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Raquel Gabriel
CUNY School of Law

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Challenging the Status Quo*

Raquel J. Gabriel**

Ms. Gabriel reflects on a recent article discussing the failure of the law librarian profession to affirmatively address the lack of diversity within its ranks. Despite overall efforts to diversify legal education and the practice of law, the continuing systemic inaction of the law librarian profession to address the lack of diversity among law librarians may pose a risk to the future relevancy of the profession within the larger changing world of the practice of law.

¶1 Alyssa Thurston's recent article on diversity in law librarianship revisited several reasons for the continuing lack of ethnic diversity in the profession.¹ Many of the reasons she articulated echoed larger problems within the legal profession. Unfortunately, part of me believes that diversity will continue to be an ongoing struggle for the foreseeable future; statistical projections do not indicate any significant change in the number of diverse individuals entering the field of law librarianship.

¶2 I suspect that much of what Thurston addressed in her article regarding the lack of diversity in job candidates,² the issues faced in trying to establish a formalized diversity recruitment program within AALL,³ and several other factors surprised very few librarians of color. As I have noted before, there is no way to ascertain precisely how many law librarians of color there are.⁴ While academic law librarians overall are a small group, significantly smaller is the number of librarians who are part of the historically designated categories classified as "minority" librarians. For example, in the 2011–2012 directory of members, only 238 self-selected into the list of minority librarians.⁵

* © Raquel J. Gabriel, 2013. Thanks to Keith Szczepanski for his research assistance. Special thanks to Douglas Cox, Yasmin Sokkar Harker, Alex Berrio Matamoros, and Sarah Shik Lamdan for their thoughts on this column. Comments on this column, or on any other aspect of diversity and law libraries, can be sent to raquel.gabriel@law.cuny.edu. Any comments used will be kept anonymous.

** Law Library Professor and Assistant Director for Reference and Research Services, CUNY School of Law, Queens, New York.

1. Alyssa Thurston, *Addressing the "Emerging Majority": Racial and Ethnic Diversity in Law Librarianship in the Twenty-First Century*, 104 LAW LIBR. J. 359, 2012 LAW LIBR. J. 27.

2. *Id.* at 368–70, ¶¶ 26–31.

3. *Id.* at 374, ¶ 42.

4. See Raquel J. Gabriel, *Diversity in the Profession*, 102 LAW LIBR. J. 147, 151, 2010 LAW LIBR. J. 8, ¶ 15. While the AALL Minority Directory is available each year, librarians volunteer to include themselves, and of course, the directory only includes those who belong to AALL.

5. Currently, there are 4190 active members (institutions and individuals) of AALL. E-mail from Hannah Phelps, Membership Serv. Coordinator, Am. Ass'n of Law Libraries, to author (Jan. 15,

¶3 There is no denying that we keep coming back to the same themes that were stated so openly in Thurston's article and that have been discussed for more than a decade by others.⁶ There has not been a substantial shift in the profession reflecting the larger diversity of the U.S. population as a whole. I agree with Thurston's assessment that a variety of factors have led us to the state of the profession as it is today, and perhaps the publication of her article may reenergize the conversation around diversity. A frank discussion about how diversity could be improved within the profession is imperative, and a conviction to commit the resources to address the issue by the AALL would be a welcome accompaniment.

¶4 In her conclusion, Thurston touches upon the idea that "[p]romoting racial and ethnic diversity in law librarianship is just one way to help shape the profession's future."⁷ I would add that diversity should not only be promoted, but also incorporated into the foundation of values that AALL adopts going forward. Thurston's article discussed racial and ethnic diversity, which can certainly help frame the conversation. But I would suggest that diversity in the broadest sense, of including minority voices of all types that are not defined simply by singular traits of race or gender, may be critical to shaping the future of the profession as a whole.

¶5 This may seem a radical idea to some, but it is worthwhile to step back and consider it within the context of the larger state of affairs in the United States in 2013. We have had the groundbreaking election—and reelection—of an African American President, an increasing turn toward globalization concerns in the legal marketplace, recent economic hardships, and statistical evidence that the racial "minorities" in the United States will become the majority within a generation. All of those elements have certainly played a part in refocusing attention on diversity. Add to them a generation of Millennials who have grown up with the concept and language of diversity as part of their everyday lives,⁸ and the necessity of contending with issues surrounding acceptance and tolerance of individuals from a variety of backgrounds becomes clearer.

