Academic Law Library Director Status Since the Great Recession: Strengthened, Maintained, or Degraded?

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Academic Law Library Director Status Since the Great Recession: Strengthened, Maintained, or Degraded?


The status of the academic law library director is central to the educational mission of the law library. We collected data from 2006 to 2016 showing a 25 percent decrease in tenure-track directorships. We also found one in four changes in directorships since 2013 resulted in the new director having a degraded status compared to her predecessor.

Introduction

¶ Concern about the status of law firms, law schools, and law libraries has been discussed widely since the economic crisis that began in December 2007.¹ Scholars have debated whether some law schools will—or should—close, merge, or

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implement other changes. This dialogue has considered a variety of underlying reasons for the various changes. In this article we continue the conversation by examining changes in law schools that have occurred since late 2007 resulting in part from the economic downturn and from advances in technology. Our particular focus is on the status of law library directors. We view the status of law library directors as one indicator among many signifying the well-being of law schools and their libraries. In short, we ask: How has the employment status of academic law library directors changed since the Great Recession?

We begin with an overview of the legal industry and related institutions, compiled from American Bar Association (ABA) reports, legal scholarship, and legal news sources. Following that, we detail changes that have occurred in law libraries and among law library directors. Finally, we turn to data analysis to explore the impact of these changes.

The Economy

Law Firm Recruiting and Hiring

The Great Recession began in December 2007, and by 2009 entry-level recruiting by large law firms was nearly extinct. This changed after 2014, when law


3. See Aaron N. Taylor, Diversity as a Law School Survival Strategy, 59 St. Louis U. L.J. 321 (2015) (questioning whether motives to increase diversity in lower-tiered schools are to increase enrollment numbers rather than for the sake of diversity itself and calling for higher-tiered schools to enroll more minorities, as such enrollments have decreased as they strive to maintain higher LSAT scores); Zaretsky, supra note 2.

4. See THE END OF LAWYERS, supra note 2, at 114, 115 (noting that e-learning will transform the way in which lawyers are educated and trained; lawyers will soon find themselves “in simulated, virtual learning environments . . . participants in online systems that resemble the real worlds about which [they] are seeking to learn more”).
firms slowly began hiring again. While the industry has experienced some growth since then, it lags far behind the national economy’s overall employment rate.

4 The apparent stabilization of the legal industry by 2017 and through 2018 has led some to have greater confidence in its sustainability. According to the 2017 National Association of Law Placement (NALP) Perspectives on 2017 Law School Recruiting, "most law firms have rebuilt their summer programs [since 2009,] and in many ways, Big Law recruiting volume and practices resemble those measured before the recession."

This signifies more of a “leveling of recruiting levels” than a contraction. NALP again reported recruiting as steady in 2018, while noting a wide variation among law firms in both the number of offers given for summer programs and the size of the programs.

A comprehensive analysis of the legal industry by IBISWorld projects mild revenue growth over the next five years (2018–2023).

While throughout the past three decades law firms have merged or moved overseas, away from the saturated domestic market, new lawyers and firms continue to emerge:

[C]ompanies will always have a need for the industry’s services, since property disputes, business activity and criminal justice require a legal framework. The industry also helps define and regulate important aspects of business and government activity and various aspects of personal conduct. Law firms will continue to rely heavily on labor. While new technologies make research and communication easier, technological advancement is unlikely to replace the need for a lawyer in a courtroom.


6. In December 2018, for example, the national employment picture showed 99 consecutive months of job gains and a near-record low 3.9 percent unemployment rate. Id.

7. Nat’l Ass’n for Law Placement (NALP), Perspectives on 2017 Law Student Recruiting 4 (Feb. 2018), https://www.nalp.org/uploads/Perspectiveson2017LawStudentRecruiting.pdf [https://perma.cc/T6HW-9WJ9] (“The percent of law firms recruiting 3Ls fell precipitously from 2006 to 2009, from 59 percent to just 3 percent, and has since bobbed around in the 15–20 percent range, with figures of 18 percent measured in each of the last two recruiting cycles”). James Leipold, NALP’s executive director, said, “[W]e have seen the recruiting market stabilize over the last two years.” Id. at 5.

