

Status and Tenure for Academic Law Librarians: A Survey*

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The authors developed, distributed, and compiled a survey instrument in 2001 focusing on status and tenure for academic law librarians who are not directors. They describe the results of the survey with the goal of helping nondirector law librarians make their best argument toward obtaining status and tenure.

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Introduction

The vision and the faculty divine. William Wordsworth, *The Excursion*, bk. i, l. 79.

¶1 The debate surrounding the issue of faculty and academic status for librarians has

* © Sharon Blackburn, Robert H. Hu, Masako Patrum, and Sharon K. Scott, 2004. The authors wish to thank David Kelly, Kathy Lamothe, and Stephen Good, all of Texas Tech University School of Law Library, for their contributions in data compilation, editorial assistance, or both.

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captured the attention of contributors to library literature for many years; Nancy Huling's 1973 comprehensive bibliography reflects librarians' growing concern with this topic dating back to the early 1900s.¹ Ongoing concern led to collective action: in 1959 a report of the University Libraries Section of the Academic Status Committee of the Association of College and Research Libraries (ACRL), a division of the American Library Association, "strongly recommended" professional librarians be granted academic status and privileges.² Opinion pieces have abounded, with some convinced that the perceived benefits attached to "faculty status" are the due of the librarian, while others are just as strongly convinced that "status" too often comes with added responsibilities and few rewards.³

¶2 In June 2001, the ACRL board reaffirmed a joint statement supporting the granting of faculty status for librarians that was drafted by a committee of ACRL, the Association of American Colleges, and the American Association of University Professors, and approved by the ACRL membership in 1972.⁴ ACRL has also issued a "Model Statement of Criteria and Procedures for Appointment, Promotion in Rank and Tenure for College and University Librarians" which affirms that the criteria for evaluation for promotion and/or tenure should be applied to librarians just as they are applied to other faculty on campus, including the three elements of effective performance, scholarship, and professional service.⁵

¶3 The 2001 ACRL statement provides organizational support for librarians seeking faculty status, with the expectation of benefits equal to those of teaching faculty. Basic among these benefits are the guarantee of academic freedom and the possibility of and opportunity for greater involvement in the overall educational process which may, in turn, lead to better understanding and recognition of the librarians' role. Librarians as faculty have the opportunity to serve on university committees, even to chair faculty senate groups; the resulting exposure of librarians performing in traditional "faculty" roles serves to reinforce the value and role of librarians as professionals. On a practical level, being grouped with teaching faculty may result in better financial compensation; flexible schedules and the possibility of sabbatical leave are additional benefits of faculty status.

¶4 The 2001 ACRL statement also reinforces the view held by many that fac-

1. Nancy Huling, *Faculty Status—A Comprehensive Bibliography*, 34 C. & RES. LIBR. 441 (1973).
2. Academic Status Comm., Am. Library Ass'n, *Status of College and University Librarians*, 20 C. & RES. LIBR. 399, 399–400 (1959).
3. Cf., e.g., Beth J. Shapiro, *The Myths Surrounding Faculty Status for Librarians*, 54 C. & RES. LIBR. NEWS 563 (1993) (against faculty status) with Fred Hill & Robert Hauptman, *Faculty Status for Librarians? A Response*, 55 C. & RES. LIBR. NEWS 26 (1994) (favoring faculty status).
4. Ass'n of Coll. & Research Libraries, Am. Library Ass'n, Joint Statement on Faculty Status of College and University Librarians (June 26, 1972, reaffirmed June 2001), available at http://www.ala.org/Content/NavigationMenu/ACRL/Standards_and_Guidelines/Joint_Statement_on_Faculty_Status_of_College_and_University_Librarians.htm.
5. Ass'n of Coll. & Research Libraries, Am. Library Ass'n, Model Statement of Criteria and Procedures for Appointment, Promotion in Academic Rank, and Tenure for College and University Librarians (Jan. 20, 1987), available at http://www.ala.org/Content/NavigationMenu/ACRL/Standards_and_Guidelines/Model_Statement_of_Criteria_and_Procedures_for_Appointment,_Promotion_in_Academic_Rank_and_Tenure_f.htm.
6. One study revealed that librarians' satisfaction with faculty status correlated with the institution's

ulty status for librarians is a double-edged sword. The academic life and schedule of a teaching faculty member differs greatly from that of the typical librarian. Generally librarians officially work a full thirty-five to forty-hour week, only rarely having an unplanned free hour in which to conduct research. In addition, the opportunity for extended time away from work to pursue research and writing activities is unusual. The resulting anxiety over the “publish or perish” syndrome leads to ambivalent feelings among librarians about full faculty status. Pursuing tenure is not without cost to the institution. Time spent in publication efforts and committee participation, usually required to attain tenure, is time away from the librarians’ primary responsibility and can result in fewer books cataloged or less time devoted to the library’s primary clientele. Teaching faculty may not view the librarian as an equal, regardless of faculty status with tenure; faculty surveyed revealed that they feel librarians are “professionals,” certainly on a level higher than staff, but not equaling that of teaching faculty.

¶5 If the 2001 ACRL statement is endorsed and applied by universities or law schools, librarians will find themselves being evaluated alongside their teaching faculty colleagues. Equality with other faculty results in promotion or tenure documents for librarians being routed from library committees through the hierarchy of campus evaluation groups. Often these groups, comprised mainly of teaching faculty, are totally familiar with teaching and research activities but less comfortable with the work of librarians. Faculty may find difficulty in understanding the librarians’ vitae and accurately evaluating the quality therein. Librarians may discover their tenure files are woefully thin when compared to those of teaching faculty colleagues. Full-time jobs and lack of release time and funding for research activities put librarians at a disadvantage when being evaluated in a large faculty pool, and they may find themselves trying to satisfy two sets of criteria: those relating to their primary job performance as librarians and those needed to meet “faculty” standards. If libraries ever truly adopt ACRL criteria and procedures, research time and funding from the institution must become part of the picture.⁶

¶6 Law school librarians, although faced with the same issues, have achieved some success in securing “faculty” status. Several factors contributed to this success in some institutions: many law school librarians are required to have a law degree in addition to their library training, and many also teach legal research, fulfilling an unspoken requirement actually to “teach.” Unfortunately, even with these advantages, research has shown a surprising number of law librarians still do not have faculty status. As with librarians in general collection libraries, law faculties may not see librarians as equals. Faculty members may feel that librarians are closer in nature to that of “adjuncts.” Although recognizing that law librarians play an important role in the law school, faculty seem reluctant (or at least oblivious) to extending faculty

compliance with ACRL standards in allotting time and resources for other activities. Marjorie A. Benedict, *Librarians’ Satisfaction with Faculty Status*, 52 C. & RES. LIBR. 538, 547 (1991).

7. Oscar M. Trelles II & James F. Bailey III, *Autonomy, Librarian Status, and Librarian Tenure in Law*

status to law librarians.

¶7 The law librarians at Texas Tech School of Law Library do not now have faculty or other professional status. In considering whether to seek such status, some discussion among the librarians ensued as to whether we would benefit from attempting to change our status—whether we would enjoy benefits and privileges we do not now have by becoming “faculty.” During our initial research, we noticed a 1986 *Law Library Journal* article that appeared to be the most recent survey of law librarian status and tenure.⁷ We were interested to see what, if anything, had changed since the mid-1980s, with the thought that we could use updated information to support our cause should we decide to pursue faculty status at Texas Tech; so we decided to conduct a new survey.

¶8 While the Trelles and Bailey article covered law library autonomy as well as many facets of law librarian status and tenure, our survey focuses only on the status of nondirector librarians; the process involved in tenure decisions; and the rights, benefits, and responsibilities of nondirector law librarians. Further, we decided to limit the survey to Association of Research Libraries (ARL)-affiliated law libraries, with the thought that faculty status might be more common and accepted in those institutions. After reviewing the available literature on status for law librarians, we analyze the results of our survey in the remainder of this article.

Review of the Literature

¶9 In a 1992 bibliography on status for academic librarians, Janet Krompart reports that “the literature of librarian status, faculty status in particular, has a long history of continuous publication that shows no sign of abating.”⁸ Status, as well as tenure, feature prominently in the literature of law librarians, also with little indication of abating. While the limited scope of our study prevents us from reviewing all law library publications concerning status and tenure, we will discuss a small but significant portion of the literature. Since the 1970s, at least eight questionnaires, tabulating the responses of 44 to 184 law libraries, have gathered statistics and offered analysis on the subject of status and tenure among academic law librarians. Although most of these surveys include statistics for the director of the law library, we focus primarily on the statistics addressing the state of nondirectors.⁹ We chose to narrow

School Libraries: The State of the Art, 1984, 78 *LAW LIBR. J.* 605 (1986). Of course, as we began analyzing our results and expanded our research, we discovered articles more recent than Trelles and Bailey, though none more comprehensive.

