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# Library Director as Educator: Analysis Two, Case Analysis and Commentary

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# Library Director as Educator

## Analysis Two Case Analysis and Commentary

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Donna has had quite a morning! The first thing that she may want to do is to get a cup or can of beverage of her choice, close her door and sit down and exhale. However, the first thing that she needs to do is to talk to one of the law librarians about the director of development's request. This should be first on Donna's agenda because it is an immediate request from the dean through the director of development. It is also an activity that one of the law librarians should be well suited to perform and one which both the dean and the director of development will be pleased if done well. Many law librarians have worked with their development offices to perform similar requests so it should be easy to get some ideas of best practices from colleagues at other schools.

Donna needs to decide which librarian would be best suited for the project and then to sit down with him or her and talk about the best way to approach the request. Donna will also need to decide how much, if anything, to say about the morning meeting when she asks the librarian to begin working on the request. At this point, it would probably be smart to simply say that there has been a downturn in admissions and the dean and director of development are interested in using the librarian's skills to find good development prospects.

Once the librarian has a good sense of how to approach the project, Donna should set up a meeting with the director of development, the librarian, and herself to discuss the approach. This project may have added significance because it is one that the library would probably not be able to provide if the library aligned with the university library. Researching development prospects for schools and departments is often not deemed an appropriate reference service by the university library (might take away from higher priorities), as it can be an added acquisitions expense for the university library and can be seen by the university development office as impinging on their responsibilities.

Donna's next step should be to write down everything she remembers from her conversations with the dean's administrative assistant, the dean, the director of the legal research and writing program, the director of development, and the faculty chair of the library committee. That is to say, not just the bottom line, but everything she remembers, as she does not know which piece of information may be useful to her analysis. For example, here are some of the points that Donna should write down

from the conversation with her dean—that the university is not willing to reduce the law school’s expected contribution to the university,<sup>1</sup> that the idea of centralizing the university’s libraries came from the provost (not the dean),<sup>2</sup> and that the provost’s frame of reference was Harvard’s decision to centralize its libraries.<sup>3</sup> Donna should also write down what she did not hear. For example, she did not hear the dean mention that the university librarian had been told or consulted about this possible centralization of the libraries.<sup>4</sup> Donna also did not hear the dean ask her to cut her acquisitions budget but she did hear the chair of the library committee to suggest that the library go all electronic and follow the law firm model.

Once Donna has gone through this exercise for each of her meetings/encounters, then she needs to write down everything she can remember reading or hearing about the law school’s admissions and financial issues. She might also give quick calls to trusted law school colleagues (faculty members and administrators) to find out more about these two issues, their reaction to the law library possibly becoming a branch, the reasons for their reactions, and possibly “off-the record” information. By the latter, I mean any rumors or interesting discussions. An example would be if someone has heard that a law school staff member was leaving and there was some discussion that they were being laid off or that the law school was not replacing a staff member. Has anyone heard students talking positively or negatively about the librarians teaching of legal research skills or the legal research and writing faculty? This information might give Donna new avenues to investigate and a sense of the morale at the law school. She would need to consider the weight that she would give to all of this information. She should also review anything she has heard or read about the university having concerns about its admissions numbers or its financial health. At this point, she may want to do a quick search of the local newspaper and the local legal/business newspaper to see if there has been any news coverage of financial or admission issues associated with the university and the law school. If she finds any articles, she may want to take a look at the comments to the articles. Some

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<sup>1</sup> Most law schools, if not all, pay some type of “overhead” to their university. It is calculated in many different ways. Many universities have renegotiated the expected “overhead” for a period of time as law schools readjust to less tuition revenue. It is striking that the provost told the dean that there would not be a renegotiation of the “overhead.” Does it mean that the university is in financial difficulties or is there some other issue?

<sup>2</sup> Since this is not the dean’s idea, it will give Donna, others at the law school (faculty, students, etc.), and the university librarian, if so inclined, an opportunity to educate the dean why this would this not be a good idea and an opportunity for the dean and the law school community to put forward other budgetary solutions.

