librarian in that situation follows a "pattern of research . . . set by the lawyer," rather than assuming the role of instructor or "co-lawyer."²⁰⁴

¶73 Murphy regretted having no proposal for the proper education of nonacademic law librarians, and his comments reveal familiar conflicting views on the topic. "[W]e should be able either to show what program will do, or else agree that there is no alternative but to have the three degrees, regardless of the type of law library involved."²⁰⁵ "If we tell the managing partners of these firms that the only good law librarian he can get is the one who is also a lawyer, they will go elsewhere for help, for I submit that what they want for their library is a librarian and not another lawyer."²⁰⁶ "If, however, we cannot in good conscience recommend any other background for the non-law school librarian but that of a law degree, then we should be able to tell the hiring authority this, based on our own study as an Association. They are reasonable men and will be guided in their ultimate decisions by our efforts."²⁰⁷ "[W]e must be realistic in our approach or we will be ignored."²⁰⁸

¶74 Price spoke last, with an address titled "The Placement Officer's Viewpoint." He estimated that obtaining both degrees cost \$8500 and asked, "[i]s it worth it?"²⁰⁹ He noted that larger law school libraries paid higher salaries and were trending toward librarian staffs with the three degrees.²¹⁰ The trend appeared the same in smaller law libraries, which he called "a strong indication of awareness of the value of the three degrees, on the part of both deans and younger librarians."²¹¹ Of the one hundred law school librarians who responded to his survey, about two-thirds had a legal education, half had a library education, and one-fourth had two degrees.²¹² Among those in larger academic law libraries, "nearly half" had both degrees, and most of them had begun their jobs after World War II.²¹³ He found this

200. *Id.* at 368–69.

201. *Id.* at 369.

202. *Id.* at 373.

203. *Id.*

204. *Id.*

205. *Id.* at 374.

206. *Id.*

207. *Id.*

208. *Id.*

209. *Id.* at 376 (remarks of Miles O. Price).

210. *Id.* at 376–77.

211. *Id.* at 378.

212. *Id.* at 378–79.

213. *Id.* at 379.

result a “remarkable showing,” which had occurred “[w]ithout certification, civil service or other artificial compulsion, but purely on the basis of need as evidenced by consumer demand.”²¹⁴

¶75 But Price expressed concern about the profession placing too much emphasis on the law degree.²¹⁵ He noted that some libraries were moving legal materials into the larger collection, a reminder that a law library is, after all, a library.²¹⁶ He warned that if law librarians failed to value library training along with legal education, they might find “themselves on the outside, looking in.”²¹⁷

¶76 Still, he believed that a law librarian’s chances of career success were “so much better” with both law and library educations.²¹⁸ “[W]hy gamble?” he asked.²¹⁹ “You may be as good as you think you are, with your practical experience and nothing else (few of us are), but your prospective employer won’t believe it. He is much more likely to have a rule of thumb to go by, the good old degrees.”²²⁰ As a “placement officer,” Price had “heard the ‘equivalent’ argument rejected so many, so many times. It’s not what you think, but what your prospective employer thinks.”²²¹ As he read the tea leaves, having both subject degrees was “a matter of percentages” and “self interest.”²²² In terms of overcoming issues of money and age that might discourage a law librarian from becoming a law student, “[i]t is just a question of how badly you want the optimum minimum qualifications of your profession.”²²³

¶77 So in 1957, the American law librarian still had no specifics on formal education for entering the profession. By contrast, that year the movie industry acknowledged the passage of time and embraced technology that would bring about the film *The Incredible Shrinking Man*.²²⁴

¶78 Law librarians continued the discussion in 1959 at the AALL annual meeting in New York City. The AALL’s lack of progress on the education question prompted AALL president-elect Frances Farmer, law librarian at the University of Virginia, to voice her frustration at a panel discussion, “Certification and Education of Law Librarians.”

Is it not surprising that a professional organization that can boast of a not inconsequential list of achievements on the substantive side and that has already observed its fiftieth anniversary, has not yet established some sort of “official” minimum criteria by which we determine a person’s qualifications for designation as a member of the profession?²²⁵

214. *Id.*

215. *Id.* at 384.

216. *Id.*

217. *Id.*

218. *Id.* at 385

219. *Id.*

220. *Id.*

221. *Id.*

222. *Id.*

223. *Id.* at 386.

224. Philip K. Scheuer, ‘*The Shrinking Man’s*’ *Fade-out Scary Ordeal*, L.A. TIMES, Feb. 17, 1957, at E1.

225. Am. Ass’n of L. Libr., *Proceedings of the Fifty-Second Annual Meeting, Certification and Education of Law Librarians—A Panel*, 52 LAW LIBR. J. 391, 392 (1959) (remarks of Frances Farmer).

¶79 The panel gave speakers the opportunity to debate their views on the qualifications of law librarians, especially as related to a national certification program. John Ritchie, dean of Northwestern University School of Law, asked for specifics: who would certify law librarians, which librarians and staff members would be eligible for certification, and what criteria would be used to certify them?²²⁶ Would certification be required for employment eligibility?²²⁷ He also wondered about formal education versus experience.²²⁸ While he found it “ideal” for law librarians to have the three degrees, a certification system requiring each of them raised concerns.²²⁹ “It would seem to me this would be an artificial sort of standard to adopt because, after all, what one is concerned with is the ability of the individual to do the job.”²³⁰

¶80 He sensed that law librarians were defensive about the need to prove the professional nature of their work:

It seems to me, and I hope I am completely mistaken about this, that I have detected in some of the discussions a certain defensive attitude, a certain feeling that, “By golly, in order to be a profession we have got to establish minimum criteria which others must observe in terms of formal training or on-the-job training, or something of that nature.” You are a profession because of the nature of responsibilities you discharge and the better you discharge those responsibilities, the better you serve your profession. But don’t labor under any delusion that you are not recognized as a profession because I assure you, you are, by the lawyers, at least, in this country, and I believe by the citizenry, also.²³¹

Ritchie’s words may be comforting, but are not reflective of current policies at some law schools, which exclude law librarians from attending law faculty meetings and voting on law school curricular or law faculty personnel matters.

The 1960s: Still Talking

¶81 In 1962, as part of a symposium of articles titled “Educating Law Librarians,” Cohen proposed a master’s degree program in law librarianship at Columbia University School of Library Service.²³² Unlike Ritchie, Cohen observed that “the existence of a formal educational process has almost become a criterion of a profession’s status.”²³³ He contrasted his program with that of the University of Washington, noting that his required no law degree for admission.²³⁴ From his perspective, “many positions” in a law library could be performed without a legal education or with only a year of attendance at law school.²³⁵ Still, “a law degree would be a necessary

226. *Id.* at 410–12.

227. *Id.* at 413.

228. *Id.* at 412.

229. *Id.* (remarks of John Ritchie).

230. *Id.*

231. *Id.* at 414.

232. Morris L. Cohen, *A Suggested Master’s Program in Law Librarianship for Columbia University*, 55 *LAW LIBR. J.* 225, 227–28 (1962).