8. Janet Krompart, *Researching Faculty Status: A Selective Annotated Bibliography*, 53 *C. & RES. LIBR.* 439, 439 (1992).
9. In this article, we use the term “director” for the head law librarian; “nondirector” for a law librarian who is not the head law librarian; and “law librarian” for all law librarians, regardless of the position held. We also proceed knowing that each author defines “tenure” in a different way. While some equate tenure solely with continuing appointment, others see tenure as possessing the full range of privileges associated with regular faculty tenure. Rather than defining status and tenure in the present survey ourselves, we hoped to discover how each responding law library defined status and tenure.
10. James F. Bailey & Mathew F. Dee, *Law School Libraries: Survey Relating to Autonomy and Faculty Status*, 67 *LAW LIBR. J.* 3, 19 (1974). In many ways, focusing on the faculty status of the head law

our focus for two reasons. First, the issue of faculty status and tenure for law library directors has largely been settled, while status and tenure for nondirectors has not. Second, as nondirectors without faculty status or tenure, the authors have a personal and professional interest in the narrowed topic.

¶10 Prior to 1973, most law library literature surveys focused on faculty status for the director of the law school library or, as most frequently termed then, “the law librarian.”¹⁰ For example, in 1957, Massey surveyed 42 libraries on whether or not the law librarian should have faculty status. Not surprisingly, 41 of 42 said “yes.”¹¹ After 1973, surveys began to include statistics about nondirectors. For the reader’s convenience, we have assembled for this article a series of tables summarizing the findings of ten articles or reports, including our own. While most of the comparison tables appear later in the article in the discussion of our survey results, we highlight a few of the recurring themes of survey authors here. Table 1 shows the collection methods and response rates for the ten studies and reveals that survey response rates vary from a low of 56% to a high of 95%.

Table 1

Comparison of Survey Collection Methods

Study (Year)	Mailed to	# of Surveys	# of Returns	% of Returns
Bailey & Dee (1973) ¹²	director	151	133	88
Levy (1973) ¹³	not specified	141	82	58
Bailey & Trelles (1978) ¹⁴	director	167	158	95
Kosek (1979) ¹⁵	nondirector	145	103	71

(cont.)

librarian made sense, because, even in 1973, more than one in ten directors still lacked faculty status, *id.*, plus a substantial number of law school libraries had three or fewer librarians on staff. Charlotte L. Levy, *In Re Law Library Miscellany*, 67 LAW LIBR. J. 32, 33 (1974). In 1979, Robert R. Wright explained that law librarians had not achieved faculty status and tenure “due in large measure to the inertia resulting from the practice of twenty-five or thirty years ago when most law library staffs were small and largely untrained in terms of formal library education.” Robert R. Wright, *Survey of Law School Libraries on Tenure or Indefinite Appointment of Professional Librarians: Report to AALS Law Library Committee* [9] (Dec. 26, 1979) (on file with the University of Texas Tarlton Law Library). (The authors wish to thank Beth Youngdale, Head of Reference, Tarlton Law Library, for securing them a copy of this survey.)

11. M. Minnette Massey, *Law School Administration and the Law Librarian*, 10 J. LEG. EDUC. 215, 219 (1957). Many respondents qualified their affirmative response by asserting that the law librarian “should have a degree of professorial rank commensurate with his experience and tenure whenever his academic qualifications are comparable to those of the law faculty,” *id.* at 218, an opinion echoed throughout the literature of that era.
12. Bailey & Dee, *supra* note 10.
13. Levy, *supra* note 10.
14. James F. Bailey & Oscar M. Trelles, *Autonomy, Librarian Status, and Librarian Tenure in Law School Libraries: The State of the Art, 1978*, 71 LAW LIBR. J. 425 (1978).
15. *Status of Academic Law Librarians*, 73 LAW LIBR. J. 882, 892 (1980) (panel discussion) (remarks of Reynold J. Kosek on “Faculty Status and Tenure for Nondirector, Academic Law Librarians”).
16. Wright, *supra* note 10.
17. Trelles & Bailey, *supra* note 7.
18. Christine M. Stouffer, *Academic Law Librarians and the Quest for Faculty Status: A Survey for the 1990s* (1990) (unpublished M.L.S. research paper, Kent State University), *microformed on ERIC Clearinghouse*, microfiche ED367350.
19. Katherine E. Malmquist, *Academic Law Librarians Today: Survey of Salary and Position*

Study (Year)	Mailed to	# of Surveys	# of Returns	% of Returns
Wright (1980) ¹⁶	not specified	not specified [†]	76	not specified
Trelles & Bailey (1984) ¹⁷	director	175	153	87
Stouffer (1990) ¹⁸	director	44	34	77
	random staff librarian	44	30	68
Malmquist (1991) ¹⁹	director	184	111 ^{††}	60
Angel (1998) ²⁰	statistics generated by ABA		180 [‡]	
TTU Law Library (2001)	director	77	43 ^{‡‡}	56

† Unfortunately, Wright does not include the actual number of surveys mailed out, stating instead that the questionnaire “was mailed to all ABA-approved law schools in the United States on November 5, 1979” (p.[1]). According to the list of ABA Approved Law Schools by Year Approved, at <http://www.abanet.org/legaled/approvedlawschools/year.html>, in 1979 there were 171 ABA-approved law schools, including those in Puerto Rico plus the JAG school.

†† Representing 770 law librarians and 659 nondirectors.

‡ Representing 930 law librarians and an estimated 750 nondirectors.

‡‡ Representing 412 ARL-affiliated law library nondirectors.

¶11 From 1973 to 1984, the percentage of law libraries granting faculty status, as reported in the studies we examined, vacillated from a low of 27.1% to a high of 43.9%, while the percentage of those granting tenure ranged from a low of 27.1% to a high of 41% (see tables 4 and 5). These variations probably owe more to differing definitions and collection methods than to the reality of status and tenure in law libraries. For example, Bailey and Dee’s 1973 survey defined “faculty status with full tenure ramifications” as occurring for nondirectors when they taught classes and held law degrees.²¹ In contrast, Charlotte Levy found in the same year that 36 of 82 (43.9%) responding law libraries awarded faculty status to all professional librarians. Levy’s broader definition of “faculty status” included equivalent status and rank for law librarians.²² In 1991, because Malmquist asked not only for information about professional librarians but also for professional staff members, the category of “nondirector” consequently blossomed into that of “nondirector professional,” including a number of staff without faculty status²³ and skewing the results in comparison to earlier studies. In many ways, the varying definitions of “faculty status”

Information, 85 LAW LIBR. J. 135 (1993).

20. Marina Angel, *The Glass Ceiling for Women in Legal Education: Contract Positions and the Death of Tenure*, 50 J. LEG. EDUC. 1 (2000).

21. Bailey & Dee, *supra* note 10, at 21 (calculated from the raw score of 36 of 133 responses).

22. Levy, *supra* note 10, at 38.

23. Malmquist, *supra* note 19, at 175–77 tbl. 9 (showing that the number of professional staff essentially widens the pool of nondirectors by 59%).

24. Dan Freehling noted the same difficulties in his presentation at the 1980 AALL Annual Meeting, stating: For example, it is often recommended that librarians have academic or faculty status. Well, what is academic status? Is it synonymous with faculty status? Is it faculty status less certain benefits such as tenure, nine-month contract, eligibility for sabbaticals? And what are the responsibilities of one possessing academic status? Is one expected to publish, serve on committees, or what? And what of faculty status? What does it mean? Does it necessarily imply tenure?

as well as the variety of criteria and procedures for granting tenure plague survey after survey, particularly when later reviewers try to compare results.²⁴ In addition, affirmative responses tend to drop when the question asked concerns “having” status and/or tenure as opposed to “having access to” status and/or tenure.

¶12 During the last thirty years, as nondirectors as well as directors have sought status and tenure, survey authors noted the development of the law library faculty as the body in which law librarians held status and tenure. The growth of this separate and unique faculty resulted not only from regular law school faculty refusing to accept law librarians as equals but also from law librarians refusing to yield law library autonomy by pursuing status and tenure outside the law school.²⁵

¶13 Another topic arising out of the surveys concerned the likelihood of a nondirector without a law degree obtaining status and/or tenure. In 1979, Wright argued that “all or most professional law librarians should receive, at least after a stipulated probationary period, indefinite appointments with annual review.”²⁶ Also in 1979, Kosek reported that a great majority of nondirectors “favored faculty status for professional law librarians or at least those librarians with law and library degrees.”²⁷ According to Stouffer’s 1990 survey, many nondirector respondents held that the MLS degree should qualify a nondirector for status and tenure.²⁸

¶14 Concerning the criteria for nondirectors to achieve status and/or tenure, the surveys revealed that law libraries showed no consistency in requirements. One law library might demand a nondirector earn a J.D., teach, and publish in addition to performing administrative duties,²⁹ while another might require an MLS degree and a satisfactory job performance.³⁰

¶15 Many of the authors of law librarian status surveys also exhorted professional associations to help improve the status of nondirectors. One of Kosek’s

Status of Academic Law Librarians, *supra* note 15, at 882, 888 (panel discussion) (remarks of Dan J. Freehling on “The Status of Academic Law Librarians and Faculty Status for Librarians: An Introduction”).