¶6 Besides the inevitable change of the future workforce, why is it so important that we push forward a broad idea of diversity? People tend naturally to drift toward people they recognize, or seek out those whom they may have gotten to know through personal or professional activities. But absent those options, people will look for others with whom they have something in common, something that they can *see*. I have to confess that it is a bit disheartening to walk into a ballroom full of members of our profession and to see very few people who look like me. Having people there who look similar to me, even if I don't know them, is akin to walking into the ALL-SIS reception, where I know that everyone present is involved in academic law libraries. Before I even walk into the reception I have the feeling that I am part of that group, based on where I work and how I have identified

2013, 12:08 P.M.) (on file with author). Thus, self-selecting minority librarians constitute 5.68% of active membership.

6. See, e.g., Joan S. Howland, *Diversity Deferred*, 90 LAW LIBR. J. 561 (1998).

7. Thurston, *supra* note 1, at 381, ¶ 60.

8. See PEW RESEARCH CENTER, MILLENNIALS: CONFIDENT, CONNECTED, OPEN TO CHANGE 6–7 (Paul Taylor & Scott Keeter eds., Feb. 2010), available at <http://www.pewsocialtrends.org/files/2010/10/millennials-confident-connected-open-to-change.pdf>.

myself, which reassures me that I can reach out and find something in common with any individual there.

¶7 More often, though, I walk into sessions and meetings at the Annual Meeting, and it is readily apparent how few librarians of color there are—a distinct contrast with my experiences in my life outside of work. It is even more jarring when the Annual Meeting takes place in a city I know is diverse, such as Philadelphia—immediately upon entering the convention center I have a very real sense that diversity stops at the door.

¶8 With one exception, everywhere I have ever worked or studied prior to my current place of employment has provided this same experience. The exception was the historically black law school I attended. I realized a few months into the program how grateful I was to be there. With a critical mass of minority students, there were no constant reminders that I was different from everyone else in class. I wasn't always censoring myself to ensure I wasn't misunderstood, or fearful that I might be. It didn't matter that the shades of color were different in the classroom; what mattered was that I was always surrounded by them. I could see people pursuing a variety of interests and causes that fascinated and inspired me, which was especially crucial because I had had limited experience with lawyers of color. Studying, working, and connecting with so many folks who were not mirror images of the larger group of lawyers I saw outside of the school's walls was comforting in a way I didn't fully understand until years later.

¶9 By seeing what other persons of color are doing in their lives professionally, and perhaps also personally, to succeed in their chosen arenas gives others the impetus to explore those same options. It is certainly not a phenomenon unique to minority communities, as every day each of us finds ourselves part of different groups gathered around a common theme, whether it is based on a social, cultural, or other type of interest.

¶10 The feeling of community based on diversity is a powerful one and one that I hope majority librarians and the profession start to understand, just as legal education is finally starting to see the merits of diversity—if for no other reason than that the globalization of the practice of law demands it. In addition, the growing minority, which within a generation will *be* the majority, will likely force a recognition of the power of the nonwhite population.

¶11 The growing interest in diversity in legal education is reflected in the establishment of initiatives aimed at increasing the number of minority candidates within law schools.⁹ Such initiatives will likely be given even more attention in the coming decade as law schools try to recover from a devastating economic downturn that has brought smaller class sizes and increasing scrutiny of how attorneys are trained.¹⁰ Many schools will rework their programs to increase the number of indi-

9. See Thurston, *supra* note 1, at 375, ¶ 45.

10. Multiple resources discuss the current state of legal education and call for a closer examination in order to determine ways to reform it. See, e.g., BRIAN Z. TAMANAHA, *FAILING LAW SCHOOLS* (2012); Samuel Estreicher, *The Roosevelt-Cardozo Way: The Case for Bar Eligibility After Two Years of Law School*, 15 N.Y.U. J. LEGIS. & PUB. POL'Y 599 (2012); A. Benjamin Spencer, *The Law School Critique in Historical Perspective*, 69 WASH. & LEE L. REV. 1949 (2012); Ethan Bronner, *Law Schools' Applications Fall as Costs Rise and Jobs Are Cut*, N.Y. TIMES, Jan. 30, 2013, at A1; Ethan Bronner, *Lawyers Call for Drastic Change in Educating New Lawyers*, N.Y. TIMES, Feb. 10, 2013, at A11.

viduals coming to their institution and to address criticisms that they are still failing to train lawyers who are ready to practice upon graduation. Law schools are also being expected to educate students about jobs that exist beyond the traditional niches of law firms or government, including many in underserved minority communities with a tremendous need for legal services. Law schools will need to find new and more effective ways to recruit and train minority candidates, as such candidates may not attend law school with the traditional career path in mind.

