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Brian Flaherty
Suffolk University Law Library, bflahert@suffolk.edu

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Biz of Acq — Assessing Legal Collections:
Trying to Eke Out a Method From the Madness

by Brian Flaherty (Reference Librarian, Suffolk University Law Library 120 Tremont Street, Boston, MA 02108) < bflahert@suffolk.edu >

Column Editor: Rob Richards (Technical Services Librarian, University of Colorado Law Library; Phone: 303-492-2706; Fax: 303-492-2707) < rrichard@stripe.colorado.edu > www.Colorado.EDU/Law/lawlib/rr.htm

Column Editor’s Note: Librarians increasingly view collection assessment as a vital aspect of collection management. Yet a thorough review of a collection can seem daunting, especially when electronic resources must be considered. In this issue’s column, Brian Flaherty, Reference Librarian at Suffolk University Law Library in Boston, offers a detailed case study of collection assessment in a specialized academic library. He highlights the use of technology to simplify the review process. Those engaged in collection evaluation may be particularly interested in his technique for using citation management software to create comparative bibliographies. — RR

“In the olden days” (as my daughter always begins, when she asks about when I was a child), “collection evaluation” for all types of libraries was a whole lot easier than it is today. Collections were tangible, owned, and organized on library shelves. Collection size was a perfectly legitimate primary criterion for assessing the value of a library collection; the better libraries almost invariably had the bigger collections. Now, however, collections are more ephemeral, and some of the larger parts of collections are not owned at all — they are leased from database providers, often via consortial arrangements. To a great extent, access has replaced ownership as the most valid benchmark for “collection” evaluation.

“In the olden days,” law library collection evaluation was also significantly easier. As recently as 1994, the American Bar Association Standards for Approval of Law Schools included a library “Core Collection” list, and the standards required ownership of the items on that list. The larger and more financially secure law schools (and libraries) could simply collect more of the “Specialized, publications,” and so distinguish themselves from some of the smaller libraries. “Collection Development and Evaluation” consisted of making sure that the library owned those items specified in the “Core Collection,” identifying and purchasing the most relevant and the best of the “Specialized [publications],” and then obtaining any “additional publications and information services reasonably necessary for the proper conduct of the school’s educational and research programs.”

In 1995, the American Bar Association changed the library portion of the Standards for Approval of Law Schools. The new Standard 606(b), which concerns the library collection, now reads: “A law library shall provide within the law school’s facilities, through ownership or reliable access, a core collection of essential materials.” While the “Core Collection” of the old Annex II remains substantially the same (enumerated in Interpretations 1 and 2 of Standard 606(b)), the addition of the phrase “or reliable access” changes considerably the rules of collection development and evaluation. A library can no longer look within its own walls to get an accurate picture of the collection; “[c]ollection evaluation criteria must measure those resources available to library patrons through remote databases, networks, formal cooperative or licensing agreements, document delivery services, and Internet resources, as well as those materials in various formats contained in the library building.” Does this mean we in academia can claim that access to Westlaw and Lexis fulfills the requirement to maintain a “core collection” of, say, state reporters and annotated codes? Can we all get rid of our United States Reports and U.S. Codes because we have “reliable access” through GPO Access? And the Federal Register? The CFR? The Congressional Record? Law reviews? Imagine the cost savings... the space...

Back here on earth, and more specifically, at the Suffolk University Law Library, we’ve decided over the past year to evaluate our library collection while taking into consideration the new standards, the ever-expanding “electronic environment,” and our evolving curriculum. The goal of the evaluation has been to gain an accurate picture of our information resources — print, electronic, consortial, and remote — to better support the curriculum here, to fill in any existing gaps in our collection, and to make smarter collection development decisions. The evaluation project is still in process (in fact, it is still quite young), and so I beg the indulgence wanted by anyone writing about a work in progress.

