

# Improving Education-Delivery in the Twenty-First Century: The Vital Role of the Law Librarian\*

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*Dean Makdisi argues that globalization and the demand for practice-oriented education require changes in law schools that law librarians are uniquely qualified to play a leading role in bringing about.*

¶1 Dean Mary Kay Kane has really put her finger on what law librarians need to do to promote the law school of the future.<sup>1</sup> But I will dare to venture a step further and assert that legal education is in serious trouble right now because of the disconnect between advancements in technology and the continuing, almost exclusive, attachment of law school faculties to the Langdellian tradition. My exploration of the vital role law librarians can play in addressing this problem also will lead me to touch on the nature of the tenure and promotion standards and process for law library directors in the latter part of this article.

¶2 Law library directors are certainly the leaders in most law schools when it comes to understanding the world of technology. They are the ones who usually are the most technologically proficient and the most aggressive in pushing for change in the use of technology. Law professors for the most part still operate under the same format for teaching in the classroom that existed in the time of Harvard Law School Dean Christopher Langdell. The Socratic method championed by Langdell still dominates the methodology for analysis and discussion of cases in a face-to-face engagement, if not confrontation, with the student. While faculty have exercised great creativity in the substance of their presentations, the format itself has not changed. Therefore, it is up to the law librarian to nudge the law professor away from this nineteenth-century tradition toward the new future that we now face.

## The Impact of Globalization and Practice-Oriented Education

¶3 What is that future? Although I am very fond of the Langdellian Socratic method, I firmly believe that the traditional classroom will no longer remain the dominant feature of legal education in the future. Two movements in legal education are

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1. See Mary Kay Kane, *Technology and the Law School Librarian of the Twenty-First Century*, 95 LAW LIBR. J. 427, 2003 LAW LIBR. J. 31.

encouraging us to teach outside the physical confines of the classroom. The first is globalization and our rapidly increasing interest in teaching students outside our borders. The world is shrinking and our programs to teach foreign students are expanding. It is merely a matter of time before law schools will be forced to turn to long-distance education to reap the benefits of diversity on an international scale, access to higher levels of expertise for teaching from experts abroad, and greater numbers of students to support our tuition-driven enterprises.

¶4 The second movement is the effort to integrate practice-oriented courses, workshops, and clinics more thoroughly into the law school curriculum. Thirty years ago the clinical movement introduced a major change in legal education that brought a new methodology for conveying practice-oriented skills in real-life situations. We recognized and accepted the unique aspect of legal education that combines intellectual with practical learning, something that had already been accepted and implemented in medical education. One does not expect a doctor to practice medicine without practical experience, and law practice is no different. I believe now, however, we are headed for a closer integration of skills training with academic education. The need for a greater focus on practice-oriented education was emphasized in 1992 when the McCrate Report<sup>2</sup> indicated how inadequately we prepare our students for the practice of law. As we move in this direction, it should come as no surprise that the tools of technology not only enhance our ability to deliver skills training in the classroom but also provide the potential for allowing students working in remote locations to tie their clinical experiences into an online classroom experience.

### **Helping Faculty Face the Future of Legal Education**

¶5 Both these movements—globalization and practice-oriented education—require better methods of education-delivery than the traditional classroom bounded by four walls. Technology is the answer, and the law library director is uniquely placed to push us forward in that direction. As the law school world changes to accommodate global and practice-oriented education, law librarians have the tools to guide law faculties and even deans toward new methods of education-delivery. Of course, law librarians need to have a solid understanding of the nature of legal education and a vision for what is coming in the future, but there is probably no person better placed than a technology-literate law librarian to guide law schools into the new technological age.

¶6 How will this happen? For one thing, many faculty still do not know how to add a computer component to their teaching in the classroom, let alone manage

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2. Task Force on Law Schools and the Profession: Narrowing the Gap, Am. Bar Ass'n, *Legal Education and Professional Development—An Educational Continuum* 240 (1992) (“[D]ata generated by the Task Force and from other sources . . . demonstrate that relatively few law students have exposure to the full range of professional skills offerings.”).

a long-distance course. Faculty need to develop a facility with computers in communicating with their students. The first step, albeit a baby one, is to familiarize faculty on a continual basis with the different techniques of communication possible through computers, including the posting of assignments, the provision of quizzes, and the encouragement of dialogue with and between students. Librarians initially should offer the service of putting a faculty member's syllabus online for the students in a class. Once that is done, the next step might be to encourage the use of computers in the classroom, and then ultimately the inclusion of some long-distance training in the course online.