25. See Bailey & Trelles, *supra* note 14, at 456, 460; Wright, *supra* note 10, at [14–15]; Trelles & Bailey, *supra* note 7, at 657.
26. Wright, *supra* note 10, at [16].
27. *Status of Academic Law Librarians*, *supra* note 15, at 897 (remarks of Reynold J. Kosek). Granted, only one of the representative comments Kosek includes boldly suggests that law librarians without law degrees could obtain faculty status in the law school faculty. *Id.* at 898. Kosek himself states that “all of the law librarians, or at least the lawyer-trained librarians[,] could be admitted to the law school faculty.” *Id.* at 904.
28. Stouffer, *supra* note 18, at 34, 42.
29. *Id.* at 33, 42; Bailey & Dee, *supra* note 10, at 21; Wright, *supra* note 10, at [9]; Angel, *supra* note 20, at 3.
30. Stouffer, *supra* note 18, at 34, 42.
31. *Status of Academic Law Librarians*, *supra* note 15, at 905 (remarks of Reynold J. Kosek). In 1987, AALL adopted a Resolution on Faculty or Academic Status, sponsored by the Academic Law Library Special Interest Section, in which “the Association call[ed] on academic institutions to grant formal faculty or academic status to law librarians, . . . thereby recognizing them as professional academic employees. . . .” *Proceedings of the 80th Annual Meeting of the American Association of Law Libraries Held in Chicago, Illinois, Business Sessions July 6–8, 1987*, 79 LAW LIBR. J. 791, 831 (1987).
32. Stouffer, *supra* note 18, at 42.

recommendations proposed that “the American Association of Law Libraries should encourage law schools to establish procedures for the attainment of faculty status and tenure for all professional law librarians.”³¹ Stouffer also called upon AALL to take a more proactive stance regarding status and tenure for nondirectors.³²

¶16 Because one of the premises of our survey is that law libraries affiliated with ARL would tend to have a higher rate of faculty status and tenure for nondirectors, we also reviewed recent literature focusing on status and tenure at ARL libraries. In 1991, the Office of Management Services of ARL surveyed 107 ARL libraries and obtained data from 99.³³ While 35 (35.4%) libraries answered affirmatively to the question “do librarians at your library have faculty status and are they eligible for tenure,” an additional 41 (41.4%) responded that they also offered some sort of faculty or academic status in combination with continuing appointment.³⁴ In sum, a total of 76 (76.8%) ARL libraries offered their librarians some form of status and employment security.

¶17 Does an overall picture of status and tenure in law libraries emerge from this survey of the available literature? Between 1973 and 1984, the percentage of academic law libraries offering faculty or academic status to nondirectors varied from a low of 27.1% to a high of 43.9%.³⁵ During the same time span, libraries offering tenure-track positions to nondirectors varied from 27.1% to 41%.³⁶ Surveys of individual librarians in 1991 and 1998 revealed that from 24% to 28.9% of nondirectors held tenure-track positions.³⁷ Essentially, at any given time during the past three decades, around one-third of academic law libraries offered nondirectors some form of status and continuing appointment or tenure. In light of the fact that more than three-fourths of ARL libraries reported in 1991 that status and continuing appointment or tenure positions were available to general academic librarians, will more than one-third of ARL-affiliated law libraries offer status and tenure to nondirectors?

33. OFFICE OF MGMT. SERVS., ASS'N OF RESEARCH LIBRARIES, ACADEMIC STATUS FOR LIBRARIANS IN ARL LIBRARIES, Flyer 182 at 1 (SPEC Kit No. 182, 1992).

34. *Id.* The next eight years showed little change in the percentage of ARL libraries granting faculty status and tenure. In November 1999, 39 of 111 (35.1%) granted faculty status and tenure. Martha Kyrillidou, *Educational Credentials, Professionalism, and Librarians*, ARL BIMONTHLY REPORT, Feb.–Apr. 2000, no. 208/209, available at http://www.arl.org/newsltr/208_209/edcred.html.

35. *See infra* table 4.

36. *See infra* table 5.

37. *See infra* table 6.

38. Trelles & Bailey, *supra* note 7, at 674–77.

39. *See infra* appendix A.

40. MARK YOUNG & MARTHA KYRILLIDOU, ARL ACADEMIC LAW LIBRARY STATISTICS 2000–01, at 35–36 (2002).

41. When we began to analyze our survey results, we found that three responding law libraries whose universities had been listed in the ARL directory—University of Alabama, Howard University, and Louisiana State University—identified themselves as non-ARL status in their returned surveys. Consequently, the completed surveys by those three were not counted in our data summary and analysis. In addition, in follow-up contact with institutions that did not return our surveys, we discovered that four other law libraries—University of Maryland, Michigan State University, Southern Illinois University, and University of Virginia—also claimed not to belong to ARL although their universities

Survey Method

Development of Survey Instrument

¶18 A Survey Committee, consisting of four librarians, held several meetings to discuss the specific issues relevant to our situation and determine what particular information was of interest to us. The committee then translated these issues and information needs into specific questions for the survey instrument. In developing the instrument, the committee reviewed similar survey questionnaires previously used by other researchers, particularly the survey by Trelles and Bailey³⁸ and the annual survey distributed by ARL to member libraries. The end result was a survey instrument of multiple detailed questions.³⁹

Selection of Libraries to Be Surveyed

¶19 Texas Tech University School of Law Library is a member of ARL. As discussed earlier, we were particularly interested in how status for law librarians was dealt with in ARL institutions with a law school.

¶20 As of June 1, 2002, a total of 75 law libraries in North America were listed in the directory of the ARL academic law libraries.⁴⁰ Of these, 67 were American and 8 were Canadian. With the exception of our own library, we mailed the survey to 66 ARL-affiliated U.S. law libraries.

Distribution and Collection of Surveys

¶21 Before distributing the survey, we first mailed a letter of introduction to the directors of the targeted libraries. The letter described the survey and explained what we intended to do with the responses so that the administrators would be aware of the scope of the project. A few days later, we mailed the survey instrument with a deadline for response. To encourage participation, we enclosed a drawing for a \$50 gift certificate from Barnes and Noble Book Sellers. When the deadline arrived, we sent out a reminder to those who had not returned the survey. We followed up the reminder with phone calls and e-mail in order to generate more survey returns. In the final analysis, we mailed a total of 66 surveys and received 45 responses. We achieved a return rate of 68%.⁴¹

were listed in the ARL directory. The actual potential pool of ARL-affiliated law libraries thus declined from sixty-six to fifty-nine. If we measure our forty-five returns against the actual ARL pool of fifty-nine, the return rate is 76.3%. For the purpose of data analysis, we based the ARL membership data on the answers given in the surveys.

42. We reach the number 23 instead of 24 because one responding library reported results in both the faculty status with tenure and the academic status with tenure categories.
43. Kyrillidou, *supra* note 34.
44. For purposes of information, 42 of 57 (73.7%) ARL libraries granting faculty status require an M.L.S. while 33 of 42 (78.6%) of ARL libraries granting tenure require an M.L.S. *Id.*
45. Stouffer, *supra* note 18, at 27.
46. Providing incentive for many law librarians, including nondirectors, to heed Dunn's exhortation for law librarians to publish. Donald J. Dunn, *The Law Librarian's Obligation to Publish*, 75 LAW LIBR. J. 225 (1982).
47. Especially the 1979 survey conducted by Wright, *supra* note 10, at [9].
48. Although not by much, according to Jane Thompson, who writes that faculty, while acknowledging librarians as professionals, are reluctant to view them as colleagues for a number of reasons: librari-

Survey Results

¶22 We conducted our survey to obtain a general picture of status and tenure for nondirectors at ARL-affiliated academic law libraries. We divide the discussion of results into five parts. The first part covers the overall situation regarding status and tenure for nondirectors. Part two addresses the various requirements or expectations of nondirectors as they work toward status or status and tenure. Part three looks at the governance participation and benefits of nondirectors with either status or status and tenure. Part four examines the status and tenure-granting process. Part five takes a brief look at how law libraries not awarding status and/or tenure categorize nondirectors. Where warranted, we offer comparisons of our data with previous studies. We also speculate as to trends regarding status and tenure for nondirectors.

Part 1: Overall Picture

¶23 Our survey reveals that more than half of responding ARL-affiliated law libraries offer some form of status or rank with tenure or continuing appointment to nondirectors. As shown in table 2, adding the responses from faculty status or rank with tenure (17) to those with academic status or rank with tenure (7) gives a total of 24 responses, representing 23⁴² law libraries, or 53.5% of the ARL-affiliated law libraries answering our survey. Only 8 law libraries (18.6%) provide no status for nondirectors that differentiates them from other staff on campus.

Table 2

Status and Tenure of Nondirectors in ARL-Affiliated Law Libraries

	Number
A. Law libraries participating in the survey	43
B. Responses for all categories	51 [†]
C. Faculty status with tenure	17
D. Faculty status without tenure	9
E. Academic status with tenure	7
F. Academic status without tenure	4
G. Other status particular to librarians	6
H. No status that differentiates librarians from other staff	8

† Eight libraries responded in two categories.

¶24 When we look at status and tenure from the perspective of the individual nondirector (see table 3), rather than the institutional perspective, the percentage of nondirectors with access to status and tenure declines remarkably. While 53.5%

ans “produce less theoretical scholarship,” “operate within hierarchical reporting structures,” and “are socialized to their profession differently from faculty.” Jane Thompson, *Teaching Research to*

of responding law libraries (23 of 43) may offer some form of status or rank with tenure or continuing appointment, only 39.1% of nondirectors (161 of 412) actually enjoy this opportunity. This disparity stems, first, from some libraries offering different status and tenure opportunities within the same library and, second, from a number of libraries with large staffs without access to tenure or continuing appointment.

