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Contributions to the Intellectual Life of the Institution and the Profession¹

Janet Sinder²

This chapter considers how librarians may be expected to, or may want to, contribute to the intellectual life of the law school, as well as to the profession of law librarianship. It begins by briefly considering what it means to contribute to the intellectual life of the school, and the variety of ways that librarians can contribute, and then examines the factors that may determine what role the library director as well as the other, non-director, librarians should play in the intellectual life of a particular law school.

In summary, the chapter discusses:

- The main ways in which librarians may expect or be expected to contribute to the intellectual life of the law school and to their profession:
 - What is meant by intellectual life?
 - Scholarly writing
 - Participation in law school programs
 - Participation in professional groups
 - Participation in university groups and activities
 - Distinguishing between requiring, expecting, and permitting these contributions
- For the library director, how the law school should determine its expectations for how the library director will contribute to the law school's intellectual life and to the profession, including:
 - Status (tenured, long term contract, etc.) and criteria relevant to that status
 - Expectations for faculty or staff in similar positions
 - Other responsibilities of the library director and staff support within the library
 - University expectations for librarians
- For non-director librarians, consideration of what contributions non-director librarians may be expected or want to make to the intellectual life of the law school or the profession, including:
 - General expectations of library professionals
 - Status and responsibilities of the librarians
 - Institutional support for librarian scholarship and professional activities within the law school and the university
 - Role of the librarians in faculty scholarship and teaching

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How Librarians Can Contribute to the Intellectual Life of the Law School

First, what do we mean by “contribute to the intellectual life of the law school”? As defined here, it refers to any scholarly or professional activity that goes beyond someone’s day-to-day responsibilities. So while teaching is certainly part of intellectual life, it is a regular responsibility of many librarians and considered to be “part of the job.” But activities such as scholarly writing and participation in professional organizations are not regular responsibilities and thus are classified here as contributions to intellectual life. This first section considers the different ways that law librarians might either want to or be expected to participate in the institutional life of the law school and their profession. And while there are many ways that librarians can and do contribute to the law school’s intellectual life, this section addresses four main categories: writing; participation in faculty scholarly activities such as workshops; working with other university organizations on professional or scholarly activities; and external professional development activities, including participation in professional associations, committee work, and attendance and presentation at professional meetings.

As an initial step, a law school should determine, for both its library director and for non-director librarians, whether it will require, encourage, or permit the various activities listed above. If a school requires any or all of these activities, it must determine how it will support each of them; if it encourages, but does not require them, then the amount of support may be less, but must also be made clear. If a school permits these activities, but does not encourage or require them, then the school’s policies should cover issues such as what professional activities librarians may do on work time and whether time spent at professional conferences is administrative leave or must be taken as vacation or personal time by librarians.

Scholarly Writing

When speaking about intellectual life, the first thing likely to come to mind is scholarly writing and publishing. Law librarians sometimes write scholarly law review articles, but may also contribute to law library– or library-specific journals. They may contribute to nonacademic publications such as bar journals or blogs, or author articles or books on legal research or law librarianship. Law librarians are also frequently asked to contribute practical pieces on legal research to publications with an audience of practitioners or law students.

There are three main scholarly journals that focus on law librarianship: *Law Library Journal*, *Legal Reference Services Quarterly*, and *International Journal of Legal Information*. All are peer-reviewed and edited by experienced academic law librarians. When writing for their peers, law librarians often choose to publish in these journals rather than in general law reviews. Deans and others should be aware that general style and length for these journals are different than for law reviews—articles are somewhat shorter and may be less theoretical and more related to practice. They are often directed to an audience of other law librarians or legal practitioners, but because of their presence in standard legal research databases, are likely

to be read by law faculty and law students as well. If a law school has a publication requirement for any of its librarians, it is important to determine whether writing for professional librarian-focused publications will satisfy publication requirements, or if librarians are expected to write the same types of articles as other law faculty.

