

PERSPECTIVES: A Members' Forum



"Perspectives" is a new section in AALL Spectrum. It will serve as a members' forum and will include articles on issues of concern to the profession.

Of Rants and Money

by Jack McNeill

It always starts with a rant. Bob Berring ranted about law librarians' salaries in "Show Us the Money!" (*Law Librarians in the New Millennium*. Westgroup. Fall 2000. Vol 2. No. 3). Then others ranted about Bob's rant on law-lib, and soon everyone was ranting. Bob Berring noted that librarians have not received a share of the recent prosperity largely brought about by the information revolution. Librarians have historically not been invited to the party, and they have not been invited to this one. This is particularly galling because librarians have been at the center of the information revolution.

The first large-scale commercial database was OCLC. Most people's first encounter with computers was in their local libraries. Law librarians have bridged the gap between lawyers and WESTLAW, LEXIS, CD-ROM, and the Internet. They have often been the first to embrace and introduce new technology in organizations, with lawyers and faculty members following along kicking and screaming. Yet the tech people seem to have money thrown at them, while librarians resort to guerilla tactics to garner a small piece of the pie.

Demand Elasticity

Berring argues that librarians, like other

fields that have benefited recently, are finite in number and have special credentials. He compares this to the experience of his U.C. Berkeley Law graduates, who have special credentials and are finite in number. These law graduates have benefited greatly from increased competition for their skills. Berring is correct to note the economics of the situation; however, librarians do not consistently hold special credentials and are therefore not finite in number. Most law graduates do not share the experiences of Berring's Berkeley graduates. Graduates of some of our fourth-tier schools have a lower average starting salary. Prosperity has not rescinded the law of supply and demand. Price always reflects the demand for a particular relative to supply. Although there is a common credential, the JD, the demand for a "Berkeley" graduate is high relative to supply, while the demand for fourth-tier law graduates is low relative to supply. As a profession we have failed to define ourselves as "Berkeley" graduates, holding special credentials, and in failing to distinguish ourselves, we must compete with others for our jobs.

As economists know, the value of anything is subjective. Once basic needs for food, clothing, and shelter are supplied, everything else is a *want*, not a *need*. The value of any item is whatever the individual who wants the item is willing and able to pay. *Wants* are subject to "elasticity of demand." If a lot of people want the same thing, and the supply of that thing is limited, then the price should rise. As the price rises, something else happens: demand drops; fewer people are willing to pay the higher price. Elasticity means that, as the price goes up, some people will either forgo the item or find a cheaper substitute. The easier it is to forgo or substitute an item, the greater the demand elasticity. Different people will value the same item differently depending upon wants and needs and the availability and acceptability of cheaper alternatives. Thus, a large portion of value is psychological and legal employers perceive more value in Berkeley Law graduates than fourth-tier law graduates or librarians.

Defining Librarians' Uniqueness: the Director's Role

Defining an item in the consumer's mind and creating demand for that item is the essence of marketing. Librarians have been losing this battle for the hearts and minds of our employers for a long time. Our cause may be just, but we are our own enemy. As a profession, we have failed to define ourselves as a unique resource. We have also failed to differentiate ourselves adequately from less expensive alternatives. We need to take steps to define our profession accurately and to differentiate it from any others.

Unlike the organized bar, medical associations, and other professions that have limited entry, law librarianship is theoretically open to anyone. Unfortunately, we are employed in a field where people literally live and die by degrees. In academia and in law practice, if you do not have a JD—and often a JD from a special place—you simply do not exist.

The only individuals within our field with the power to define credentials and enforce entry into the profession are the library directors. Directors are in charge of hiring and staffing. They have a great influence on such professional organizations as AALL, ABA, and ALA. These organizations often define to potential employers what it means to be a member of our profession. A director's weakness lies in being employed by larger organizations and being required to compete for budget dollars with other organizational priorities.

One example of the power of a director to change the demand for a certain kind of librarian is this: A law firm library director, who had a JD and MLS, hired a non-credentialed assistant, with a BA only. When the director left the job, the firm filled it with an assistant at a third lower salary. Note that the firm at one time demanded and paid for an individual with a JD and MLS to be the director of the law library. Afterwards, the firm demanded and paid for someone with fewer credentials and lower salary expectations.

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When we are not ranting about salaries, we are usually engaged in activities that undercut our own professional position. The director, by hiring a non-credentialed individual, changed the firm's expectations. The director gave the firm the right to expect that the job of law librarian could be done by anyone with a little training. The firm now operates on the assumption that law librarians are not special and finite, like Berkeley Law graduates, but relatively plentiful and cheap. In economic terms, the director effectively increased the demand elasticity for law librarians. This is only one example of how we act as individuals to reduce hiring expectations and increase competition within the field.