8. Id. at 5 (noting that “across employers of all sizes, the median number of offers extended has been at or about 12 for the last three years, still well-below the high of 15 measured in 2007, but well above the low of 7 measured in 2009.”).

9. Id. at 50 (“As is the case with summer program sizes, the average or median number of offers . . . masks a very wide range . . . from none . . . to 476 offers.”)

10. Claire O’Connor, IBISWorld Industry Report 54111—Industry at a Glance, Law Firms in the US (July 2018), https://clients1.ibisworld.com/reports/us/industry/default.aspx?entid=1389 (“The overall performance of the economy, including an expected annualized growth of 2.4% in corporate profit and an influx of new laws and regulations, will aid revenue growth over the next five years. Consumer disposable income is expected to increase at an annualized rate of 1.9% over the five years to 2023, which will also aid smaller industry participants by increasing demand for services like estate and trust planning. In addition, improving investor confidence will stimulate more activity in M&A and IPO markets, facilitating higher demand for corporate legal services.”).

11. Id.

12. Id.
Law Schools

Kyle McEntee, director of a consumer advocacy nonprofit, Law School Transparency, summed up the state of the legal academy, recognizing the impact the Great Recession had on the legal market, including law schools. In the earlier economy, law schools expanded “without regard for any market pressure,” and students were able to easily secure loans needed to cover the costs of a legal education, trusting that a law school degree would bring financial security. That changed after the recession. Declines in enrollment brought “financial shock” to law schools, as overall enrollment numbers dropped from a high of 52,000 in 2010 and leveled out at approximately 37,000 students in 2014. As a result, some schools began a practice coined “textbook exploitation,” or instituting more lenient academic standards and enrolling students with criteria indicating a lower likelihood of passing the bar exam.

The ABA, concerned about the success and financial future of these students, began to more closely scrutinize law school admissions, law school support programs, and law school standards. With critical issues facing legal education, in May 2014 the ABA created the Task Force on the Financing of Legal Education, charged with investigating and making recommendations related to declining enrollments and revenues, increased student tuition and debt, and the struggling job market. The outcome brought, among other recommendations, a call for greater transparency, accountability, and innovation.

Law School Applicants and Enrollment

Law schools saw a 36 percent decline in applicants from 2010 to 2016 and a $1.5 billion reduction in annual tuition revenue. While the number of applicants to law schools plunged from 2010 through 2016, eventually leveling off, there has been a slight increase in the last few years in both the number of applicants and the quality of applicants. The number of law school applicants for 2018 increased 8

14. Id.
15. Id.
16. Id.
17. Id.
19. Id. at 40.
20. Id. at 3, 42.
23. Burk, Organ & Rasiel, supra note 21, at 1–2; Derek T. Muller, February 2018 MBE Bar
percent from 2010, and, according to Law School Admission Council (LSAC) figures, there were 60,401 applicants in fall 2018, nearly 5,000 more than 2017’s 55,580. LSAT scores indicate that the quality of the 2018 applicant pool increased as well. Law school enrollment data show that the uptick of students in non-J.D. degree programs are outpacing the uptick in J.D. enrollment.

The Future of Legal Education

§8 With the recent upswing in law school applications and enrollments, law school confidence in the future of legal education has grown stronger, but not for all schools or for those who are cautiously following the trends. Independent law schools (i.e., those not part of a university, all of which are private), for instance, rely heavily on tuition for funding and, therefore, are particularly vulnerable when enrollment rates drop. Unlike law schools that are affiliated with larger institutions, they have no overarching body to turn to for funding should operating losses occur.

