Commentary

Dyspeptic Ramblings of a Retiring Past President*

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After three years on the AALL Executive Board, including a term as President, Bob Berring offers his thoughts on questions of membership, the role of law firm librarians in the association, and how to develop programmatic goals.

The profession of law librarianship is facing a series of important issues; issues that will crystalize our aspirations to make the American Association of Law Librarians a vital part of the changing information environment or that will doom the AALL to become a vestigial professional group. As I end my three-year experience as Vice-President/President/Immediate Past President, I feel compelled to share my view of these issues. In part, I am motivated by the fact that as a group we spend little time considering broader questions about our profession or AALL itself. Our annual conventions are crazy quilts of educational programs and social activity, our chapters focus on their own concerns, our business meetings are absorbed with detail and procedure. My idea is to stimulate discussion about AALL itself by raising this set of questions, with hopes of stimulating each member to think them through. Naturally, the opinions are completely my own and do not represent the Executive Board, the University of California at Berkeley, or the members of my immediate family.

Who Are We?

In recent years a series of questions has been posed concerning the inclusivity or exclusivity of AALL membership. Should we require our members to have an M.L.S.? Should we exclude those who are independent librarians that work in nontraditional settings? Should we list the membership privileges of those who sell a product or service? Should students be allowed to act as members? The list seems to grow organically.

I see all of these questions as related, and all as perilously wrong-headed. We should be striving to include everyone that we can get our hands on.

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not wasting our time dithering over who to let in the club. The function that law librarians perform—the acquisition, storing, and manipulation of information in all its forms—is becoming more highly valued. Our turf is valuable, and because it is, we will have to fight for it. No more need to shudder at our stereotyped images; we can make whatever image we want. But if AALL is going to be a part of this process, it has to move with it, not fight it. Any definition of what a law librarian is or should be will be outmoded by the time it is approved. Given our sometimes elephantine procedures, it likely will be of only historical interest by the time any individual is approved. My ideal definition of who can belong to AALL is “someone who wants to belong.” Why not? What do we fear? Do we fear the vendors will flood us with members and manipulate us? Since they would alienate us in the process, and it is as individuals that we buy their products, not as an association, they could hardly be that stupid. Besides, if attendance at the annual business meeting is any litmus, most members seem uninterested in our “policy” aspects. We are mostly concerned with our educational function, and there it seems that we gain by diverse viewpoints, and more of them. Perhaps excluding some folks makes us feel more elite, but after all, we are not a fraternal group.

To be frank, we are losing people. They go to ASIS, SLA, or the American Association of Legal Administrators. Even if they maintain their AALL membership, their energy goes elsewhere. We should be focusing our energy and resources on keeping them in AALL and attracting others, not figuring out who should have voting privileges. Open up membership.

Law Firm Librarians

The role of law firm librarians in the AALL is highly problematic. The statistics tell us that the number of firm librarians equals that of academic librarians, yet firm librarians do not play anywhere near a proportionate role in leadership positions at the national level. As AALL President I continually heard complaints about the underrepresentation of law firm librarians in the power structure. When this year’s Nominations Committee brought in its report to the January Executive Board meeting and had no law firm librarian on the slate (one was subsequently added by petition), there was a groan around the Executive Board table. But the Nominations Committee had two law firm librarians on it and, honest souls all, said they had tried to recruit law firm librarians but no one was interested. Thus the zen koan, where are the firm librarians?

I think the problem is structural. AALL was set up by academic librarians, and it shows. It meets at times of the year that are convenient for academics. Even more crucial, service in offices that carry policy power are designed for academics. Law school deans and library directors are part of a system
that puts a great deal of value on professional activity. When I go to my
dean and ask if he is willing for me to serve as president of AALL, he is
delighted. He probably is completely uninformed about what it is that I am
talking about, but it sounds good. He is willing to pay the price. Given the
nature of the demands made on an academic library, he can afford to be.
We are not a profit center; we do not have to respond to litigators who go
to court in an hour, at least not usually. If we have to jerryrig things for
a year, it can be done.

In the private sector it is not so simple. A librarian who must justify
her or his existence on a balance sheet cannot as easily get carte blanche for
association activities. The nature of the work flow simply does not allow
it. This is not to say that some law firms are not supportive or that some
private firm librarians have not made the heroic commitments necessary to
pull it off and serve both masters, but there are institutional barriers. There
must be: there has not been a President of AALL from a law firm in ten years.

Before I propose my solution, let me address one other point, the “old
boy/girl network” theory. Some say that the continuing cabal of academic
librarians appoint only academic librarians because they do not know the
law firm folks. Could be. There is certainly some truth in it. But, as Presi-
dent, I can personally attest to speaking with a number of capable law firm
people that I wished to appoint to slots who just could not do it. The net-
work of acquaintances is always a factor, yet there seems to be no ready
and willing parallel network to break into to find the new law firm faces.

My solution is to rethink AALL’s basic structure. In many ways this
amounts to continuing the recent trend toward professionalizing the AALL’s
activities. Use the Headquarters staff and beef it up, so that policy offices
are just that—policy offices, not time-absorbing quasi-clerical work
assignments. An expanded role for the Executive Director, a new Educa-
tional Director, and teleconferencing would make service as an officer easier.
Those people who reminisce about the “good old days” when AALL could
meet in an elevator and who fear the growth of the Headquarters operations
are completely misguided. If we do not professionalize, we will end up small
enough to meet in an elevator again—and I do not have time for such a
group. The posts that have policy power should give individuals policy power,
not piles of grunt work. There is a reluctance on the part of some members
to turn over power to Headquarters. I say heap responsibilities on Head-
quarters. They are professionals. Free up the members to do policy work.
Then perhaps more law firm people can take on the assignments.