¶12 When these minority students arrive, will they be comfortable coming to a library where no one they see looks like them? Will they see the work being done by a librarian and consider it a possible option as a career if the traditional practice of law doesn't appeal to them? In my work, I have noticed that new students of color will often approach me even when there is another competent librarian on reference duty.

¶13 Seeing me working in the library gives these students someone they can relate to because I look like them, making that first step in an unfamiliar process easier to take. Once a relationship has been established, it then becomes easier to introduce them to other librarians and reassure them that their research needs can be met by any of us. In that sense, diversity among librarians helps to build the value of the library, of the services we offer, and of the profession. My presence makes it possible for them to seek assistance from someone who has visible commonalities with them, reminds them of a potential career option, and reinforces our profession's value to them in their future as practicing attorneys.

¶14 It is fairly easy to visualize the negative impressions that might arise about a law school that has a sizable minority student population and no faculty members of color. For those of us who teach legal research either formally or informally, I believe that the arguments for having diverse individuals working with student populations within the library are just as compelling as the ones that justify diversity among the larger faculty, or within the legal profession as a whole.¹¹

¶15 Given the current increase in minority populations and the stagnant efforts to systemically recruit diverse candidates into the law librarian profession, I think our profession is in danger of ceasing to be relevant to future lawyers and law students who come from diverse backgrounds. Perhaps just as significantly, law librarians may come to be viewed negatively by their institutions, who may see a library that does not reflect their new reality in the makeup of its staff or in the approach it takes to services.

¶16 If there is one maxim I have tried to communicate across my columns, it is that the value that embracing diversity can add to the workplace is not simply one

11. Significant legal scholarship exists addressing the need for diversity within legal education as well as the legal profession. See, e.g., Michelle J. Anderson, *Legal Education Reform, Diversity and Access to Justice*, 61 RUTGERS L. REV. 1011 (2009) (discussing the "whiteness" of the legal profession and the efforts to address the issue at CUNY School of Law); Kevin R. Johnson, *The Importance of Student and Faculty Diversity in Law School: One Dean's Perspective*, 96 IOWA L. REV. 1549, 1550 (2011) ("[D]iversity and excellence are inextricably interrelated, mutually reinforcing, and well worth striving for by any law school worth its salt."); Sarah E. Redfield, *The Educational Pipeline to Law School—Too Broken and Too Narrow to Provide Diversity*, 8 PIERCE L. REV. 347 (2010); Eli Wald, *A Primer on Diversity, Discrimination, and Equality in the Legal Profession, or Who Is Responsible for Pursuing Diversity and Why*, 24 GEO. J. LEGAL ETHICS 1079 (2011).

that is reflected in statistical numbers, and it is not just a goal to strive for because it is politically correct. Rather, diversity is worth pursuing for the broad range of experiences, ideas, and approaches it gives a group. Thinking about, acknowledging, and applying ideas from a multitude of approaches to incorporating diversity allows us to gather more potential solutions to a problem, opportunities to offer a service, or ways to promote the intrinsic worth of the library as a whole. Discussions about how to include awareness about diversity do not just assist in managing diverse candidates, but also help to manage all individuals in a manner that recognizes the differences and strengths of each employee.

¶17 Librarians as a whole frequently bemoan the lack of respect for the profession, and law librarians are no exception. We worry about whether or not we can survive layoffs and the movement of services overseas. We continue to complain about vendors, decreasing budgets, and increasing responsibilities. We worry about myriad future possibilities and constantly try to figure out how we can be more relevant to our organizations.