Librarians may also write articles for academic journals on general librarianship, of which there are many, or for bar journals, newsletters, blogs, etc. Articles in general library academic journals are substantially shorter than those published in law reviews or law library journals, and often focus on empirical research. A typical article in one of these journals may only be about ten pages in length.³

If there are publication requirements or expectations for librarians, the law school should also determine how much support it will provide for research. For example, will the school pay for research assistants? Will work on research and writing be permitted on work time? Unlike faculty, most librarians are on twelve-month contracts with expectations that they will be at work during business hours as part of their regular job requirements. Differing expectations for research and scholarship will also result in differing amounts of support (time or money) for scholarship. If a law school has faculty sabbaticals, research leaves, or summer research stipends, the law school should specify whether librarians are eligible for any or all of these programs. Permitting professional and scholarly work during regular hours has the potential disadvantage of increasing the number of staff needed for the library. Conversely, it has the advantage of making the positions more attractive to candidates, particularly those with ambitions to move up in their profession.

Participation in Law School Programs and Committees

Apart from writing, law librarians may also want to participate in law school programs, such as faculty workshops, where they can contribute to discussions about works in progress. Faculty often invite a librarian who has helped with the research for the article on which they are presenting to attend their workshop, but law schools might also choose to invite librarians to attend all of the faculty workshops, including presentations by outside faculty. Librarians may also be interested in attending other law school programs relating to scholarship or teaching, such as book talks or panel discussions on particular topics. If librarians produce scholarship that will be reviewed by the faculty for promotion or tenure, attendance at faculty scholarship programs and workshops allows them to understand how the faculty judge scholarship.

Law schools may also want to permit or encourage law librarians to present their own scholarship to the faculty. This can be particularly important if the librarians are on a track for faculty tenure or other status where the faculty votes on their promotion or status. If librarians present their scholarship to the faculty, the faculty will be able to understand more about the topic, and the librarians will be able to

³ An examination of the articles in the most recent issue of the *Journal of Academic Librarianship*, for example, showed that the longest article was sixteen pages long. Erin Ackerman, Jennifer Hunter & Zara T. Wilkinson, *The Availability and Effectiveness of Research Supports for Early Career Academic Librarians*, 44 *J. ACAD. LIBRARIANSHIP* 553–68 (2018). Other articles in the issue ranged from six to thirteen pages.

receive feedback on a paper that may later be reviewed by the faculty to see if it satisfies tenure and promotion standards.

Law librarians, many of whom have law degrees and teach courses at the law school, may also want to participate in law school committee work. Committees where schools might find their input particularly valuable are those related to the library or legal research/skills training, such as law school journals, legal research and writing, information technology, or the curriculum committee. In determining whether librarians should be appointed to faculty committees, deans may want to consider whether the subject matter of the committee may affect either the library or legal research courses, and how the expertise of librarians in both legal research and data organization may be able to contribute to the committee's activities. At a law school where librarians have faculty status, librarians might be considered for appointment to any of the law school's committees.

Participation in University-Wide Groups and Committees

While many members of the law school faculty and administration at a university law school will think of their law library as being independent of the university and "belonging to" the law school, law libraries and law librarians are often involved in university-wide library activities and groups.

For example, universities generally have an association that comprises and represents the university librarians, similar to a faculty senate. These may differ as to whether all librarians at the university, including those at independent libraries (such as most law libraries) are members of this association. However, if there is a university association of librarians, and the law librarians are part of it, law librarians will likely be involved in committee work or other governance functions of the association (e.g., the executive committee or the grievance committee).

At a university, it is likely that the law library will share an online catalog and various databases with the university library system. The libraries may also negotiate contracts jointly with database vendors. Some law libraries have outsourced one or more of their operations, such as book cataloging, to staff at the university library. Librarians may also serve on other university committees that are related to their work or interests and may be involved in a faculty senate if librarians at the university participate in that.