233. Morris L. Cohen, *Educating Law Librarians: A Symposium, Background to Law Library Education*, 55 *LAW LIBR. J.* 190, 190 (1962)

234. Cohen, *supra* note 232, at 225.

235. *Id.* at 228.

complement to this program” for those seeking positions in academic or more substantial law libraries.²³⁶

¶82 As part of the symposium, Stern wrote “A Proposed Program for Law Librarianship,” in which he asked, “What function do law librarians serve?”²³⁷ In his view, “[t]he ideal law librarian is all that which a ‘librarian’ is, *plus* a person skilled in law,” and “capable of doing the legal research which a lawyer would perform.”²³⁸ He noted that law librarians provide “bibliographical work” for legal experts like “attorneys, judges . . . and law teachers.”²³⁹ As a consequence, many law schools envisioned their law librarians with “the same degree of knowledge as a faculty member.”²⁴⁰ Stern realized that few law librarians met this ideal and thus the pool of librarians with three degrees was so small as to be of questionable value.²⁴¹

¶83 He suggested that law librarians’ “qualifications” should depend on the work they perform.²⁴² One course of study would apply for the person with the law degree seeking a background in librarianship, while the second course would work for the library graduate who seeks placement in a law library.²⁴³ Law graduates would earn a master’s degree in law librarianship and could find employment as “executive law librarians and reference librarians in large law libraries.”²⁴⁴ By contrast, library graduates would earn a certificate in law librarianship or, if coupled with a thesis, “an advanced degree in librarianship.”²⁴⁵ While the latter course would prepare students for technical services or reference work in a law library, it would not prepare them for “executive” work in academic or large law libraries or for positions that require a law degree.²⁴⁶ Thus, scholars like Cohen and Stern in the 1960s advocated for the J.D. for academic law librarians and law librarians seeking management positions.

¶84 Cohen wrapped up the symposium with a list of six endeavors the profession should pursue, including “rotating annual institutes” as introductions to law library topics.²⁴⁷ He asked fellow law librarians to “face the fact that for a long time to come we will have capable and responsive no-degree, one-degree or even two-degree people in our libraries who can benefit from a program of rotating Institutes.”²⁴⁸

236. *Id.*

237. William B. Stern, *A Proposed Program for Law Librarianship*, 55 *LAW LIBR. J.* 229, 230 (1962).

238. *Id.* at 231.

239. *Id.*

240. *Id.*

241. *Id.* at 231–32.

242. *Id.* at 234–35.

243. *Id.* at 235.

244. *Id.* at 235–36.

245. *Id.* at 236.

246. *Id.*

247. Morris L. Cohen, *Epilogue to Educating Law Librarians: Ubi Fuimus—Quo vadimus*, 55 *LAW LIBR. J.* 238, 239 (1962).

248. *Id.*

If Not Educational Requirements, What About Certification?

¶85 Certifying law librarians was not a new idea: it had been percolating since at least 1935, when Beardley suggested it in the report of the AALL Committee on Education for Law Librarianship.²⁴⁹ In the Association's 1962–1963 committee reports, the Committee on Certification described the past year as “relatively dormant” for its group.²⁵⁰ It hoped for collaboration with the Education Committee but had been “disappoint[ed]” in the “response of the membership to repeated requests for views on certification.”²⁵¹

¶86 Gallagher was one of the certification committee members who was let down by the lethargic response.²⁵² At the 1962 AALL annual meeting in San Francisco, she and other committee members participated in a panel discussion titled, “The Law Librarian—What Manner of Creature?”²⁵³ In her address on recruitment, Gallagher asserted that having a qualified person as law librarian was vital for the image of the profession. “[L]aw librarianship positions for which there are no qualified personnel will be filled by unqualified personnel. That won't blur the image [of the law librarian]. It will mangle it.”²⁵⁴

¶87 Cohen characterized certification as a standard-setting tool that would not produce the educated workforce that law librarianship needed.²⁵⁵ He doubted whether members could agree on standards for evaluating librarians.²⁵⁶ In any case, “quality control” would be managed by the rigors of library schools and law schools and “the *market place*.”²⁵⁷ “Certification superimposed on this structure is a desirable acceleration of both processes but it is not of itself a solution to anything.”²⁵⁸

¶88 Acknowledging some of Cohen's reservations, committee chair Arthur Charpentier, librarian of the Association of the Bar of the City of New York, also mentioned the difficulty of attaching quantitative values to the wide array of educational degrees and experience obtained by personnel working in law libraries.²⁵⁹ In addition, if certification was intended to improve the image of law librarians, the profession needed to decide what image it wanted to promote.

It all starts with the image of the law librarian we wish to present and by “we” I mean thoughtful law librarians everywhere. Until we can agree on this, certification is impossible and will, as it already has, serve to confuse all of us as well as the public we wish would take us as professionals.²⁶⁰

249. Am. Ass'n of L. Libr., *supra* note 52, at 224–26.

250. Am. Ass'n of L. Libr., *Reports of Officers, Chapters, Committees, and Representatives, 1962–1963, Committee Certification*, 56 LAW LIBR. J. 182, 189 (1963).

251. *Id.* at 189–90.

252. *Id.* at 190.

253. *Panel, The Law Librarian—What Manner of Creature?*, 56 LAW LIBR. J. 8 (1962).

254. *Id.* at 13 (remarks of Marian Gallagher).

255. *Id.* at 19 (remarks of Morris L. Cohen).

256. *Id.*

257. *Id.*

258. *Id.*

259. *Id.* at 23–24 (remarks of Arthur Charpentier).

260. *Id.* at 24.

He observed incisively that a certification system necessarily meant that some people would never qualify as certified, if the professional image of law librarians was to have meaning.²⁶¹

If Not Certification, What About Institutes?

¶89 In the summer of 1963, French moderated a panel discussion on AALL rotating institutes. She explained that these sessions would not replace the institutes already held by the AALL or library school courses in law librarianship.²⁶² Instead they would assist library personnel who lacked “professional standing” because of deficiencies in basic law library education.²⁶³ By aiding this workforce, the level of service in law libraries would rise, in turn “elevat[ing] the image of the law librarian.”²⁶⁴

¶90 The panelists critiqued Cohen’s outlines for institutes on legal bibliography, book selection and acquisition, and cataloging and classification, as well as Charpentier’s institute on administration. A common concern was avoiding the ““spoon-feeding”” teaching method, as the outline revealed plans to teach “a great mass of material” in only a few days.²⁶⁵

¶91 The follow-up discussion illustrated the challenge of setting up an educational program for a workforce of varying levels of skill and knowledge.²⁶⁶ Cohen emphasized that the institutes would not be continuing education for librarians with library degrees but “beginning law library education.”²⁶⁷ But panelist Iris J. Wildman opposed excluding from the cataloging institute those people with library degrees who did not know how to apply cataloging rules to different kinds of law libraries.²⁶⁸ A degree did not mean mastery of all knowledge relevant to one’s job.

¶92 There was also the tricky issue of dividing the law library workforce into one group that would be eligible for informal education and another group that should be encouraged to get formal credentials. The problem was discussed most bluntly by Harry Bitner, law librarian at Yale University, who believed that attendance at the institutes for the library school graduate would be “a waste of time.”²⁶⁹ “He is going to get something out of that one institute, perhaps, but that isn’t what he needs to really get ahead,” Bitner said. The person with library training but

261. *Id.*

262. *An Experiment in Library Education—The AALL Rotating Institute*, 57 *LAW LIBR. J.* 28, 28 (1964) (panel discussion).

263. *Id.* at 29 (remarks of Harriet L. French).

264. *Id.*

265. *Id.* at 30 (remarks of Myron Fink) and 46 (remarks of Morris L. Cohen). See also Meira G. Pimsleur’s emphasis on “[l]earning by doing.” *Id.* at 32. The fact that AALL leaders felt compelled to cover a great deal of material in a short time demonstrates the difficulty of attempting to educate a group of people to comparable levels of professional knowledge when they do not start with the same formal background.

266. See Pimsleur’s comments about simultaneously teaching people of different proficiencies, “a new law librarian . . . , an order clerk and a semi-professional.” *Id.* at 32.

267. *Id.* at 49, 56 (remarks of Morris L. Cohen).

268. *Id.* at 55 (remarks of Iris J. Wildman).

269. *Id.* at 55 (remarks of Harry Bitner).

without a legal education “owes it to himself as a professional and as a law librarian to attend a summer course” similar to the one that had long been offered at Columbia.²⁷⁰

¶93 The organization must have reached consensus on student eligibility, for it held the first institute in the summer of 1964 at the University of Missouri, Columbia.²⁷¹

Now What?

