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THE INTERSECTIONALITY OF LAW LIBRARIANSHIP & GENDER

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INTRODUCTION

LIBRARIANSHIP has always been a gendered profession. In the legal academy, much has been written about gender bias affecting “skills” positions such as legal writing and clinical positions, noting that these positions make up the “pink ghetto” of the legal academy.¹ The pink ghetto of the legal academy refers to the lower status, lower paid positions that women often occupy. It is interesting, however, that law librarians are often left out of this discussion even though law librarianship is female dominated, and law librarian positions exhibit many of the same gendered attributes as clinical and legal writing positions.

The genderXstatus issue in law librarianship is explored using intersectionality as a lens because existing works have failed to fully explore this causal interplay. “Law Professor Kimberle Crenshaw formally coined the term ‘intersectionality’ in 1989 [in response to] . . . existing feminist and antiracist frameworks, which treated race and gender as mutually exclusive”²

In *Intersectionality as Critical Social Theory*, author Patricia Hill Collins discusses three uses of intersectionality: metaphoric, heuristic, and paradigmatic.

[T]he metaphoric use of intersectionality facilitates new angles of vision on many topics. It suggests that shifting from seeing social phenomena as separate and distinct to seeing their interconnections would be beneficial. . . . [U]sing intersectionality as a heu-

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1. See, e.g., Ann C. McGinley, *Reproducing Gender on Law School Faculties*, 2009 B.Y.U. L. REV. 99; Kathryn Stanchi, *Who Next, the Janitors? A Socio-Feminist Critique of the Status Hierarchy of Law Professors*, 73 UMKC L. REV. 467 (2005); Catherine Martin Christopher, *Putting Legal Writing on the Tenure Track: One School's Experience*, 31 COLUM. J. GENDER & L. 65 (2015).

2. Renee Nicole Allen, Alicia Jackson, & DeShun Harris, *The “Pink Ghetto” Pipeline: Challenges and Opportunities for Women in Legal Education*, 96 U. DET. MERCY L. REV. 525, 531 (2019).

ristic, points toward action strategies for how to move forward in solving social problems and in grappling with existing puzzles.³

“[I]ntersectionality [is] not just an adjustment to business as usual. It point[s] toward a fundamental paradigm shift in thinking about intersecting systems of power and their connections to intersecting . . . inequalities.”⁴

The use of intersectionality as a lens for raceXgender in the legal academy was recently explored in the book, *Unequal Profession, Race and Gender in Legal Academia*. Specifically, the author Professor Meera E. Deo “draws from an *intersectionality* framework that acknowledges the challenges facing particular individuals whose background combines multiple devalued identity characteristics.”⁵

While law librarianship is not an immutable characteristic like race; as a profession, law librarianship’s status within the legal academy has largely remained unchanged as a lower status, lower paid position. And the profession intersects with gender in important ways, as law librarianship has always been a field dominated by women. Law librarians, by and large, lack status to engage meaningfully with the academy. They lack the status to partake in true faculty governance to lead law schools forward. They lack status to engage in controversial scholarship that informs the law librarianship profession. This is problematic for a variety of reasons, least of which is that law librarians provide substantial support for legal education and have done so since the beginning of the legal academy.⁶

The reason given for excluding law librarians from the broader discussion of gender bias in the legal academy is because “the central focus of [a law librarian’s] career [] [is] not teaching.”⁷ Of course, the role of the law librarian has changed, and most modern law librarians would say that the central focus of the career is, in fact, on teaching important skills to law students.⁸

Like the legal writing community who has brought this issue to the forefront, it is important for law librarians to be fully included in the dis-

3. PATRICIA HILL COLLINS, INTERSECTIONALITY AS CRITICAL SOCIAL THEORY 34 (2019).

4. *Id.* at 43.

5. MEERA E. DEO, UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA 7 (2019).

6. See *History of Harvard Law School Library*, HARV. L. SCH., <https://hls.harvard.edu/library/about-the-library/history-of-the-harvard-law-school-library/> [<https://perma.cc/8W43-Z7AW>] (last visited Oct. 31, 2020).

7. Susan P. Liemer & Hollee S. Temple, *Did Your Legal Writing Professor Go to Harvard?: The Credentials of Legal Writing Faculty at Hiring Time*, 46 U. LOUISVILLE L. REV. 383, 389 n.22 (2008) (internal quotation marks omitted) (quoting Donna Fossum, *Law Professors: A Profile of the Teaching Branch of the Legal Profession*, 5 AM. B. FOUND. RES. J. 501, 504 (1980)).

8. Richard A. Leiter, *Law Librarians’ Roles in Modern Law Libraries*, in ACADEMIC LAW LIBRARY DIRECTOR PERSPECTIVES: CASES AND INSIGHTS 319–26 (Michelle Wu ed., 2015).

discussion surrounding statusXgender is the legal academy. This Article attempts to do just that. Part I of this Article provides a historical background in librarianship as a pink-collar profession. Part II discusses the pink ghetto in the legal academy and provides a history of law librarians within the legal academy. Part II concludes with a discussion of law librarians inhabiting the pink ghetto of the legal academy. Part III provides insight into the effects of living in a hierarchy, and Part IV concludes with recommendations for improvement.

I. LIBRARIANSHIP AS WOMEN'S WORK

Since the mid-1850s, women have dominated the library profession. “[B]eginning with the first female clerk hired by the Boston Public Library in 1852. From this lone female library employee in 1852, ‘by 1878 two-thirds of the library workforce was female, and by 1910 more than 75% of the library workers were women.’”⁹ To this day, librarianship remains a female-dominated profession, with upwards of 80% of librarians being female.¹⁰

One of the main factors causing the female domination in librarianship was that women were willing to work for less pay and had few other professional employment opportunities. “In the 1800s, women were willing to work for a much lower salary than most male employees were, and in fact, ‘male library directors openly acknowledged the desirability of hiring talented women because they worked for half the pay’”¹¹

Librarianship was also seen as a profession that fit a woman’s natural domesticity. Women were preferred for library work because of their ability to promote “quiet and order.” Moreover, it was seen that a woman’s “patience for accurate, tedious work made [her an] ideal candidates for cataloging.”¹²

These factors lead, in part, to the feminization of the librarianship profession.

Librarianship is an example of a field that has been “feminized,” much like nursing or social work. Debra Gold Hansen, Karen F. Gracy, and Sheri D. Irvin . . . defined feminization as a process in which an increased number of women in the workforce lead to “depressed salaries, limited professional advancement, and [segregation of] women into low-status, non-administrative posi-

9. Patricia Mars, *Gender Demographics and Perception in Librarianship*, SCH. INFO. STUDENT RES. J., Jan. 2018, at 1, 1 (citation omitted) (quoting RICHARD REUBEN, FOUNDATIONS OF LIBRARY AND INFORMATION SCIENCE 286 (4th ed. 2016)).

