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Recommended Citation

Kelly Kunsch, Tip Jars at the Law Library Reference Desk, 86 *LAW LIBR. J.* 369 (1994).
<https://digitalcommons.law.seattleu.edu/faculty/532>

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Commentary

Tip Jars at the Law Library Reference Desk*

Kelly Kunsch**

Introductory Questions

At noon break, you go to the local sandwich shop. As you prepare to pay, you notice a little jar by the cash register labeled "Tips." "Tips for what?" you ask yourself. The extra mustard on the Braunschweiger? Or tips to insure that you will get extra mustard the next time?

After work, you hit the local imbibery. There, you notice another tip jar in front of the bartender. Apparently, this is to reward excellence in mixology. If you wait to be served, you will, of course, be expected to tip the server. And if you overindulge, another tip goes to the taxi driver.

Hairdressers, shoe-shiners, babysitters--everyone, it seems, is holding out a hand (or a jar). Don't these people get paid by their employers? Or is the rationalization that they are underpaid? And what about law librarians; are some of them not also underpaid? Reference librarians perhaps? Is there something you can do about it? The answer is a resounding *yes*. The door is ajar. It is time for law librarians to take a step. Install a tip jar in your library.

What Is a Tip?

It is probably best to begin by defining what is meant by "tip." For this, where better to turn than to the courts? After all, *judicia sunt tanquam juris dicta, et pro veritate accipiuntur*.

"Tip" may be defined as "a payment of money to an individual who has rendered a service, either as additional compensation because of the quality or promptness of the service or, as a result of social compulsion, because the recipient feels obligated to give the individual a sum of money beyond what is charged for the service itself."¹ One court suggests that the word is formed from the practice in early eighteenth-century London

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1. *Olk v. U.S.*, 388 F. Supp. 1108, 1111 (D.C. Nev. 1975).

coffeehouses "of having a box in which persons in a hurry would drop a small coin, to gain immediate attention. The box was labeled To Insure Promptness, [later abbreviated] T.I.P."²

Tipping situations can generally be divided into two categories: situations where you should tip and situations where you might tip.³ As the latter category continues to grow with new occupations, the former grows with additions from the latter. Although an ultimate goal might be to get law librarians to a level where a tip is standard (perhaps twenty percent of the cost of a lawsuit), this will probably have to wait awhile for evolution to take place. Right now, the field should be satisfied with making an optional tip acceptable to patrons and librarians.

The Propriety of Tips in Law Librarianship

Is it appropriate for librarians to accept tips? The answer must be yes. Any stigma that ever attached to receiving tips has long since died out. Besides, the holiday or year-end bonus was nothing more than a disguised tip for many professionals. And who knows less about who among the lowly should get a bonus than the person on top who awards the boni? Why not allow those who have been helped to reward those helping them?

In a world of multimillion-dollar litigation, where associates bill clients more than \$100 per hour, why not tip a law librarian whose expertise saves the associate hours of research time?

In initially implementing a plan, patrons must realize that a tip is optional--that they will be served with the best quality, regardless of how much or whether they tip. This makes it more acceptable. Still, the presence of the tip jar gives the message that it is okay to tip.

Appropriate times for tipping would be when you find something much more quickly than others would have found it, when you find authority on an extremely difficult issue, or when you take time to go that extra mile in your service (special trips to distant stacks, calling favors in from other libraries, etc.). Let's face it, people don't get around to writing letters of praise to your supervisors. And, if they do, your supervisor probably thinks you put them up to it. Seeing a tip jar gives the opportunity for a more meaningful (even if knee-jerk) "thank you."

Some might argue that tips are not appropriate for "professionals" (an amorphous term, at best). The argument stems from a fallacious presumption. Since most professionals are not commonly tipped, the argument goes, only nonprofessionals are tipped. This is a non sequitur. Profession-

2. *Roberts v. Commissioner*, 176 F.2d 221, 223 (9th Cir. 1949).

3. *See Levey, To Tip? How Much to Tip? And When?*, WASH. POST, Oct. 23, 1989, at B14.

alism is irrelevant. Clients assume that most professionals bill directly; one receives a bill from one's doctor, lawyer, or accountant. The assumption (perhaps erroneously) is that the money paid goes to whoever performed the service.

In situations where tips are given, the bill is paid to an institution--a restaurant, salon, etc.--and the tip goes to the individual who personally helped the patron. A library setting is more like the latter situations, where payments are presumed to go to the institutions. Therefore, tipping is appropriate. Actually, in most library interactions, there is no payment at all. In this case, it is more akin to a sidewalk performance. If you appreciate it, the appropriate response is to drop some cash into the instrument case.

To Whom Should the Tip Belong?

One might consider having a tip jar as a source of law library revenue. The tip, however, is better visualized as a small supplement to personal income--a morale booster. In other words, the tip should go to the individual or individuals performing the services. This is true for two basic reasons. First, any revenue generated by a tip jar would be insignificant to a law library's budget. Tips would not have a financial impact on law libraries as institutions. Second, a tip is not meant to go to an institution; it is meant as a gift to a person. If the tipper knows the server is not going to receive the gift, he or she probably won't give it.

Although the library itself might take a percentage of any gratuity, the major portion of it should go to whoever provides the service. At the very least, it should go to funding a party or other activity as a reward for those performing the service and for those who support them, for example, looseleaf filers. If not that, a contribution to charity is always a worthy cause. Most importantly, in the law library, the tip jar should be fun--a conversation piece, a parody of our world, something patrons ponder and perhaps laugh at, something to improve morale.

Problems with Tips

As with any innovation, there are potential pitfalls. Some people have claimed that a tip to a public employee constitutes a type of bribery.⁴ If that's the case, so does a letter of praise. Anything offered to gain better service (be it money or other incentive) is a bribe. In truth, however, the tip should be viewed as a reward for a service performed, not as an

4. See *id.* at B14.

inducement to perform. Besides, do you really think the government is going to prosecute?

There may also be disputes as to whom the tip should belong. A policy should be settled upon before implementing a tip jar plan. It should be written down and filed next to the library's mission statement and collection development plan.

Finally, the recent case of *State v. Staley*⁵ brings to light one additional caveat for tip-takers: be aware of what is in your tip jar. In *Staley*, a musician was arrested and convicted for possession of a controlled substance when a \$20 bill he received in his tip jar was wrapped around a vial of cocaine.⁶

Other problems may arise. However, the benefits of adding a tip jar will far outweigh the problems.

Conclusion

If librarians have an image problem, we may be partially responsible for it. If librarians are underpaid, maybe we need to take our own initiative in addressing the issue. Short of dressing in black leather, a tip jar may be the most effective way to dispel the stodgy image of librarians. A tip jar says we see the world and its scams and we're hip to what's happening. We're laughing with you. A tip jar can be remunerative to boot.

Librarians constantly associate through books with the greatest minds. We often interact with the brightest people the world offers. But we must also realize that we can learn from the bartenders, bellhops, and exotic dancers of the world. Take a tip: loosen up your buns, let your hair down, and reach out. Have some fun. And don't worry, your professionalism will show through.⁷

5. 848 P.2d 1274 (Wash. Ct. App. 1993).

6. *Id.* at 1275. The conviction was reversed on appeal. *Id.* at 1276.

7. **Costs of Installing a Tip Jar**

Hardware:	
Jar (with pickles)	\$1.50
Jar (without pickles)	\$1.00
Software:	None
Installation costs:	
Eating pickles, washing jar, setting jar on desk	Minimal
Total costs:	\$1.00-\$1.50