¶94 In 1964, law librarians had made no decision about their formal educational requirements, but they were ready to make certification of law librarians by the AALL a chief topic of discussion at the annual meeting’s closing business session. Charpentier, still chairing the Committee on Certification, outlined the plan. Certification would be optional and would not be required for AALL membership.²⁷² Law librarians could earn certification generally through a combination of education and experience.²⁷³ Questions remained about the type and length of experience, quality of library school, and the wisdom of a qualifying examination.²⁷⁴

¶95 At the 1966 AALL annual meeting in Los Angeles, Mary Oliver, chair of the Committee on Certification and law librarian at the University of North Carolina School of Law, presented the Committee’s proposal for certification. A certification board would apply the Committee’s standards in evaluating applicants, and members who were denied certification could appeal.²⁷⁵ Certification would indicate competency in the field of law librarianship, according to AALL standards.²⁷⁶ In response to the question of how the Committee’s standards compared to those of the American Bar Association (ABA) and AALS for law librarianship, Charpentier remarked that finding standards to fit the many libraries that applicants would come from had been “extraordinarily difficult.”²⁷⁷ But the preliminary work was over; the membership adopted the amended report.²⁷⁸

¶96 Applicants could be certified if they had a law degree, library science degree, “and two years of professional library experience”; a law degree and four years of that experience; a library science degree with six years’ experience; or no degree but “[l]ong-term responsible professional library experience and outstanding contribution to the profession.”²⁷⁹ In her 1974 sweeping article of the law library profession,

270. *Id.* (remarks of Harry Bitner).

271. Am. Ass’n of L. Libr., *Proceedings of the Fifty-Seventh Annual Meeting of the American Association of Law Libraries, Education Committee*, 57 LAW LIBR. J. 309, 312 (1964).

272. Am. Ass’n of L. Libr., *Proceedings of the Fifty-Seventh Annual Meeting of the American Association of Law Libraries, Certification*, 57 LAW LIBR. J. 309, 335 (1964).

273. *Id.* at 336–38.

274. *Id.* at 336, 339, and 340–42.

275. Am. Ass’n of L. Libr., *Proceedings of the Fifty-Ninth Annual Meeting of the American Association of Law Libraries, First Business Session*, 59 LAW LIBR. J. 378, 381 (1966) (remarks of Mary Oliver).

276. *Id.* at 382.

277. *Id.* at 382 (remarks of Arthur Charpentier).

278. *Id.* at 387.

279. Am. Ass’n of L. Libr., *Certification of Law Librarians—AALL*, 60 LAW LIBR. J. 434, 434 (1967).

Christine Brock, law librarian at DePaul University Law Library, disapproved of the AALL's policy of accepting as experience work that preceded formal education. "Neither lawyers nor librarians accept or understand a definition that includes professional experience before a professional degree."²⁸⁰ In any case, the Association ceased certifying law librarians in the early 1980s, wanting to preserve its tax-exempt status and realizing that the responsibility of certification was beyond its resources.²⁸¹

¶97 In 1967, Article 6 of the AALS Articles of Association made the following statement under "Approved Association Policy for Library Personnel":

No library can be adequate if not administered by a full-time librarian whose principal activities are devoted to the development and maintenance of effective library service as part of the law school. The law librarian should have either a sound knowledge of the practical problems of a law school library or a legal education, and preferably both. Ordinarily, he should be made a member of the law school faculty, and, in any event, he should have the status of a faculty member for attendance at faculty meetings dealing with, and for participation in the discussion of, matters of educational policy, including the right to vote on all matters touching upon the law library as to collection, service, or administration.²⁸²

But the Association's Executive Committee Regulations, in its "Library" section, mandated no particular educational requirements for the librarian.²⁸³

¶98 In August 1968, the AALS Committee on Libraries in its Proposed Executive Committee Regulations suggested that the law school librarian have "both legal and library education."²⁸⁴ But the transcript of the Second General Session at the December 29, 1968, AALS annual meeting reveals that members were more comfortable with the proposed regulations on library matters if they took the form of advice rather than directives.²⁸⁵ Carroll W. Weathers, dean of Wake Forest University School of Law, commented,

I would like to say also that it is highly desirable that the librarian be a lawyer, but it is not, in my opinion, essential. There are many schools which have highly competent librarians who are not lawyers. It is something to be looked to, but I do not think it ought to be legislated in this fashion.²⁸⁶

¶99 AALS proceedings show that the 1968 meeting removed any reference to the librarian's education in Article 6.²⁸⁷ The subject of education of the librarian was transferred to Executive Committee Regulation 8, and the language was more aspirational than mandatory: "The librarian should have both legal and library education and he should have met the certification requirements of the American

280. Brock, *supra* note 1, at 358.

281. M. Kathleen Price, *From the President*, 15 AALL NEWSL. 121, 124 (1984).

282. *Articles of Association of the Association of American Law Schools*, 1967 PROC. ASS'N AM. L. SCH. pt. 2, at 201-02 (1968).

283. *Id.* at 204-11.

284. AALS Committee on Libraries, *Proposed Executive Committee Regulations*, 1968 PROC. ASS'N AM. L. SCH. pt. 1, § I, at 53.

285. *Proceedings of the Annual Meeting of the Association*, 1968 PROC. ASS'N AM. L. SCH. pt. 2, at 163-71 (1969).

286. *Id.* at 170 (remarks of Carroll W. Weathers).

287. *Amendment to Articles of Association of the Association of American Law Schools*, 1968 PROC. ASS'N AM. L. SCH. pt. 2, at 231 (1969). The Approved Association Policy did recommend that "[t]he librarian should be a full, participating member of the faculty."

Association of Law Libraries.”²⁸⁸ Despite contrary claims, it does not appear that as of 1968 the AALS had increased or even specified particular educational requirements for members’ librarians.²⁸⁹

¶100 At the 1973 panel discussion on the rotating institutes, “Educational Structure of AALL,” Cohen highlighted areas for improvement in supporting the education of members.²⁹⁰ Among his concerns was the lack of emphasis on the law and its trends, in a profession focused on “the literature of the law” and “assistance to legal research.”²⁹¹

I do not mean to suggest that a full, formal legal education is a prerequisite for the professional law librarian; we have been through that controversial issue many times . . . [but] it seems to me incontrovertible that an active awareness of current legal thinking and legal developments is an essential part of the equipment of law librarians in any position and in any type of law library.²⁹²

¶101 Marian Boner, AALL president and director of the Texas State Law Library, announced at the 1975 annual meeting that “the ‘rotating institute’ series on basic skills” had become “obsolete.”²⁹³ Consequently, the organization would focus on continuing rather than beginning education for members.²⁹⁴

¶102 In the late 1970s, Anita L. Morse, law librarian at the University of Detroit, wrote about the changes in law and library education as the professions evolved.²⁹⁵ She saw the movement to broaden legal education, advocated by the AALS’s Carrington Report, as an opportunity for law librarianship to improve its educational program as well.²⁹⁶ Of special note was the M.A. in law, which, coupled with a

288. *Amendment to Executive Committee Regulations*, 1968 PROC. ASS’N AM. L. SCH. pt. 2, at 235 (1969).

289. In 1969, the Joint Committee on Cooperation Between the Association of American Law Schools and the American Association of Law Libraries reported that the AALS in 1968 approved the requirement that the law school librarian “is to have” both educations. *Report of the Joint Committee on Cooperation Between the Association of American Law Schools and the American Association of Law Libraries*, 1969 PROC. ASS’N AM. L. SCH., pt. 1, § I, at 14. Brock also asserts that the AALS approved the dual-degree requirement for librarians. See Brock, *supra* note 1, at 350. The Articles printed for the 1970 annual meeting, however, do not mention the librarian’s education; the Executive Committee Regulations, amended through February 1971, again encouraged rather than required the librarian to have both types of education. See *Executive Committee Regulations*, 1970 PROC. ASS’N OF AM. L. SCH. pt. 2, at 301 (1971).