10. *Librarians*, DATA USA, <https://datausa.io/profile/soc/254021/> [https://perma.cc/9RVP-2JYC] (last visited Oct. 31, 2020).

11. Mars, *supra* note 9, at 2 (citation omitted) (quoting REUBEN, *supra* note 9, at 287).

12. CHRISTINE L. WILLIAMS, STILL A MAN'S WORD: MEN WHO DO WOMEN'S WORK 28 (1995).

tions” The rapid increase of female librarians meant that a feminine stereotype emerged in addition to these sexist limiting factors. Though as Hansen, Gracy, and Irvin . . . also point out, the fact that the majority of librarians were women meant that women did influence the shape of an emerging profession, a unique opportunity, and one that women used to establish a perceived “gender-linked value system’ of altruism, advocacy, and intellectual uplift” These early influencers affected the development of many libraries’ modern service-based missions.¹³

Not only was the field of librarianship feminized as a whole, there were also gender biases within the profession as men were often given the leadership roles. “[E]arly assumptions regarding dependent relationships positioned women in an inferior relationship to men in the professional world of librarianship”¹⁴ Historically, “[m]en were assumed to be the primary breadwinners. This assumption is a potential cause of the library leadership gender bias, as men were consistently given higher salaries and positions than their female counterparts.”¹⁵ Furthermore, “[w]omen were perceived as more delicate and unable to tolerate the rigors of [library] administration.”¹⁶

Further, “[m]en entering librarianship were often fast-tracked toward leadership roles, over equally qualified and successful woman employees.”¹⁷ Today, “there are fewer extreme cases of . . . outright gender discrimination. Yet, men continue to disproportionately represent library leaders, and the wage gap continues. Both issues are legacies of nineteenth century discrimination and social inequalities.”¹⁸

As more women entered librarianship in non-administrative roles, certain realities were created around this pink-collar profession.

White (pink) collar jobs that are gendered female, in comparison to jobs that are gendered male, . . . confer lower status, require or are perceived as requiring less intellectual work, entail more “emotional labor,” subject the holder of the job to interruptions, require the employee to serve another person of greater status, involve less decision-making ability and more willingness and ability to take direction, have lower salaries and less upward mobility, and, because they do not ordinarily have of-

13. Mars, *supra* note 9, at 3 (alteration in original) (citations omitted) (quoting Debra Gold, Karen Gracy, & Sheri Irvin, *At the Pleasure of the Board: Women Librarians and the Los Angeles Public Library 1880–1905*, 34 LIBRS. & CULTURE 311, 312 (1999)).

14. *Id.* at 2.

15. *Id.*

16. *Id.* at 3 (citation omitted) (quoting REUBEN, *supra* note 9, at 287).

17. *Id.* at 4.

18. *Id.*

ances, provide little or no privacy during work or in the workspace.¹⁹

It has been argued that there is a direct correlation between these realities and the feminization of the profession. “In her review of Roma M. Harris’ *Librarianship: The Erosion of a Woman’s Profession*, Ellen Crosby . . . further explains, ‘the work is not seen to be professional simply *because* it is being done by women’ . . .²⁰ And “[b]ecause librarianship is viewed as feminine, men are less likely to join the field, which then continues to increase the female majority creating a cyclical stereotype about librarianship as a feminine profession.”²¹

It has also been argued that “[e]ven when performing a job that is gendered female, men need not exhibit the same amount of care giving as women.”²² And men in female-dominated professions have a more positive work experience.

[S]urvey results point to a positive work experience for male librarians, as demonstrated by males’ lower levels of stress and higher work/life balance, despite the fact that male librarians are a minority in the field. These results are supported by [the] conclusion that men in minority fields are able to effectively navigate their occupation, using mechanisms to counter the challenges caused by their minority status and have a work experience superior to the majority-females. . . . In addition, several other factors may help explain male librarians’ positive work experience. Male academic librarians may consider themselves less of a minority because of their place in academia, a male-dominated field. This double-layered majority/minority situation could certainly complicate the work experience for both male and female librarians since each could be considered both a majority and a minority.²³

To explain the greater work satisfaction of male librarians, it has been stated that “men doing jobs that are gendered female often ride the ‘glass elevator.’ They are promoted out of the job into ‘male jobs,’ or otherwise made the supervisor of their women colleagues.”²⁴ The “glass escalator” is a term introduced by Christine L. Williams to describe “the advantages that men receive in the so-called women’s professions (nursing, teaching,

19. McGinley, *supra* note 1, at 124–25 (footnote omitted).

20. Mars, *supra* note 9, at 4.

21. *Id.* at 5.

22. McGinley, *supra* note 1, at 126.

23. Quinn Galbraith, Leanna Fry, & Melissa Garrison, *The Impact of Faculty Status and Gender on Employee Well-being in Academic Libraries*, 77 COLLEGE & RES. LIB. 71, 83 (2016) (footnote omitted).

24. McGinley, *supra* note 1, at 127 (footnote omitted).

librarianship, and social work).”²⁵ This definition has been recently updated to reflect the advantages that straight white men receive in professional jobs in traditional work organizations.²⁶ “[W]hen men enter . . . predominantly female professions, they are treated differently than women [M]en apparently *benefit* from this special treatment They make more money than women (on average) in . . . these occupations, and they are greatly over-represented in administrative positions.”²⁷

When reviewing more recent statistics, the “glass escalator” phenomenon is improving. “In 1999–2000, males made up only 36.5 percent of academic librarians, yet 51.4 percent of academic library directors were male.”²⁸ Roughly thirteen years later, “in 2013–2014, the ratio of male directors went down to 40.7 percent, a ratio certainly more representative of the actual proportion of male and female librarians. However, the 2013–2014 ARL Salary Survey also reported discrepancies in the salaries of female librarians compared to male.”²⁹

The gender issues in librarianship have been present for over 170 years and have become so embedded in the profession that they affect all types of libraries from public to academic to law.

II. INHABITING THE PINK GHETTO OF THE LEGAL ACADEMY

Librarianship, in general, has been a “pink-collar” profession dominated by women, and law librarianship, in particular, has been relegated to the “pink ghetto” of the legal academy. As mentioned, “[p]ink-collar describes work traditionally performed by women.”³⁰ This “so-called ‘women’s work’ lead[s] women to experience occupational segregation in jobs where more than half of the employees [are] female.”³¹

The notion of pink-collar work has extended to academia, including the legal academy. “While pink-collar work characterizes a type of work, the ‘pink ghetto’ describes the socioeconomic status of people who perform pink-collar jobs.”³²

A. *The Pink Ghetto in the Legal Academy*

Many scholars have focused on the issues arising from the pink ghetto in the legal academy because “[n]ationally, women remain a minority on law school faculties, and the women who are present are often segregated (or more provocatively, ‘ghettoized’) into the ‘women’s work’ of law

25. Christine L. Williams, *The Glass Escalator, Revisited: Gender Inequality in Neoliberal Times*, 27 GENDER & SOC. 609, 609 (2013).

