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"Nowhere to Run; Nowhere to Hide": The Reality of Being a Law Library Director in Times of Great Opportunity and Significant Challenges

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“Nowhere to Run; Nowhere to Hide”: The Reality of Being a Law Library Director in Times of Great Opportunity and Significant Challenges*

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This is an edited versions of remarks presented at “Nowhere to Run, Nowhere to Hide”: The Reality of Being a Law Library Director in Times of Great Opportunity and Significant Challenges,” January 5, 2015, at the Association of American Law Schools Annual Meeting, Washington, D.C. The remarks were edited by Spencer L. Simons, Penny A. Hazelton, and Joan S. Howland. The workshop was sponsored by the AALS Committee on Libraries and Technology.

Introduction (Simons)	80
Keynote: Now That You Are a Director There Is No Place to Run, No Place to Hide (Bintliff)	81
Nowhere to Hide: Emerging Issues for Directors (Hazelton).	85
Making Your Dean an Offer She Cannot Refuse (Simons).	90
Panel: Providing Your Dean with Support and Counsel (Hazelton, Moderator; Aranas, Howland, Simons, Panelists).	92

* © Individual sections by Pauline Aranas, Steven M. Barkan, Barbara Bintliff, Darin K. Fox, Penny A. Hazelton, Joan S. Howland, Spencer L. Simons, Keith Ann Stiverson, and Michelle Wu, 2015.

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“Uptight? It’s All Right.” The Challenges and Rewards of Being a Law
 Library Director—Part I (Wu, Barkan)100
 “Uptight? It’s All Right.” The Challenges and Rewards of Being a Law
 Library Director—Part II (Fox, Stiverson)106
 Conclusion (Simons)112

Introduction

Spencer L. Simons

¶1 This article originated in discussions between Penny Hazelton and Joan Howland regarding the need to support newer directors at a time when so many first-time directors are filling directorships and the challenges facing all directors are greater than ever. The initial idea for a workshop for newer directors was further developed during discussions about adopting the workshop as the 2014 annual program of the AALS Committee on Libraries and Technology. Scheduling conflicts at AALS required pushing the program back a year. Under the leadership of Spencer Simons, the workshop for newer directors was planned for January 5, 2015, at the AALS Annual Meeting in Washington, D.C.

¶2 As the workshop organizers further refined the content, they decided to emphasize not only the traditional challenges and rewards of becoming a director but also emerging issues in legal education, such as the need to increase a director’s value and perceived value to the law school and, particularly, the dean. If the headings to the sections seem edgy, consider them frank appraisals of the current status of legal education and the unprecedented challenges and expectations these changes hold for the newer director.

¶3 In the first session, the context for the workshop was set by Penny Hazelton’s discussion of the emerging issues faced by law library directors. The subsequent presentation and panel discussion focused on ways in which directors can provide greater service to the dean and law school, and on how law library directors and deans can best work together. The afternoon sessions addressed the ever-present question of how to find balance in meeting all the obligations of a director, the forms of status for a director, and the responsibilities of a director to participate in the intellectual life of the law school, to understand and respond to trends in legal education, and to facilitate the law school’s adaptation to a rapidly changing legal environment.

¶4 A striking aspect of the workshop was the number of “not new” directors in the large workshop attendance. In his introductory remarks, Spencer Simons noted that, in a sense, all directors are “newer directors” in this rapidly changing world of legal education.

¶5 After the workshop, the organizers realized how robust the discussions had been and decided this important content should be preserved and disseminated in *Law Library Journal*.

¶21 These are just a few of the challenges faced by almost all new directors. You will face others. As director, you have a tremendous amount of responsibility but an equal amount of opportunity. You will be able to guide your own career in a new way and develop professionally in many directions. To conclude, I offer three pieces of advice to help you meet the specific challenges that you will encounter and turn them into positive developments:

1. Have a trusted friend or mentor outside your institution, or multiple mentors for different perspectives. The law library director's position in a law school is unique and often isolating—at the same time faculty, staff, and administrator—and having someone knowledgeable with whom to discuss your ideas and concerns is invaluable.
2. Be proactive. Think ahead and prepare for what may be happening. What is on the law school's or university's calendar that might affect the library's operations or its personnel? How might you position the library to take advantage of changes in leadership, for example? How should you anticipate the needs of a new first-year class of students? You want to have thought about as many possible scenarios as you can and have a plan for maximizing the library's participation.
3. Learn how to apologize. You will make mistakes. Apologizing and accepting responsibility, offering solutions, and learning how to move on are signs of a mature administrator.