290. *Educational Structure of AALL*, 66 LAW LIBR. J. 405, 408–09 (1973) (panel discussion) (remarks of Morris L. Cohen).

291. *Id.* at 408.

292. *Id.*

293. Am. Ass’n of L. Libr., *Reports of Officers, Chapters, Committees, and Representatives*, 1974–75, 68 LAW LIBR. J. 344, 345 (1975) (remarks of Marian Boner).

294. *Id.* at 354. See Laura N. Gasaway and Steve Margeton, *Continuing Education for Law Librarianship*, 70 LAW LIBR. J. 39 (1977), for a history of the AALL’s institute programs and the Education Committee’s plans for developing continuing education programming for members in the late 1970s.

295. Anita L. Morse, *New Directions in Education for Law Librarianship*, 70 LAW LIBR. J. 329 (1977).

296. *Id.* at 334–35. The Carrington Report refers to a 1971 study by the AALS Curriculum Study Project Committee chaired by then University of Michigan law professor Paul D. Carrington, *Training for the Public Professions of the Law: 1971, A Report to the Association of American Law Schools, September 7, 1971*. It proposed a model law school curriculum and advised law schools to reevaluate and, if necessary, adjust their curricula to respond to the needs of the public. Similarly, it encouraged

library science degree, would prepare one for law librarianship while requiring fewer years than the traditional J.D.²⁹⁷ Morse appreciated “the flexibility” of the Report and wished it had envisioned law librarians in its proposals.²⁹⁸ But it was 1977, the year of film pyrotechnics and *Star Wars*.²⁹⁹ Surely the state of education for law librarians could also evolve.

The End of the Twentieth Century: Appeals Without Action

¶103 In 1988, to aid the ALA in accrediting “graduate library school programs,” a special AALL Educational Policy Committee created Guidelines for Graduate Programs in Law Librarianship.³⁰⁰ The Guidelines’ Subject Competencies state that “[g]raduate library education for law librarianship must, at a minimum, provide basic competencies in: 1) the Legal System, 2) the Legal Profession and Its Terminology, 3) Literature of the Law, 4) Law and Ethics.”³⁰¹ The Guidelines themselves acknowledge that “[i]n-depth knowledge of the law is outside the realm of library education.”³⁰² Penny Hazelton, law librarian and professor of law at the University of Washington, said that the ALA did not plan to use the guidelines to accredit subject specializations in librarianship but instead “felt that individual organizations [such as the AALL] representing their profession could draft guidelines that would assist administrators and curriculum planning.”³⁰³ Thus, “[b]ecause of the [limited] purposes for which these guidelines were drafted, the committee was able to sidestep the question of whether a law degree is required for the practicing law librarian.”³⁰⁴ Reading the Guidelines, one notes their general nature and lack of advice on how to acquire the subject competencies if the librarian does not learn them in library school and is not a law graduate.³⁰⁵

¶104 By the second half of the twentieth century, commentators could argue that law librarians had made strides in establishing graduate education as a prerequisite to enter the profession, whether in the form of a library science or law

the AALS to reevaluate accreditation standards to ensure that they, too, promoted the public’s interest. In the words of the Report, the model “seeks to make legal education more functional, more individualized, more diversified, and more accessible.” The model curriculum consisted of a standard curriculum, advanced curriculum, and open curriculum. For purposes of this article, the open curriculum is of special interest because its purpose was to provide education about the law to “allied professions,” perhaps such as law librarianship. 1971 PROC. ASS’N AM. L. SCH. pt. 1, § II, at 1–3.

297. Morse, *supra* note 295, at 335.

298. *Id.* at 336–37.

299. Michael Leech, *The Man Behind the Star Wars Robots*, CHRISTIAN SCI. MONITOR, Sept. 28, 1977, at 19.

300. June Lester, *The ALA Accreditation Process: Implications for Educational Preparation for Law Librarianship*, 81 LAW LIBR. J. 511, 520 (1989) (app.). See also *Archived: AALL Guidelines for Graduate Programs in Law Librarianship*, AM. ASS’N OF L. LIBR. (Nov. 5, 1998), <http://www.aallnet.org/Archived/Advocacy/AALL-Recommended-Guidelines/graduate-guidelines.html>.

301. Lester, *supra* note 300, at 521.

302. *Id.*

303. Hazelton, *supra* note 23, at 326.

304. *Id.* at 327.

305. *Id.*

degree.³⁰⁶ Hazelton proposed that law librarians could gain the “competency in the law” needed for practice in a variety of ways other than a J.D.: “some legal training, law library experience, or continuing education.”³⁰⁷ But she also noted “the increasing complexity of the law,” with its specialized vocabulary.³⁰⁸ The observation that law librarians are better researchers of the law if they have legal subject knowledge recurs throughout the debate about education for law librarians, and Hazelton acknowledged that changes in the law would require law librarians “to become subject specialists.”³⁰⁹

¶105 Judith McAdam, while a student at the University of Toronto, analyzed America’s approach to educating law librarians.³¹⁰ She argued that “the more sophisticated and knowledgeable the searcher the better the quality of the resulting research.”³¹¹ In her estimation, the traditional master of library science program fell short of helping library students obtain the AALL’s subject competencies for law librarianship.³¹²

The number and type of legal publications available change daily. MLS courses must necessarily focus on the organization and access to these resources as well as the evaluation of comparable publications. Therefore, details of legal vocabulary, legal approaches to problem solving and any discussion of substantive law is by necessity omitted, leaving a large gap in the graduate’s knowledge base.³¹³

¶106 She favored the Carrington Report’s proposal of “a shorter MA in law,” which she noted “[m]ost American law schools” had failed to embrace.³¹⁴ Not only would this degree require less time and money than the J.D., but coupled with the library degree, it would help professionalize law librarianship by giving law librarians “[t]he bond of similar education and modes of thinking.”³¹⁵

¶107 In 1990, Robert L. Oakley, then director of the Georgetown Law Library, suggested that a formal law degree was unnecessary “for most professional jobs in a law library,” but reference librarians should “be conversant with the language of the law and with the problems and issues about which their clients are inquiring.”³¹⁶ Technical services librarians required legal subject matter knowledge as well.³¹⁷

306. Hazelton, *supra* note 24, at 278–79. More recently, James M. Donovan, associate professor of law and director of the University of Kentucky College of Law Library, moved past the question of law versus library degree and explored how the order in which law librarians earn the two degrees affects their philosophies toward law library administration. See Donovan, *supra* note 11 *passim*.

307. Hazelton, *supra* note 24, at 279.

308. *Id.* at 280.

309. *Id.* See also Barbara J. Zelenko, *J.D.s for Law Librarians: Do They Matter?*, 7 NAT’L L.J., Nov. 5, 1985, at 15, and Faye A. Silas, *Double-Duty: Librarians Work at the Law*, A.B.A. J., Apr. 1985, at 25, for discussions of the potential advantages to law firm librarians of holding two degrees, including conducting better searches and understanding legal vocabulary and subjects.

310. McAdam, *supra* note 23.

311. *Id.* at 251.

312. *Id.* at 252.

313. *Id.*

314. *Id.*

315. *Id.* at 252–53.