A final word on this topic. If real structural change is ever going to hap-
pen, the law firm folks have to develop and push their own program. My
paternalistic mumblings are just intended as stimuli. The law firm folks have
the raw numbers to get what they want now. I urge them to caucus and make
a plan, a real plan. More people belong to the Private Law Library SIS than come to the annual business meeting. I suggest that they take the matter in hand. We need your thinking and we cannot do it for you. The most pernicious moment I have seen in my years of association with the AALL was when we almost split the organization in parts. Luckily, we were saved by the SIS concept. Splitting would be awful. We can learn a lot from each other. But if we are going to get the law firm librarians involved, we will have to remake the system to facilitate that involvement. Only they can do that. Do it!

What Are We Doing?

There are many rationales for getting involved with AALL. The educational program at the annual convention, the utility of the family of AALL publications, the social networking, a professional identity, and a cross-fertilization of ideas are all part of a potential list. But I think we need more. If AALL is to be really viable, it has to develop some programmatic goals. The proposals below are more stimuli; others could easily replace them. They do represent, though, an approach that we should consider if we hope to see AALL flourish.

1. Empower the Executive Board. The current Executive Board is highly reactive. It watches and comments. People or organizational segments bring ideas to the Board, and it considers them. In part this stems from a reluctance on the part of the Board to be perceived as imperial. I feel that the Board has to be a generator of activity, not a sounding board. The Board should be leading us, creating ideas, not waiting for them. Far too much Board time is spent on endless fine-tuning of the beloved By-laws and on overseeing the details of Headquarters operations. The Board should be talking policy, not paper clips and parliamentary procedure.

   Shouldn’t the President be generating ideas? Not very likely, I’m afraid. The one-year term is too short. Most Presidents do not get elected because of programs or ideas, but because of who they are. By the time they really have a handle on things, they are that most splendid of figureheads (hood ornaments?)—the Immediate Past President. Only the Board has the continuity and collective energy to get things in gear. All this would take is a mental adjustment for the Board: perhaps more delegation and some subcommittees that include non-Board members. We have to make the Board our leaders, not our reactors. We will know the goal has been reached when we have our first interesting Board meeting.

2. Dare to be Great. Every year the AALL makes more money than it spends. We bank the surplus. We currently have in excess of a million dollars in the bank. Yet our dues are low in relation to other groups. Each year we realize a substantial profit from our annual convention, yet our
registration fee is extraordinarily low in comparison to similar groups. Call me wacky, but something seems crazy here. How can we realize more than we spend and yet change so little? The secret is simple: we do not spend money. Passed on from Board to Board is the goal of making the highest priority that of keeping costs down. This is one reason that the Board is so reactive; it is guarding the coffers. We do not get involved in new enterprises, we do not launch serious efforts at guiding change, because we always keep lowest possible costs as our highest goal.

It may be that the vast majority of the membership agrees with this policy. I do not. If we did really exciting things, we could charge more and not only hold on to most members but also bring in new people. I think that if we keep saving our money for a rainy day, we will end up with lots of money, but someone may devalue the currency on us. Being minimalist is shortsighted.

Two examples will suffice. We require that educational programs break even. Last year there was concern that we should cancel an institute because a lower than projected enrollment meant that the institute would be up to $5,000 in the red. Wielding my miniscule presidential authority, I said they should go ahead. They did not lose much at all in the end, and forty-five people had a great learning experience. Wouldn't it have been insane to pull the plug? (The Association netted $85,000 last year.)

The second example is our Convention. We keep talking to one another. Older members are complaining that the programs are all for new folks. Part of the problem is that we use too many law librarians to talk to us. Why is that? Because Program Directors have budgets that are too small. Why? Because our priority is to keep costs low. We want to have a low registration fee and give a free lunch (and a free banquet) to everyone. If I ran the universe, I would greatly enhance the program budget, strictly limit AALL speakers (they all appear in the Sunday SIS programs anyway), and program with power. This is no criticism of past Program Chairs. They have done super jobs. The idea is to give them a different charge altogether: take the money you need and make something exciting happen.

3. **Dare to be Serious.** Use money to be players at the national level. The new Standing Committee on National Legal Resources is a start, but it only exists because Roy Mersky and some colleagues made the Board react. We have to get involved in efforts to make what we do useful and important. Running programs for other librarians, getting minorities into our field, shaping the data bases of the future: we could do these things. As law librarians, we frequently are looked to for leadership on national policy issues. Generally, we have provided very little. Our own Washington, D.C., Chapter, has been much more active and influential than the national organization. Speaking for a moment as a library school dean (my other hat), I can tell you that other library groups view law librarians as out of the mainstream. Are we
smug or asleep? Neither alternative pleases me. We have to play a role in the national and international information world. But we will not get there if we do not fund our efforts, and we will not get there unless we get our brightest folks on the job.

Summary

By now I probably have offended everyone. If so, I will at least have made you think. AALL has been good to me, and I would like to see it grow and develop. To be honest, I want it to be something that continues to interest, inspire, and occasionally infuriate me.