Table 3*Status and Tenure of Individual Nondirectors in ARL-Affiliated Law Libraries*

	Number	% of Total
A. Total number of nondirectors	412	
B. Faculty status with tenure	78	18.9
C. Faculty status without tenure	65	15.8
D. Academic status with tenure	53	12.9
E. Academic status without tenure	32	7.8
F. Other status particular to librarians	63	15.3
G. No status differentiating librarians from other staff	87	21.1
H. No response	34	8.2

¶25 As expected, the percentage of ARL-affiliated law libraries granting faculty status for nondirectors significantly surpasses the percentage of law libraries as a whole; in fact, ARL-affiliated law libraries show a 16.5 percentage point increase over the next highest survey results (Levy's in 1973). The percentage of ARL-affiliated academic law libraries employing nondirectors who have or are working toward faculty status even outstrips Levy's results, which resulted from a broad definition of status. Interestingly, the percentage, 39.5% (17 of 43), of ARL-affiliated law libraries granting faculty status and tenure to nondirectors proves comparable to the percentage of ARL libraries in general granting faculty status, 35.1% (39 of 111).⁴³

Table 4*Comparison of Surveys of Law Libraries with Faculty Status for Nondirectors*

Survey (Date)	Sample Size	Faculty Status Raw Score (%)
Bailey & Dee (1973)	133	36 (27.1) [†]
Levy (1973)	82	36 (43.9)
Bailey & Trelles (1978)	158	67 (42.0)
Kosek (1979)	103	36 (35.3)

(cont.)

Survey (Date)	Sample Size	Faculty Status Raw Score (%)
Trelles & Bailey (1984)	153	51 (33.3)
TTU Law Library (2001)	43	26 (60.4)††

† Faculty status with full tenure ramifications

†† Sum results from combining rows C and D of table 2.

¶26 As revealed by table 5, when we focus on the availability of tenure-track positions for nondirectors, ARL-affiliated academic law libraries again are much more likely to offer such positions over law libraries as a whole, at least as represented in the earlier studies.

Table 5

*Comparison of Surveys of Law Libraries Regarding
Tenure-Track for Nondirectors*

Survey (Year)	Sample Size	Tenure-Track Raw Score (%)
Bailey & Dee (1973)	133	36 (27.1)
Levy (1973)	82	34 (41.0)
Bailey & Trelles (1978)	158	59 (37.0)
Kosek (1979)	103	33 (31.6)
Trelles & Bailey (1984)	153	51 (33.3)
TTU Law Library (2001)	43	25 (58.1)†

† Sum results from combining rows C and E from table 2.

¶27 On the other hand, when we look at reported results from the viewpoint of individual nondirectors in table 6, we see less dramatic variation in percentages than in table 5. Still, ARL-affiliated law libraries rank ahead of law libraries as a whole. The prevalence of different tenure opportunities for nondirectors within the same library, coupled with the number of libraries with large staffs lacking access to tenure or continuing appointment, account for the difference.

Table 6

*Comparison of Surveys of Law Librarians Regarding Tenure-Track
for Nondirectors*

Survey (Year)	Sample Size	Tenure-Track Raw Score (%)
Malmquist (1991)	659	158 (24.0)
Angel (1998)	750†	217 (28.9)
TTU Law Library (2001)	412	141 (31.5)††

† Estimate

†† Sum results from adding rows B and D plus ten nondirectors with tenure from column G of table 3.

Part 2: Requirements and Expectations

¶28 ARL-affiliated law libraries granting status and/or tenure overwhelmingly require an MLS for nondirectors (see table 7). Somewhat surprisingly, many fewer require a J.D. Perhaps if we had phrased our question to reflect “preferred” rather than “required,” the affirmative responses would have been much higher.

Table 7*Educational Requirements for Nondirectors to Achieve Status or Status and Tenure*

	Faculty Status		Academic Status		Total	# of Libraries
	with Tenure	without Tenure	with Tenure	without Tenure		
Total # of responses	17	9	7	4	37	32
MLS required ⁴⁴	12	7	6	4	29	25
J.D. required	4	3	1	1	9	6
Other degree required	2	0	0	0	2	2

¶29 In our questionnaire, we tried to account for the possibility that libraries might require a J.D. for public services librarians while not requiring one for those in technical services. We asked if libraries had different expectations regarding these two groups of nondirectors. Frankly, when devising our questionnaire, we had surmised that libraries would indeed have different expectations, so we were surprised that only 4 of 37 libraries (10.8%) noted that technical services nondirectors had different criteria for status or status and tenure than public service nondirectors (see table 8). Judging from the comments respondents added to the questionnaire, less than a handful of libraries apply different standards to nondirectors with J.D.s and those without.

Table 8*Expectations for Public and Technical Services Regarding Status or Status and Tenure*

	Faculty Status		Academic Status		Total	# of Libraries
	with Tenure	without Tenure	with Tenure	without Tenure		
Total # of responses	17	9	7	4	37	32
Same	11	3	7	2	23	21
Exceptions	1	1	0	2	3	4

Still, the opportunities for acceptance, participation, and salary adjustments as members of the university faculty might beckon when law school faculty doors slam firmly shut. Although Bailey opined

¶30 In addition to the lack of a requirement for a J.D., the few libraries requiring classroom teaching as a component of achieving status or status and tenure went against our expectations (see table 9), particularly when considering that Stouffer reported that 80% of the nondirectors she surveyed in 1990 had a “teaching and/or publishing component to their position.”⁴⁵ Only 5 (11.6%) ARL-affiliated law libraries require nondirectors to teach in order to obtain status or status and tenure. Not unexpectedly, that requirement lies mainly in the area of legal research, bibliography, or writing.

Table 9*Teaching Requirements for Nondirectors to Achieve Status or Status and Tenure*

	Faculty Status		Academic Status		Total	# of Libraries
	with Tenure	without Tenure	with Tenure	without Tenure		
Total # of responses	17	9	7	4	37	32
Legal research, bibliography, or writing	3	0	0	2	5	5
Substantive law	2	0	0	0	2	2
Library-related subject	0	0	0	1	1	1
Other subject	1	0	0	0	1	1

¶31 Publishing requirements, on the other hand, figure much more prominently for nondirectors than do teaching or possessing a J.D. degree (see table 10). Almost all nondirectors working toward faculty or academic status with tenure are expected to publish.⁴⁶ When the quest for tenure drops from the picture, the requirement to publish also drops. Considering that so many ARL-affiliated law libraries do not require a J.D. for status or status and tenure, it is not surprising that so few require publication in a substantive law area. Understandably, publishing in legal research, bibliography, writing, or a library-related subject predominate.

Table 10*Publication Requirements for Nondirectors to Achieve Status or Status and Tenure*

	Faculty Status		Academic Status		Total	# of Libraries
	with Tenure	without Tenure	with Tenure	without Tenure		
Total # of responses	17	9	7	4	37	32
Legal research, bibliography, or writing	10	2	3	0	15	14

(cont.)

almost thirty years ago that any offer of faculty status or rank through the university library system should be “turned down for fear of prejudicing or compromising the autonomous status already in existence.” James F. Bailey, *The Autonomous Law School Library: What It Can Mean to You*, 68 LAW LIBR. J. 274, 282 (1975), the autonomy question for law libraries seems to have been put to rest. Will

	Faculty Status		Academic Status		Total	# of Libraries
	with Tenure	without Tenure	with Tenure	without Tenure		
Substantive law	3	1	0	0	4	4
Library-related subject	11	2	2	0	15	14
Other subject	3	0	1	0	4	4

¶32 Regarding required participation by nondirectors in professional organizations, we sought not only to identify the organizations, but also the level of nondirector activity (see tables 11 and 12). While only ten ARL-affiliated law libraries require their nondirectors to participate actively in organizations in order to achieve status or status and tenure, the majority certainly encourage professional participation when awarding status or status and tenure. National and law school groups rank as the most popular organizations, but only barely ahead of others.

Table 11

Professional Participation Requirements for Nondirectors to Achieve Status or Status and Tenure

	Faculty Status		Academic Status		Total	# of Libraries
	with Tenure	without Tenure	with Tenure	without Tenure		
Total # of responses	17	9	7	4	37	32
Required to participate	6	1	5	1	13	11
National organizations	12	3	6	2	23	20
Regional organizations	10	3	6	2	21	18
State organizations	9	3	6	2	20	18
Local organizations	8	2	5	2	17	16
Law school service	13	3	6	1	23	20
University service	11	2	6	1	20	18

Table 12

Definition of Active Participation

	Faculty Status		Academic Status		Total	# of Libraries
	with Tenure	without Tenure	with Tenure	without Tenure		
Total # of responses	17	9	7	4	37	32
Contributes to the legal profession	6	2	4	2	14	14
Contributes to the library profession	15	4	5	4	28	25
Serves on a committee	14	4	5	2	25	22
Holds appointive or elective law-related positions	8	3	1	1	13	12

(cont.)

	Faculty Status		Academic Status		Total	# of Libraries
	with Tenure	without Tenure	with Tenure	without Tenure		
Holds appointive or elective library-related positions	12	3	4	1	20	18
Makes presentations or gives speeches on law-related subjects to workshops, seminars, conferences, etc.	9	2	4	2	17	16
Makes presentations or gives speeches on library-related subjects to workshops, seminars, conferences, etc.	12	3	4	3	22	20
Other	6	0	1	0	7	7

¶33 ARL-affiliated law libraries most frequently define active participation for nondirectors as contributing to the library profession. Only those libraries granting tenure as well as status are likely to define active participation as contributing to the legal profession. Serving on a committee, making presentations or giving speeches on library-related subjects, and holding appointive or elective library-related positions tend to be the most popular definitions across the board.