Suffolk University Law School provides a traditional legal education. The school also offers a variety of clinical law programs, and several academic concentrations within various fields of law: civil litigation, financial services, high technology law, and health and biomedical law. The school has also begun incorporating international perspectives into many of its courses, and offers a range of courses in international law proper.

Suffolk University Law Library occupies the 5th, 6th, and 7th floors of a building constructed in 1999. The library covers 96,000 square feet, and has 2 computer labs, one computer training room, 440 study carrels, and 22 study rooms, all wired for Internet access. The library is a member of the New England Law Library Consortium, through which the library subscribes to a wide variety of Internet-based products.

Gail M. Daly, in her article on law library evaluation, writes: “Rather than demanding an arbitrary list of hard-copy titles or setting goals for volume/title count, as was the practice in the past, collection evaluation must take into consideration the mission of the particular law school.” Because the mission of our school includes these academic concentrations, our library needs to collect with greater intensity in these areas. We began our collection assessment by dividing up these subject areas, with each librarian responsible for evaluating the library’s collection in one area. The assessment would include book and non-book sources, owned, leased, or available through Westlaw or Lexis.

The first step was to assess our existing collection using bibliographies and lists of “recommended publications.” Despite its age, we began with The Dean’s List of Recommended Reading for Prelaw and Law Students (published 1984). We began with the one slim volume that makes up The...
Dean's List to avoid having to pore over volumes of AALS's Law Books Recommended for Libraries (LBRL); we assumed that the highlights of those several volumes would be picked up by the list. Next, we went through Recommended Publications for Legal Research, which acts as a supplement to LBRL. Recommended Publications has one volume for each year after 1970, and ranks each title:

A. Basic Collection  
B. Intermediate Collection  
C. In-depth Research Collection

Recommended Publications is also conveniently divided by subject. We checked all of the volumes for our selected subject from 1991-2000. Next we checked Ken Svenegas's excellent Legal Information Buyer's Guide and Reference Manual, which has subject-specific sections devoted to major legal treatises (though there is not a section for international law). Finally, we looked at Legal Looseleafs in Print, which gives a comprehensive and well-indexed list of existing looseleaf publications.

Checking the above-listed bibliographies against our holdings gave us a basic overview of the depth of our collection in a particular area. The overview, however, was almost exclusively text-based (though Legal Looseleafs in Print does note where a database is available on CD-ROM or over the Internet).

For a more in-depth analysis of our collection by subject, we looked to subject-specific bibliographies, often found in law reviews, and Web-based research guides, often produced by librarians. Bibliographies can be found easily, by searching the Index to Legal Periodicals, the Current Law Index (a.k.a. LegalTrac), or OCLC WorldCat. Research guides and pathfinders are easily found at the Law Librarian's Resource Exchange (LLRX.com), by following links from various library hompages, or, in the case of international law, going to Lyonette Louis-Jacques's comprehensive list of research guides. Many of the Web-based research guides included bibliographies against which we could check our holdings. As well, many of the bibliographies pointed to some of the better electronic resources (both free and fee-based). For example, the Georgetown University Law Center has posted an outstanding guide to researching international trade law that includes selective bibliographies, and links to electronic resources and to other research guides.

As with the general bibliographies, we checked our holdings against these subject-specific bibliographies. We investigated and evaluated the linked electronic resources with an eye towards linking freely-available, reliable information to our catalog or Web page.

Those fee-based services linked to research guides we could evaluate further, via trial subscriptions, reviews, or by talking to colleagues familiar with the resources.

By checking and re-checking our collection against bibliographies, guides, and other lists of resources, we engaged in meaningful retrospective collection development. For example, looking at the Georgetown guide mentioned above led us to check Germain's Transnational Law Research and the Guide to International Legal Research. Checking our collection against these two standards left us confident that we had a strong collection of international law resources. Still, we didn't feel as though we had done a thorough "Evaluation" (with a capital E). After a bit of brainstorming and hand-wringing, we determined that what we really wanted to know was how we stacked up against some of the bigger research institutions specializing in the fields we were evaluating.