316. Oakley, *supra* note 23, at 156.

317. *Id.*

“Many are the catalogers who have wreaked havoc on a collection because they failed to understand the difference between a security and a secured transaction.”³¹⁸

¶108 Oakley conceded that a J.D. was “necessary for some” positions.³¹⁹ “[S]ome substantive legal knowledge” would help the librarian “understand the intricacies of reading and interpreting a statute, the means of formulating contrary arguments on a given set of facts, the way in which the law grows and develops as courts grapple with the need to resolve particular disputes.”³²⁰ He proposed that “serious” law librarians take “at least” the first-year set of law school courses.³²¹ Alternatively, they might take courses with a direct bearing on their field in areas like “copyright, freedom of information, freedom of the press, [and] privacy.”³²²

¶109 James Hambleton, manager of Legal Information Resources at Haynes and Boone in Dallas in 1991, questioned whether law librarians without law training could lead patrons to the right materials.³²³ For collection development purposes, could they analyze resources that focus on a subject they knew little about?³²⁴ Could they, merely through library school, become the “‘sophisticated’ use[rs] of legal information” described in the General Competencies of the AALL’s Guidelines for Graduate Programs in Law Librarianship?³²⁵ In Hambleton’s estimation, “even in these general competencies a more specialized knowledge of the law is implied.”³²⁶

¶110 To create the consummate professional, Hambleton favored formal education, which allowed the student to learn “the theory and principles that underlie professional practice, rather than specific skills.”³²⁷ However, law school was not the answer, with its emphasis on legal writing over research.³²⁸ Instead, he advocated the one-year master of legal studies, both to save time and money and to allow the student to focus on the subject competencies for law librarianship.³²⁹

¶111 Another contributor to the scholarship at this time was Barbara B. Bonney, then a master of library science student. After recounting the high performance expectations for academic law librarians, conflicting opinions about the education needed for law catalogers and firm librarians, and the discrepancy in professional status of male and female law library directors, she appealed for action on the education front.³³⁰ “It seems absurd to continue in professional ambiguity which can only weaken the profession.”³³¹

318. *Id.* at 157.

319. *Id.* at 161.

320. *Id.* at 158.

321. *Id.*

322. *Id.*

323. Hambleton, *supra* note 23, at 39.

324. *Id.*

325. *Id.*

326. *Id.* at 40.

327. *Id.* at 37.

328. *Id.* at 42.

329. *Id.* at 43.

330. Bonney, *supra* note 23, at 128–32.

331. *Id.* at 132.

¶112 Mary Brandt Jensen, law library director of the University of Mississippi in 1998, wrote that on-the-job training without formal education created “gaps” in one’s learning and required too much time.³³² She suggested that the necessary formal education depended on the job expectations and the talents of the other personnel on whom the librarian could rely.³³³ While a reasonable premise at first glance, how could one plan an educational agenda based on unknown future job expectations and co-workers?

¶113 Jensen believed that advocating dual degrees for all law librarians was too “simple” a solution, but she did note that the law degree would help those involved in “reference, selection of materials for the collection, original subject cataloging and classification and top level administration and policy making.”³³⁴ A formal legal education would benefit reference librarians who were working with patrons with little knowledge of the law (to guide them in the right direction) or with patrons with advanced knowledge (to be able to respond to their sophisticated research requests); it would also help acquisitions librarians who were building a specialized collection or stretching a small budget as well as librarians who were contributing original cataloging.³³⁵ The J.D. would benefit library administrators in several ways: in winning the respect of subordinate J.D. librarians and of the decision makers who allocate resources to the library, in being able to answer the same reference questions posed to library staff, and in advocating for patrons whose work the administrator would understand.³³⁶

¶114 Thus, scholars in the 1990s wished to raise the educational standards for law librarians to include (at the least) a curriculum similar to the first year of studies for a law student. In other news of the decade, actor Martin Landau resurrected horror film star Bela Lugosi in the 1994 movie *Ed Wood*, marking thirty-eight years since Lugosi’s death³³⁷ (and ninety-eight years since the inception of the AALL).

Today

¶115 Educational criteria for law librarians remain undefined. The topic came up at a panel discussion titled, “Questioning the Paper Chase: Why Should Law Librarians Obtain a Law Degree?” held during the 2011 AALL annual meeting in Philadelphia. Panelist Stephen Young, senior reference librarian at the law library at the Catholic University of America, believed the discussion was timely because of the dramatic increase in the cost of law school in previous decades.³³⁸ As panelist Robert Nissenbaum, professor of law and director of the law library at Fordham University, noted an AALL Biennial Salary Survey showed that a salary differential between academic reference law librarians with and without the law degree was not nearly great enough to absorb the cost of attending law school.³³⁹

332. Jensen, *supra* note 23, at 14–15.

333. *Id.* at 15.

334. *Id.*

335. *Id.* at 15–16.

336. *Id.* at 16.

337. CHRONICLE OF THE CINEMA, *supra* note 81, at 450, 850.

338. George P. Carter, *Questioning the Paper Chase: Why Should Law Librarians Obtain a Law Degree?*, 39 SCALL NEWSL. 15, 15 (2011).

339. *Id.*

¶116 The conversation continued in 2012 with Young's article "The Dual Degree: A Requirement in Search of a Justification." Young rebutted several arguments in favor of both degrees. One justification for librarians obtaining the law degree is the "empathy factor," or understanding the law student's plight under the rigors of law school.³⁴⁰ Young acknowledged the benefit to the librarian of exposure to the law but questioned whether three years of legal training is necessary to demonstrate this compassion and effectively assist law students.³⁴¹ He emphasized the value of library training and argued that patrons rely on law librarians for their expertise in legal bibliography, not legal knowledge.³⁴² Asheim's sixty-year-old observations had not grown stale.

¶117 Young explained that a law degree is often not necessary to do some of the substantive work of an upper-level librarian or to advance in law librarianship. First, although the degree is required for many director and upper-management positions, the work of managers is often more administrative and less law related; second, the ABA does not require law library directors in academic institutions to have a J.D.; third, Young's calculations showed that only a minority of academic law librarian positions are tenure track, demonstrating that many law librarians do not need a degree that is associated with earning tenure.³⁴³

¶118 For these reasons, in addition to the lack of salary increase after earning both degrees, Young proposed that law librarianship endorse the master of studies in law to equip law librarians with a foundation of legal subject knowledge at a cost greatly reduced from the J.D.³⁴⁴ To further his argument, he noted the declining number of people studying the law, shrinking the supply of candidates from whom law library employers could create a superior staff.³⁴⁵

II. Why Some Early Law Librarians Had Law Degrees

¶119 For a variety of reasons, some of the first law librarians had law degrees:

1. Early law librarians were often lawyers who already held law degrees.³⁴⁶ In addition, collections of bar libraries were frequently supplied by the lawyers who used them. "[I]nvariably, the original 'librarians' for these collections were the lawyers themselves. They selected their own books, and knew better than anyone else how to use them."³⁴⁷
2. The law library and its problems were "unique," calling for management by law-trained professionals.³⁴⁸ In 1937, the AALL commented on its lack of

340. Stephen Young, *The Dual Degree: A Requirement in Search of a Justification*, AALL SPECTRUM, Dec. 2012, at 7, 7. See also Sunita V. Balija, *Why a Law Degree Matters to Law Librarians*, THE PHILADELPHIA STORY, July 25, 2011, at 6.

341. Young, *supra* note 340.

342. *Id.*

343. *Id.* at 7–9.

344. *Id.* at 9–10.

345. *Id.* at 10.

