The Hon. Solomon Oliver, Jr., Council Chairperson,  
Section on Legal Education and Admissions to the Bar  
321 N. Clark Street, 21st Floor  
Chicago, IL 60654-7958  
via email to JR Clark, jr.clark@americanbar.org  

January 24, 2014  

Dear Chief Judge Oliver and Members of the Council:  

On behalf of the membership of the Society of Academic Law Library Directors (“SALLD”), we write to you with respect to the possible changes to Standard 405, and the impact of that change on Standard 603(d), of the ABA Standards and Rules of Procedure for Approval of Law Schools (“the Standards”). SALLD, founded in 2008, is an organization of 156 law library directors, drawn from about 75% of accredited law schools in the United States. SALLD communicates and advocates for the shared interests of its members. SALLD bylaws require that a minimum of 60% of SALLD members must approve a statement before it can be issued on behalf of SALLD. This statement has been approved by 62% of the SALLD membership; out of 102 responses, ninety-nine members support this statement and three members do not.

SALLD supports ABA Draft Standard 405’s Alternative 1. Although Alternative 1 does not require a tenure system at ABA accredited law schools, it does place a burden on law schools to prove that they meet all of the requirements of draft Standard 405, which, most importantly, requires law schools to protect academic freedom by securing long-term contracts and positions for law school faculty, including law library directors. A tenure system or security of position coupled with protections for academic freedom promotes engagement by all members of law faculty, including the law library director, in faculty governance.
Because each law school has a single law library director, shared faculty governance is especially important for directors. We manage critical law school resources and information about such resources must be shared with law school administration, faculty, and students. Engagement by the law library director with faculty in a formal system of shared governance is crucial for making important decisions. Tenure or security of position for law library directors ensures that the law library director fully participates in shared governance.

The teaching and scholarship of law librarians focuses on legal research, legal information bibliography, and numerous substantive legal topics. Tenure or security of position protects the scholarship of law library directors by acknowledging that the topics addressed by our scholarship can be as unique as our role within the law school, and yet as diverse as that of our colleagues on the faculty. Academic freedom is critical for effective law teaching and scholarship for law library directors.

Diversity among law faculty is a continuing concern for the legal profession. Relatedly, security of position for women and minority law library directors is also a concern because SALLD’s membership is comprised of 53% women and 10% minorities. Even though women and racial minorities have made slow and steady progress in securing tenure-track and tenured law professorships, white males continue to hold a substantial majority of the these positions. With regard to gender bias, a look at the makeup of academic law library directorships is instructive. In the overwhelmingly female-dominated profession of law librarianship (with a gender breakdown of about 75% women and about 25% men in the profession), 50% of academic directorships were held by men in 2010, which illustrates that men get academic directorships (which often come with professorship) disproportionately. However, now that the female and minority presence is finally becoming more visible, prospects for tenure or security of position are tapering off. Attempting to weaken protections for tenure or security of position just as such protections are beginning to accrue increasingly to nontraditional groups will erode the progress that has been made.
On behalf of SALLD, we respectfully urge the Council to support draft Standard 405’s Alternative 1. In addition, SALLD respectfully urges the Council to offer the same protections to law library directors in Standard 603(d) that is offered to faculty in Standard 405.

Sincerely yours,

Beth Adelman
Chair
Society of Academic Law Library Directors