<sup>3</sup> By knowing that the Harvard libraries reorganization was the frame of reference, Donna has the opportunity to find out more about the reorganization at Harvard and the impact on the Law Library and the Law School and present this information to the dean. Depending upon the situation, she may recommend that the dean get in touch with the dean at the law school or some other person at the law school.

<sup>4</sup> Since the university librarian has not been consulted about this idea, Donna has the opportunity to talk to him/her about the provost’s idea and see what his/her reaction is to the idea. Donna should bring ideas with her on how the two libraries may be able to collaborate and save the university dollars without the law library becoming a branch of the university library.

of the comments may be written by campus colleagues and could be very enlightening. And, it might also be worthwhile to take a look at the student newspaper and perhaps a relevant blog or two.

She may want to give a quick call to campus colleagues especially those who are or were serving on campus committees or who are or were in the Faculty/Academic Senate. Faculty members who are members of campus wide committees and/or member of the Faculty/Academic Senate have more opportunities to learn more about the university than the average faculty member. They learn from members of the committees and the university administrators that work with the committees, and members of the Faculty/Senate meet regularly and deal with university-wide matters. Many times, the top leadership meets with the Senate and reports and discusses university-wide issues and initiatives.<sup>5</sup> While she is talking to her campus colleagues, she may also want to get from them a quick read<sup>6</sup> about the provost and the university librarian. Once this exercise has been completed and she has written down her notes, hopefully, Donna can subconsciously and consciously begin working to see what dots, if any, can be connected. She needs to keep in the forefront of her mind at all times that the bottom line for the dean is to find a way to permanently save money so that the law school will have an opportunity to decide what they need to do to handle the drastic drop in admissions. Donna needs to put herself in the dean's shoes so that she is looking for solutions that will be good for the law school as well as good for the law library.

Donna will need to meet again with the dean, the director of the legal research and writing program, and the chair of the library committee in a few days to follow up with the issues discussed in their conversation that day. Donna will also need to meet for the first time with the university librarian to discuss with him or her the proposal that she learned from her dean.

To prepare for these meetings, she will need as much information as possible from her staff about the relationship and collaboration between the law library and the university library, between the library and the legal research and writing faculty, between the library and the dean, and between the library and the faculty, administrators, and students. She will also want to know how the library interacts with all of the members of the library committee and what additional collaborations with all of these parties would be beneficial to the law school in monetary savings and otherwise. For example, if the law library and the university library are not collaborating, this is certainly the time for them to begin thinking about possible collaborations on collection development, acquisitions, interlibrary loan, off-site storage, etc.

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<sup>5</sup> A number of law librarian colleagues have been members of their Faculty/Academic Senate and some have been chair or president. Donna can find them through the Washburn Directors listserv.

<sup>6</sup> Donna would be interested in finding out if the provost and the university librarian are well respected within the university community. Whether either has made decisions which have concerned specific schools and what were they? Information about the university librarian will be useful to her when she talk to the university librarian. She is looking for information about the provost that will help her determine the best arguments that she can make to the dean that will be ultimately convincing to the provost.

She also needs to consider how the law library could reduce expenditures on its own. For example, is she aware of any possible upcoming personnel changes (e.g., a librarian searching for a position elsewhere)? This may be useful if she decides to negotiate a reduction of the library budget while staying an autonomous library. Another possibility is to consider how the library can bring in revenue. For example, the reference librarians might teach substantive advanced legal research courses online during the summer which would be very useful to the students and might bring in additional tuition revenue. Donna might also consider working with the administrator who handles CLE offerings for the law school to teach fee-based CLE courses.

In the gathering of information from the staff, requesting it in written form is best because Donna can then easily repackage or consolidate the information as needed for memoranda or talking points for meetings with the dean, university librarian, director of legal research and writing program, and the members of the library committee. Donna may also ask for any “off-the record” information that the staff has heard. When Donna makes these requests of her staff she will need to decide how much and how she should tell them of her meetings. It would probably be best to talk about all the issues in a staff meeting which would include both the librarians and the staff. That way the staff would not hear about the possibilities from others at the law school, and everyone would hear the same message. When she is considering what to say to the staff, her goal should be to phrase the requests in such a manner that would not panic the staff or prematurely raise anxieties. Donna knows the personalities of her staff which should guide her as she considers the tone of her message. Donna should hold this meeting the day after meeting with the dean because in many law schools rumors fly very quickly and she wants to talk to the staff in advance of the rumors, if possible.