346. Hazelton, *supra* note 23, at 322.

347. Brock, *supra* note 1, at 331.

348. Frantz, *supra* note 25, at 97. Brock asserts that the American law library profession craved distinction from nonlaw librarians and strongly identified with attorneys; she likens their

- cooperation with the ALA to advance libraries and librarianship.³⁴⁹ The AALL indicated that the lack of enthusiasm was part of law librarians' identity complex: "Even a modicum of cooperation requires immediate acquiescence in the statement that law librarians are librarians."³⁵⁰
3. A legal background was perceived as necessary to teach and to gain status. Roalfe noted that "there is generally a very close relationship between the according of professional status to any given group and the educational standards which it maintains."³⁵¹
 4. In the early decades of law libraries, library administrators' ignorance about the nature of law librarians' work led them to assume that anyone could do the job or, at the other extreme, that only someone with a law degree was suitable. Bitner found in 1940 that perhaps the preference for law librarians with the degree came from the fact that it is the credential that law school faculty are familiar with.³⁵²
 5. The need for legal bibliographic knowledge made law librarianship a "dual profession."³⁵³ To master legal literature, law librarians found that they needed to become subject specialists in law and thus earned law degrees.

condition to "schizophrenia." Brock, *supra* note 1, at 325. One also notes the AALL's early preference for annual meetings scheduled at the same time and place as the ABA's gathering. Am. Ass'n of L. Libr., *Report of the Joint Committee of the American Library Association in Cooperation with the American Association of Law Libraries*, 29 LAW LIBR. J. 40, 41 (1936).

349. Am. Ass'n of L. Libr., *Report of the Committee in Cooperation with the A.L.A.*, 30 LAW LIBR. J. 279, 280 (1937). See also Am. Ass'n of L. Libr., *Proceedings—Twenty-Ninth Annual Meeting*, 27 LAW LIBR. J. 51, 61–62 (1934), regarding the profession's desire for independence from the ALA.

350. Am. Ass'n of L. Libr., *Report of the Committee in Cooperation with the A.L.A.*, *supra* note 349.

351. William R. Roalfe, *The Essentials of an Effective Law School Library Service*, 31 LAW LIBR. J. 335, 349 (1938). See also Bitner's comments that law librarians must demonstrate that they have earned their status in Bitner, *supra* note 23, at 52; and French's remarks about "meet[ing] the other faculty members on their own ground," in *The Education of a Law Librarian—A Panel*, *supra* note 23, at 361 (remarks of Harriet L. French).

352. Bitner, *supra* note 23, at 59. See also Hazelton, *supra* note 23, at 329; Brock, *supra* note 1, at 353; and *The Education of a Law Librarian—A Panel*, *supra* note 23, at 375 (remarks of Miles O. Price), for similar observations. See also Roalfe's observations about the lack of understanding of the need for law librarians and the professional nature of their work in Roalfe, *supra* note 351, at 346–47, 349–50. See also Bade, *supra* note 84, at 43–44. In 1949, Bade, a professor at the University of Minnesota Law School, noted that AALS teacher directories included librarians in the faculty listings. But he questioned whether some of those employees were genuinely librarians with time to carry out library work. He noticed that in the 1948–1949 directory almost all of the one hundred and three law schools designated a person who is in charge of the library, but thirty-two of the librarians taught subjects besides legal research. Furthermore, "[f]our of these are listed as teaching four courses each, and one was listed as teaching seven. What a man!" He believed that under AALS standards of the era it was probably acceptable for a law professor to double as the librarian, as long as teaching consisted of less than half the job.

353. Cohen, *supra* note 23, at 307. See also Beardsley, *supra* note 57, at 172, for the view that law librarianship required "more than an acquaintance with legal phrases." Murphy observed "that legal materials have their own unique qualities and traits that no amount of general training in librarianship is going to clarify"; *The Education of a Law Librarian—A Panel*, *supra* note 23, at 372 (remarks of William D. Murphy). Marian Gould Gallagher noted that "[t]he law librarianship program at the University of Washington is built on the premise that the quality of special librarianship is enhanced by subject knowledge in the specialty," *Law Librarianship Training at the University of Washington*, 55 LAW LIBR. J. 216, 216 (1962).

6. Early law librarians felt pressured to become attorneys' peers. After writing about some of the attitudes toward and experiences of law librarians in the late nineteenth and early twentieth centuries, Brock noted, "It was becoming fairly obvious to serious professionals that the law school faculties would not bring themselves to consider a nonlawyer on an equal intellectual level. Not wishing to remain an outcast, the librarian had little choice but to conform."³⁵⁴
7. Law librarians acquired law degrees to compete with fellow job applicants. At the 1957 AALL Colorado Springs panel discussion on education, Price discussed the findings of his survey of the educational levels of academic law librarians. He concluded that people considering law librarianship should seek the three degrees:³⁵⁵

Although there will continue to be exceptions, where demonstrably strong candidates lacking one or both the professional degrees will be appointed to the better positions, the percentage seems to be so stacked against anybody but a genius, that the aspiring librarian entering the field should seriously consider whether or not he is seriously handicapped by not fully equipping himself, as soon as possible, to meet the competition.³⁵⁶

III. A Feasible Proposal

¶120 Endorsing the master in legal studies rather than the J.D., along with the master in library science, as qualifications for law librarianship may indicate to some a lack of ambition in educational standards for the profession. The master in legal studies is a program of lesser scope than the J.D., but requiring it would increase the knowledge base of law librarians who have not had formal legal instruction. Endorsement would demonstrate that the profession expects members to meet a threshold of legal subject knowledge, unlike the current state of affairs, which prompted an anonymous survey responder in 2008 to comment, "Librarianship is not even a profession—there is no uniform test of qualifications or knowledge, required certification, nor even uniform experience—but the degrees show an educational baseline."³⁵⁷ Jack McNeill, as head of reference services at Pace University School of Law in 2001, noted, "Unlike the organized bar, medical associations, and other professions that have limited entry, law librarianship is theoretically open to anyone."³⁵⁸ By requiring the two master's degrees, constituents like

354. Brock, *supra* note 1, at 347.

355. *The Education of a Law Librarian—A Panel*, *supra* note 23, at 379 (remarks of Miles O. Price).

356. *Id.* Price also advised that if the librarian could manage only one degree, the law degree should take priority, especially for solo academic law librarians. *Id.* at 386. Note also the competition from dual-degreed World War II veterans entering the field in Brooks, *supra* note 23, at 524–25, and Brock, *supra* note 1, at 348. See also Hazelton's observation in the 1990s that the number of law graduates was outpacing employment opportunities for attorneys, providing law library employers with a ready field of candidates with both degrees, in Hazelton, *supra* note 23, at 323.

357. Christine L. Sellers, *Credentials and Credibility*, AALL SPECTRUM, Feb. 2008, at 26, 28.

358. Jack McNeill, *Of Rants and Money*, AALL SPECTRUM, Mar. 2001, at 6, 6.

attorneys, judges, and law students would know that the law librarians they interact with every day hold the requisite degrees to practice their profession.

¶121 The second master's degree would also establish universality of knowledge among law librarians. In his article about the special value of law librarians' work, McNeill pointed out that "[t]he root word of professional is 'to profess.' In making our living, we profess a body of knowledge. Individuals in professional positions should hold that body of knowledge."³⁵⁹ A comparable level of knowledge among law librarians would create the "bond" McAdam referred to.³⁶⁰ With this bond of similar legal knowledge, employers could rely on entry-level law librarians' abilities to perform tasks related to legal bibliography.

¶122 Librarians so inclined could continue to earn the J.D. rather than the master in legal studies degree and meet the legal subject knowledge requirement.³⁶¹ Law librarians who are concerned that advocates aim too low in suggesting the adoption of the master in legal studies might consider that, according to the AALL, two-thirds of law librarians do not have law degrees.³⁶² The AALL's adoption of graduate work in legal studies in addition to library science would be a step up from the current recommendation that law librarians have at least a master in library science.

¶123 A search for master's degree programs in juris, juridical, law, or legal studies offered by U.S. law schools or universities for nonlawyers uncovered fourteen programs (see the appendix).³⁶³ Admittedly, an increase in the number of these programs or more online programming would make requiring the master in legal studies more feasible.

