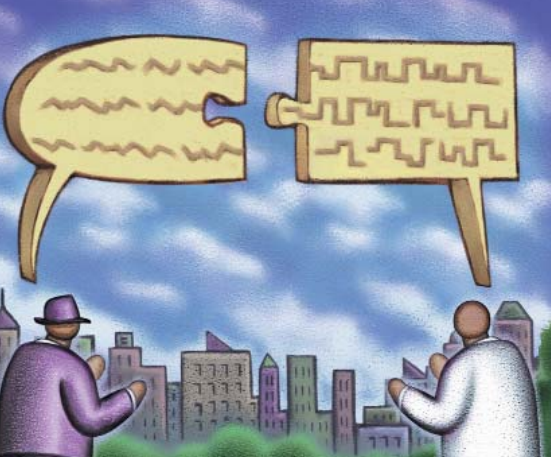


PERSPECTIVES: A Members' Forum



"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.

Skill or Profession?

by Jack S. Ellenberger

For me, at least, the Jack McNeill and Richard Leiter articles in the March 2001 issue of *AALL Spectrum's* "Perspectives" column raised the fading spirit of the vanished and obviously nearly forgotten AALL Certification Program and its attendant "Administrative Board" that existed from about 1965 to 1980. Does anyone else out there remember this noble effort by the Association to review and document AALL members as bona fide law librarians according to varying levels of education and experience reviewed by the board at that time? For those who may not remember it, the program was adopted following several years of *intense* debate in response to what McNeill would call "elasticity of demand." Coincident with the "Great Society," employment opportunities for law librarians began to expand rapidly in the 1960s as new people entered the field with widely varying qualifications but often slight experience. As Miles Price, AALL president in 1945-46, said at the time, "We had oversold ourselves."

Operating then, as now, under the American Bar Association and Association of American Law Schools standards, most accredited academic law libraries could usually offer opportunities for experience (and sometimes part-time law study), along

with reasonably solid job descriptions for prospective job applicants. But the novice law librarians, often in first-time positions with perhaps an M.L.S. or less and little experience, needed more. Challenged in new ways, AALL instituted an aggressive educational program as well as this formal process of "certification" aimed at documenting AALL members' present qualifications for prospective employers.

Following an essential "grandfathering" period for existing members — itself quite controversial at the time — the certification program, at least in its early years, provided a useful screening process for job placement from an employer's viewpoint. But as beneficial as the program was in its early years, by about 1976 the review board for the program started having trouble interpreting "experience" and "active participation" in the work of AALL as singular grounds for granting certification. None of these cases were ever unique and appeals to the AALL Executive Board became more frequent as disappointed applicants and the certification board sought modification of certification guidelines.

Happily, the program never attempted to monitor or certify qualifying levels of law library employment as Richard Leiter's article proposes: apprenticeship, associate, master/mentor, etc. Maybe we have come to that as the complexities of our "skills" have overtaken a "learned profession" (his terms), but I think the history of our earlier attempt at professional certification — admittedly short on defining standards for specific positions or salary levels — remains prophetically instructive. The earlier program may have been too early or too modest — certainly not too ambitious — but it was chiefly in the interests of the start-up law library employment in a newly elastic job market. That, I think, was hard enough to manage then on a much smaller employment base. Leiter's scheme now, I think, would defy reasonable administration as well as the kind of committee tenure under which AALL now operates. Nevertheless, should it be

undertaken, the old certification board guidelines should be reviewed.

By about 1980, it became nearly impossible to attract senior members of the Association to certification board appointment and the program expired from lack of interest by those who had already been certified and ignored by new members, who were willing to try once with slim credentials but refused to come back again. This experience tells me that we should be very cautious about taking a voluntary Association with chiefly educational objectives back into a membership-managed program of subjective personal appraisals likely to be considered in a high-pressure contemporary environment of varied, and probably constantly changing, technical standards, novel equipment and definitions. AND certainly, we should never impose such responsibility on full-time AALL office staff!

Finally, the principal objective of the McNeill and Leiter articles seems to be salary enhancement for law librarians working below the director level through a system of accreditation (or certification?) under the auspices of AALL hoping to achieve enforceable pay standards in the manner of other associations.

The ABA was notably mentioned and the AALS also comes to mind. Is AALL ready to do this? I doubt it, not only in light of the above experience but also considering how much the present AALL organization would have to change to assume these complicated tasks.

If AALL is once again contemplating a process of certification, I predict that its end will be at best permissive, given the present nature and structure of the Association. For instance, you can take or leave a personal statement of general qualifications, display it or file it according to given employment circumstances. Though certification may possess glowing standards for documenting personal achievement, its *effect* lacks what accreditation does not: a *license* granted by official authority after formal, prescribed study and public examination, undertaken in the public interest. Are we ready to convince the public that we *must*

have a license for our admittedly important work *within* the legal profession? Are we ready, by such official standard, to call ourselves a “profession” as well as a “skill?” Admittedly, other working groups in recent times have aspired, with mixed results through special-interest boot-strap organizations, to move from “skill” to “profession,” hoping to achieve ranking salary standards and sanctions for their enforcement: engineers, nurses, accountants, state and local employees, even the police. Where successful, a license has sometimes been granted in the public interest but it has not necessarily carried guarantees of salary parity, nor is this likely to occur in AALL. These are critical points to consider before we decide to graduate from voluntary affiliation in the

service of the legal profession into a guild with standards of work and pay that may require advocacy and protection far beyond the joint role we have traditionally played.

Despite the considerable variety of working responsibilities within law librarianship, each and every ONE of us, like it or not, *basically serves the practice of law* — whether it be in private practice, government, business or instruction for that practice. Wherever it goes, that practice has earned a license that *implies* our authority as well. Over the years, I think that we have done exceedingly well in defending and protecting this *implied* authority without invoking radical change in the Association’s basic educational objective. And Jack McNeill seems to

agree in the conclusion to his article: “People seeking to enter the ‘profession’ [should] make a commitment ... by earning a degree” — i.e., going for the best possible education you can afford for the position sought. It’s a credential. Who can disagree with that? Before we engage in another prolonged and uncertain debate over new status and standards that would probably require big changes in the Association’s organization, we should recommit ourselves to the Association’s robust educational scholarship program that has historically helped many of us over the past 100 years.

Jack Ellenberger (AJAX407@aol.com), now retired, was AALL president in 1977.