¶34 Other than an almost universal requirement for an MLS degree and active contribution to the library profession, the paths for nondirectors to achieve status vary widely. In fact, for the most part achieving status requires no effort beyond what any nondirector would normally do. If pursuing tenure in addition to status, the nondirector most likely will need to publish as well as serve on a professional committee, but there is little unanimity on such requirements. We believe that not only the lack of uniform standards for “active participation” but also the variety of paths to status and tenure deny our profession a consistent, meaningful benchmark for measuring progress or achieving improvements in our individual institutions.

Part 3: Governance Participation and Benefits

¶35 Does the granting of status, even status with tenure, tend to result in nondirector involvement in institutional governance? Other than being allowed to attend faculty meetings and serve (though not always vote) on some law faculty committees, nondirectors languish outside law school governance. The great majority of nondirectors, even in ARL-affiliated law libraries that grant faculty status with tenure, do not participate equally in the law school with other faculty members (see table 13), a finding certainly consistent with previous studies.⁴⁷

nondirectors eventually, if reluctantly, accept half a loaf if offered, particularly since the impetus to

Table 13
Activities of Law Librarians Serving as Members of the Law School Faculty

	Faculty Status		Academic Status		Total	# of Libraries
	with Tenure	without Tenure	with Tenure	without Tenure		
Total # of responses	17	9	7	4	37	32
Serve as members of law school faculty	4	0	0	0	4	4
Attend law faculty meetings	10	4	0	1	15	13
Vote on all matters	2	0	0	0	2	2
Vote on only certain matters	4	2	0	0	6	5
Serve on law faculty committees	5	4	1	3	13	12
Vote on all committee matters	5	1	1	1	8	7
Vote on only certain committee matters	3	2	0	0	5	4

¶36 On the other hand, nondirectors are more likely to participate in governance on the universitywide level, as opposed to governance at the law school (see table 14). Except for those with “academic status only,” nondirectors are much more likely to serve and vote as members of the university faculty and university faculty committees than they are to participate within the law school itself. General university faculty would appear to be much more accepting of law library nondirectors as peers than would law school faculty.⁴⁸

acquire status and tenure within the law school seems, if not stalled, certainly lacking obvious momentum?

49. In his study of the salary trends of academic law library directors and nondirectors, Hoepfner notes one other benefit enjoyed as a group by tenured nondirectors with faculty status: a higher salary. Christopher Hoepfner, *Trends in Compensation of Academic Law Librarians, 1971-91*, 85 LAW LIBR. J. 185, 189, 191-93 (1993).
50. In a related matter, Trelles and Bailey noted in 1984 that most nondirectors received status (rank) and/or tenure within the law library faculty. Trelles & Bailey, *supra* note 7, at 657.
51. See Levy, *supra* note 10; Bailey & Trelles, *supra* note 14; *Status of Academic Law Librarians, supra* note 15, at 892 (remarks of Reynold J. Kosek); Trelles & Bailey, *supra* note 7.
52. See Malmquist, *supra* note 15, at 147 (1993) (showing that the number of nondirector law librarians with both J.D./M.L.S. degrees in general has grown from 17% in 1976 to 28.4% in 1991). See also Beatrice A. Tice, *Too Many Jobs, Too Few Job Seekers? A Study of Law Librarianship Job Data Samples, 1989-1999*, 93 LAW LIBR. J. 71, 83 tbl. 15, 2001 LAW LIBR. J. 2, ¶ 26 tbl. 15 (showing that job seekers holding J.D./M.L.S. degrees has increased from 57% in 1990 to 65% in 1999). The authors of this article assume that most law librarians with J.D./MLS degrees work in academic law

Table 14*Participation of Law Librarians Serving as Members of the University Faculty*

	Faculty Status		Academic Status		Total	# of Libraries
	with Tenure	without Tenure	with Tenure	without Tenure		
Total # of responses	17	9	7	4	37	32
Serve as members of university faculty	8	4	2	0	10	10
Attend university faculty meetings	11	5	3	0	14	13
Vote on all matters	9	3	3	0	12	12
Vote on only certain matters	4	1	1	0	5	5
Serve on university faculty committees	15	3	3	0	18	18
Vote on all committee matters	12	3	2	0	14	14
Vote on only certain committee matters	2	0	1	0	3	3

¶37 Even though nondirectors do not share universally in institutional governance in either the university or the law school, many receive benefits equal to nonlibrarian faculty colleagues. As shown in table 15, most nondirectors with status, or status and tenure, are promoted through a peer-review system using standards consistent with other faculty, receive the same tuition remission as other faculty, may request leaves of absence or sabbaticals on the same basis as other faculty, and receive the same annual leave as other faculty. Several respondents underscored the word “request” in regard to leaves of absence or sabbaticals, possibly to indicate that nondirectors may request but most likely will not receive. Where release time and money are concerned, nondirector benefits lag behind those of their faculty peers. We also note that nondirectors with status and tenure are much more likely to enjoy the same benefits enjoyed by faculty than are nondirectors with status only. While we recognize that tenure or continuing appointment in and of itself guarantees no equal treatment, it certainly presages the possibility.⁴⁹

Table 15*Other Benefits Accruing to Nondirectors as Result of Status or Status and Tenure*

	Faculty Status		Academic Status		Total	# of Libraries
	with Tenure	without Tenure	with Tenure	without Tenure		
Total # of responses	17	9	7	4	37	32
Promotion through the ranks on basis of professional proficiency through peer review system with standards consistent with other faculty	15	4	4	1	24	21
May request leaves of absence or sabbaticals on at least same basis as other faculty	14	3	4	0	21	20
May obtain funding for research projects and professional development on at least same basis as other faculty	8	2	4	1	15	15
Receive same benefits as other faculty of equivalent rank	8	1	2	0	11	10
Receive same annual leave as other faculty	12	4	1	1	18	16
Receive same access to research assistants as other faculty	6	1	1	0	8	8
Receive same tuition remission as other faculty	13	5	5	2	25	22
Serve same appointment period as that for other academic faculty of equivalent rank	4	4	3	1	12	12

Part 4: Status and Tenure-Granting Process

¶38 For the most part, nondirectors receive status or rank in one of four groups: law school faculty, law library faculty, university library faculty, or general university faculty (see table 16). Without doubt, nondirectors are more likely to receive status in a law library faculty.⁵⁰

Table 16
Group Granting Status

	Faculty Status		Academic Status		Total	# of Libraries
	with Tenure	without Tenure	with Tenure	without Tenure		
Total # of responses	17	9	7	4	37	32
Law school faculty	4	4	0	1	9	9
Law library faculty	8	4	3	1	16	14
University library faculty	5	1	2	0	8	7
General university faculty	4	2	2	0	8	8
Other	0	0	1	2	3	3

¶39 While earlier surveys focused on the group in which tenure was granted,⁵¹ we focused instead on the process, asking about all the groups involved in approving tenure for a nondirector. With the only constant being inconsistency, we found that the process varied not only from category to category in our survey but also from institution to institution within the same category (see table 17). Even though most institutions involve the university's president or another campuswide administrator in the tenure process, getting to the president's office takes many different paths. For example, nondirectors receiving faculty status or rank in the law school faculty could take any one of the following courses: law school committee to law school faculty to university president; law school faculty to university president; law library committee to law school committee to law school faculty to university president. In fact, among the twenty-three institutions that grant tenure to nondirectors, only two institutions share the same process, awarding status in the law library faculty with tenure approval going from law library committee to the president.

Table 17
Groups That Approve Tenure for Nondirectors

	Faculty Status with Tenure	Academic Status with Tenure	Total	Number of Libraries
Total # of responses	17	7	24	23
Tenure for a nondirector is approved by				
law library committee	11	6	17	17
law school committee	10	1	11	10
university library committee	5	1	6	6
law school faculty	5	0	5	5
university faculty committee	6	3	9	9

(cont.)

	Faculty Status with Tenure	Academic Status with Tenure	Total	Number of Libraries
university president or other campuswide administrator	13	5	18	17
Board of Regents	5	1	6	6
Council of Jedi Knights [†]	1	0	1	1

[†] Needless to say, we were saddened by the lack of involvement in the tenure process by the Council of Jedi Knights.

¶40 We asked a question not considered in previous surveys regarding whether nondirectors could serve on the committees that grant tenure. Indeed, most nondirectors with status and tenure are eligible to serve on the committees that figure in the tenure process (see table 18), although, no surprise, very few can vote with the law school faculty on the tenure question.

Table 18

*Nondirectors with Status and Tenure Serving
as Members of Tenure Committees*

	Faculty Status with Tenure	Academic Status with Tenure	Total	Number of Libraries
Total # of responses	17	7	24	23
Number of nondirectors who serve on:				
law library committee that reviews tenure	9	6	15	15
law school committee that reviews tenure	5	1	6	5
university library committee that reviews tenure	6	2	8	8
law school faculty that votes on tenure	2	0	2	2
university faculty committee that reviews tenure	4	0	4	4

¶41 We also queried the libraries regarding the source of funding for librarians with status or status and tenure (see table 19). Not unexpected, considering that the leading grantor of status and/or tenure to nondirectors is the law library faculty and that nearly 94% (40 of 43) of the law libraries in our survey function independently from the general university library, the major source for salaries of nondirectors is the law library budget; in fact, more than 80% of law libraries (26 of 32) fund their nondirectors in whole or in part from the law library budget.