All of these university-related activities take time away from law librarians' core responsibilities, but they allow the law library to take advantage of the expertise of other campus librarians to ensure that the law library is treated fairly by the university library in terms of joint purchases, and to participate in university-wide endeavors that may result in the law library saving money.

Participation in Professional Associations

Many academic librarians belong to professional associations, either at the local or national level. Depending on their interests and positions, there is a wide range of associations that might be of interest—too many to list here. Librarians may belong to law library associations, general library associations, or those for other specialized types of libraries or librarians. The law library may also have an interest in

being represented at meetings for libraries that use a particular online catalog system or database.

The main national professional association for academic law librarians is the American Association of Law Libraries (AALL). It holds an annual conference every July that is attended by approximately 2000 law librarians. The association and its annual meeting provide law librarians with opportunities for professional growth through substantive programming as well as networking. In addition, each area of the country has at least one, and sometimes two, local organizations for law librarians, most of which are chapters of AALL. Librarians may belong to both to AALL and to some of its specialized sections, such as the sections for Academic Law Libraries, Computing Services, Research Instruction & Patron Services, among others, as well as to their local chapters.

Librarians, particularly academic law library directors, also often participate in the Association of American Law Schools (AALS), which has a section on Law Libraries and Legal Information. This section sponsors two programs and a lunch at the annual AALS meeting. In addition to the section meetings, librarians may find opportunities at AALS to attend programs of related sections, such as those on legal writing, as well as programs related to specialized topics in which they are interested. Attendance can also be helpful to librarians working with faculty teaching in a particular area, or librarians teaching specialized research classes (e.g., tax research or foreign and international research).

The two annual meetings (of AALL and AALS) in January and July are also the site of meetings of other smaller groups of law librarians, such as LIPA (Legal Information Preservation Alliance) and the Society of Academic Law Library Directors. Many librarians also attend the annual CALI meeting where programs focus on technology in legal education.

Foreign and International law librarians may be interested in the meetings of a number of different organizations such as the International Association of Law Libraries (IALL) or the American Society for International Law (ASIL), both of which have annual meetings. The IALL meeting takes place in a different country every year and usually focuses on substantive law of particular interest in that country. The meeting is attended by law librarians from all over the world, and serves as a networking event for librarians interested in foreign and international law.

Support for Professional Development and Writing

Assuming that a law school supports professional activities and development for its librarians, the school must also decide what types of professional development expenses to pay for librarians, just as it does for faculty. The primary categories of expenses are membership dues for professional organizations, expenses for attending professional meetings, and research support.

Support for research and writing by librarians is discussed in the section above on scholarly writing. To support other types of librarian professional development, the library may have a line in its budget for these expenses, or the law school may choose to support librarians' professional development out of a general law school budget line. Some schools may have the library budget support expenses of non-

director librarians, but pay for the library director's expenses out of a faculty budget since the director is a member of the faculty.

A further issue to consider is how much discretion the library director will have in determining what professional development activities are supported. If the money for professional development is in the library's budget, can the director also determine which meetings librarians can attend, and how much administrative leave they may take? Or are such decisions subject to more general law school or university rules?

What Role Should the Library Director Play in the Intellectual Life of the Law School?

This section focuses on considerations for when a law school is hiring a new director, since it is likely that expectations for currently serving directors are already set. However, schools where the library director would like to change their responsibilities or has questions about expectations for the position might also find this helpful.

Status Requirements

Because the library director will be a member of the law school faculty,⁴ it is important for law schools to determine the role the director should play in law school intellectual life as well as in the profession and in the university. The ABA requires that the director be a member of the faculty,⁵ but it is up to the school to determine what that appointment will entail. Will the requirements for the director be the same as for other faculty? Is scholarship required, and if so, is it acceptable that the library director publish in law library- or library-related journals, rather than the journals that doctrinal faculty are expected to publish in, such as law reviews? If the law school has an expected or required number of publications for faculty seeking tenure or long-term contracts, is that number the same for library directors who are seeking the same status? And if a law school has standards for renewal of a long-term contract, or a post-tenure review for the library director, are those standards the same or different from other faculty in the same category?