26. *See id.* at 626.

27. WILLIAMS, *supra* note 12, at 8.

28. Galbraith et al., *supra* note 23, at 71.

29. *Id.* (footnote omitted).

30. Allen et al., *supra* note 2, at 526.

31. *Id.*

32. *Id.*

schools”³³ In legal academia, the “women in ‘pink ghettos’ predominantly occupy skills positions like legal writing, clinic, academic success, bar preparation, and the law library.”³⁴

Like any status hierarchy, [the pink ghetto’s] boundaries are well defined and well enforced. Additionally . . . this hierarchy is gendered, with the lowest rank overwhelmingly composed of women and the highest rank overwhelmingly composed of men. The players in this status hierarchy are the faculties and administrations of American law schools. At the top are the tenured “doctrinal” professors, roughly 70 percent of whom are male; at the bottom are legal writing professors [and law librarians],³⁵ roughly 70 percent of whom are female.³⁶

The female-dominated skills positions occupied in the law library, clinic, academic success, bar preparation, and legal writing, “remain lower-status as compared to so-called ‘doctrinal’ (or ‘casebook’ or ‘podium’) professors. Low status correlates with low pay, lesser titles, and other indicia of inferiority.”³⁷

To illustrate the status issues, doctrinal “faculty members are [generally] hired for jobs on the tenure track,”³⁸ and, as a result, are given support, respect, and security of position. On the other hand, “[f]aculty members who are not hired onto the [traditional doctrinal] tenure track are usually clinical, library, legal writing, or academic support faculty. These jobs suffer from lower status [i.e., lack security], are occupied predominately by women, pay less, and are gendered female.”³⁹ The lower pay can be substantial for these lower status positions, as “[f]aculty off the conventional tenure track are paid substantially less than conventionally tenure-tracked teachers—often *less than half* of conventional tenure-track pay.”⁴⁰

In addition to the lower status conferred on these positions, teaching the skills associated with legal research, legal writing, bar preparation, clinics, and academic support have been feminized within the legal academy. “[T]here is an expectation widely held among faculties (and students) that legal writing [and arguably skills teaching, in general] requires a nurturing relationship between faculty and student, and that women are best

33. Christopher, *supra* note 1, at 66–67.

34. Allen et al., *supra* note 2, at 527.

35. The author makes a point to add “and law librarians” to the discussion, as needed, because law librarians have historically been left out. In this case, law librarians are also 70% female, so it is a natural addition.

36. Stanchi, *supra* note 1, at 467.

37. Christopher, *supra* note 1, at 68 (footnotes omitted).

38. McGinley, *supra* note 1, at 128.

39. *Id.*

40. Richard K. Neumann, Jr., *Women in Legal Education: What the Statistics Show*, 50 J. LEGAL EDUC. 313, 323 (2000).

suiting for that kind of work.”⁴¹ This nurturing relationship requires more emotional labor and can result in more interruptions.

Teaching skills inherently requires instructors to spend large amounts of time creating assignments, grading assessments, and giving oral and written feedback to students, which means that it is challenging and less appealing to teach.⁴² Skills positions also have very little power because the instructors are not given the right to vote at faculty meetings, generally do not serve on law school committees, and are excluded from certain meetings and functions.⁴³

When reviewing the characteristics of general, pink-collar work to the skills positions making up the pink ghetto of the legal academy, they have many of the same attributes: (1) confer lower status, (2) require or are perceived as requiring less intellectual work, (3) entail more emotional labor, (4) subject the holder of the job to interruptions, (5) involve less decision-making ability and more willingness and ability to take direction, and (6) have lower salaries and less upward mobility.⁴⁴

For these reasons, skills instructors command little authority with students and are not respected by the larger institution.⁴⁵ Keeping female skills instructors “in lower-status roles at the law school[] sends obvious signals to the student body about the role, contribution, and value of women in the law school and the legal system as a whole.”⁴⁶

B. *Law Librarians in the Legal Academy*

Most law librarians hold skills positions in law schools, directly teaching or supporting the foundational skills of legal research and in turn, legal analysis. Law librarians have been a part of the legal academy since its inception, and their role has significantly changed over time.⁴⁷

Today, the majority of academic law librarians are required to have a Juris Doctor and a Master’s of Library & Information Science (MLIS or equivalent), and their “contributions to the curriculum go far beyond the law library’s collection when they teach research, an integral part of any attorney’s skill set.”⁴⁸ Law librarians teaching legal research has become much more ubiquitous, as noted in a recent American Association of Law Libraries (ALLL) State of the Profession Survey, where 96% of academic

41. Christopher, *supra* note 1, at 69 (footnote omitted).

42. Lisa Eichhorn, *Writing in the Legal Academy: A Dangerous Supplement*, 40 ARIZ. L. REV. 105, 113 (1998).

43. Christine H. Farley, *Confronting Expectations: Women in the Legal Academy*, 8 YALE J.L. & FEMINISM 333, 355 (1995).

44. McGinley, *supra* note 1, at 124–25.

45. Farley, *supra* note 43, at 356.

46. Christopher, *supra* note 1, at 69.

47. *History of Harvard Law School Library*, *supra* note 6.

48. Charlotte D. Schneider, *Inclusion and Participation: Law Librarians at Law Faculty Meetings*, 107 L. LIBR. J. 113, 118 (2015).

law librarian respondents stated that they teach a for-credit legal research course.⁴⁹

The increase in formal legal research teaching opportunities parallels the recent changes in the American Bar Association Standards for Legal Education to incorporate more experiential learning into the curriculum. Legal research courses require

student-faculty contact, cooperation among students, active learning, prompt and frequent feedback, effective time management, high expectations, and respect for diverse talents and diverse ways of learning. All law school courses promote high expectations and time management, but legal [research] courses excel in the other best practice areas, with small classes and multiple real-world simulations. . . . Legal [research] class time is spent in a diverse array of teaching activities, including lecture, demonstrations, group or individual in-class exercises, . . . Q & A, class discussion, and more.⁵⁰

Not only do law librarians perform these functions in their own for-credit courses, they also support research competency across the curriculum by providing instruction in doctrinal courses, including insight into topic-specific research skills.