Table 19*Source of Funding for Salaries of Nondirectors with Status and Tenure*

	Faculty Status		Academic Status		Total	# of Libraries
	with Tenure	without Tenure	with Tenure	without Tenure		
Total # of responses	17	9	7	4	37	32
Source of funding:						
law library budget	11	8	6	4	29	26
law school faculty budget	7	1	1	0	9	7
university library budget	2	0	0	0	2	2
general university faculty budget	3	0	0	0	3	3
other	0	0	1	0	1	1

Part 5: Nondirectors without Faculty or Academic Status

¶42 Thirteen ARL-affiliated law libraries (30.2%) report that their nondirectors do not have or are not working toward faculty or academic status. None of the 13 libraries contemplate changes to the status of nondirectors. Six institutions offer a status particular to librarians, while 8 offer no status that differentiates librarians from other staff. Two law libraries with nondirectors in the latter category also employ nondirectors who have faculty status with tenure. Nondirectors with access to a status particular to librarians generally also have access to promotions through the ranks. Only 2 law libraries among the 13 (15.4%) offer nondirectors the possibility of achieving a continuing appointment, which compares unfavorably to the 23 tenure-granting law libraries of 32 (71.9%) status-granting law libraries.

¶43 We surveyed one other seldom-investigated point for comparison between law libraries offering faculty or academic status and those that do not: annual leave. As can be seen in table 20, overall the number of annual leave days does not depend on status or tenure, and, generally, individual law libraries make no distinctions among nonprofessionals in regard to the amount of annual leave. If the number of annual leave days varies within an institution, the distinction tends to lie with longevity rather than status. The overwhelming majority of ARL-affiliated law libraries grant their nondirectors at least twenty-two days of annual leave.

Table 20*Annual Leave Days Available to Nondirectors**

	Faculty Status		Academic Status		Status Same as		# of Libs.
	with Tenure	without Tenure	with Tenure	without Tenure	Other Status for Libns	Other Staff on Campus Total	
# of responses	17	9	7	4	6	8	51†
Annual leave days:							
< 15 days	0	0	0	0	0	0	0

(cont.)

	Faculty Status		Academic Status		Status Same as		Total	# of Libs.
	with Tenure	without Tenure	with Tenure	without Tenure	Other Status for Libns	Other Staff on Campus		
15–21 days	4	4	2	2	2	2	16	13
22–28 days	9	5	4	2	4	6	30	28
> 28 days	1	0	0	0	0	0	1	1
Other	1	0	0	0	0	0	1	1
No response	2	0	1	0	0	0	3	2

* Does not include universitywide holidays

† Eight libraries gave responses in two categories

Summary and Conclusion

¶44 In this survey, we focused on ARL-affiliated law libraries and tried to determine the overall picture of status and tenure for nondirector law librarians in those institutions. The data supports the following findings:

- A majority (53.5%) of ARL-affiliated law libraries in the survey offer nondirector law librarians faculty or academic status or rank with tenure. By contrast, in all academic law libraries, only a minority (between 27.1% and 43.9%) offer faculty or academic status or rank with tenure to nondirectors. This comparison suggests that nondirector law librarians have better access to tenure under ARL-affiliated academic law libraries than under academic law libraries as a whole.
- The percentage (60.4%) of ARL-affiliated law libraries granting faculty status to nondirectors stands significantly higher than the percentage of all academic law libraries granting the same status, typically amounting to between 17 and 33 percentage points higher.
- ARL-affiliated law libraries are more likely than law libraries in general to offer tenure-track positions to nondirectors. At the former, the percentage of tenure-track offerings is 58%, compared to the percentage of offerings between 27% and 41% at the latter.
- The percentage (39.5%) of ARL-affiliated law libraries granting faculty status and tenure to nondirectors compares favorably to the percentage (35.1%) of ARL libraries in general.
- From an individual perspective, 34.7% of nondirectors in the survey actually enjoy faculty status or rank with or without tenure.

- There is a slight increase in the past decade regarding tenure-track positions available to individual nondirectors in all academic law libraries. The percentages of such positions change from 24% in 1991, to 28.9% in 1998, to 31.5% in 2002.

¶45 As far as the degree requirements for nondirectors pursuing status and/or tenure are concerned, most ARL-affiliated law libraries in the survey only ask for an MLS degree, whereas only a few require a J.D. degree in addition to the MLS. This finding goes against our assumption that a J.D. would be required to attain status and/or tenure. This is also surprising because there has been an increase in the number of J.D./MLS holders working at law school libraries in recent years.⁵² While teaching is not a common requirement leading to status and/or tenure for nondirectors, publishing on topics of legal research, legal bibliography, or writing is a requirement. Active participation in professional activities is not required by most responding libraries for nondirectors to achieve status and/or tenure, although most of the libraries encourage their librarians to participate in order to achieve status and/or tenure. Finally, the participating libraries have no separate policies or requirements that apply to law librarians working in public services and technical services. This finding, again, goes against our initial assumption.

¶46 Our survey also reveals that so far as faculty governance and participation are concerned, the great majority of nondirectors among the surveyed libraries do not participate equally in the law school setting with other faculty members, although the nondirectors may have the opportunity to attend law faculty meetings, serve on law school committees, and even vote on limited matters. By contrast, nondirectors participate more actively at the university level, where they may be treated as equal partners with other faculty members. These findings are consistent with those from the previous studies of same nature.

¶47 Last, nondirectors among the surveyed libraries generally obtain their status or rank in one of four categories: law school faculty, law library faculty, university library faculty, and general university faculty. Undisputably, nondirectors are most likely to receive their status or rank from the law library faculty. Among the surveyed libraries the processes governing the reviews and granting of nondirectors status and/or tenure vary widely from category to category and even from institution to institution within the same category. During such processes nondirectors may serve on the committee(s) that make recommendations regarding status and/or tenure. In the overwhelming majority of cases the sources of funding (i.e., salaries, benefits, and others) for nondirectors eligible for status and/or tenure come from the law library budgets. For nondirectors who have achieved status and/or tenure, they are at least eligible to have the same benefits as enjoyed by other faculty, such as annual leaves, research grants, sabbaticals, tuition remissions, and promotions.

¶48 In conclusion, progress has inched forward in the past decade toward faculty status and/or tenure of nondirector law librarians in the country, especially among ARL-affiliated law libraries. However, all academic law librarians must journey farther still if they desire to attain faculty status and/or tenure. Those law

libraries wishing to change the current status of their librarians can certainly use the data from this study in making their best argument.

Appendix A Survey Instrument

Name of institution and library:

Name and title of person filling out this questionnaire:

1. Is your library a member of the Association of Research Libraries?

Yes No

2. Is your library autonomous from the general university library?

Yes No

3. In your estimation, what is the law librarians' level of satisfaction with their status and tenure system at your institution?

For law librarians with or working toward:	Very dissatisfied	Dissatisfied	No opinion	Satisfied	Very satisfied
---	----------------------	--------------	---------------	-----------	-------------------

Faculty status or rank with tenure					
------------------------------------	--	--	--	--	--

or continuing appointment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

Faculty status or rank without					
--------------------------------	--	--	--	--	--

tenure or continuing appointment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
----------------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

Professional or academic status with					
--------------------------------------	--	--	--	--	--

tenure or continuing appointment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
----------------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

Professional or academic status					
---------------------------------	--	--	--	--	--

without tenure or continuing appointment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

Other status particular to librarians	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---------------------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

No status that differentiates librarians					
--	--	--	--	--	--

from other staff on campus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
----------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

4. How many law librarians are employed in your library? _____

5. Excluding the director, how many law librarians have or are working toward:

please enter amounts for all that apply

A. faculty status or rank with tenure or continuing appointment _____

B. faculty status or rank without tenure or continuing appointment _____

C. professional or academic status with tenure or continuing
 appointment _____

D. professional or academic status without tenure or continuing
 appointment _____

E. other status particular to librarians _____

F. no status that differentiates librarians from other staff on campus _____

If you entered an amount for:

5A, please proceed to Question 5A.1

5B, please proceed to Question 5B.1

5C, please proceed to Question 5C.1

5D, please proceed to Question 5D.1

5E, please proceed to Question 5E.1

5F, please proceed to Question 5F.1

You have selected **law librarians having or working toward faculty status or rank with tenure or continuing appointment**. Please complete the following statements:

5A.1. Law librarian candidates for faculty status or rank with tenure or continuing appointment are (please check all that apply):