The first step was to find the law schools with the more reputable programs in the areas we were assessing. This was easily solved by using U.S. News and World Report's annual survey of "America's Best Graduate Schools," in which the faculty who teach in specialized fields rank schools by specialty.

Comparing our Internet resources with those of another library has also proven fairly easy. From a law library's or law school's home page, there is very often a link to an index of electronic resources, with notations indicating which databases are available to library patrons only. We've looked at what other folks have that we don't, and have gone down the road of electronic evaluation (looked into trials, found reviews, etc.). Directly comparing our holdings in all formats with those of another library has proven a bit more cumbersome, but our recent technological experiments have made such comparison vastly easier.

EndNote bibliographic software allows one to connect to other databases, including some library catalogs and FirstSearch, using a Z39.50 connection, and import records from those databases into a formatted bibliography. Our first foray into creating comparative bibliographies (i.e. bibliographies that serve to compare one library with another) with EndNote did not succeed, however. We used EndNote to import records from the library catalog at Joe Schlabotnik University, through a Z39.50 server, into a bibliography of records from Suffolk University (which were identified by entering the word "Suffolk" in the "Label" field on EndNote). From this bibliography...
And now...

Open EndNote, and create a new library called, say, “International Trade.” Again in EndNote, highlight “Connect” and connect to WorldCat. Do a search for “international trade” (either in the subject or the keywords), and “Library Holdings” (the field you just entered) equals “SLL” (or your three letter OCLC symbol). Click on “Copy all references to,” and copy the references to your library. Go into that library, click on “Change field,” and replace anything in the “Label” field with “Suffolk” (or the name of your library). Now go back to WorldCat and do another search for “international trade,” but now with “JSU” (or whichever library you’re comparing yourself with) in the “Library Holdings” field. Import the results of this search into your international trade bibliography. Now back in EndNote, under “References,” click on “Find Duplicates.” Select all of these and delete them. Again under References, click on “Search” and search the word “Suffolk” in the label field. Select all of these and delete them. What remains is a bibliography of international trade titles held by Joe Schlabotnik University, but not by Suffolk.

Certainly we can use this information to see how we are “stacking up” against other libraries who support the same kinds of curricula that we support. We can see how we compare with larger research libraries in those same areas. We can also use these bibliographies as selection tools, when considering and/or purchasing items on the list. Further, we can use the bibliographies to assess our selection procedures. For example, if we claim to collect intensively in international trade, and yet J.S. University owns dozens of recent international trade titles that we do not, we can analyze the titles we lack to identify the gap in our collecting methods. If many of the missing titles come from a specific publisher, or deal with one particular aspect of international trade, we could alter our approval plan profile to close the gap.

At Suffolk, we have begun to assess our collection in the subjects in which the school offers academic concentrations. Our collections (I use the plural because I now think of our collection as a “collection of collections,” each individually evaluated) are growing in positive ways as a direct result of these analyses. Despite forays into finding electronic resources—searching through Internet research guides, library catalogs and Web pages—our collection assessment process does seem to be somewhat bound in the print world. Most of the bibliographies

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Endnotes
1. In 1994, Standard 602(a) read: “The law school library shall contain the Core Collection Library Schedule, attached as Annex II.” The list named some specific materials (e.g. The National Reporter System and a collection of annotated state codes), but also included some ambiguity (e.g. “Specialized [publications] appropriate to the program of the school.”) American Bar Association Standards for Approval of Law Schools and Interpretations, Chicago: American Bar Association, Office of the Consultant on Legal Education, 1994, p. S602, Annex II p.1-2.
4. Daly, supra note 3, p.72.
15. The EndNote folks don’t pay me to tell you this. I’m quite sure the procedures that follow are equally possible with other types of bibliographic software, such as ProCite.
17. Apologies to Tusca Community Library.
19. Daly, supra note 3, p. 71-72.
person. But life today is probably more ethical in many respects than in previous ages. We have created more and higher ethical standards than in the past, and what may seem to be a decline in today's ethics is more likely a rise in acceptable standards. After all, in a broad and democratic sense, ethics is whatever society decides is the right way.