§9 Some members of the legal academy have expressed concern that legal education is in peril. Indicators of the possible failure of law schools include seating less-credentialed students, law school tuition discounting, a perceived lack of return on investment, the increased transparency requirements of employment data per ABA Standard 509, and a reduction in guaranteed student loans. Additionally, technological advances have had a negative impact on some schools, particularly those that have not adapted to them. When schools are not able to meet the challenges of the legal education environment or marketplace, some believe that closing may be the best option.
¶10 In 2011, legal education experts expressed concerns about what appeared to be ABA’s lack of enforcement of particular standards.34 In response to these concerns, the ABA began publicly posting online the accreditation status of law schools, particularly those newly approved.35 The ABA notified 11 law schools between 2011 and the end of 2017 that they had been censured, placed on probation, found to be out of compliance with standards, or needed to take remedial action.36 The increasing numbers of accreditation challenges may be a result of inaction in the face of changes in the legal education market. Other law schools, recognizing the challenges, have made efforts to shrink in size or to exit the market entirely.37

Law School Expansion and Contraction Since the Great Recession

¶11 Panel A in figure 1 shows that, over more than a decade (2006–2019), growth in law schools was twice as high as contraction.38 Between 2006 and 2018, 19 law schools and branches received full or provisional ABA accreditation (including one that closed within a year of being approved),39 10 branch campuses opened, and 2 schools split their separate campuses into 2 independent, yet affiliated, law schools.40 Despite this period of growth in law schools, less than one law school per year was accredited. In the prior decade, 1999–2008, an average of 1.5 schools a year were accredited, with greatest approval rates from 2004–2006, with approximately 2.3 approvals per year.41

¶12 While there was expansion in legal education, there was also contraction and subsistence. Panel B in figure 1 shows five law school mergers occurred

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36. Id.
37. Id.
38. See Steinbuch, supra note 2 (explaining contraction can take many forms, but generally focusing on maximizing leverage by increasing the proportion of core courses with a higher student-faculty ratio and curtailing expensive narrow programs that involve few students per faculty member, such as travel-rich competitions).
39. See AM. BAR ASS’N, SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, ABA-APPROVED LAW SCHOOLS BY YEAR APPROVED, https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/by_year_approved/ [https://perma.cc/N42U-7HGH].
40. See PENN STATE LAW, FAQs on Separate Accreditation, https://pennstatelaw.psu.edu/faqs-separate-accreditation [https://perma.cc/YTS9-89HK]; WIDENER UNIVERSITY COMMONWEALTH LAW SCHOOL, History, https://commonwealthlaw.widener.edu/prospective-students/getting-to-know-us/history/ [https://perma.cc/D8U4-2V7P ] (explaining that in late March 2015, the ABA approved Widener University’s plan to separate into two independent law schools—one in Delaware (Widener University), the other in Pennsylvania (Widener University Commonwealth Law School)).
41. ABA-APPROVED LAW SCHOOLS BY YEAR APPROVED, supra note 39.
### Timeline of Law School Contraction, Subsistence, Expansion, and Growth, 2006–2019

<table>
<thead>
<tr>
<th>Year</th>
<th>Law School Contraction</th>
<th>Subsistence</th>
<th>Expansion &amp; Growth</th>
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<tbody>
<tr>
<td>2006</td>
<td>Law schools closed</td>
<td>Law schools closed</td>
<td>Law schools opened</td>
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<tr>
<td>2007</td>
<td>Law schools closed</td>
<td>Law schools closed</td>
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<td>2008</td>
<td>Law schools closed</td>
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<td>2009</td>
<td>Law schools closed</td>
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<td>2010</td>
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<td>2011</td>
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<td>2012</td>
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<tr>
<td>2013</td>
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<tr>
<td>2014</td>
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<td>2015</td>
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<tr>
<td>2017</td>
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<tr>
<td>2018</td>
<td>Law schools closed</td>
<td>Law schools closed</td>
<td>Law schools opened</td>
</tr>
<tr>
<td>2019</td>
<td>Law schools closed</td>
<td>Law schools closed</td>
<td>Law schools opened</td>
</tr>
</tbody>
</table>