- a. required to have an MLS
- b. required to have a J.D.
- c. required to have an advanced degree other than or in addition to an MLS or J.D.
- d. required to teach:
 - i. legal research, bibliography, and/or writing
 - a. in a multisession course where students receive credit
 - b. in a multisession course where students do not receive credit
 - ii. substantive law
 - a. in a multisession course where students receive credit
 - b. in a multisession course where students do not receive credit
 - iii. a library-related subject
 - a. in a multisession course where students receive credit
 - b. in a multisession course where students do not receive credit
 - iv. other subject(s) (please specify: _____)
 - a. in a multisession course where students receive credit
 - b. in a multisession course where students do not receive credit
- e. required to publish on topics relating to:
 - i. legal research, bibliography, and/or writing
 - ii. substantive law
 - iii. librarianship
 - iv. other subject(s) (please specify: _____)
- f. required to participate actively in library or law-related service organizations or projects
 - i. These organizations or projects are:
 - a. national

- b.* regional
- c.* state
- d.* local
- e.* law school
- f.* university
- ii. In your library, active participation means a law librarian:
 - a.* contributes to the legal profession
 - b.* contributes to the library profession
 - c.* serves on a committee
 - d.* holds appointive or elective law-related positions
 - e.* holds appointive or elective library-related positions
 - f.* makes presentations or gives speeches on law-related subjects to workshops, seminars, conferences, etc.
 - g.* makes presentations or gives speeches on library-related subjects to workshops, seminars, conferences, etc.
 - h.* other

5A.2. Law librarians in public services and technical services are expected to meet the same requirements checked off in 5A.1 above with (please check all that apply):

- a.* no exceptions
- b.* the following exceptions (please explain):

5A.3. Law librarians receive their faculty status or rank and tenure or continuing appointment in (please check all that apply):

- a.* the law school faculty
- b.* the law library faculty
- c.* the university library faculty
- d.* the general university faculty
- e.* other

5A.4. As a result of faculty status or rank and tenure or continuing appointment, the law librarians (please check all that apply):

- a.* serve as members of the law school faculty governing body on the same basis as other law faculty and
 - i.* attend law faculty meetings
 - ii.* vote in law faculty meetings
 - a.* on all matters
 - b.* on only certain matters
 - iii.* serve on law faculty committees
 - iv.* vote in law faculty committee meetings

- a.* on all matters
 - b.* on only certain matters
 - b.* are members of the university faculty governing body on the same basis as other faculty and
 - i.* attend university faculty meetings
 - ii.* vote in university faculty meetings
 - a.* on all matters
 - b.* on only certain matters
 - iii.* serve on university faculty committees
 - iv.* vote in university faculty committee meetings
 - a.* on all matters
 - b.* on only certain matters
 - c.* are promoted through the ranks on the basis of their professional proficiency through a peer review system with standards consistent with other faculty
 - d.* may request leaves of absence or sabbaticals on at least the same basis as other faculty
 - e.* can obtain funding for research projects and professional development on at least the same basis as other faculty
 - f.* receive the same benefits as other academic faculty of equivalent rank, more specifically in matters of:
 - i.* annual leave
 - ii.* access to research assistants
 - iii.* tuition remission
 - g.* serve the same appointment period as that for other academic faculty of equivalent rank

5A.5. The tenure or continuing appointment review process for law librarians requires approval by (please check all that apply):

- a.* a law library committee
- b.* a law school committee
- c.* a university library committee
- d.* the law school faculty
- e.* a university faculty committee
- f.* the university president or other university or system administrator
- g.* the Board of Regents
- h.* the Council of Jedi Knights

5A.6. Law librarians serve as members of (please check all that apply):

- a.* the law library committee that reviews tenure applications
- b.* the law school committee that reviews tenure applications
- c.* the university library committee that reviews tenure applications
- d.* the law school faculty that votes on tenure applications

- e. the university faculty committee that reviews tenure applications

5A.7. The source of funding for the salaries of law librarians with faculty status or rank and tenure or continuing appointment is (please check all that apply):

- a. the law library budget
 b. the law school faculty budget
 c. the university library budget
 d. the general university faculty budget
 e. other (please specify: _____)

5A.8. Not counting universitywide holidays, annual leave days for law librarians with faculty status or rank with tenure or continuing appointment amount to (please check all that apply):

- fewer than 15 days per year
 15 to 21 days per year
 22 to 28 days per year
 more than 28 days per year
 other
 please comment: _____

5A.9. General comments about law librarians having or working toward faculty status or rank with tenure or continuing appointment:

You have selected **law librarians having or working toward faculty status or rank without tenure or continuing appointment**. Please complete the following statements:

5B.1. Law librarian candidates for faculty status or rank without tenure or continuing appointment are (please check all that apply):

- a. required to have an MLS
 b. required to have a J.D.
 c. required to have an advanced degree other than or in addition to an MLS or J.D.
 d. required to teach:
 i. legal research, bibliography, and/or writing
 a. in a multisession course where students receive credit
 b. in a multisession course where students do not receive credit
 ii. substantive law
 a. in a multisession course where students receive credit

- b.* in a multisession course where students do not receive credit
- iii. a library-related subject
- a.* in a multisession course where students receive credit
- b.* in a multisession course where students do not receive credit
- iv. other subject(s) (please specify: _____)
- a.* in a multisession course where students receive credit
- b.* in a multisession course where students do not receive credit
- e. required to publish on topics relating to:
- i.* legal research, bibliography, and/or writing
- ii.* substantive law
- iii.* librarianship
- iv.* other subject(s) (please specify: _____)
- f. required to participate actively in library- or law-related service organizations or projects.
- i.* These organizations or projects are:
- a.* national
- b.* regional
- c.* state
- d.* local
- e.* law school
- f.* university
- ii.* In your library, active participation means a law librarian:
- a.* contributes to the legal profession
- b.* contributes to the library profession
- c.* serves on a committee
- d.* holds appointive or elective law-related positions
- e.* holds appointive or elective library-related positions
- f.* makes presentations or gives speeches on law-related subjects to workshops, seminars, conferences, etc.
- g.* makes presentations or gives speeches on library-related subjects to workshops, seminars, conferences, etc.
- h.* other

5B.2. Law librarians in public services and technical services are expected to meet the same requirements checked off in 5B.1 with (please check all that apply):

- a.* no exceptions
- b.* the following exceptions (please explain):

5B.3. Law librarians receive their faculty status or rank in (please check all

that apply):

- a. the law school faculty
- b. the law library faculty
- c. the university library faculty
- d. the general university faculty
- e. other

5B.4. As a result of faculty status or rank, the law librarians (please check all that apply):

- a. serve as members of the law school faculty governing body on the same basis as other law faculty and
 - i. attend law faculty meetings
 - ii. vote in law faculty meetings
 - a. on all matters
 - b. on only certain matters
 - iii. serve on law faculty committees
 - iv. vote in law faculty committee meetings
 - a. on all matters
 - b. on only certain matters
- b. are members of the university faculty governing body on the same basis as other faculty and
 - i. attend university faculty meetings
 - ii. vote in university faculty meetings
 - a. on all matters
 - b. on only certain matters
 - iii. serve on university faculty committees
 - iv. vote in university faculty committee meetings
 - a. on all matters
 - b. on only certain matters
 - c. are promoted through the ranks on the basis of their professional proficiency through a peer review system with standards consistent with other faculty
- d. may request leaves of absence or sabbaticals on at least the same basis as other faculty
- e. may obtain funding for research projects and professional development on at least the same basis as other faculty
- f. receive the same benefits as other academic faculty of equivalent rank, more specifically in matters of:
 - i. annual leave
 - ii. access to research assistants
 - iii. tuition remission
- g. serve the same appointment period as that for other academic faculty of equivalent rank

5B.5. The source of funding for the salaries of law librarians with faculty status

or rank without tenure or continuing appointment is (please check all that apply):

- a. the law library budget
- b. the law school faculty budget
- c. the university library budget
- d. the general university faculty budget
- e. other (please specify: _____)

5B.6. Not counting universitywide holidays, annual leave days for law librarians with faculty status or rank without tenure or continuing appointment amount to (please check all that apply):

- fewer than 15 days per year
- 15 to 21 days per year
- 22 to 28 days per year
- more than 28 days per year
- other
- please comment: _____

5B.7. General comments about law librarians having or working toward faculty status or rank without tenure or continuing appointment:

You have selected **law librarians having or working toward professional or academic status with tenure or continuing appointment**. Please answer the following questions:

5C.1. Law librarian candidates for professional or academic status with tenure or continuing appointment are (please check all that apply):

- a. required to have an MLS
- b. required to have a J.D.
- c. required to have an advanced degree other than or in addition to an MLS or J.D.
- d. required to teach:
 - i. legal research, bibliography, and/or writing
 - a. in a multisession course where students receive credit
 - b. in a multisession course where students do not receive credit
 - ii. substantive law
 - a. in a multisession course where students receive credit
 - b. in a multisession course where students do not receive credit
 - iii. a library-related subject
 - a. in a multisession course where students receive credit
 - b. in a multisession course where students do not receive credit
 - iv. other subject(s) (please specify: _____)

- a.* in a multisession course where students receive credit
- b.* in a multisession course where students do not receive credit
- e. required to publish on topics relating to:
 - i. legal research, bibliography, and/or writing
 - ii. substantive law
 - iii. librarianship
 - iv. other subject(s) (please specify: _____)
- f. required to participate actively in library- or law-related service organizations or projects
 - i. These organizations or projects are:
 - a.* national
 - b.* regional
 - c.* state
 - d.* local
 - e.* law school
 - f.* university
 - ii. In your library, active participation means a law librarian:
 - a.* contributes to the legal profession
 - b.* contributes to the library profession
 - c.* serves on a committee
 - d.* holds appointive or elective law-related positions
 - e.* holds appointive or elective library-related positions
 - f.* makes presentations or gives speeches on law-related subjects to workshops, seminars, conferences, etc.
 - g.* makes presentations or gives speeches on library-related subjects to workshops, seminars, conferences, etc.
 - h.* other

