

**From:** Victoria Szymczak  
**Sent:** Thursday, November 04, 2010 5:25 PM  
**To:** Stretch, Charlotte (Becky); Polden, Don  
**Subject:** Comments to Standard 603(c) and 603(d)

Good Afternoon,

It came to my attention today that the Committee would be reviewing Chapter 6 in its entirety this weekend. I was under the impression that you would be reviewing only Standard 606. I forwarded those comments on to you earlier this week. I now offer my comments on Standards 603(c) and 603(d) and thank you for your consideration.

**Standard 603(c):**

The proposed language for this standard seems to eliminate the need for both a Masters degree in information science and a Juris Doctorate degree. Although it might be possible to find a qualified person to place in charge of a law library who may have only one, or may have neither, of these advanced degrees, I think it is a mistake to ignore the possibility that the proposed standard subjects an important part of a school's academic program to the potential for mismanagement. For example, due to the prevalence of technology in today's law schools, it is not impossible to imagine a school/dean who appoints an information technologist to this position. This person may have a PhD in computer engineering but neither a law nor library degree. And, under proposed standard 405, that PhD could be given some sort of diluted faculty position. I can assure you that an IT specialist is a specialist in their own right, but they are not the same as a law librarian. This may be an extreme example, but it is not impossible under the proposed standards.

Some schools have recently appointed non-librarian faculty members as their library director. While I do not begrudge well-informed individuals from holding this position, I think this should be an exception rather than the accepted status quo. When a non-librarian director is appointed, he/she will necessarily need to draw upon the experience of their staff who may be able to fill in gaps of knowledge and help educate the new director. This is assuming that the staff members have that level of experience or are inclined to assist someone who is already supposed to have that knowledge. In the meantime, that same director may make poor decisions that undermine the institutional library and academic program. I do not see this scenario as the gold ring for which we should be striving.

It is more likely that individuals who have earned both a Masters degree in information science and a Juris Doctorate will be in the best position to be a successful law library director rather than someone who does not have this background. The degree requirements set a high standard. It is my opinion that the proposed change to 603(c) will hurt, rather than help the accreditation process and that the Committee should not lower its standards with respect to the educational requirements for Library Directors.

While I understand the Committee's reluctance to assign specific criteria for positions at law schools, I respectfully remind the Committee that standards *are supposed* to set standards. The Library Director position is unique in legal education. No other person at a law school affects the intellectual pursuits of all students and all faculty members at all times. The standards for this position as a matter of course must also be unique and should, at a minimum, require the appropriate educational background.

I respectfully suggest that the proposed language be changed to read as follows:

**Except in extraordinary circumstances, the Library Director shall have a law degree and a degree in library or information science.**

I would also like to suggest that the current proposed Standard 603(c) be retained as an interpretive note to 603(c).

**Standard 603(d):**

Standard 603(d) is necessarily tied to the proposed changes in Standard 405; however, I will try to focus my comments on 603(d) as Standard 405 addresses faculty much more broadly.

A main purpose for academic tenure is to insulate faculty members against discipline or other reprisal for their expressed opinions and decisions concerning research, writing, teaching, and institutional policy making. And, in the case of Library Directors, how they support the academic program through the collection and acquisition of library resources. I do not recall a more sensitive time in the modern history of legal education when Library Directors were placed in the difficult positions that our shrinking economies have put us in. It is precisely in difficult circumstances like these that we need to know our positions are secure so that we can engage in the types of decision making required of us without fear of reprisal.

According to the Draft on Security of Position, Academic Freedom and Attract and Retain Faculty for November 7 & 8<sup>th</sup>, a reason for dropping the language concerning academic freedom and tenure in current Standard 405, is to allow schools to be creative and flexible in how they shape their programs. (See paragraph 4 in Introductory Comments.)

I do not agree with this approach because in granting a juridical entity with the right to be creative and flexible, you are also diminishing the individual faculty member's freedom to do the same. This is especially true for Library Directors. A Director needs the security of a tenured appointment in order to manage the intellectual needs of the school, especially in an era when the management of information is multifaceted and the needs of the school are interdisciplinary in nature. By removing the protections afforded by current Standards 603(d) and 405, the Committee will work against its own goal.

There are factions of legal academics and deans who argue that the standards must be changed to protect their institutions against mismanagement by uncreative Library Directors. I agree, but I do not believe that this should be accomplished by removing the protection afforded to Library Directors - or other faculty - under the current standards.

The standard tenure track appointment at American law schools entails an extended period of time during which an individual's merit to join a faculty is evaluated. When invited to join a faculty, the invitation comes with a presumption that the faculty member will continue to operate at the high levels observed during their initial appointments. And, if they fail to live up to those standards, there is typically a process to remove that individual for just cause.

Many institutions of higher education also have a 5-year review process in place for their tenured faculty. I would rather see the ABA adopt re-evaluation standards for ALL tenured faculty rather than encourage schools to create "special" rules for individual classes of people.

The protection against faculty who fail to evolve in their academic pursuits, or mismanage library resources, is already in place. I fail to see a reason to change them.

Thank you for your consideration.

Respectfully,

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