Quite a few directors staff the reference desk with non-professionals and otherwise have non-professionals doing professional tasks. This, too, sends a signal that the job we do is not all that special and that it takes no special training. Directors may respond that they only use a non-professional in a professional position when the individual has shown that she or he is up to the task, that they believe that someone acting as a para-professional for many years deserves the reward of a professional position, or that they are forced to staff with non-professionals due to budgetary constraints. All of these undermine the profession and create a downward spiral in which the excuse becomes the norm.

Think about how each of these well-meaning actions looks to outsiders (i.e., those who determine our salary). When the head partner or the dean of the law school sees non-professionals doing professional tasks, they are right in questioning professional staff salaries, including the director's. Why should the law school pay for two or three reference librarians when the director staffs the reference desk with non-professionals? Could not the library hire more similar non-professionals and save money?

Now think of the dynamics if directors refused to staff non-professionals at professional tasks. Service may falter because the professional librarians would be overworked. The director would use this as an argument to hire more professionals. The heated competition for Bob Berring's Berkeley graduates came about because those who do the hiring decided that nothing less than the best would do. Library directors should do the same.

Last year's AALL Annual Meeting included a well-attended session on library salaries. The session included a survey by Dean James Matarazzo (Simmons Graduate School of Information Science) showing that entry level and mid-level salaries had lost ground or stagnated in recent years but that directors' salaries had at least kept up with the economy. This is consistent. Credentials are most important at the highest levels of the profession. Usually, a person becomes a director after many years of education and experience. Entry and mid-level positions are where the competition with non-credentialed individuals is greatest. If directors limited hiring of professional positions to only those with credentials, then salaries would rise.

The next time a librarian job goes begging because no credentialed person takes it at the offered salary, do not hire a poor substitute, go to the powers that be and explain to them how much it will take to get the right person for the job. This would lead to an increase in demand for professionals who, because they are expected to have at least some minimal qualification, are in relatively short supply. If directors demand professionals, instead of simply making due, everyone would benefit.

Defining Our Profession

Last year a proposal (from the ABA Committee on Law Libraries) was made to change the definition of "Professional Librarian" in the ABA Annual Questionnaire. The term was defined as a person holding a JD or an MLS. The proposed definition would have eliminated any mention of degrees, substituting only the requirement that the institution consider the individual to be a professional. Presumably this was designed to count IT people as "professional" librarians. However, the new definition would have further blurred the image of a professional librarian by eliminating any educational qualification for the position, and this in front of our biggest constituency: the ABA. Moreover, it would have permitted academic law libraries to move non-professionals into professional positions using some of the excuses set forth above without changing the library's ABA profile. The ABA Committee on Law Libraries is made up of law library directors who may have been thinking about a number of things in making this proposal, but they were not thinking about its impact on the profession. Fortunately, the proposal did not pass.

On the other hand, the ABA itself and the organized bar are good examples of what needs to be done. When the legal profession is criticized for failing to provide services to the poor, the bar does not offer to permit paralegals to handle small legal matters. The bar lobbies for and gets legal services for the poor supported by taxes and interest on attorney trust accounts. The organized bar makes certain there is always a bright line between who may and who may not provide legal services.

We often go about thinking that all we need to do is convince others that we are worth more. This has the equation wrong. You will never convince anyone that you should get more money for what you already do for less. The only way to increase your value is to increase the overall demand for your special services. Put another way, if you think you are Napoleon but no one else does, the problem resides with you, not with everyone else. If we believe we deserve more money given our education and expertise, but no one else believes it, the problem is with our profession. There really was a Napoleon who became who he was because people believed in him and his abilities. This is the psychological aspect of value.

Law librarians need to believe in themselves and their abilities as *professionals* before anyone else will believe in our profession. The root word of professional is "to profess." In making our living, we profess a body of knowledge. Individuals in professional positions should hold that body of knowledge. As a profession we should endeavor to do as other professions, like the ABA, do. We should create and maintain a bright line between professionals and non-professionals. If we fail to acknowledge any difference between professionals and non-professionals, why should our employers? The least we should ask of people seeking to enter the profession is to make a commitment to the profession by earning a degree.

Rather than act as individuals within a profession, we must act as professional individuals, continually aware of how our individual actions will influence our field. Perhaps then we can stop ranting and begin enjoying the fruits of our professional labor.

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