### **Promotion and Tenure Standards for Library Directors**

¶7 The library director needs to be proactive in these endeavors and, of course, none of it will work without the approval of the dean. These are the types of things that librarians (whether sitting directors or not) should be thinking about as they apply for library director positions at various schools. It is also the reason that I believe we need to be very careful about standards for tenure and promotion of library directors. A couple of years ago we changed the tenure standards for our library director at St. Thomas University School of Law in Miami. We recognized the need for a library director who is a full-fledged faculty member with a sound understanding of legal education, but we also knew that if we truly were going to hold the law librarian to the same standards by which a full-time teaching faculty member is traditionally judged, we were asking for the impossible. A law school library director is responsible for running a million-dollar (and in many cases a multimillion-dollar) operation, replete with a large staff and the largest base of capital in the law school. These administrative responsibilities need to be taken into consideration when setting up standards for review of performance for tenure and promotion. We want to see our library directors engage in the type of innovative thinking that will help lead our faculties into the new age of technology described earlier. Therefore, the standards need to reflect these expectations while, at the same time, not dilute the scholarship requirements.

¶8 Let me emphasize that I think it is absolutely essential for a library director be a faculty member. There is no way that you can promote what is necessary for the future of legal education unless you understand it at the very core. You are not going to have this degree of understanding unless you know what scholarship is like from the inside, and you are not going to know how to promote it unless you have actually taught and participated in the governance of a school. This knowledge and experience is certainly necessary to develop and promote the innovative methodologies mentioned earlier.

¶9 So what are the standards that one should look for? First of all, make sure that there is no distinction as to the level of *quality* that is required of the library director compared to that of a full-time member of the teaching faculty. It does not

do anything for the credibility of a library director to be given standards that differ in expectations of quality. On the other hand, the *nature* and *quantity* of the scholarship that is required should be different, emphasizing research and publication in areas that complement the law librarian's specific focus in legal education, and taking into account the limited amount of time available to the librarian to engage in scholarship. Also, while not required, Gordon Russell, our own library director, has insisted on teaching a course virtually every semester and summer to stay current with students and to promote the development of technology in the law school. This has been an excellent choice on his part. He has developed a rapport with students, learned how to do presentations that are attractive not only to our students but to our alumni and to our faculty, and used his experience to develop new ways to introduce computer technology into the classroom. Some form of teaching may be a positive aspect of promotion and tenure standards.

¶10 Lexis and Westlaw really blew us away when they first appeared several decades ago on the law school scene. Now we have a whole series of new technologies, including e-books, synchronous and asynchronous communication, and, of course, the Internet. Our new LL.M. degree in intercultural human rights<sup>3</sup> at St. Thomas would not succeed if it were not for the fact that our students and faculty can conduct research in international law and in human rights online in a way that they could never do before. Our new LL.M. degree in international tax is taught completely online,<sup>4</sup> and we have students and professors around the world from China to Africa and throughout Europe trained to do their work in ways that we never would have thought possible when we were students. The involvement of the library director with the training, not only of these students who are now accustomed to online delivery of education, but also of the students, and even of the faculty, of our regular J.D. courses has become an integral part of the services provided by our law librarian. Therefore, the tenure and promotion standards must reflect the need for a highly trained faculty member well versed in legal education with a strong vision of the role that technology will play in the future of law schools. And these standards must reflect the fact that our law librarian has only so many hours in the day in which to accomplish all these things!

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3. See ST. THOMAS UNIV. SCH. OF LAW, LL.M. PROGRAM IN INTERCULTURAL HUMAN RIGHTS, at <http://www.stu.edu/humanrights/> (last visited Apr. 30, 2003).

4. See William H. Byrnes, *A Review of the Development of an Internet Delivered LL.M Program in the United States*, 2001 J. INFO., L. & TECH. 3 (Nov. 7, 2001), at <http://elj.warwick.ac.uk/jilt/01-3/byrnes.html>.