5C.2. Law librarians in public services and technical services are expected to meet the same requirements checked off in 5C.1 with (please check all that apply):

- a. no exceptions
- b. the following exceptions (please explain):

5C.3. Law librarians are granted their academic or professional status with tenure or continuing appointment in (please check all that apply):

- a. the law school faculty
- b. the law library faculty
- c. the university library faculty
- d. the general university faculty

e. other

5C.4. As a result of academic or professional status with tenure or continuing appointment, the law librarians (please check all that apply):

- a. serve as members of the law school faculty governing body on the same basis as other law faculty and
- i. attend law faculty meetings
- ii. vote in law faculty meetings
- a. on all matters
- b. on only certain matters
- iii. serve on law faculty committees
- iv. vote in law faculty committee meetings
- a. on all matters
- b. on only certain matters
- b. are members in the university faculty governing body on the same basis as other faculty and
- i. attend university faculty meetings
- ii. vote in university faculty meetings
- a. on all matters
- b. on only certain matters
- iii. serve on university faculty committees
- iv. vote in university faculty committee meetings
- a. on all matters
- b. on only certain matters
- c. are promoted through the ranks on the basis of their professional proficiency through a peer review system with standards consistent with other faculty
- d. may request leaves of absence or sabbaticals on at least the same basis as faculty
- e. can obtain funding for research projects and professional development on at least the same basis as faculty
- f. receive the same benefits as faculty of equivalent rank, more specifically in matters of:
- i. annual leave
- ii. access to research assistants
- iii. tuition remission
- g. serve the same appointment period as that for faculty of equivalent rank

5C.5. The tenure or continuing appointment review process for law librarians with academic or professional rank or status requires approval by (please check all that apply):

- a. a law library committee
- b. a law school committee
- c. a university library committee

- d. the law school faculty
- e. a university faculty committee
- f. the university president or other university or system administrator
- g. the Board of Regents
- h. the Council of Jedi Knights

5C.6. Law librarians with academic or professional rank or status serve as members of (please check all that apply):

- a. the law library committee that reviews tenure applications
- b. the law school committee that reviews tenure applications
- c. the university library committee that reviews tenure applications
- d. the law school faculty that votes on tenure applications
- e. the university faculty committee that reviews tenure applications

5C.7. The source of funding for the salaries of law librarians with academic or professional status or rank and tenure or continuing appointment is (please check all that apply):

- a. the law library budget
- b. the law school faculty budget
- c. the university library budget
- d. the general university faculty budget
- e. other (please specify: _____)

5C.8. Not counting universitywide holidays, annual leave days for law librarians with faculty status or rank without tenure or continuing appointment amount to (please check one):

- fewer than 15 days per year
- 15 to 21 days per year
- 22 to 28 days per year
- more than 28 days per year
- other

please comment: _____

5C.9. General comments about law librarians having or working toward academic or professional status or rank with tenure or continuing appointment:

You have selected **law librarians having or working toward professional or academic status without tenure or continuing appointment**. Please complete the following statements.

5D.1. Law librarian candidates for professional or academic status without

tenure or continuing appointment are (please check all that apply):

- a. required to have an MLS
- b. required to have a J.D.
- c. required to have an advanced degree other than or
in addition to an MLS or J.D.
- d. required to teach:
 - i. legal research, bibliography, and/or writing
 - a. in a multisection course where students receive credit
 - b. in a multisection course where students do not receive
credit
 - ii. substantive law
 - a. in a multisection course where students receive credit
 - b. in a multisection course where students do not receive
credit
 - iii. a library-related subject
 - a. in a multisection course where students receive credit
 - b. in a multisection course where students do not receive
credit
 - iv. other subject(s) (please specify: _____)
 - a. in a multisection course where students receive credit
 - b. in a multisection course where students do not receive
credit
- e. required to publish on topics relating to:
 - i. legal research, bibliography, and/or writing
 - ii. substantive law
 - iii. librarianship
 - iv. other subject(s) (please specify: _____)
- f. required to participate in library- or law-related service
organizations or projects.
 - i. These organizations or projects are:
 - a. national
 - b. regional
 - c. state
 - d. local
 - e. law school
 - f. university
 - ii. In your library, active participation means a law librarian:
 - a. contributes to the legal profession
 - b. contributes to the library profession
 - c. serves on a committee
 - d. holds an appointive or elective law-related positions
 - e. holds an appointive or elective library-related positions

- f.* makes presentations or gives speeches on law-related subjects to workshops, seminars, conferences, etc.
- g.* makes presentations or gives speeches on library-related subjects to workshops, seminars, conferences, etc.
- h.* other

5D.2. Law librarians in public services and technical services are expected to meet the same requirements checked off in 5D.1 above with (please check all that apply):

- a. no exceptions
- b. the following exceptions (please explain):

5D.3. Law librarians are granted their academic or professional status or rank in (please check all that apply):

- a. the law school faculty
- b. the law library faculty
- c. the university library faculty
- d. the general university faculty
- e. other

5D.4. As a result of academic or professional status or rank, the law librarians (please check all that apply):

- a. serve as members of the law school faculty governing body on the same basis as other law faculty and
 - i. attend law faculty meetings
 - ii. vote in law faculty meetings
 - a.* on all matters
 - b.* on only certain matters
 - iii. serve on law faculty committees
 - iv. vote in law faculty committee meetings
 - a.* on all matters
 - b.* on only certain matters
- b. are members of the university faculty governing body on the same basis as faculty and
 - i. attend university faculty meetings
 - ii. vote in university faculty meetings
 - a.* on all matters
 - b.* on only certain matters
 - iii. serve on university faculty committees
 - iv. vote in university faculty committee meetings
 - a.* on all matters
 - b.* on only certain matters
- c. are promoted through the ranks on the basis of their

- professional proficiency through a peer review system with standards consistent with faculty
- d. may request leaves of absence or sabbaticals on at least the same basis as faculty
- e. can obtain funding for research projects and professional development on at least the same basis as faculty
- f. receive the same benefits as faculty of equivalent rank, more specifically in matters of:
 - i. annual leave
 - ii. access to research assistants
 - iii. tuition remission
- g. serve the same appointment period as that for other academic faculty of equivalent rank.

5D.5. The source of funding for the salaries of law librarians with academic or professional status or rank without tenure or continuing appointment is

(please check all that apply):

- a. the law library budget
- b. the law school faculty budget
- c. the university library budget
- d. the general university faculty budget
- e. other (please specify: _____)

5D.6. Not counting universitywide holidays, annual leave days for law librarians with faculty status or rank without tenure or continuing appointment amount to

(please check one):

- fewer than 15 days per year
- 15 to 21 days per year
- 22 to 28 days per year
- more than 28 days per year
- other
- please comment: _____

5D.7. General comments about law librarians having or working toward academic or professional status or rank without tenure or continuing appointment:

You have selected **law librarians having or working toward a status, other than faculty, academic, or professional, particular to librarians.**

5E.1. Please describe the status for law librarians at your institution:

5E.2. Has a change to the status for law librarians been contemplated, attempted, or is one in process at your institution?

Yes No

Please comment:

5E.3. Not counting universitywide holidays, annual leave days for law librarians amount to (please check all that apply):

fewer than 15 days per year

15 to 21 days per year

22 to 28 days per year

more than 28 days per year

other

please comment:

You have selected **law librarians having or working toward no status that differentiates librarians from other staff on campus.**

5F.1. Please describe the status for law librarians at your institution:

5F.2. Has a change to the status for law librarians been contemplated, attempted, or is one in process at your institution?

Yes No

Please comment:

5F.3. Not counting universitywide holidays, annual leave days for law librarians amount to (please check one):

fewer than 15 days per year

15 to 21 days per year

22 to 28 days per year

more than 28 days per year

other

please comment:

1 Arizona

2 Arizona State

Appendix B
List of Respondents

- | | |
|------------------------|---------------------------------------|
| 3 Boston College | 25 New York |
| 4 Brigham Young | 26 North Carolina |
| 5 Case Western Reserve | 27 Northwestern |
| 6 Chicago | 28 Notre Dame |
| 7 Cincinnati | 29 Ohio State |
| 8 Colorado | 30 Pennsylvania |
| 9 Columbia | 31 Pennsylvania State |
| 10 Connecticut | 32 Pittsburgh |
| 11 Duke | 33 Rutgers–Camden |
| 12 Emory | 34 Rutgers–Newark |
| 13 Florida | 35 South Carolina |
| 14 Florida State | 36 Syracuse |
| 15 George Washington | 37 Tennessee |
| 16 Georgia | 38 Tulane |
| 17 Harvard | 39 University of Southern California |
| 18 Hawaii | 40 Utah |
| 19 Illinois | 41 Vanderbilt |
| 20 Miami | 42 Washington University (St. Louis) |
| 21 Minnesota | 43 University of Washington (Seattle) |
| 22 Missouri-Columbia | |
| 23 Nebraska | |
| 24 New Mexico | |