In addition to teaching, the law librarian's role is multifaceted, as noted by Charlotte D. Schneider in *Inclusion and Participation: Law Librarians at Law Faculty Meetings*:

The contemporary academic law librarian is directly involved with the continuing success of the law library and, by extension, the success of the law school. In fact, a majority of a law librarian's day-to-day goals and responsibilities—[administration], reference, collection management, teaching, publication—center on the mission of the law library to further the mission of the law school. For instance, librarians engage not just with the faculty but also with students, guiding them through research for their classes and assignments, which helps them to develop a foundation of skills on which to build. Law librarians oversee vast collections of multiformat resources that are useful for their own lesson plans and personal research, in addition to supporting the educational and scholarly interests of the student body and law faculty. Librarian-professors participate in curricular instruction,

49. AM. ASS'N OF LAW LIBRARIES, AALL STATE OF PROFESSION 2019 SNAPSHOT 4 (2019), <https://www.aallnet.org/wp-content/uploads/2019/03/AALL-State-of-the-Profession-2019-Snapshot.pdf> [<https://perma.cc/B83E-MSDH>] (last visited Oct. 31, 2020) (noting 96% percent of academic law librarian respondents report teaching a for-credit legal research course).

50. Christopher, *supra* note 1, at 72–73 (footnotes omitted) (this author substitutes “legal writing” for “legal research” because similar teaching techniques are used).

contributing to the overall success of the student body and the law school. Law librarians' scholarship (publications and presentations) evidences their focus on teaching students, assisting faculty, and participating in the life of the law school itself.⁵¹

As part of the collection management role, "the law library supports the curricula and scholarly agenda of the law school community through its collection. Acquisitions of both print and electronic materials result from a number of . . . considerations reflecting the immediate and future needs of the institution."⁵²

In addition to collection management, law librarians take advantage of informal "teachable moments" for bibliographic and informational instruction during reference shifts.⁵³ "Contemporary academic law librarians also provide services to faculty. These services usually include research support as well as bibliographic and informational instruction in their classes."⁵⁴

To accomplish their role, the academic life and schedule of a law librarian differs greatly from a doctrinal faculty member. "Generally librarians . . . 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."⁵⁵

The status of law librarians is inconsistent across the legal academy because the ABA Standards do not mandate security of position for non-director law librarians.

In 2013, there were over 1,600 full-time professional librarians in ABA law schools. According to the 2013 Academic Law Librarian ("ALL") Tenure and Employment Status Survey, of the then 198 ABA law schools, only 23.9% of law schools provided tenure-track status for non-director librarians. The ALL survey data also shows that 41.3% of the law schools have sub-type of non-tenure "continuing status employment," while almost 35% of non-director law librarians are at-will employees.⁵⁶

For the roughly quarter of librarians who have tenure-track status, "[f]or the most part, nondirectors receive status or rank in one of four groups: law school faculty, law library faculty, university library faculty, or general

51. Schneider, *supra* note 48, at 113–14 (footnote omitted).

52. *Id.* at 117.

53. *Id.* at 119 (internal quotation marks omitted).

54. *Id.* at 120.

55. Sharon Blackburn, Robert H. Hu, Masako Patrum, & Sharon K. Scott, *Status and Tenure for Academic Law Librarians: A Survey*, 96 L. LIBR. J. 127, 145 (2004).

56. Allen et al., *supra* note 2, at 538.

university faculty.”⁵⁷ If a nondirector law librarian has status, they “are more likely to receive status in a law library faculty.”⁵⁸

Because of the lack of status, as well as myriad statuses within law librarianship, the requirements for job performance vary widely. “One law library might demand a nondirector earn a J.D., teach, and publish in addition to performing administrative duties, while another might require an MLS degree and a satisfactory job performance.”⁵⁹ It has been argued that the lack of uniform standards stymies “‘active participation’ but also the variety of paths to status and tenure deny [the] profession a consistent, meaningful benchmark for measuring progress or achieving improvements in our individual institutions.”⁶⁰

When it comes to law library directors, ABA Standard 603(d) states, “[e]xcept in extraordinary circumstances, a law library director shall hold a law faculty appointment with security of faculty position.”⁶¹ Historically, this standard has meant that law library directors have been included as law faculty with tenure status. However, more recently, this has changed. In 2019, an informal spreadsheet was created to collect law library directors’ statuses, and of the 178 respondents who noted their status, the results were as follows:

- 59 Law Tenured or Tenure-Track,
- 45 Long-Term Contract,
- 22 Library Tenured or Tenure-Track,
- 5 Clinician,
- 3 Continuing Status, and
- 44 Other.⁶²

“Depending on where a librarian lands, certain consequences follow,” and because of the unique demands of the law librarian position, reasonable minds have differed on the best status for nondirector law librarians, as well as directors.⁶³

C. *Law Librarians in the Pink Ghetto*

Like librarianship, in general, law librarianship is historically a female-dominated profession relegated to the “pink ghetto” of the legal

57. Blackburn et al., *supra* note 55, at 145.

58. *Id.*

59. *Id.* at 133 (footnote omitted).

60. *Id.* at 142.

61. *ABA Standards and Rules of Procedure for Approval of Law Schools 2019–2020*, 2019 Am. B. Ass’n 38, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2019-2020/2019-2020-aba-standards-chapter6.pdf [<https://perma.cc/A399-YUVU>] (last visited Oct. 31, 2020).

62. Confidential spreadsheet on file with author.

63. James M. Donovan & Kevin B. Shelton, *Tenure and the Law Library Director*, 61 J. LEGAL EDUC. 406, 406 (2012).

academy. The last time the ABA formally collected gender information for full-time faculty and staff members, including librarians, was 2012–2013, when there were 1,714 full-time academic law librarians working in law schools. Of that 1,714, 1,119 identified as female and 595 as male. This is a total of 65% female and 35% male.⁶⁴

This ABA 2012–2013 reporting, however, did not distinguish between directors and nondirectors, which has been previously shown to have an effect on the overall gender statistics.

In the 1999-2000 academic year, 52 percent of law school library directors were women (up from 44 percent in 1994-95). In 1999, 67 percent of all academic law librarians were women. If directors were subtracted from that figure, the female percentage of nondirector librarians would be substantially higher than 67 percent.⁶⁵

Because of the lapse of time since formal gender statistics were made available, in 2018, a law student research assistant prepared an informal statistical report of the current gender makeup of academic law librarians by individually reviewing the faculty and staff profiles of law schools. This method is quite problematic because law librarians are referred to in many different ways across the legal academy, so finding all of them can be troublesome. Having the student decide if the law librarian is male or female is also troublesome.

Even with the inaccuracies inherent in this data-collection method, the review of website information found that 68% of law librarians are female and 32% are male. For directors, the numbers were 57% female to 43% male.⁶⁶

Historical statistics on the gender of law library directors reveals interesting trends:

In 1950, 55 percent of the directors were women, but at that time only 66 percent of the directors had law degrees; in 1970, when 91 percent of library directors had law degrees, women had only 35 percent of the directorships. As these jobs were upgraded, women were driven out of them. Only now is the female percentage of library directors approaching the level where it had been in 1950.⁶⁷

64. See SECTION OF LEGAL EDUC. AND ADMISSION TO THE BAR, AM. BAR ASS'N, TOTAL STAFF & FACULTY MEMBERS 2012–2013, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/2012_2013_faculty_by_gender_ethnicity.authcheckdam.pdf [<https://perma.cc/T82V-GTZ4>] (last visited Nov. 28, 2020).