When a law school begins a search for a new library director, it must first consider the type of contract or tenure that the library director has or will be given. The school may already have regulations or want to implement new regulations governing the faculty status of the library director separately from other faculty. Or the school may require that the director meet the same standards as doctrinal, clinical, and legal writing faculty. Unlike most other faculty, the library director has substantial administrative responsibilities, which may mean that the person in that role should be held to standards different from other faculty.

⁴ See ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2018–2019 Standard 603(d) (AM. BAR ASS'N 2018) (“Except in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.”).

⁵ *Id.*

One major consideration is the other responsibilities of the librarian. Running the library is a major administrative job, particularly if the library has a large staff. Does the library have an associate or deputy director who directly supervises library operations, or is this the job of the library director? Does the director supervise other departments in the law school such as IT, media services, publications, or the law school website? Each of these responsibilities further cuts into the time the director will have for scholarship or committee service.

Library Director's Other Responsibilities and Staff Support

In making these decisions, faculty and law school deans/university provosts must determine what is reasonable to expect from the library director, based on the director's job responsibilities. In addition to the administrative responsibilities noted above, is the director expected to teach? What is their teaching load in comparison to that of doctrinal faculty? Is the director on a ten- or twelve-month contract? Are they eligible for tenure, research leave, summer research stipends, etc. to the same extent as doctrinal, clinical, or legal writing faculty?

University Requirements

It is also possible that the library director will be part of the university library system as well as part of the law school faculty. This will generally depend on the rules governing the university's librarians, and whether or not the law librarians are part of that system. Even if the library director is on a faculty track at the law school, they may also be on a librarian track through the university library system. In that situation, they must meet whatever requirements exist for retention and promotion of university librarians. The timing and requirements for this track may be different from those of the law school, and the law school may want to ensure, for the benefit of the library director, that they do not conflict.

University library system requirements may affect both the library director and non-director librarians. If the law school does not want its librarians to be part of this system, it may need to negotiate the question with the university. In so doing, the law school should consider the advantages and disadvantages of such a decision. Removing the law librarians from the university system will allow the school to enforce its own policies regarding librarian tenure and promotion. However, it also raises the possibility of alienating the law librarians by removing them from the system to which their peers at other university libraries belong, and it might affect the level of cooperation between the law library and other university libraries, cooperation that sometimes results in cost savings to the library through shared databases or shared services.

Institutional Support

As a member of the faculty, the library director will expect support for professional activities similar to that provided for faculty members who have the same status. While some library directors may not publish as frequently as their faculty col-

leagues, participation in professional associations is an integral part of their profession, and the opportunity to network and work with colleagues at other law schools is beneficial to both the library and the law school. Because few others in the law school understand the details of library operations, librarians generally find their colleagues at other libraries. Libraries frequently cooperate with one another, saving time and money, and collaboration between libraries and librarians is essential for developing new ideas and policies.

What Role Should Non-Director Librarians Play in the Intellectual Life of the Law School?

When determining the role non-director librarians should play in the law school's intellectual life, schools should consider: (1) the status of the librarians, whether within the law school or the wider university; (2) what other responsibilities the librarians have; (3) what institutional support is provided to librarians for professional work; and (4) what librarians will expect their participation in the law school to be, based on profession-wide norms. Issues related to non-director librarians are more difficult to address since typically they are not considered to be full-time members of the faculty and thus are subject to widely varying standards for promotion and retention. These range from schools that provide no faculty or special employment status at all to non-director librarians to those that treat the librarians as full, tenured members of the faculty.⁶

In university-based law schools the regulations for university librarians also vary widely, and may or may not include librarians in independent libraries. If, as in a small minority of university law schools, the law library is part of the main university library, the librarians will likely be governed solely by university rules and not by those of the law school.