After internal information gathering is complete, Donna needs to begin gathering outside information. Since the provost mentioned to the dean that he was taking his cue to consider centralizing the libraries from the centralization of the Harvard libraries, Donna needs to find out more about the Harvard libraries’ centralization project. According to the press release,<sup>7</sup> the Provost named an eight-member Implementation Work Group that will “develop new funding and operating models for the library system” to carry out the Task Force’s recommendations. Donna would have noticed that the then-Vice Dean of Library and Information Resources was named to the Implementation Work Group. He,<sup>8</sup> along with the current leadership at Harvard Law Library, would be good people to provide details on the changes at the Harvard Law Library. Questions that she might have for these leaders are: what exactly changed and how has it worked out for the law library and the law faculty? One of her questions might be the role of the reference librarians in the organization. She would be interested to find out what they do to determine if any of the dean’s

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<sup>7</sup> *Task Force Report Calls for Restructuring of Fragmented Administrative System*, Harvard Law Library, <http://sites.harvard.edu/icb/icb.do?keyword=k77982&pageid=icb.page399578> (last visited Oct. 9, 2014).

<sup>8</sup> *Id.*

other ideas originated here as well. It would be useful to find out the roles of all librarians and staff and who they report to—the law school or the university library. It would be great if the law library leadership had an organizational chart of that they would be willing to share. Of course, one would want to find out if the structure has worked out as expected, if there have been any changes after the implementation, unexpected consequences, dollars saved, expenses increased, etc. The bottom line question would be: how has the restructure impacted the services to the faculty, staff, and students? Throughout the conversation, Donna will need to ask if these leaders are comfortable with having any comments attributed to them.

Donna's next step is to read the ABA Standards pertaining to law libraries. The dean mentioned Standard 602 which should be the first one she reads. She may have read it before but she needs to reread it and all other standards with an eye to this situation. She can find the Standards and Rules for Approval of Law Schools on the ABA's Section on Legal Education and Admissions to the Bar's website.<sup>9</sup> She should read intently Chapter 6, Library and Information Services and she should also take a good look at Chapter 3, Program of Education, especially Standard 302, Learning Outcomes.<sup>10</sup> This standard mentions legal research which may apply in her meetings about the LRW program. The new standards have been adopted recently and are now being implemented, so Donna should look at the transition memo concerning the new standards.<sup>11</sup> Another piece of information that will be useful to Donna is when her school will be next visited by an ABA Site Team. Sometimes deans are a bit more focused on ABA Standards when they know that they will be visited by a team in the near future. The Section's website includes the dates of visit through 2019–2020.<sup>12</sup> An ABA fully approved Law School is visited by a site team for a sabbatical visit every seven years. Donna will want to talk to directors who have been on site teams, as all teams include a librarian. If she does not know anyone who

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<sup>9</sup> ABA Standards and Rules of Procedure for Approval of Law Schools 2014–2015, R. 12, at 56 (2014) [hereinafter ABA Standards], available at [http://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2014\\_2015\\_aba\\_standards\\_and\\_rules\\_of\\_procedure\\_for\\_approval\\_of\\_law\\_schools\\_bookmarked.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2014_2015_aba_standards_and_rules_of_procedure_for_approval_of_law_schools_bookmarked.authcheckdam.pdf)

<sup>10</sup> *Id.* Standard 302, at 21

(Standard 302. LEARNING OUTCOMES. A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.)

<sup>12</sup> Transition to and Implementation of the New Standards and Rules of Procedure for Approval of Law School (Aug. 13, 2014), [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/governancedocuments/2014\\_august\\_transition\\_and\\_implementation\\_of\\_new\\_aba\\_standards\\_and\\_rules.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2014_august_transition_and_implementation_of_new_aba_standards_and_rules.authcheckdam.pdf).