¶22 You have reached your career goal, and, by now, you know that facing challenges, even the hardest ones, can help you grow and mature. Frequently the same challenge also can offer the chance of growth for your staff. Even though running and hiding might seem the easier way to deal with difficult situations, it is a short-term solution. Turning that challenge into a positive is far preferable.

Nowhere to Hide: Emerging Issues for Directors

Penny A. Hazelton

¶23 We all know the tremendous external pressures of the environment in which we work:

- Competition in legal education—for students, prestige/status, faculty, private funds, legal jobs
- Changes in legal practice—consolidation, outsourcing work, fewer high-paying jobs
- Huge unmet need in serving people who cannot afford a lawyer¹
- Cost of legal education and debt burden of law students

1. Washington State is the first to create another kind of legal practitioner—the Limited License Legal Technician. See this research guide linking to the Supreme Court order and other important documentation: *Washington Limited License Legal Technician (LLLT) Research Guide* (Mar. 20, 2015), <https://lib.law.washington.edu/content/guides/llltguide>.

¶24 Within the law library, questions about our very soul are on our minds. What is a law library today—space, collections, services, something else? Maybe more important, what does it need to be tomorrow? These internal issues arise on a daily basis for academic law library directors:

- Traditional law library autonomy is being questioned because of pressures to economize and do more with less
- New ABA standards about assessment and outcomes need our input²
- Rethinking the status of the law library director
- The future of print collections
- Integration of the law library into the fabric of the law school
- Repurposing of library space
- Limited resources and staff
- Preservation of legal materials and gray literature

¶25 It is like a giant jigsaw puzzle. The pieces are on the table, and we have turned most of the pieces right-side up. We have been looking for the border pieces. We know the rest of the pieces will be easy to put together if we can just build the border first. But none of the pieces look like border pieces! We can't even tell if those pieces were ever in the box!

¶26 Even if we can put together the library pieces, how will they attach to other elements of the puzzle? Where will they go in the puzzle? In the center? At the edge? Which of the library pieces even belong in this puzzle?

¶27 To make better sense of the puzzle pieces we do have and can recognize, and to help us create some of the edge or border pieces we need, there are two tasks you should do for you, your law library, and your law school.

¶28 First, add to the preceding list of external pressures and communicate it concretely to your library staff. Use data and visual graphics to enhance your messages. While most library staff probably realize that law libraries are undergoing very rapid changes, they may feel that they can ignore what is going on with student loan debt and a tight job market for lawyers as irrelevant to the library and to them personally. But as we see every day, these forces are driving important, impactful decisions in law schools and are completely relevant to every law school employee.³ Every law library staff member needs to understand the significant changes that are taking place in the practice of law and in legal education today. How these changes are handled and managed today will define legal education in the future. And they will define our law libraries.

¶29 A second task every law library should undertake is a SWOT analysis.⁴ Take a hard look at your strengths and weaknesses, and identify the opportunities and threats posed by that analysis. I invite you today to begin making your lists. I chal-

2. See Gordon Russell, *The ABA Section on Legal Education Revisions of the Law Library Standards: What Does It All Mean?*, 106 LAW LIB. J. 329, 2014 LAW LIBR. J. 20.

3. See Adam Walberg, *Why William Mitchell and Hamline Law School Had to Merge*, MINNPOST (Feb. 18, 2015), <http://www.minnpost.com/education/2015/02/why-william-mitchell-and-hamline-law-had-merge> (a short article about the planned merger of Hamline and William Mitchell law schools in Minnesota).

4. *SWOT Analysis I: Looking Outside for Threats and Opportunities*, in STRATEGY: CREATE AND IMPLEMENT THE BEST STRATEGY FOR YOUR BUSINESS 1–24 (2006).

lence you to use your strengths to take advantage of the opportunities in order to create new models of legal education and new visions and roles for the law libraries of the future.

¶30 As I have watched us all try to fit the pieces into this puzzle without borders, I would like to make two general observations.

¶31 First, everything and everyone is set back to zero. By that I mean knowing how to do our jobs well today and in the past is not a sign of success for tomorrow. The assumptions of the past make no guarantee about success in the future. My favorite futurist, Joel Barker, makes this point very concretely in his DVD, *The Business of Paradigms*.⁵ He claims that paradigms, the rules and regulations we use to decide how to do our best work and make good decisions, may actually blind us to innovation and change.

