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Charley's Corner: My Middle-Aged Career Change

by Charles R. Dyer, Director of Libraries, San Diego County Public Law Library
Nothing in this column represents the view of my Library or its Board of Trustees. These are just my personal opinions.

This summer I will be stepping down as Director at the San Diego County Public Law Library. I will be taking my retirement benefits, but I don't plan to retire. Rather I am changing careers.

I plan to write about law and library science and philosophy. I have hopes that some of my writings may help law librarians when they train or aid people to do legal research. I hope to provide some foundational thought regarding legal informatics.

One impetus for my taking this career path is my observation that the several power brokers and stakeholders of the American justice system, i.e., the courts, the bar associations, and ultimately the legislative and executive branches as well, fail to recognize the importance of the face-to-face contact with legal researchers that law librarians provide. When they create commissions to study how the justice system might handle the ever-growing population of self-represented litigants, law librarians are left out of the mix. Many of the appointments to such commissions are lawyers, judges, or court administrators who are politically active, trying to put in a good effort, but more concerned with rising within their own ranks. If we're lucky, they will add a token law librarian who will placidly offer a comment or two, just in hopes that law libraries are not left out altogether. I have a feeling that many of the participants have never even talked to a self-represented litigant except in an official courtroom capacity. They tend to be concerned more with how to handle the onslaught as cheaply and efficiently as possible. They rarely examine the sense of justice or lack of it that self-represented litigants feel.

Obviously, getting more and louder law librarians to serve on such commissions would help. But we remain a politically weak group, often hired by and subservient to these stakeholders. So, we also need to get to them earlier.

Most of the relevant stakeholders went to law school. Had their sensitivities to these issues been honed there, perhaps we would not have the barriers we now have. So I have been looking at the scholarship provided in law journals as being somewhat representative of the sensitivities of the law professors, the issues that are important enough for them to write about. There are fringe components of the problems barely touched in a few areas. Critical legal studies and culture and law studies have dealt with some of the issues, but the authors' purpose is rarely to discuss the matters I consider important. Many articles include case studies, but they are generally rarified events far removed from the tide of self-represented litigation. Such topics as the Nuremberg trials or the graduate assistants' strike at N.Y.U. are more typical than the distress of the single

mom who will be evicted in three days. Why is that? Well, you write about what you know, and law professors don't study the people we see every day. (There is some good stuff on people on death row, probably due to the rise of the clinics that help overturn wrongful convictions. But these cases are still lawyer-driven, and the lawyers representing the criminals provide the interface to the justice system that self-represented litigants don't get.)

So why me. Here is some background, probably not much different from many of you. I graduated high in my class in high school, having received good grades in all my courses, and went to the University of Texas with a double major in physics (wanting to be an astronomer) and an honors program in liberal arts. I couldn't make up my mind. Eventually, I landed in philosophy, with a minor in math (with all my math credits earned before any of my philosophy credits). I went on to Northwestern University and earned an M.A. I had an interest in phenomenology, the prevailing continental philosophy of the time, and ethics seemed to be my strongest area of concern. I left to go to law school, and went back to the University of Texas, planning to go back and get my Ph.D. after I got my J.D. Instead, I began working at the Tarlton Law Library and found librarianship to my liking. So I gave up my plans to get a Ph.D. and went for the M.L.S. instead. After I completed that in 1975, I began my long career in law libraries.

I decided to go to law school after reading a book called *Phenomenology of Law*, written by some European philosopher. At the time, I thought he "didn't know crap," if you will pardon my French (and I think he was French). I had admired much more a couple of philosophy professors who also had law degrees whom I had as teachers. I now realize that he was writing from the perspective of a citizen of a civil law country. Anyway, I thought I could do better.

The other thing that disappointed me was that a young assistant professor at Northwestern that I admired was denied tenure. He had introduced me to Thomas Kuhn's *The Structure of Scientific Revolutions* and similar books which contributed greatly to the development of post-modern thought in America. His tenure denial was supposedly based on the Philosophy Department's need to keep some spots open for prospective hires when funding was tight and no older faculty was near retirement. I frankly think he was too much ahead of his time, and the older faculty did not understand him. I also remember taking a course from an older faculty member who had no sense at all what graduate student life was like, as he was born rich and was something of a dilettante, publishing mostly compendiums of others' work. He became chair of the department and was the one who told the younger professor he must leave.

So when I was working at the Tarlton Law Library, I got the choice assignment of going around to professors' offices to collect books they wanted to return to the Library (or ones we hoped they would grudgingly return). I got to know some law professors much better than most law students do, almost to the level of a graduate student in a liberal arts graduate program. I found that law professors taught because they wanted to, not because that was the only job available in their field. They were considerably happier than philosophy professors. I simultaneously got to work with a very strong bunch of librarians who mentored me into law librarianship.

Through it all, I believe I landed in a pretty good spot. After ten years as director at the University of Missouri—Kansas City, trying to work in a very elaborate and burdensome

bureaucracy with all the woes of academic administration, I looked elsewhere and went to the San Diego County Law Library in 1987. Serving the public and the legal community, getting out where the action is, these had some appeal. Through my academic years, I had continued to look at philosophy and jurisprudence. I still had the feeling that there was a disconnect between them and law as it is practiced on the street. So I'd see what's up there.