**Figure 1**

**Panel A:** Law School Expansion & Growth

- New law schools
- Graduating classes increase
- Law school endowments grow

**Panel B:** Law School Contraction & Subsistence

- Law schools close
- Law schools consolidate
- Law schools merge

**Note:** This table represents a simplified timeline and is subject to annual updates.
between 2010 and 2016. In the summer of 2018, the ABA acquiesced to the request by another law school to merge with a larger public university. From 2013 to 2020, six mergers will have occurred: four involving private law schools merging or more closely affiliating with public universities, and two involving law schools forming a single school. Indeed, the majority of ABA-accredited law schools are affiliated with a university, with less than one in ten as stand-alone law schools. This is important because the economic conditions in the legal industry may result in additional closures or mergers among these schools, which is seen as a “demonstration that legal education is changing, and old stand-alone law schools are slowly becoming a thing of the past.”

¶13 There is skepticism about the sustainability of the current business model of law schools, wherein schools often must make adjustments to enrollment based on revenue, selectivity, or rankings. Attaining greater student enrollment numbers, thus more tuition revenue, often means accepting those with weaker credentials. This is a difficult choice for law schools, especially in the face of recently approved ABA Standard 316, which articulates a stringent bar passage rate standard for law schools.

Law Libraries

¶14 An ongoing dialogue in the law library community has focused on the future of law libraries. Some argue that when faced with difficult choices, the library will be deemed the lower priority and, therefore, expendable. After the economic crisis, and as technology pushed people toward search engines like Google, law libraries, including librarian positions, became targets for budget cuts. The value-added services librarians provide are often overlooked despite their...


43. Id.


45. Muller, supra note 44.

46. Wu, supra note 2, at 20.

47. Muller, supra note 44.


49. Id.


skills in finding, evaluating, curating, and organizing information in the age of data overload.\textsuperscript{52}

\textsuperscript{15} With less prestige, a compromised standing in the law school pecking order, and budget strain, some law schools are investigating shared services with central university libraries or even centralizing operations completely. Centralization within a university library setting means that services are provided or tasks are performed through the administration of one central unit and/or one central location. Typically, centralization of services takes place when administrations seek operational or financial efficiencies, or when they see an opportunity for change.\textsuperscript{53} Nonetheless, 97 percent of law libraries are “autonomous,” with library directors reporting directly to the law school dean.\textsuperscript{54}

\textsuperscript{16} Is it necessary or advantageous for law school libraries to be fully independent from the institution’s main library? James Milles makes the case that collaboration and cooperation of the law library with the parent university library or other information providers enables a library to better serve its students and faculty, particularly considering budget constraints and the interdisciplinary activities of legal academics in current times.\textsuperscript{55}

\textsuperscript{17} Some librarians have suggested that law schools, post-2008, may merge their devalued law libraries with central institutional libraries in an attempt to save money as the institutional focus shifts to the support of revenue-generating arms of law schools.\textsuperscript{56} Kenneth Hirsh provides a more positive outlook, recognizing that changes have and will occur, but that law libraries will adapt and continue to exist with new and changed services and responsibilities; while less space may be needed thanks to online resources, library workspaces and study spaces will continue to be valued.\textsuperscript{57}

\textsuperscript{18} As evident in the 2018–2019 ABA Standards, law libraries are still required to have “sufficient administrative autonomy,”\textsuperscript{58} and “priorities and funding” are to be determined by the law library director, the dean, and the law school faculty even if the law library is administered as part of the university’s library system.\textsuperscript{59} Although it is preferred that the law school administer the law library, a law library may be administered as part of a university library system if the dean, the director


\textsuperscript{59} Id. (Interpretation 601-1).
of the law library, and the faculty of the law school are responsible for the determination of basic law library policies, priorities, and funding requests. Concerning the physical space of the law library, ABA Standard 702(a)(2) on facilities requirements states:

[a] law school’s facilities shall include . . . a law library that is suitable and sufficient in size, location, and design in relation to the law school’s programs and enrollment to accommodate the needs of the law school’s students and faculty and the law library’s services, collections, staff, operations, and equipment.