¶32 One of the challenging questions he asks is, “What, if you could do it today, would fundamentally change your business?” There is no doubt that digital texts have utterly changed the world of libraries forever. So the question today is, how do we as librarians adapt and change our ways of thinking within this new paradigm? Similarly, the old paradigm of legal education—expensive, elite, students not practice-ready or able to pass the bar, emphasis on scholarship not skills, light teaching load for faculty, few clinics—cannot continue in light of current developments. How does it need to change?

¶33 This notion of going back to zero—that we are all starting at the beginning—was brought home to me recently in my own law library. We joined a consortium of thirty-eight academic libraries in three states to find a new integrated library system that we hoped would increase efficiencies on the library side, reduce our individual library costs, and make collaboration easier with improved customer service for our users.

¶34 The system selected was new to everyone in the consortium—and, to say the least, it was not really “ready for prime time.” For example, the new system seemed to think libraries had only electronic resources. Print serials? Why would we need to keep track of them? On one subscription you receive replacement volumes and pocket parts and other materials. There is certainly no need to keep track of them, is there? The result was a software program that was constantly being tweaked and changed on a weekly, if not daily, basis over the course of eighteen months!

¶35 What did this constant state of change mean for the library staff implementing the new system? Training sessions were virtually worthless because the process for doing a discrete task inevitably changed a few days after the training. Documentation about how to do a particular task was similarly worthless because those steps would not work the next month.

¶36 Not surprisingly, staff morale was very low. At first I thought this was just because they didn’t want to learn a new system. The library staff just didn’t want to change. When I looked harder at this question though, the answer was more complex. Library staff wanted to continue to do their work in an outstanding manner.

5. Joel Barker, *The Business of Paradigms* (Discovering the Future Series, Charthouse International Learning Corp. 1990).

They were willing to learn new procedures and processes. So what was the problem?

¶37 First, staff could not do their jobs, sometimes not at all. Want a list of our new acquisitions? The system can't do that yet. Need to know what you paid for volumes of the *Washington Reports*, 2d last year? Sorry, that data is in the record, but the system does not know how to retrieve it. Second, the way they did the work they could do changed all the time. Third, there did not seem to be an end to the constant change in the ILS. Something would get fixed or improved and something else would break. Whether staff were working with the behind-the-scenes software (Alma) or the public catalog and discovery platform (Primo), the problems were constant.

¶38 These issues still plague us today. While some of the kinks have been worked out, the bottom line is that this software will never be complete or done. In fact, all software will always be changing—that is its nature, after all.

¶39 But here is the lesson: rote processes using computer systems are out. Experimentation, testing, and retesting are in—and not just for the software developers. No longer will a library staff person be able to do a repetitive task using the same steps every time. As the system changes, the steps will change as well. When this happens, library staff will need to be able to “look around” the system and discover another way of doing the task.

¶40 Does this sound efficient? No. This way of working puts the burden of development and use of software squarely on the user of the system. But this way of working is here to stay. And it has important implications for the skills library workers need to have now and in the future.

¶41 Many of us did not like WestlawNext when it was introduced. It has taken several years for WestlawNext to come of age and for us as librarians to learn to how to use it effectively—and how to teach others to use it! A constant stream of new systems awaits us: Lexis Advance, Casetext, and Ravel, to name a few. The skills that make the best reference librarians are needed by all library workers.

¶42 Successful library workers will all need to have these qualities:

- The curiosity bug
- Problem-solving skills—the willingness to figure it out themselves
- The patience to try and fail and try again
- The desire to continue learning many new things every day

¶43 If all library staff have been set back to zero (or will be), how can we as managers help them be successful in this new environment? First, be sure they understand that this state of affairs is not just temporary. Second, give them a chance to grieve the passing of a different time, the old way of getting their jobs done. And then, inspire them to help put the library pieces back into the puzzle by creating entirely new puzzle pieces and contributing to the border that needs to be built.

¶44 The second of my general observations is not to forget our users' needs as we try to adopt technological solutions to increase our efficiency and productivity. Sometimes in our effort to be efficient, our new policies or procedures do not serve our users. A recent situation at my institution serves to make my point.

¶45 As part of the collaboration with our three-state alliance, we were required to merge our catalog with the catalog of our university library. Several months of preparation by our wonderful transition team highlighted the many policy decisions we would need to review as we worked to integrate our records and our practices with the main campus system. Both libraries were coming from Innovative systems, but since we had gone our separate ways in implementing Innovative twenty years ago, our practices and policies needed to be reconciled before we could move to join the new Alliance integrated system.