65. Neumann, *supra* note 39, at 326 (footnotes omitted).

66. Spreadsheet on file with author.

67. Neumann, *supra* note 39, at 326 (footnote omitted).

With these statistics and with an understanding of the notion of the “pink ghetto,” it is no coincidence that as more women come into law library director positions, that those very positions are being devalued from law faculty tenured positions to a lesser status.⁶⁸

[A] study . . . found that when a woman held a service or administrative position, the position itself would be devalued. The researchers conducting the study “heard this comment so frequently across all disciplines that [they] coined the term ‘*gender devaluation*’ to refer to the subtle process by which administrative positions lose their aura of status, power, and authority when held by women. These positions often become treated as service or support roles until they are reoccupied by men. So, for example, being a department chair could be viewed as a position of power or one of service. When a man is department chair, the position confers status, respect, and power. When a woman becomes department chair, the power and status seem diminished, and the service dimension becomes stressed.”⁶⁹

Of course, this gender issue is not only a problem for law library directors. “The academy generally characterizes the work of [law librarians] as less intellectual than and, therefore, inferior to the work of the doctrinal faculty member.”⁷⁰ As with legal writing and other skills positions, there “is a serious question, however, as to whether the teaching performed by [law librarians] is necessarily less intellectual or whether it has been defined as less intellectual because it involves teaching styles and requirements that are gendered female.”⁷¹

The nature of the law librarian position as being full-time employment with a forty-hour workweek where the librarian is expected to be available for reference shifts means that law librarians are often expected to have open door policies so that doctrinal faculty and students can drop by whenever they have a research request or a question. Like other feminized positions, the law librarian is eternally interruptible. “These interruptions come at the expense of other work such as class preparation or scholarly pursuits and can also invade leisure time.”⁷²

Another glaring issue is that a law librarian’s role is to support the teaching mission and research interests of the law school community, and this support is often mischaracterized as subordinate, with law librarians performing research and “serving” a doctrinal faculty member of greater status. In *Giving Credit, Gender and the Hidden Labour Behind Academic Pres-*

68. See *supra* Section II.B and corresponding text.

69. McGinley, *supra* note 1, at 151 (quoting Kristen Monroe et al., *Gender Equality in Academia: Bad News from the Trenches, and Some Possible Solutions*, 6 PERSP. POL. 215, 219–20 (2008)).

70. *Id.* at 134.

71. *Id.* at 135.

72. *Id.* at 131.

tige, authors Belisle and Mitchell focus on how credit is attributed to the creation of academic research and in particular the way in which the role of women is often diminished or effaced as part of this process.⁷³ One needs to look no further than a law librarian performing substantial research for a faculty member without credit or attribution. As with other skills positions in the “pink ghetto,” law librarians are often paid a lower salary, even though they are generally required to hold an additional graduate degree (JD & MLIS). “[One] explanation has been couched in free-market terms: if [law librarians] are *willing* to work for less pay and less status, law schools would be irrational to pay them more.”⁷⁴

[W]hile marketplace arguments may at first appear to help explain disparate treatment, they do not withstand close scrutiny. Law schools may make marketplace arguments that they can attract highly qualified [law librarians] for depressed salaries, but these same arguments have not decreased salaries for doctrinal teaching positions by comparable amounts despite the extremely high number of applicants for those jobs. While law schools may respond that they must pay to attract the best teacher-scholars and do not want to teach Contracts on the cheap, that concern for quality instruction apparently does not carry over to ensuring high quality in [legal research courses] and scholarship. The related assumption that any lawyer can teach [legal research] does not appear to carry over to the idea that any lawyer can teach Torts.⁷⁵

Some will likely argue that teaching the skill of legal research is, in fact, less important than teaching Torts when it comes to “thinking like a lawyer.” Of course, it is important to keep in mind the intersection of the gender of the law librarians as experts and the feminization of and devaluing of legal research skills.

Within the law librarian field itself, men have held a greater percentage of the higher status teaching librarian positions.

[I]n 1998, there were 930 librarians in law schools, 65.3 percent women and 34.7 percent men. Of the 930, 235 were higher-status teaching librarians, and 695 were lower-status nonteaching librarians. Men disproportionately held 46 percent of the higher-status teaching librarian positions. Of the 323 total male librarians, 33.4 percent were teaching librarians; of the 607 total female librarians, only 20.9 percent were teaching librarians. Within the

73. Donica Belisle & Kiera Mitchell, *Giving Credit: Gender and the Hidden Labour Behind Academic Prestige*, LSE IMPACT BLOG (Sept. 18, 2019), <https://blogs.lse.ac.uk/impactofsocialsciences/2019/09/18/giving-credit-gender-and-the-hidden-labour-behind-academic-prestige/> [<https://perma.cc/Y9CM-3Z9B>].

74. Christopher, *supra* note 1, at 69.

75. Jo Anne Durako, *Second-Class Citizens in the Pink Ghetto: Gender Bias in Legal Writing*, 50 J. LEGAL EDUC. 562, 584 (2000).

teaching librarian category, men had a majority of the most coveted jobs—tenured or tenure-track positions within a law school. There were 91 teaching librarians with tenure or on the tenure track within law schools, and 53.8 percent of these were male. Of the 108 male teaching librarians, 45.4 percent held such positions; of the 127 females, only 33.1 percent did. Women occupied a majority of the teaching librarian positions in the less desirable tenured or tenure-track categories outside the normal law school faculty in a law library or university library: 36 women and 29 men. Women were an overwhelming majority—62 percent—in the least desirable jobs, which were not tenured or tenure-track at all.⁷⁶

Other articles have fully explored the issues of law librarian tenure status for both directors and nondirectors in terms of academic freedom, stability of appointment, and faculty governance, among other concerns.⁷⁷ One glaring omission, however, has been connecting the lack of status to the gender makeup of law librarianship. As noted in other literature discussing the “pink ghetto” of the legal academy,

[d]enying [law librarians] even the opportunity to obtain tenure sends the message to the students that [legal research], despite being required for graduation (to say nothing of being a fundamental skill required for the daily practice of law), is a less important skill set and course than other classes offered at the law school. It also suggests that the people teaching legal [research]—mostly women—are less important than those teaching other subjects.⁷⁸

Law librarianship exhibits all of the tell-tale signs of a pink-collar profession. Law librarianship generally confers lower status, is perceived as requiring less intellectual work, entails more emotional labor, is subject to constant interruptions, requires law librarians to “serve” another person of greater status, and has lower pay.⁷⁹ There is no doubt that law librarianship is part of the “pink ghetto” of the legal academy.