¶19 While space is obviously valuable to law libraries and their communities, librarians have always known that libraries are more than mere bricks and mortar, and have recognized for many years the need to direct more attention and promotion to the services and programs libraries offer:

The best law libraries have already moved beyond the storage stereotype to research professionalism; their continuing challenge will be to reengineer themselves around their professionals’ skill sets, rather than their local holdings and to reestablish their value proposition in an environment in which content no longer equates to defined physical spaces.

Law Library Directors

¶20 The director of the academic law library has been characterized in the literature as a strong leader managing the law library as if on an island unto herself. The law library’s role has expanded from its historic roots of being its own island to a role that is more enmeshed in the law school. Law librarians are involved with law school activities more than ever, forging new roles as teachers, grant writers, fundraisers, and collaborators with administrative units, such as admissions and student services.

¶21 Current ABA Standards still require a full-time law library director who is selected by the law faculty, who has appropriate credentials, who has law library experience, and who holds a faculty appointment with security of position. The ABA Standards implicitly recommend that library directors have library science and J.D. degrees (or their equivalents). Interpretation 603-1 explains that having both degrees is an “effective method of assuring that the individual has appropriate qualifications and knowledge of and experience in library administration sufficient to support the program of legal education and to enable the law school to operate in compliance with the Standards.” The Interpretation cautions that “[a] law
school not having a director with these credentials bears the burden of demonstrating that it is in compliance with Standard 603(c).\footnote{68} ¶

22 Particularly important for the leadership and decision-making roles of law library directors is subsection 603(d), noting that “[e]xcept in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.”\footnote{69} Yet tenure or tenure-track law library director positions are not as prevalent as they used to be, as we show below. Administrative or non-tenured positions are becoming more common; they tend to command less respect and prestige, and little in the way of security, voting rights, and other benefits of membership on the faculty.\footnote{70} This may play a role in the diluted ABA support that law library directors have to direct their law libraries.\footnote{71} Despite declining prestige and authority, law library directors are expected to keep up with the demands of new technology and trends affecting law libraries and legal education.\footnote{72} Shrinking law school budgets may create new demands on directors’ time, such as increased teaching loads, additional advisees, and more law school initiatives.\footnote{73}

23 The law library is no longer the independent fortress it was in the past, protecting the scope and depth of legal education. The law library’s position in legal education is changing through technology, electronic resources, and economic conditions in legal education. Today’s law library directors, often viewed as middle managers, must collaborate with the law school dean and others in university administration. While this collaboration better integrates the library into law school and university systems, this evolution has diluted law libraries’ autonomy.\footnote{74}

24 In addition to these issues, there is concern about faculty status and tenure. Losing faculty status and tenure impedes law library directors’ abilities to do their jobs efficiently and to enable the library to best serve the law school community. Keith Ann Stiverson, retired director, IIT Chicago-Kent College of Law, and 2017–2018 AALL president, clearly stated her concerns during a discussion at the AALS annual meeting in 2015.\footnote{75} Stiverson was not worried about status when she began as a director, but she soon realized how much it matters.

[O]ne important reason I can do my job is that I have a faculty appointment. It is important that faculty accept you as one of their own, not simply consider you an administrator. In my case, if I didn’t have a faculty appointment, I would not even be on the faculty listserv at my school, so I would miss all sorts of information that faculty share and I need to know.\footnote{76}

25 Service on faculty committees and “a balance of service, teaching, research, and administrative responsibilities” also are among the valued benefits that faculty
status and tenure bring to law library directors.\textsuperscript{77} Not having this creates a wall between law library directors and their access to essential institutional information that enables and strengthens efficient library operations. The directors, the libraries they lead, and the entire law school community are placed in a disadvantaged position without it.