<sup>12</sup> *Law School Visits*, Am. Bar Ass'n, [http://www.americanbar.org/groups/legal\\_education/resources/accreditation/law\\_school\\_site\\_visits.html](http://www.americanbar.org/groups/legal_education/resources/accreditation/law_school_site_visits.html) (last visited Oct. 9, 2014).

has been on a site team, one of her friends or mentors should. It would also be useful to talk to more than one director who has been on a team to get a good overview of what happens on a team. The work of the site teams is confidential but talking to a couple of directors who have recently been a member of a team would be extremely beneficial in thinking about the applicable standards. Even though the specifics of the individual site visit are confidential, the directors can provide useful information on what how they might expect to interact with the librarian team members and other members of the time. Another useful discussion would be with directors who have recently prepared for a site visit. Donna could have a very useful discussion on how these directors interpreted the different standards when they were responding to the written materials required.

Now Donna is ready to reach out further. She needs to talk to current or former directors of law libraries who have faced or are facing similar issues. She needs to talk to directors who were or are directing libraries that were or are organizationally a part of the university library, and she needs to talk to directors at libraries where the discussion of changing the organizationally reporting structure of the library has been raised even if obliquely. She knows her dean has talked to some of the deans at law schools where the law library is organizationally a part of the university library so it makes sense for her to check in with the directors of the same institutions.<sup>13</sup> How does she find those directors and the directors where the issue of changing the reporting structure has been raised? She needs to talk to her friends and mentors to see if they can provide her a list. If not, she may want to put the request on the Washburn directors' listserv.<sup>14</sup> If she does not want to be associated with the request, she can have a friend put it on the listserv for her.

Before she talks to these librarians, she needs to prepare a list of questions focusing on the relationship with the law school and with the university library. One document that she must read before talking to these directors is the *Report of the AALS Committee on Libraries and Technology, Subcommittee on Law Library Reporting Structures*, chaired by Anne Klinefelter and dated July 26, 2013.<sup>15</sup> This eight-page report discusses the benefits and risks to law schools when law library management is transferred from the law school to the university library system. The report lists eight conclusions including the general conclusion that "strategic alliances between a law library and a university library, rather than an all-or-nothing reporting relationship, may provide the most benefit to all stakeholders." The report details the benefits and risks of collaboration with or reporting to the central university library

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<sup>13</sup> Here is a list of law libraries that are now or were recently organizationally a part of the university library: University of Oregon Law Library, Cornell Law Library, University of Buffalo Law Library, Washington University Law Library, University of Chicago Law Library, University of Kentucky Law Library, Vanderbilt University Law Library, and University of Illinois Law Library.

<sup>14</sup> John Christensen, the director of the law library, at Washburn University School of Law Library is the owner of the listserv. He can be reached at [john.christensen@washburn.edu](mailto:john.christensen@washburn.edu). Here is the link to the form to fill out to join the listserv <http://lists.washlaw.edu/mailman/listinfo/lawlibdir>

<sup>15</sup> Members of the Committee were Kay L. Andrus, JoAnne A. Epps, Frank Liu, Susan Nevelow-Mart and Spencer Simons, Ex-officio. Copy on file with the author.

for collection policies and practices; the online library system; acquisitions, cataloging, and circulation; preservation and digitization; services and staff; facilities; and overall management. Donna can pull most of her questions from this report. Of course, as the saying goes, all politics are local, so Donna will also need to consider how her situation might be different than described in the report.<sup>16</sup>

Donna should ask the directors of libraries facing similar issues if there are documents that describe the relationship and, especially, ask for any memoranda of understanding between the university library and the law school or law library. If those documents are confidential, then she should request an overview of the different matters discussed. She will also want to ask them for the arguments they made (if they had concerns about centralization) and if these were persuasive or not. For example, was the point made that the relationship between a law faculty member and a law librarian is somewhat similar to the relationship of a university faculty member and a graduate student? This analogy has been used by some to explain to university leaders that reference librarians at the university library do not perform the same role as reference librarians at the law library. As with the discussion with the Harvard leaders, she will need to be sure that she understands which information is confidential and which she may share and attribute to each speaker.