III. LIVING IN A HIERARCHICAL WORLD

The strict hierarchy of the legal academy has helped create a “pink ghetto,” and the consequences for the women inhabiting the lower status and lower paid positions includes socioeconomic harms, as well as psychological harms. When it comes to the law school hierarchy, Professor Kent

76. Marina Angel, *The Glass Ceiling for Women in Legal Education: Contract Positions and the Death of Tenure*, 50 J. LEGAL EDUC. 1, 2–3 (2000).

77. See, e.g., Blackburn et al., *supra* note 55; Donovan & Shelton, *supra* note 63; Schneider, *supra* note 48.

78. Christopher, *supra* note 1, at 72 (footnote omitted).

79. See McGinley, *supra* note 1, at 99.

D. Syverud enumerates the seven castes of legal education. “The castes include: tenured and tenure track faculty, deans, clinical faculty, law library directors, legal writing directors and faculty, and adjunct faculty. The untouchables, who are barely mentioned when we talk about what our institutions teach students, are, of course, the professional staff of the law schools.”⁸⁰ The majority of law librarians employed as professional staff are included with the “untouchables.”

The hierarchical consequences of inhabiting the lowest rung include issues with scholarship, law school governance, and even titles. Given the nature of the law librarians’ position, most law librarians are not supported in their scholarship endeavors because law librarians are expected to “serve” others first and foremost. “Even those [law librarians] who do manage to write and publish find themselves at the mercy of yet another double bind. If they publish *about* legal [research] or pedagogy, their area of expertise, the scholarship does not ‘count’ at all or as much as traditional doctrinal scholarship”⁸¹

When it comes to the hierarchical consequences of law school governance, “[o]ther than being allowed to attend faculty meetings and serve . . . on some law faculty committees, law librarians 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 [governance].”⁸²

Even titles are an issue in the law school hierarchy. “The law school hierarchy has fought to monopolize and keep exclusive the revered title of ‘professor’ for its doctrinal faculty. The overwhelming majority of law schools refuse to give [law librarians] the unqualified title of professor, associate professor or assistant professor of law.”⁸³ Instead, if they are given a faculty title, it is as a “law library faculty member.” “The clear purpose of this distinctive branding is to make obvious the separation between the higher and lower ranks of the hierarchy and to stigmatize the lesser group.”⁸⁴

Along with the consequences of scholarship, law school governance, and titles, the strict “hierarchy results in rankism where those higher in the hierarchy, without recognition of the power difference, abuse their power to regulate and promote hierarchy.”⁸⁵ And along with “the larger discriminatory effects of pay inequity, job insecurity, and other employ-

80. Kent D. Syverud, *The Caste System and Best Practices in Legal Education*, 1 J. ASS’N LEGAL WRITING DIRECTORS 12, 13 (2001).

81. Stanchi, *supra* note 1, at 485.

82. Blackburn et al., *supra* note 55, at 142.

83. Stanchi, *supra* note 1, at 487.

84. *Id.*

85. Nantiya Ruan, *Papercuts: Hierarchical Microaggressions in Law Schools*, 31 HASTINGS WOMEN’S L.J. 3, 5 (2019) (footnote omitted).

ment metrics,” the power structure also creates an environment full of “everyday slights experienced by those with less power.”⁸⁶

These “hierarchical microaggressions”⁸⁷ include “brief and commonplace daily verbal, behavioral, and environmental indignities, whether intentional or unintentional, which communicate hostile, derogatory, or negative slights, invalidations, and insults to an individual or group because of their marginalized status in society.”⁸⁸ They are “inflicted by those with greater status on lesser-status faculty include comments about what they teach, their roles in the institution, their lesser status, and the perceived value of their contributions.”⁸⁹

Professor Nantiya Ruan categorizes “four types of hierarchical microaggression experienced by skills faculty: (1) *devaluing* microaggressions based on perceived status; (2) *degrading* microaggressions based on perceived roles; (3) *demeaning* microaggressions based on unexamined bias; and (4) *discrediting* microaggressions based on structural norms of law schools.”⁹⁰ Professors Kathryn Young, Myron Anderson, and Sarah Stewart

argue that in academic institutions, microaggressions based on devaluing a person because of the role she or he was hired into works similarly to microaggressions based on identity characteristics (like race or gender) because the harms are targeted on characteristics that the person cannot change. When a person is hired into a job expecting to be valued for her or his contributions to the mission of the organization, only to learn once employed, that she or he is less capable or less valued because of the position itself, those harms are identity based without avenue for change.⁹¹

These “[m]icroaggressions can cause harm to the listener.”⁹² This is referred to as microaggressive stress, and four “pathways” of negative impact have been identified:

(1) biological: direct physiological reactions (blood pressure, heart rate, etc.) or damage to one’s immune system; (2) cognitive: thoughts and beliefs about the meaning of the stressor that can cause cognitive disruption and diminished functioning; (3) emotional: “anger, rage, anxiety, depression, or hopelessness” that “may dominate the person’s immediate life circumstance”;

86. *Id.*

87. *Id.*

88. *Id.* at 17 (internal quotation marks omitted) (quoting Derald Wing Sue et al., *Racial Microaggressions in Everyday Life: Implications for Clinical Practice*, 62 *AM. PSYCHOL.* 271, 271 (2007)).

89. *Id.* at 5.

90. *Id.*

91. *Id.* at 21 (footnotes omitted).

92. *Id.* at 16.

and (4) behavioral: coping strategies or reactions by the listener that may “enhance adjustment or make the situation worse,” such as hypervigilance and skepticism.⁹³

In addition to the harm caused by the hierarchical microaggressions, status hierarchies are used to facilitate a “division of influence among group members, using such means as allowing or denying different individuals the rights to perform certain behaviors.”⁹⁴ The division of influence allows high status to “control group interactions, make decisions for the group, and give verbal directives to others, whereas low-status individuals are expected to defer to others, speak less in social interactions, and keep their opinions more to themselves.”⁹⁵

The gendered hierarchy is also problematic because “the fruits of the labor of [law librarians] are ultimately enjoyed by the higher ranked doctrinal professors and law school administrations.”⁹⁶

Those in the higher ranks realize the fruits of [law librarianship] in the form of additional free time, as well as intellectual and psychological free space, which they can then devote to the more highly valued pursuit of scholarship. Thus, the labor of [law librarians] directly translates into financial reward for the higher ranks. Especially given the gender composition of [law librarianship], the analogy to “women’s work” is obvious. Women’s work, by definition, is “support” work of low value and compensation—that which permits men the time and space to accomplish society’s more highly valued, and highly compensated, pursuits.⁹⁷

Many key players are unaware of the consequences of the gendered hierarchy, which is reinforced through the notion of social dominance theory (SDT). Specifically, “individuals high in social dominance orientation, believing that they belong to superior groups, are likely to be less aware of corruption [like sexism] because of their feeling of entitlement to greater power and their desire to maintain dominance even if that requires exploiting others.”⁹⁸ On the flipside, “members of subordinate groups are also likely to have lower awareness of corruption if they show more favoritism toward dominant group members to enhance their sense of worth and preserve social order.”⁹⁹

Ultimately, “[i]nstitutions contribute to lower awareness of [sexism] by developing and enforcing structures, norms, and practices that pro-

93. *Id.* at 17.