¶18 I suggest that we turn some of that considerable energy to a problem we have known about for decades and that we have collectively chosen to ignore for a long time. We should make a concerted effort to improve diversity in the profession, thereby bringing law librarianship into line with what legal education is trying to do as well. We should embrace the notion that a diversity of ideas within law librarianship, represented by individuals or groups or new ways of thinking, is healthy to the profession and, in fact, needs to be pursued in order to refresh it.

¶19 As the practice of legal education changes, we should demonstrate that we are willing to change as well. We should rewrite traditional definitions of what a law librarian should or should not do to better reflect the changing demographics of the country as well as how and where legal services may be needed, and we should take a closer look at how we are perceived by the legal profession and within the overall field of librarianship.

¶20 For example, scholars in other professional fields have looked into why there has been a shortage of minorities within their professions, and several have found that the ability of minority students to identify with role models or mentors who look like them has a positive effect on students' development. In turn, this may lead students to consider pursuing a particular professional field.¹² These types of in-depth reviews by scholars show an approach that has rarely been examined with sustained interest within the law librarianship profession.

12. See, e.g., Matthew W. Kreuter et al., *Lessons Learned from a Decade of Focused Recruitment and Training to Develop Minority Public Health Professionals*, 101 AM. J. PUB. HEALTH S101 (2011) (describing the results of a ten-year program aimed at increasing the number of African Americans in the public health field); Jacqueline Jordan Levine, *Beyond Role Models: An Examination of Cultural Influences on the Pedagogical Perspectives of Black Teachers*, 66 PEABODY J. EDUC. 51 (1989) (arguing that the increase of at-risk minority students is directly tied to the decline of culturally sensitive minority teachers who serve as role models and mentors); Alice Quioco & Francisco Rios, *The Power of Their Presence: Minority Group Teachers and Schooling*, 70 REV. OF EDUC. RES. 486 (2000); Richard M. Suinn & Evelinn A. Borrayo, *The Ethnicity Gap: The Past, Present and Future*, 39 PROF. PSYCHOL. 646 (2008) (discussing the low numbers of minorities in psychology and recommending actions to increase minority representation in the profession); Ulrich Boser, *Teacher Diversity Matters: A State-by-State Analysis of Teachers of Color*, CTR. FOR AM. PROGRESS (Nov. 9, 2011), <http://www.americanprogress.org/issues/education/report/2011/11/09/10657/teacher-diversity-matters/>.

¶21 It may very well be that the low number of minority librarians within the profession as a whole has prevented any momentum beyond what has already been discussed in bits and pieces throughout the professional literature and which very often repeats the same refrain. Or it could be that without sustained financial support by AALL to fund exploration of ways to increase minority membership, the advancements that can be achieved are severely limited.

¶22 AALL must take a leadership role in encouraging the type of scholarship that has been undertaken in other fields to examine how minority librarians entered the profession and what factors influenced their decisions. It would be useful to know how many minority librarians hold middle or senior management positions at their organizations, and to compare their job descriptions, levels of compensation, and satisfaction at their place of employment. It might be just as helpful to determine which factors minority librarians feel impede their professional growth at their place of employment, or within AALL. At the very least, AALL should take steps to determine how many members of minority groups belong to the organization. Doing so will allow AALL to establish how the percentage of minority law librarians compares to the percentage of minorities in the library profession as a whole, in the population of lawyers, and in the population of law students, in order to learn how large a gap there may be between law librarians and other groups. All of these factors could help structure potential research for future scholars. If the information were gathered by AALL, this would also signal a more concrete commitment to increasing the number of minority librarians within the profession.

¶23 Diversity is not something that should be vested in a single committee, advocated for in a few papers, or symbolized by select individuals. It is more than making weak periodic attempts to revisit it in various ways that are comfortable for the majority simply because that is the way it has always been done. An approach to diversity and an active recognition of it should be woven throughout how we approach staffing or working within our organizations, what we as a community make a priority, and how we recruit the next generation of law librarians. By understanding that a worthwhile goal for the profession is to promote and accept diversity by challenging the status quo, we open ourselves to a reexamination of what we do, why we do it, and how we can make it better.

¶24 Diversity, as I mentioned in my first column, is a collective effort.¹³ I am hoping it is finally time, three years after I began writing this column, for us to start moving.

13. Gabriel, *supra* note 4, at 153, ¶ 21.