In this discussion I'll reflect on the hues of the hats we wear in various situations: from white, to shades of gray, to . . . black.

Ethics is a weighty issue, and I don't mean to be facetious, but let's begin with a small quote attributed to Oscar Wilde: "I can resist everything, except temptation."

Let's first consider what ethics is. The American Heritage Dictionary of the English Language, fourth edition (2000), offers two definitions of ethics that seem pertinent to our discussion: "[a] set of principles of right conduct," and "[t]he rules or standards governing the conduct of a person or the members of a profession."

Referring back to the color spectrum, let us suggest some shades of definition:

The White Hat: Here the wearer strives to maintain a code of professional ethics that recognizes human interdependency and relationships. Business activities are carried out with honesty and integrity. Nevertheless, slight ethical smudges probably cannot be avoided, nor should they be harshly faulted.

The Gray Hat: Here the wearer adopts questionable ethical standards, such as:
- situational ethics, in which the end justifies the means;
- power ethics, which justify exploiting the weakness of others (e.g., a company's disclosing a competitor's financial problems);
- the ethics of duplicity, which permit pushing traditional behavioral limits for maximum gain (e.g., a vendor's proffering larger discounts without advising the library client, in detail, of reduced levels of service).

The Black Hat: Here the wearer's behavior is clearly unacceptable, illicit, or illegal. Examples include:
- a) falsifying information;
- b) quoting one set of terms but acting with others;
- c) exchanging expensive gifts;
- d) taking or receiving kickbacks;
- e) ordering books from one source but returning them to another;
- f) informing a favored source of confidential bidding information.

I would suggest that there are few, if any, black hats upon our collective heads. Yet declining business ethical standards in society at large may lure librarians and vendors towards questionable behavior. Consider this: In a 1989 survey conducted by The Pinnacle Group, Inc., an international public relations corporation, 1,039 high-school seniors were asked how far they would stretch ethical standards in order to get ahead in the business world. No idealistic youths, these. When asked if they would be willing to face six months' probation on an illegal deal in which they made $10 million, 59% said either "definitely yes" or "maybe." Further:
- 36% would plagiarize in order to pass a certification test;
- 67% said they would inflate their business-expense reports;
- 50% said they would exaggerate on an insurance damage report;
- 66% would lie to achieve a business objective;
- 40% would accept a gift from a supplier worth more than $100;
- 23% would accept $500 in cash from a supplier; and
- 32% would accept a free vacation.

Amiati Etzioni, a professor at George Washington University, confirms this evidence of low ethical standards among business students. While teaching ethics to MBA students at Harvard Business School, Etzioni found that business leaders-to-be firmly believed in "consumer sovereignty" — let the market provide whatever (licit) products or services customers are willing to open their wallets for. Etzioni refers to John Kenneth Galbraith’s argument that corporations actually produce or attempt to create demand for their products. We should ask ourselves if this is true in the library market. Etzioni laments his failure to convince MBA students that there is more to life than money, power, fame, and self-interest.

These reflections on business ethics in society at large provide a framework through which we librarians and vendors might look to our home fronts. Let us now consider the library acquisitions arena.

Several codes of ethics govern acquisitions librarians’ business behavior. These include ALA’s Code of Ethics, ALA ALCTS’s Guidelines, and AALL’s Ethical Principles. These guidelines might be summarized by Article VI of the Ethical Code, which reads: "We do not advance private interests at the expense of library users, colleagues, or our employing institutions."

Here are suggestions for how librarians might apply this principle in three areas of relations with vendors:
1) Entertainment (lunches, dinners, refreshments, etc.): Don’t allow entertainment subtly to affect your judgment. Rather, use objective continued on page 71