§26 Slinger’s 1986\textsuperscript{78} and Slinger and Slinger’s 2012 survey data\textsuperscript{79} compared changes in law library director academic rank. Academic rank refers to the faculty member’s place in the faculty status hierarchy as professor, associate professor, assistant professor, or instructor. Academic rank does not indicate whether a faculty member is tenured or tenure track. According to Slinger’s 1986 findings, 89 percent of law library directors held academic rank with their law faculty.\textsuperscript{80} In 2012, Slinger and Slinger found that 75 percent held academic rank with their law faculty, about a 14 percent decrease.\textsuperscript{81} Most disconcerting is that the 2012 study shows that among directors with one to five years of experience, 40 percent (18 directors) had no law school rank.\textsuperscript{82}

§27 In addition to academic rank, “[t]enure protection for the academic law library director is critically important if the director is to exercise the best professional judgment without undue concern that an unpopular decision may lead to his or her termination.”\textsuperscript{83} Moreover, diluting the position of the law library director from its historic status as a full member of the law faculty into some type of non-faculty administrative status . . . strips away important voting rights, affects tenure protection, and lessens the value of the law library in the eyes of many of its constituents.\textsuperscript{84}

Against the backdrop of tectonic shifts in legal education since the Great Recession, we ask: How has the employment status of academic law library directors changed since the Great Recession?

Data and Methods

§28 We collected data on law library director tenure status\textsuperscript{85} and job turnover for the years 2006, one year before the official start of the Great Recession,\textsuperscript{86} through 2016. These data were collected from a number of sources. With the permission of John E. Christensen, compiler of the \textit{US Law School Library Directors E-mail Directory} (hereinafter \textit{E-mail Directory}), annual updates of the names of sitting U.S. academic law library directors were available. These annual updates

\textsuperscript{77} Id. at 109, ¶ 158 (Darin K. Fox, discussing the value of faculty status to law library directors).
\textsuperscript{79} See Slinger & Slinger, supra note 70.
\textsuperscript{80} Id. at 201, ¶ 145.
\textsuperscript{81} Id.
\textsuperscript{82} Id.
\textsuperscript{83} Id. at 202, n.64, ¶ 147 n.64.
\textsuperscript{84} Id. at 202, ¶ 147.
\textsuperscript{85} Law library director tenure status is an examination of whether law library directors are either tenured or tenure track.
\textsuperscript{86} We began with 2006, one year before the official start of the Great Recession. \textit{See U.S. Business Cycle Expansions and Contractions}, supra note 1.
were not always released on the same schedule. For example, the 2006 *E-mail Directory* was issued in August 2006 whereas the 2007 *E-Mail Directory* was issued in July 2007. In addition, an *E-mail Directory* for the year 2015 was never released. Data that supplemented the *E-mail Directory* were gathered in a number of ways. The Internet Archive’s Wayback Machine provided snapshots of law school and law library websites, and was an excellent source of information for the 2006–2016 period. Annual editions of The AALS Directory of Law Teachers were also consulted via HeinOnline.

¶29 To fill the data gaps remaining after consulting the aforementioned sources, 93 current and previous U.S. law library directors were contacted for information. Sixty-six provided responses; thus, 27 law library directors did not respond after two requests. Because we do not have enough information about these 27 cases, they were dropped from our sample. Additional cases were removed for a variety of reasons, such as law libraries with two directors (e.g., an executive director), law libraries at schools that had closed, and law libraries at schools that had merged. In the end, we built a dataset for the years 2006–2016 of 124 law library director positions and law libraries from a population of 203 ABA-accredited law schools offering the J.D. degree. Although the dataset is small and omits some libraries, this is the most comprehensive dataset about law library director employment status that is known to us. The data help shed light on trends among academic law librarian directorships and law school institutional hiring practices.

¶30 Based on our survey questions about changes to law librarian leadership, we analyzed variations in status over time. In particular, we examined the degradation of the position from 2006–2016. Using the descriptions of the law library director statuses from the 124 law libraries discussed above, we developed a six-point degradation measure that encompassed the status of every law library director in our sample from year to year. The scale, in order of decreasing status, is defined as: (1) Tenure Track (TT) Law Faculty, (2) TT Library Faculty, (3) TT Law Library Faculty, (4) Non-TT Faculty, (5) Staff/Administration, and (6) Acting or Interim Director. Any instance of a decrease in status from year to year using this measure was treated as a degradation of the position. However, the position of acting director was not coded as a degradation unless the library had an acting director in place for three or more years. If the acting director was in place for less than three years,