So, in a sense, my whole career has been leading me toward my new venture. I doubt that I would have the same insight were I to have remained on the path of being a philosophy professor. Indeed, I would not have even know what were the right questions to ask.

I also think I would have burned out much earlier, and I don't believe my skills and understanding were strong enough to have made much contribution back then. I have always been a plodder, not a quick thinker. Even as a law school library director and law professor, in conversations in the faculty lounge, I never had the ability to discuss points of jurisprudence in quick repartee. I was always trying to figure out what was just said to me, to analyze it in order to prepare a response, when the discussion had already moved on before I could say anything. I was always listening, and never coming prepared with my own arguments ahead of time to spin out in immediate response. And it was common for me to realize later that often the response given so glibly actually missed the point of the first speaker's contention. Days later, I'd think of something good to contribute.

It is typical for many professors in many fields to make their greatest contributions during their thirties and forties and to rest on their laurels in their fifties and beyond. Basically, they have defended their positions so long that they are stuck there. Many of the world's great geniuses did all their great work in just a twenty-year period. Most did them when younger and then lived much longer. Einstein is an example. But a few lived for quite some time before beginning. An obscure German teacher did not really flourish until his sixties. That was Immanuel Kant, who wrote the *Critique of Pure Reason* at 70. Luckily, he lived into his nineties and wrote some good things through his eighties. Sometimes, it takes longer to get one's act together.

There has been much written about slower-moving inductive reasoning: "Sleep on it," Gestalts, the tacit dimension. Components of these ideas underlie some of the post-modern examinations into the cultural bias in language as we individually use it. We develop our personal vocabularies. So, perhaps, some get built earlier in life and become the theme for those people throughout their lives, hardly varying or growing. Others develop slowly. Some people come to their understanding of the world, or at least the understanding they plan to stick with, later in life.

I like librarians. I think that, somewhat better than most of the population, we are capable of maintaining a good, useable vocabulary, but continuing to add to it throughout our lives. Occasionally, some of us begin to sound like a broken record, or we get too caught up in one issue and stop other things. But for the most part, we try to stay on top of things, which is another way of saying that we continue to absorb practical ideas and useful theories. Indeed, that is what librarianship is about: knowing the neatest, newest thing, and bringing it to others, while remaining mindful of the history of things and the good old, still useable things.

The problem for most of us is that we don't write this stuff down. We continue to learn in small bits because we do not have a good professional literature. We learn more at professional association meetings because, not only don't we have time to read the books, we don't have time to write the books. We'd rather listen to someone else tell a story, then move to the next hour's program. And I think there is that fear within each of us that we know there is more out there to learn before we ourselves will begin to commit our thoughts to paper.

Part of our problem is that our field of vision is too broad. We can't take it all in in one sitting. It's not that we are generalists, jack of all trades and master of none. Rather, our problem is that we are trying to master all trades, or at least a considerably larger number than most people try to master.

I remember a very good criminal law professor who was a friend of mine while I was at UMKC, Mark Berger. He was a very productive professor when I was there, and still seems to be, according to the UMKC website. One time while at their house, he showed me a light-heat-vent he had installed in his bathroom. He was very proud of it. It looked exactly like the one I had put into my house a year or so earlier. I was surprised that he made such a big deal of it until his wife told me it took him 36 hours of work. As I had installed mine in about a fourth that time, even with patching the ceiling, I was shocked. Then I realized that he had done something unlike anything he had ever done before, whereas I routinely did such jobs. He was rightly proud of the new skills he had learned. But mostly, it was that he decided to do it and to learn the new things he had to know in order to do it. Frankly, I was glad he did not electrocute himself. It was then also that I realized that there was some recognition among the faculty, at least the thoughtful ones, for the skills that we librarians develop routinely. We know how to clear paper jams. We know how to plug in PCs. We know a wide variety of things because it is practical for us to have these skills.

Another part of our problem is that communication with our users is and must be a component of our work. I am sometimes astounded at the grants given to library science professors to do empirical studies of things we do every day. Why not just come on down to the library and sit with us a spell. The very thing that keeps us too busy to write the books is the very thing that is lacking in the books, our personal interaction with our users.

If a law professor wants to do a cultural study, he should go down to his nearest public law library. Just listen in for a while, and he'd catch on to the wide variety of interpretations of what law is that our users bring to us. We have to disavow our users of these notions and teach them to learn something somewhat closer to the accepted norm. The "accepted norm" is, in this case, what the courts will accept, not what the average general citizen thinks. We operate under a coercive, hegemonic system of creating the proper interpretation, called *stare decisis* and precedent. The "normal" vocabulary is familiar to the law professor, but our users are not as smart as law students, nor as pliable, nor do they have the time or energy, so we have our job cut out for us.

So, obviously, I will need to stay in touch with you even as I set myself up in my new occupation. I will be leaving San Diego, since cashing in on my home equity is part of the

package enabling me this freedom. I am not sure yet where I'll land, but I'll let you know. Please feel free to write me now, or as I get more substantive materials sent to you. I plan to keep my column as long as you'll have me. cdyer@sdepll.org for now.