94. Cameron Anderson et al., *Knowing Your Place: Self-Perceptions of Status in Face-to-Face Groups*, 91 J. PERSONALITY & SOC. PSYCHOL. 1094, 1095 (2006).

95. *Id.*

96. Stanchi, *supra* note 1, at 484.

97. *Id.* at 484–85 (footnotes omitted).

98. Valerie Rosenblatt, *Hierarchies, Power Inequalities, and Organizational Corruption*, 111 J. BUS. ETHICS 237, 237 (2012).

99. *Id.*

mote informational ambiguity and maximize focus on dominance and promotion.”¹⁰⁰

IV. OVERCOMING GENDERXSTATUS ISSUES

It will take a multifaceted approach from and institutional, law librarian association, and individual law librarian standpoint to effect the institutional change necessary to overcome gender bias in the legal academy.

Law schools, as an institution, must “thoroughly interrogate the nature of inequality itself to take into account its multidimensional complexity—that is, to examine its cultural as well as material dimensions and to incorporate group-based inequality, such as race and gender inequality, along with socioeconomic inequality.”¹⁰¹

One way that law schools can help to overcome gendered biases is “to start assigning more value to the work done in skills positions.”¹⁰² After all,

[legal] research . . . is [a] course that turns law students into employable attorneys. Deans can demonstrate a law school’s commitment to the practical education of its students by showing the world that the institution values the professors who teach those skills. Deans can refuse to ghettoize their female workforces into inferior employment roles.¹⁰³

To legitimize the increased value placed on the skill of legal research, one need not look any further than the ABA Standards where legal research is one of only a few explicitly enumerated required curricular components.¹⁰⁴ “But those same ABA Standards require far less security of position for [law librarians or] legal writing faculty than they do for clinical or doctrinal faculty.”¹⁰⁵

Another way that law schools can help overcome gender biases is to provide increased security of position for law librarians even if the ABA Standards do not specifically require such security. Many law schools are also members of the Association of College & Research Libraries (ACRL), the Association of American Colleges, and the American Association of University Professors (AAUP), and these organizations collectively support tenure status for librarians.

100. *Id.*

101. Cecilia L. Ridgeway, *Why Status Matters for Inequality*, 79 AM. SOC. REV. 1, 2 (2014).

102. Allen et al., *supra* note 2, at 544.

103. Christopher, *supra* note 1, at 79.

104. See *Program of Legal Education*, AM. B. ASS’N, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2019-2020/2019-2020-aba-standards-chapter3.pdf [https://perma.cc/R4JY-8QD7] (last visited Oct. 31, 2020).

105. Mary Nicol Bowman, *Legal Writing as Office Housework*, 68 J. LEGAL EDUC. (forthcoming 2020).

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. 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.¹⁰⁶

Law schools fall short of overcoming gender biases by providing faculty status and tenure to law librarians on a separate faculty track. For the relatively few law schools that provide faculty and tenure status for law librarians, most do so on a separate “law library faculty” track that is still lower status and lower paid than “law faculty.” It is likely that these schools see the faculty track a step in the right direction for equality. However, “including women in the faculty in subordinate positions does little to help gender parity. It may even act to perpetuate negative gender stereotypes.”¹⁰⁷

There are additional problems with the separate “law library faculty” track because these separate tracks, while lower status and lower paid than law faculty positions, still require law librarians to generally meet the very stringent requirements of the traditional tenure process without the full support to meet those tenure requirements or providing value for the traditional “women’s work” of running a law library. Therefore, tenure requirements need to be tailored to the work of law librarianship as a valued profession that has a strong professional service component inherent in the position.

There is also a broader support issue at play as “[f]ull-time jobs and lack of release time and funding for research activities put librarians at a disadvantage when being evaluated If [law schools] ever truly adopt ACRL criteria and procedures [to grant law librarians faculty status with tenure], research time and funding from the institution must become part of the picture.”¹⁰⁸

From security of position falls academic freedom, which is a prerequisite for full shared law school governance.¹⁰⁹ As a consequence of the lack of security of position and academic freedom, law librarians do not have the ability to partake in the shared governance of the law school.

106. Blackburn et al., *supra* note 55, at 128 (footnote omitted).

107. Durako, *supra* note 75, at 586.

108. Blackburn et al., *supra* note 55, at 129.

109. See Donovan & Shelton, *supra* note 63, at 417.

Professor Susan P. Liemer studied the hierarchy of law faculty meetings to determine who votes at those meetings, and she found that “[f]or the 149 schools for which [she] had at least some information on whether the librarians vote at faculty meetings, the aggregate responses were:

Only Library Director Votes: 98 [schools] . . .
 Substantially All Librarians Vote: [22 schools] . . .
 Librarians Vote Only Within University: 5 [schools] . . .
 Librarians Do Not Vote: 24 schools.¹¹⁰

As Professor Liemer notes, “[h]aving a vote at those meetings . . . is the single most crucial part of faculty governance. An individual professor’s input is not as highly valued and may not even be sought at all if there is no vote attached to it.”¹¹¹

In this context, who votes at law school faculty meetings shows who the faculty thinks has the requisite professional expertise to help run the school. The echelon of faculty who created the voting rules is telling the faculty members who cannot vote that they are not expert enough to participate in this key aspect of faculty self-governance.¹¹²

A large slight comes when newly hired, tenure-track law faculty members with no experience get to vote at their very first faculty meeting while the law librarians with many years of experience may only watch the votes be tallied.¹¹³

While few law schools provide full-faculty status to law librarians, some allow law librarians to work on law school committees. It is important to consider that this does not overcome gender bias because it signals that law librarians are “good enough to be worker bees on committees, doing the behind-the-scenes work. This committee work is often time consuming and not always intellectually exciting. Once the work is done, [the law librarians] are not viewed as good enough to vote [in faculty meetings], when participation literally counts.”¹¹⁴

The law school support must come through deans leading the charge and other forms of allyship.¹¹⁵ Examples of allyship include:

1. Increase faculty knowledge and awareness of hierarchical microaggression;

110. Susan P. Liemer, *The Hierarchy of Law School Faculty Meetings: Who Votes*, 73 *UMKC L. REV.* 351, 360 (2004).

111. *Id.* at 363.

112. *Id.* at 366–67.

113. *Id.* at 367.

114. *Id.* at 369 (footnote omitted).