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88. “When the most recent hiring of a law library director took place at your institution (maybe you), was the position hired on a law faculty line, a library faculty line, a non-faculty line, or some other kind of line?”
“When the previous hiring of a law library director took place at your institution, was the position a law faculty line, a library faculty line, a non-faculty line, or some other kind of line?”
“Are/were these positions tenure-track law faculty, library faculty, or law library faculty?”
89. According to the ABA, there are 202 fully accredited law schools and one provisionally accredited law school. Am. Bar Ass’n, Legal Educ. & Admissions to the Bar, ABA-Approved Law Schools, https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/ [https://perma.cc/RUA8-AUR4].
90. We view TT Library Faculty as having a slightly higher status than TT Law Library Faculty for a number of reasons, including size of the library faculty compared to the law library faculty. This is echoed in the literature about the prestige of academic departments. See, e.g., Warren O. Hagstrom, Inputs, Outputs, and the Prestige of University Science Departments, 44 Soc. Educ. 375, 380–82 (1971) ("Department size by itself accounts for almost one-third of the variance in departmental prestige . . . [and it] is an almost necessary condition for excellence in modern scientific establishments.")
the status was treated as remaining the same. Once the three-year threshold was reached, however, the law library director status of that library was considered to have experienced a degradation. Figure 2 illustrates a simple dichotomy in the change in tenure status over time (tenure track versus non-tenure track). However,
the degradation measure is more thorough because we capture additional detailed status changes within the tenure-track and non-tenure-track law library directors. Thus, we seek to explain degradation in the profession.

Table 1

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<th>Degradation 2006–2016</th>
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<td>Experienced Degradation</td>
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<td>No Degradation</td>
<td>66% (82)</td>
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<th>ABA Approval Date</th>
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<tr>
<td>Pre-1941</td>
<td>52% (65)</td>
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<tr>
<td>1941–1975</td>
<td>29% (36)</td>
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<td>Post-1975</td>
<td>19% (23)</td>
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<td>53% (66)</td>
</tr>
<tr>
<td>Public</td>
<td>47% (58)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender Change in Director</th>
<th>Percentage (Frequency)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Change</td>
<td>57% (50)</td>
</tr>
<tr>
<td>Female to Male</td>
<td>23% (20)</td>
</tr>
<tr>
<td>Male to Female</td>
<td>20% (18)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Internal Hire</th>
<th>Percentage (Frequency)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>70% (62)</td>
</tr>
<tr>
<td>Yes</td>
<td>30% (27)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Years of Service, 2006</th>
<th>Percentage (Frequency)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 or Fewer Years</td>
<td>43% (53)</td>
</tr>
<tr>
<td>6 or More Years</td>
<td>57% (71)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Years of Service, 2012</th>
<th>Percentage (Frequency)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 or Fewer Years</td>
<td>50% (62)</td>
</tr>
<tr>
<td>6 or More Years</td>
<td>50% (62)</td>
</tr>
</tbody>
</table>

Note: Values rounded to the nearest percentage.

Results

¶31 Figure 2 shows change in the tenure status of law library directors from 2006 to 2016. From 2006 to 2013, the percentage of tenure-track librarians ranges from a high of 82 percent in 2006 to 76 percent in 2013. Between 2013 and 2014, the percentage dropped from 76 percent to 70 percent; by 2016, about 60 percent of all directors were tenure track and around 40 percent were not tenure track, matching the academic rank findings from Slinger and Slinger for 2012.91 Thus,
there is a 25 percent decrease in tenure-track directorships from the high in 2006 (82 percent) to the 2016 (61 percent) figure.

¶32 Figure 3 shows degradation over time. As discussed above, degradation includes more than tenure-track status among law library directors. Overall, we show 42 cases of degradation. Figure 3 shows there were relatively few degradations through 2013, with a high of 6 in 2011. In 2014, however, there were 8 cases of degradation, 11 in 2015, and 6 more in 2016. Moreover, figure 3 also shows that 36 percent of the degradation cases in our sample took place from 2006 to 2012, compared with 64 percent between 2013 and 2016.