Another angle that she needs to explore is exactly how law libraries and the university libraries collaborate in general. She has already asked the librarians in the law library to summarize for her how the law library and the university library collaborate on a day-to-day basis. She should also query her friends and mentors on how they collaborate with their university libraries, and she may want to put this question on the Washburn directors' listserv. If she or one of her friends or mentors knows a university librarian well enough that Donna could give her or him a call that might be very useful. The university librarian need not be one which has faced similar questions. It should be a person that Donna would feel comfortable explaining the issues and asking for a reaction—what would be the plusses and minuses. The university librarian may have participated in general conversations about this possibility, the topic may have been discussed on their listserv, or the librarian may know of another university librarian who would be a good person to talk to about the issue. The subcommittee report will be useful to frame questions and to learn more about collaboration between law libraries and university libraries.

After discussion with all of these information sources, Donna may decide that there are ways for the law library and the university library to collaborate and save costs in a more beneficial way than total integration. And, there may be ways to collaborate that may not necessarily save money but would improve the services to the entire university community. An example would be to consider moving to a unified catalog or to offer joint training workshops on appropriate subjects.

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<sup>16</sup> One local aspect may be the reporting structure of other campus libraries. For example, does the medical library or other professional libraries report to the university library? Did the medical or other professional libraries report to the university library at the provost's former institution? Was there a law school at the provost's former institution?



Next, Donna needs to gather information about who teaches legal research to law students. This is another question to send to friends, mentors, and the directors' listserv. Since she now has a number of questions for her colleagues on the directors' listserv, she may want to use Survey Monkey for all questions so that it will be easy as possible for her colleagues to answer her questions.

A quick literature search on all of these issues may also be useful. Donna may want to look for articles that the dean, provost, and university librarian might have seen (that she might need to refute) as well as other books and articles. Donna needs to remember that she is looking for materials in library, university, and law literature.<sup>17</sup> She will also want to look closely at materials dealing with legal research and writing programs.<sup>18</sup> Sometimes just skimming an article or a chapter can get your mind to begin thinking in a different way.

After talking and reading, she now needs to write down all of her findings. Then it is time to determine her overall strategy and the strategy for each meeting. As a part of the overall strategy, she will want to determine the order which she plans to meet with all the parties and the tone of each meeting. If at all possible, the university librarian should be first and the dean should be last so that she will have learned as much as possible before the meeting with the dean. Donna may want to consider taking the university librarian out to lunch (on her own dollar, if necessary), as a luncheon environment may be more congenial. It also offers the opportunity to get off campus and to have the opportunity to have some time to engage in small talk and learn a bit more about each other. Donna should also prepare for each meeting as if she were going to trial. Depending upon her comfort level, she may want to put together trial notebooks<sup>19</sup> for each meeting. If she has time, Donna should talk through her meeting strategies with a trusted director or a couple of directors. Once she has finished each meeting, she should again write down everything that happened. Writing down what has happened will allow Donna to take the time to process the information and to see new opportunities for more discussion, if needed. Written notes will also be useful if she needs to remind administrators and faculty members of the decisions they made and they also will be very useful to her successor. She may also use them to remind herself of successful and non-successful arguments.

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<sup>17</sup> Some possibilities would be: *Chronicle of Higher Education*, *Journal of Legal Education*, *ABA Journal*, *SSRN*, *Law Library Journal*, *Spectrum*, *Legal Reference Services Quarterly*, Publications from ALA and its divisions, especially, Association of College and Research Libraries. Databases would include EBSCO's Library, Information Science, and Technology Abstracts, LegalTrac, Index to Legal Periodicals and Books. Websites would include American Association of Law Libraries, especially the Academic Law Libraries – Special Interest Section and Association of American Law Schools, especially the section of Law Libraries and Legal Information and the committee on Libraries and Technology.

<sup>18</sup> Some possibilities would be: Legal Writing Institute, Journal of the Legal Writing Institute, Regional Legal Writing Conferences, Association of American Law Schools, especially the section on Legal Writing, Reasoning, and Research, *SSRN*, *Journal of Legal Education*, *Perspectives: Teaching Legal Research and Writing*.

<sup>19</sup> Donna may want to include any memos, talking points, information from staff, reflections on all conversations (formal and informal), useful articles, books, websites, etc. Essentially, the materials that she would want to use to begin the preparation if she needed to discuss the issues again.

And, of course, Donna should consult with her friends and mentors about possible next steps. It is great to have friends, mentors, and colleagues to turn to when you are living through interesting times!