¶46 Law librarians serving on various committees with the university libraries accomplished the review and decision-making required to move ahead. In one particular area—circulation—we had a strong policy conflict with the university libraries. They serve tens of thousands of users; we serve about 1000 who mostly “live” in the law school building. They fine for overdue books, and if the books are not returned or renewed, the patron is charged for replacement costs at \$150 per volume and a nonrefundable fee of \$30.

¶47 In the law library, we had never fined our users for overdue law library books. In addition, we automatically renewed books held by law faculty and required that the books be returned only when someone else wanted to borrow them. The result is that many law faculty had books that had probably been checked out with our ancient paper system!

¶48 Our policies and the policies of the university library collided. We were able to get the university library to program the software to continue our practice of no fines for overdue law library books. But we were not able to eliminate the requirement of return or renewal, which triggered the replacement invoice and surcharge for being billed. We told faculty and staff to ignore the first e-mails from the university library sent by “the system” listing what they had checked out. The system was not operating correctly in most cases. But when the first law faculty member got a bill for \$18,000 for replacement copies of books, the situation spiraled out of control. Over a period of six months, we worked with law faculty to resolve their individual situations. We tried amnesty. We tried helping faculty look for books. If the faculty member claimed the book had been returned but we could not find it in the collection, we “returned” it ourselves. All the while, the invoices were piling up, and some were sent to collection agencies or the faculty member was prohibited by “the system” from checking out other books.

¶49 It was a disaster. The university library was incredulous that we had been so lenient. We were incredulous that “the system” could not take into account our particular situation and policy choices. Faculty did not want to have to watch for the renewal notices that came to their e-mail from a university library office they had never heard of. Many of our most prolific users said they would quit using our print collections altogether—not the reaction you want to have! The situation kept escalating until the law school’s elected faculty executive council was asked to review law library policy with the dean.

¶50 Bottom line is that instead of the efficiencies we had hoped to gain by joining the Alliance, we have created time-consuming workarounds to handle circulation for faculty. The staff are not working more efficiently as we had hoped. And the

law library's reputation as a user-friendly organization has been tarnished among people who were the library's best supporters.

¶51 Perhaps we should have seen this coming. We could have handled it differently (we certainly wish we had!). Hindsight is always a useful tool. But the main message here is just a reminder that as much as we may wish (or have) to be more productive and efficient, changes in policy may be hard to implement if they directly conflict with the culture and values of an organization. And an argument that it takes too much library staff time to work around "the system" (especially if it puts the burden on faculty and staff) will be unlikely to prevail.

¶52 Have fun finding the border pieces to your puzzle!

¶53 By the way, law schools are trying to put their puzzles together, too. Building the border pieces or edges of the legal education models of the future is a daunting yet exciting prospect. You have a lot to contribute.

Making Your Dean an Offer She Cannot Refuse

Spencer L. Simons

¶54 A major theme of this workshop is the increasing challenges for law libraries in a time of great change in legal education. The theme of this part is the opportunities we can make for ourselves.

¶55 The focus of the academic law library has long been, and will continue to be, advancing the law school's mission through service to faculty and students. All of us here today have been "upping our game" as we have recognized that the future of the law library depends on providing more and better service. Still, the questions persist as to whether law libraries are providing value commensurate with the resources they absorb. The answer increasingly is yes, we are providing good value. The question remaining is how do we make that evident to the allocator of resources, our dean?

¶56 Deans have largely evaluated the director and the library based on their perceptions of how well we serve the faculty and students. Now, the demands on the dean have increased greatly. Many schools are struggling, and almost all have fewer resources. Deans are expected to supply solutions, and the performance of many is measured by onerous formal metrics. More than ever, a dean will ask what value the library provides. My thesis is that we can best demonstrate our value by directly helping the dean in her efforts to find solutions.

¶57 How can we help the dean? We can leverage our existing competencies. We are researchers and analysts. We are networkers and diplomats. We are organizers. We are team players.

Researchers and Analysts

¶58 Deans must be fundraisers, and a key part of fundraising is identifying and developing alumni donors. The library may already be searching daily for news items referring to the law school, including references to alumni. Officers in the development and publicity offices should be included in the distribution. The library also can research who is who in the local legal community and who is likely