¶124 Today, no enforceable mandate requires the J.D., the master in legal studies, or the master in library science to qualify for law librarianship.³⁶⁴ What courses do library schools offer future law librarians wishing to gain a foundation of legal

359. *Id.* at 8. The definition of *profess* that seems most relevant to this discussion is "have or claim knowledge or skill in (a subject or accomplishment)." THE NEW OXFORD AMERICAN DICTIONARY 1353 (2d ed. 2005).

360. McAdam, *supra* note 23, at 253.

361. Aspiring academic law librarians would be wise to consider whether a law degree *will* be necessary to advance at institutions where the law librarians are tenure-track positions and the tenure process requires a J.D.

362. *Education Requirements*, AM. ASS'N OF L. LIBR., <http://www.aallnet.org/main-menu/Careers/lawlibrarycareers/Education-Requirements> (last visited Dec. 11, 2013).

363. This list does not purport to be complete. In addition, programs designed for concentration in a particular area of law are not included, nor are programs which require a doctorate for admission.

364. One page of the ALA's website states, "The master's degree from a program accredited by the American Library Association (or from a master's level program in library and information studies accredited or recognized by the appropriate national body of another country) is the appropriate professional degree for librarians." *Becoming a Librarian*, AM. LIBRARY ASS'N, <http://www.ala.org/educationcareers/careers/paths/librarian> (last visited May 4, 2014). Another ALA page lists "a sample of what is often required for librarian job positions," which may be only a college degree, and acknowledges that "some of the requirements sound confusing!" *What Librarians Need to Know*, AM. LIBRARY ASS'N, <http://www.ala.org/educationcareers/careers/librarycareerssite/whatyouneedlibrarian> (last visited May 4, 2014). See also Donovan, *supra* note 11, at 5 (quoting JEAN PREER, LIBRARY ETHICS 30 (2008): "the ALA itself has not adopted a consistent stand in defending the master of library science (MLS) as the professional qualification.").

subject knowledge? Of the fifty-seven ALA-accredited (several on conditional status) master's programs in library and information studies in the United States and Canada,³⁶⁵ thirty-nine American and seven Canadian programs offer some form of class in law librarianship.³⁶⁶ Thus, forty-six, or about eighty-one percent, of the schools listed demonstrate a commitment to law librarianship. But of those programs that include the subject, thirty-three, or about seventy-two percent, offer only one class,³⁶⁷ and these programs may not offer the class every academic year. Students in one-year library programs who are interested in law librarianship cannot rely on the availability of the class during their enrollment.

¶125 Reliance on library school to gain a foundation of legal subject knowledge raises other issues. Is the instruction adequate for a career in law librarianship? Is the instruction consistent across library schools? How should we address the situation of library school graduates who find employment as law librarians but never imagined entering this special area of librarianship and thus passed over the chance to take a class in legal bibliography?

Factors to Consider in the Debate About Education

¶126 Several factors make resolving the educational debate urgent, including the increasing cost of law school and the lack of salary differential between aca-

365. *Alphabetical List of Institutions with ALA-Accredited Programs*, AM. LIBRARY ASS'N, <http://www.ala.org/accreditedprograms/directory/alphalist> (last visited Oct. 11, 2014).

366. For library programs offering a class related to law librarianship in the United States according to the AALL, see *ALA-Accredited Graduate Programs in Library Science with Law Library Classes or Joint MLS/JD Classes (By Offerings)*, AM. ASS'N OF L. LIBR., <http://www.aallnet.org/main-menu/Careers/lawlibrarycareers/Education-Requirements/offerings.html> (last visited Oct. 11, 2014). In addition, in December 2013, the author verified that seven Canadian library school programs offer one class in law librarianship: *LIS 598—Legal Information Resources and Services*, U. OF ALTA., <http://www.slis.ualberta.ca/Courses/OnCampusGraduateCourses/ListedbyNumber.aspx> (last visited Oct. 11, 2014); *LIBR 533: Legal Information Sources and Services—Course Description*, THE U. OF B.C., <http://www.slais.ubc.ca/libr533> (last visited Oct. 11, 2014); *INFO 6320—Legal Literature and Librarianship*, DALHOUSIE U., <http://www.dal.ca/faculty/management/school-of-information-management/current-students-site/Courses.html> (last visited Oct. 11, 2014); *GLIS 672 Law Information*, MCGILL U. <http://www.mcgill.ca/study/2014-2015/courses/glis-672> (last visited Oct. 11, 2014); *SCI6349 Sources d'info juridique*, U. DE MONTREAL, <http://admission.umontreal.ca/cours-et-horaires/cours/sci-6349-2/> (as of December 2013 offered only once in 2012 as SCI6343 Special Topics) (last visited Oct. 11, 2014); *INF2133H Legal Literature and Librarianship*, U. OF TORONTO, <http://www.ischool.utoronto.ca/course-descriptions/inf2133h> (last visited Oct. 11, 2014); *LIS 9318 Legal Information*, U. OF W. ONT., http://www.fims.uwo.ca/acad_programs/grad/lis/mlis/Courses/elective-courses/elective-courses-all.htm (last visited Oct. 11, 2014). These numbers include University of Alberta's online Special Topics class (LIS 598) on subjects that range from aboriginal librarianship to resource description and access and includes legal information resources and services, <http://www.slis.ualberta.ca/Courses/OnCampusGraduateCourses/ListedbyNumber.aspx>.

367. For U.S. library programs, see *ALA-Accredited Graduate Programs in Library Science with Law Library Classes or Joint MLS/JD Classes (By Offerings)*, Programs with 1 class, *supra* note 366. (According to the website for the MLIS program at St. Catherine University (formerly College of St. Catherine), the school offers two classes in law librarianship: LIS 7870 Legal Information Sources and LIS 7880 Law Librarianship. *Graduate Courses by Program, MLIS: Master of Library and Information Science*, ST. CATHERINE UNIVERSITY, http://minerva.stkate.edu/Gradcatalog.nsf/courses_web?OpenView (last visited Oct. 11, 2014), so it is not included in the thirty-three programs offering only one class.) A search of the websites of the seven Canadian library school programs that offer a class in law librarianship confirms that each offers only one such class.

demographic reference law librarians with and without the law degree.³⁶⁸ In determining how to move forward and convince leaders of the need for action, these observations should be considered:

1. It is vital that law librarians have legal subject knowledge,³⁶⁹ although there is debate about how much is necessary and about how they should obtain it.
2. Some law librarians hold positions requiring them to provide legal reference, research, and bibliographic teaching but do not require them to have formal education in those areas.
3. Few alternatives for acquiring legal subject knowledge exist outside of a traditional law school education.³⁷⁰
4. Overall, library schools provide inadequate training for law librarianship: the training is limited to one class, is inconsistent across schools, is not evaluated by a governing body that is expert in law library issues, or does not exist.³⁷¹
5. The profession that law librarianship aspires to be is harmed by the lack of standards in credentials and knowledge it requires for its members.³⁷²

368. *Digest of Education Statistics: 2010. Table 348*, NAT'L CTR. FOR EDUC. STATISTICS, http://nces.ed.gov/programs/digest/d10/tables/dt10_348.asp?referrer=list (last visited Dec. 12, 2013). In column 12, the table shows the average law school tuition at all institutions (public and private) rising from \$7,099 in 1988–1989 to \$29,585 for 2008–2009. See also Karen Sloan, *Tuition Is Still Growing*, NAT'L L.J., Aug. 20, 2012, at 1.

The AALL Biennial Salary Survey & Organizational Characteristics for 2013 documents that reference or research librarians who are employed in academic libraries, hold both library science and law degrees, and have at least sixteen years of professional experience earn about \$3,600 more per year than their counterparts with only the library science degree. AM. ASS'N OF L. LIBR., THE AALL BIENNIAL SALARY SURVEY & ORGANIZATIONAL CHARACTERISTICS at S-22 (2013), available at <http://www.aallnet.org/main-menu/Publications/salary-survey/pub-salary13.html> (online version available only to AALL members). For observations about the discrepancy between the cost of a dual-degree education and paying law librarians for their value, see *The Education of a Law Librarian—A Panel*, *supra* note 23, at 384 (remarks of Miles O. Price), and Frantz, *supra* note 25, at 98.