¶33 What explains the degradation in the data? Table 1 presents descriptive statistics for the degradation measure and for potential explanatory variables of degradation. Thirty-four percent of the 124 libraries (42 law libraries) experienced at least one instance of degradation in the directorship position between 2006 and 2016. That is, the director position of 42 libraries decreased in status according to the degradation measure defined earlier. There are a number of potential explana-
tions for this, including the age of the law school (ABA approval date), institutional status (private or public), gender of newly appointed directors, whether hired from within or from outside the institution, and years of service of the sitting director in 2006 and in 2012.

¶34 We examined these factors as potential explanations for degradation. However, only director years of service appears to provide a partial explanation. Consequently, in table 2, we show two panels. Panel A examines the relationship between years of service (among directors) and any degradation experienced from 2006 to 2016 (the full time frame of our data); Panel B shows the same relationship but only for the 2013 to 2016 period. There were 27 cases of degradation between 2013 and 2016 when new directors were hired. Given the discussion above in our literature review regarding changes in law schools during the 2012–2013 period, and the data shown in table 2, it is not surprising that the data suggest that years of service among directors matters because when a long-time director left the position (for any reason), in more than one of every four changes (27%), the new director was hired into a degraded status.

¶35 With the state of legal education in upheaval and suffering from accompanying financial troubles, it seems logical that hiring academic law library directors from within the ranks of existing library staff, typically hirable at a lower pay rate than external candidates, may become the norm. In fact, we found the opposite to be true, as is shown in table 3. Over the time period, among those hired internally in our sample, 31 percent experienced degradation in status as the director compared to 69 percent who did not. For those hired externally, 44 percent were hired into a degraded status relative to 56 percent who were not. Thus, in this sample of law library directors, when there was degradation, it was experienced more often by external hires than by internal ones, relative to the previous sitting director. One conclusion is that law schools are hesitant to hire tenure-track positions, thus obligating the institution to a potentially long employment contract.

Conclusion

¶36 Since the Great Recession, degradation has begun to emerge within academic law library directorships. Our data suggest that there is a 25 percent decrease in tenure-track directorships from 2006 to 2016. Examining degradation more broadly shows that about two-thirds of the degradation occurring in our sample

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92. See, e.g., Matthew Bidwell, Paying More to Get Less: The Effects of External Hiring Versus Internal Mobility, 56 ADMIN. SCI. Q. 369, 388 (2011) (“All internal movers received significantly lower salaries than external hires.”); Philip S. DeOrtenitiis et al., Build or Buy? The Individual and Unit-Level Performance of Internally Versus Externally Selected Managers Over Time, 103 J. APPLIED PSYCHOL. 916, 921 (2018) (“[I]nternal hires did indeed have significantly lower salaries than external hires.”).
93. See, e.g., Victor Gold, Reducing the Cost of Legal Education: The Profession Hangs Together or Hangs Separately, 66 SYRACUSE L. REV. 497, 500–01 (2016) (“After decades of law schools charging more and spending more in a vain attempt to rise in rank, the recession revealed that the logical result of U.S. News was mutually assured financial destruction . . . [in] a ranking system that incentivized spending money and fueled by annual increases in tuition, law schools rapidly increased their fixed costs. Schools invested in new buildings, technology, scholarships, library collections, and, of course, faculty. . . . Because of tenure, a larger faculty and higher salaries became fixed costs that could not easily or quickly be reduced if enrollment and tuition revenue suddenly declined.”).
took place between 2013 and 2016. These trends reflect the economic conditions of the legal industry and the realities of an uncertain future, one in which law schools may not hire tenured directors because the institutions are uncertain whether they can afford them in the long run.

¶37 The economic conditions in the legal arena have stabilized but will likely never return to their previous level. More lenient ABA standards for law libraries and the law library director pave the way for a decreased status of the law library and, in turn, the director. Combined, these conditions set the stage for continued law library director degradation and an increasingly challenging environment to fulfill the law library’s mission.