General Expectations for Librarians

Even if non-director librarians have no special status at a law school, schools should understand general expectations of librarians in order to be competitive with other law schools in hiring and retaining librarians. A large percentage of academic law librarians have both law and library/information science degrees and are likely to expect professional development to be part of their positions.

Status of Librarians

If the law librarians have status as part of a university-wide program, that program will likely have certain criteria that librarians must meet for promotion and retention. Thus, if all university librarians are expected to write, or to participate in professional organizations, the law librarians will also expect to be able to do this in order to advance within the library system. Alternatively, if law librarians have

⁶ Those considering how librarians can or should contribute to their school's intellectual life may want to read Carol A. Parker, *How Law Schools Benefit When Librarians Publish, Teach, and Hold Faculty Status*, 30 LEGAL REFERENCE SERVS. Q. 237 (2011).

status within the law school faculty system, they will expect support for their activities needed to advance within that system.

Law schools may be affected by the expectations for librarians by university librarian promotion and tenure standards. It will depend on the university and how it is organized as to whether the law school can either remove its librarians from that structure (if it wants to) or have the structure modified for its librarians. For example, the university library system may require librarians to publish in order to receive promotion or tenure. If a law school does not want its librarians to spend time on writing or believes it does not have sufficient library staff to support this activity, it will need to negotiate with the university to exempt the librarians. If it does not, it could find the librarians losing their jobs for not doing something that the law school does not expect from them, but the university does.

University systems usually have long-standing status and procedure standards for librarians that may be difficult to change—one option would be to remove the law school librarians from this system, but to do that, the law school would probably want to put a comparable system in place. It is unlikely that the law school would be allowed to remove status from existing librarians without replacing it with something similar, although this might be permitted for newly hired librarians. Removing protections from law school librarians may also affect whether the law school can be competitive with other law schools in its hiring of librarians.

Librarian Responsibilities

University librarian or law school faculty status expectations aside, the law school must determine what other responsibilities the librarians have, and therefore what they can be expected to contribute to the intellectual life of the law school. For example, do librarians teach? The answer may vary based on the role and degrees held by each librarian. What other types of administrative responsibilities do librarians have? Are the expectations for librarians holding a JD the same as those for librarians without a JD? Are the expectations related to the role of the librarian or to their expertise? For example, is it important for teaching librarians to publish in order to improve their ability as teachers? Or is an expectation of publication related to their holding of a JD? Are the writing and publication expectations different for librarians with and without a JD?

Institutional Support

As has been mentioned throughout this chapter, librarians are likely to have expectations about the type of institutional support they will receive for professional development as well as for what their place will be in the law school's institutional life. Considering these expectations and meeting them as much as is possible, taking into account the law school's other needs and policies, will increase the chances that the school can attract and retain qualified librarians.

Virtually all academic law librarians will expect some degree of support for professional association membership and participation, usually including full or partial payment of dues and some level of support to attend meetings. Support for meeting attendance can be managed in a number of different ways, usually determined

by the library director as part of the library budget. Each librarian might receive a certain budget for the year, or permission to attend a certain number of meetings over the course of one or two years. Librarians might also be reimbursed for expenses only if they are participating by serving on a committee or are speaking at or moderating a program.

Conclusion

As demonstrated above, there are numerous ways librarians can contribute to the intellectual life of the law school. It is often helpful to look at policies from peer law schools, and at the university's policies to determine best practices for encouraging or requiring these contributions. When creating policies governing what is encouraged or required for librarians, the support that will be provided for research, writing, and professional activities, and the extent to which librarians may be involved in faculty and other law school scholarly programs, schools should consider the status of librarians in comparison to faculty, the resources needed by librarians in order to meet any professional development requirements, and how these policies will affect the law school's ability to attract and retain qualified librarians.