115. See Allen et al., *supra* note 2, at 551.

2. Enhance faculty knowledge and appreciation of the different roles and the importance to each role to the mission of the law school;
3. Understand the serious psychological and physical consequences of hierarchical microaggressions to listeners;
4. Identify individual's implicit biases and prejudices to take action to improve;
5. Appreciate the value and status of all employees at all levels of the academic hierarchy;
6. Raise faculty sensitivity levels to recognize microaggression when they occur;
7. Serve as an effective ally and advocate for skills professors who are targets of hierarchical microaggression by promoting their work to the entire faculty and institution;
8. Select appropriate strategies for speakers and listeners to respond to microaggression;
9. Formally document all incidents as the speaker and listener for accountability; and
10. Take on the role of change agent to eliminate microaggression at their law school.¹¹⁶

Another way that law schools can support law librarians is to understand the myriad challenges they face due to gender and status issues, and to provide opportunities for law librarians to lower their stress through work-life balance considerations, particularly in providing workplace flexibility. “[W]orkplace flexibility [is defined] as ‘the ability of workers to make choices influencing when, where, and for how long they engage in work-related tasks.’”¹¹⁷ Given issues like hierarchical microaggressions and other gender based stressors facing law librarians, “[o]rganizational efforts to support workplace flexibility and employee well-being may be the most significant means through which [law schools] can help ease the level of stress and work/life imbalance experienced by librarians.”¹¹⁸ Not only does the institution have a role to play in overcoming gender biases, law librarians can also take collective and individual steps to overcome the gender biases affecting the profession.

The legal writing community provides a wonderful model for collective action to bring the gender issues facing legal writing faculty to the forefront. Through associations such as the Legal Writing Institute (LWI), the legal writing community has banded together to work towards status-related advocacy. LWI has a Professional Status Committee and Status-

116. Ruan, *supra* note 84, at 33 (citing Robert Berk, *Microaggressions Trilogy: Part 2. Microaggressions in the Academic Workplace*, 31 J. FAC. DEV. 69, 73 (2017)).

117. Galbraith et al., *supra* note 23, at 84 (quoting E. Jeffrey Hill et al., *Defining and Conceptualizing Workplace Flexibility*, COMMUNITY WORK & FAM., May 2008, at 149, 152).

118. *Id.* at 84 (citation omitted).

Related Advocacy page, which includes a toolkit for Faculty Status, Security of Position, Workload, and Voting Rights and specifically relies on the gender biases affecting the legal writing community to advocate for increased status.¹¹⁹ These efforts have been fruitful for the legal writing community as more and more legal writing instructors are given full-faculty status within law schools.

Like LWI's advocacy for the legal writing community, the American Association of Law Libraries can take a proactive role in advocating faculty status, security of position, workload, and voting rights for law librarians in the legal academy. Additionally,

[p]rofessional organizations like the American Library Association can lend organizational structure for women's movements to fight for equal pay for equal work. Advocacy groups and committees can unite women despite geographic differences, and these groups can work to implement protective policies like gender-neutral standard pay scales based on experience level.¹²⁰

Law librarians can also work to create "Communities of Practice," which are

social networks of people with shared interests who learn from one another of a period of time. . . . The underlying goal of CoP is learning that results in a behavioral change occur when members explain and challenge the status quo. . . . CoP about [law librarianship and gender] may lead to behavior changes . . . which result in equitable changes which benefit women in legal education.¹²¹

In addition to the collective action, individual law librarians also have a part to play in overcoming gender issues. Given the time constraints inherent in law librarian positions, it is understandable that many law librarians cannot find time to write scholarship. For the majority of law librarians, writing scholarship is also not a formal part of the job, which means there is no institutional support provided for writing scholarship. But the profession needs law librarians to engage in scholarship that advances the profession. Scholarship is the currency of the academy, and law librarians seeking to be put on the tenure track should publish. Not only will it help to advance the law librarianship profession, publishing also provides the primary rationale for extending security of position and academic freedom to law librarians to fully engage with the legal academy.

And as Donovan & Shelton note, "[t]he comparatively lower scholarly impact of librarians is not solely the result of a failure to publish, but

119. *The Professional Status Committee and Status-Related Advocacy*, LWI ONLINE, <https://www.lwionline.org/resources/status-related-advocacy> [https://perma.cc/ZHA6-5UAZ] (last visited Oct. 31, 2020).

120. Mars, *supra* note 9, at 11.

121. Allen et al., *supra* note 2, at 551.

rather failure to publish the kinds of things that others cite.”¹²² Going further, Donovan and Shelton suggest that “[s]uch items as annotated bibliographies, book reviews, pathfinders, and other aids should be in the mix of a tenureable librarian’s published corpus, but leavened with more traditional scholarship that communicates the librarian’s own ideas, rather than only that which direct patrons to the ideas of others.”¹²³

As has been argued for legal writing positions, “[i]t will be easier for law faculties to convert the [law librarians] to tenure-track if the [law librarians] already behave like tenured and tenure-track faculty, engaging in teaching, service, and scholarship.”¹²⁴

CONCLUSION

Librarianship has always been a female-dominated, “pink-collar” profession. The subfield of law librarianship is also disproportionately occupied by women in the “pink ghetto” of the legal academy. Like other skills instructors in the legal academy such as legal writing and clinics, law librarian positions are disproportionately occupied by women in less secure, low-status, and lower-paid positions. Unfortunately, however, law librarians are often left out of the broader discussion of gender issues affecting the legal academy.

The gender bias in the legal academy can only be overcome through concerted action by law schools, deans, faculties, law library associations, and individual law librarians. Law schools, deans, and faculties must recognize the inequities inherent in these gendered positions. And law library associations should follow the legal writing associations’ lead to combine efforts and overcome gender issues for the profession. Lastly, if individual law librarians want status akin to traditional tenure track law faculty, they must conduct themselves in a way that necessitates the protection of academic freedom to engage fully with the legal academy.

As Professor Jo Anne Durako discusses:

Law schools have a unique opportunity to be catalysts to help change the widespread pattern of gender discrimination in society. They also have a heightened duty to acknowledge and cure gender bias in the legal academy. Failure to respond to the pattern of gender bias discovered here has serious consequences not merely for [law librarians], but extending to their students, their law schools, and the legal profession. The problem of gender bias among [law librarians] is more serious than the treatment given to one individual at each law school. The collection of isolated examples of unequal treatment produces a subtle pattern of bias that reflects poorly on legal education. Improving the sta-

122. Donovan & Shelton, *supra* note 63, at 426.

123. *Id.*

124. Christopher, *supra* note 1, at 81.

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tus and salary of [law librarians] is but a first step. Eliminating the status and salary gaps will begin to elevate women . . . in the academy and women in the profession.¹²⁵

The gender bias affecting the legal academy is well documented, and it is time to fully integrate law librarians into the discussion.

125. Durako, *supra* note 75, at 586 (author of this article replaces legal writing with law librarian for effect).