For an alternative viewpoint about the effect of law school tuition on law librarians, see Donovan, *supra* note 11, at 36. He observes that economic challenges are not a reason to rethink the dual-degree requirement for “public service academic librarians” because most librarians with J.D.s have careers as attorneys before turning to law librarianship and are presumably better able to pay off student loan debt.

369. See Am. Ass'n of L. Libr., *supra* note 24, at 207–08; Jensen, *supra* note 23, at 15–16; Brooks, *supra* note 23, at 519; *The Education of a Law Librarian—A Panel*, *supra* note 23, at 378–79 (remarks of Miles O. Price); and Mary A. Hotchkiss & Mary Whisner, *Law for the Non-J.D.*, AALL SPECTRUM, Dec. 2003, at 4, 4.

370. Bonney, *supra* note 23, at 132. Although there are master's degree programs in legal studies in the United States, a greater number of them or an increase in online programming would make a master's in legal studies a more realistic option for law librarians to gain legal subject knowledge. Several of the programs listed in the appendix, such as those at Appalachian School of Law, Drexel University School of Law, University of Illinois at Springfield, Kaplan University, and West Virginia University, do offer online coursework.

371. See Hambleton, *supra* note 23, at 43: “In terms of teaching the subject competencies in law required of practicing law librarians, library schools fail.” See also Brooks, *supra* note 23, at 534–36.

372. See Earl C. Borgeson's discussion of how the image of the law librarian is tied to educational requirements and that, without those requirements, recruitment is difficult, in Earl C.

6. Leaders may not feel a sense of urgency to address the problem. In more than one hundred years, the AALL has not called for states to require a particular degree for law librarians, whether it be a master of library science or a J.D. or both. Is there hope for endorsement of the master's in legal studies?

IV. Conclusion

¶127 In 1909, AALL president Feazel encouraged law librarians to set themselves on a path to distinction by demonstrating that they “possess special knowledge.”³⁷³ Since the early days of law librarianship in the United States, leaders in the field have agreed that law librarians require knowledge of the law and legal bibliography to perform their jobs satisfactorily. But there has been no formal movement to standardize educational criteria for law librarians. As a result, the knowledge of law librarians across the spectrum is inconsistent, and some law librarians are studying for law degrees that may put them in debt for decades.

¶128 Is formalizing a universal set of educational requirements for law librarians too ambitious a goal for a field that aspires to be a profession? The burden on aspiring law librarians that comes from the lack of formal educational standards is not receding. Employment announcements posted to the law-lib electronic mailing list from 1991 through January 2011 show that about sixty-nine percent of the postings for academic law libraries either prefer or require both the master in library science and the J.D.³⁷⁴ Without an alternate standard, aspiring academic reference librarians may find they have little choice but to be dual degreed.

¶129 At the AALL's eighth annual meeting in the Catskill Mountains, former association President Small called for law librarianship to keep looking forward.

Pleased as we may be and proud as we are of the splendid progress made through the efforts of the Association, yet we must be vigilant and alive to the new ideas of our members, even though, when advanced, they may appear to be visionary and impracticable. Oft times, so-called visionary ideas may be helpful for good in arriving at a solution of some of the perplexing problems we are here to solve.³⁷⁵

¶130 Only we, as law librarians, can decide if unclear educational criteria, inconsistent levels of knowledge, and interminable debt are perplexing problems that a hundred-year-old organization with highly educated members should address. Only we who take pride in the title law librarian can decide if we prefer to

Borgeson, *Education and the Image of the Law Librarian*, 55 LAW LIBR. J. 200, 202–03 (1962). See Bitner's support for a universal educational standard for law librarians, to raise the quality of service they provide and to inform aspiring law librarians of requirements to enter the profession, in *supra* note 23, at 54. Bryan Carson warns that lack of licensure for librarians lessens the respect for and future of librarianship, in Bryan Carson, *Librarians Need Certification and Licensing*, AALL SPECTRUM, June 1997, at 13, 14.

373. Feazel, *supra* note 9, at 22.

374. Study by Chuck Marcus, faculty services and reference librarian at University of California Hastings College of the Law Library, on file with the author.

375. Am. Ass'n of Law Libraries, *Minutes of the Annual Meeting Held at the Hotel Kaaterskill*, 6 LAW LIBR. J. 22, 27 (1914) (remarks of A.J. Small).

be acknowledged, partly through educational standards, not as “‘support staff,’ but [as] an important link in the provision of legal services.”³⁷⁶

¶131 At the 1957 panel discussion about education for law librarians, Murphy ended his comments by seeking a unique place for law librarianship in the professions.

If we do propose a workable and intelligent set of standards, based on the premise that the law librarian is neither a general librarian nor a lawyer but a professional entity on his own, we will both satisfy one of our profession’s basic needs and assure the legal world of a supply of good librarians.³⁷⁷

A master of legal studies coupled with the master in library science would establish law librarians as scholars of law and library science and prepare them to practice as special librarians in the field of legal bibliography.

¶132 Between 1906 and 2013, the world of cinema matured from the first flickers of light in the nickelodeons that hit Chicago to a film composed eighty percent of computer graphics.³⁷⁸ Despite the passage of time, the field of law librarianship still lingers in the same place, not having resolved the vexing issues of credentialing. Feazel, not to mention King George VI, has long been at rest.³⁷⁹ Rather than continue to lament that law librarianship is not a profession, why not prove that it most certainly is by establishing educational criteria exemplifying a law librarian’s special knowledge? As Julius Marke quoted Justice Oliver Wendell Homes in 1957, “Every calling is great when greatly pursued.”³⁸⁰

376. McAdam, *supra* note 23, at 253.

377. *The Education of a Law Librarian—A Panel*, *supra* note 23, at 374 (remarks of William D. Murphy).

378. CHRONICLE OF THE CINEMA, *supra* note 81, at 58; Carolyn Giardina, *5 Ways ‘Gravity’s’ VFX Wizards Sent Sandra Bullock into Space*, THE HOLLYWOOD REP., Oct. 9, 2013, available at <http://www.hollywoodreporter.com/news/sandra-bullock-george-clooney-gravity-644538>.

379. *Earnest A. Feazel, 1871–1935*, AM. ASS’N OF L. LIBR., <http://www.aallnet.org/main-menu/Member-Resources/AALLawards/award-hof/Hall-of-Fame-Members/Feazel.html> (last visited Dec. 12, 2013). King George VI lived from 1896 to 1952. THE NEW OXFORD AMERICAN DICTIONARY 705 (2d ed. 2005).

380. *The Education of a Law Librarian—A Panel*, *supra* note 23, at 368 (remarks of Julius Marke, quoting Justice Oliver Wendell Holmes, Jr.).

Appendix

Master's Degree Programs in Juris, Juridical, Law, or Legal Studies Offered By U.S. Law Schools for Nonlawyers

Juris Master Program:

- Emory University School of Law

Master of Arts in Legal Studies:

- University of Illinois at Springfield

Master of Juridical Studies:

- Washington University School of Law

Master of Legal Studies:

- Appalachian School of Law
- Arizona State University, Sandra Day O'Connor College of Law
- Cleveland-Marshall College of Law
- Drexel University School of Law
- University of Nebraska, Lincoln College of Law
- West Virginia University

Master of Studies in Law

- University of California, Hastings College of the Law
- Washburn University School of Law

Master of Science in Legal Studies:

- Kaplan University
- University of San Diego School of Law

Master of Studies in Law:

- University of Pittsburgh School of Law