February 2002

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

Brian Flaherty

Suffolk University Law Library, bflahert@suffolk.edu

Follow this and additional works at: <https://docs.lib.purdue.edu/atg>

Part of the [Library and Information Science Commons](#)

Recommended Citation

Flaherty, Brian (2002) "Biz of Acq -- Assessing Legal Collections: Trying to Eke Out a Method From the Madness," *Against the Grain*: Vol. 14: Iss. 1, Article 26.

DOI: <https://doi.org/10.7771/2380-176X.3150>

This document has been made available through Purdue e-Pubs, a service of the Purdue University Libraries. Please contact epubs@purdue.edu for additional information.

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 reason-

ably 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

continued on page 67

Dean's List to avoid having to pore over volumes of AALS's *Law Books Recommended for Libraries* (LBRFL); 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 LBRFL. *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 Svengalis'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 homepages, 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.

ERASMUS

Your Supplier for European Books

Please send your orders and inquiries to:

Erasmus BV
P.O. Box 19140
1000 GC Amsterdam
The Netherlands
Tel.: +31-20-627 69 52
Fax: +31-20-620 67 99
E-mail: erasmus@erasmusbooks.nl
Internet: <http://www.erasmusbooks.nl>

For books from France:
Librairie Erasmus
28, rue Basfroi
75011 Paris, France
Tel.: +33-1-43 48 03 20
Fax: +33-1-43 48 14 24
E-mail: erasmus@erasmus.fr

Erasmus

- Professional
- Traditional
- Academic

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 Schlabbotnik 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 bibliogra-

continued on page 68

phy we then deleted all duplicate records, and deleted all records from the **Suffolk** catalog. In theory, this would leave us with a bibliography of books held by **Joe Schlabotnik University Library**, not held by **Suffolk**. Alas, given the vicissitudes of cataloging and the tempermentality of some export programs, this method never quite worked.

Yet our next attempt at comparative bibliographies yielded excellent results. As I mentioned above, **EndNote** will connect to any FirstSearch database and import records through **OCLC's** Z39.50 server. Book records on **WorldCat** include the three-letter symbol for the holding library. The key was to find a way to search **WorldCat** by subject, and by **OCLC** symbol. That way, we could search for records that contain, say, "international trade" in the subject and "SLL" in the "Library Holdings" field, to retrieve international books held by **Suffolk**. We could label those books "Suffolk." We could then search for records that contain "international trade" and "JSU" in the "Library Holdings" field and import them into the same bibliography. We could delete the duplicates, delete the titles held by **Suffolk**, and have a tidy, accurate list of international trade titles held by **Joe Schlabotnik**, but not by **Suffolk**. With a bit of playing around on **EndNote**, and a short stint with **OCLC** customer service, we figured out how to do this:

Open **EndNote**. Under the "File" menu, highlight "Connection files." Click on "Open connection manager." Scroll down in the Connection Manager window until you get to **WorldCat** - highlight it and click Edit. In the box that appears, highlight Search Attributes - this is the area that you want to edit. Following the last search attribute, you will need to insert a line allowing you to search the library using this connection file. To do this, you need to know the "use attribute" and the "structure attribute" of the library holdings field in **WorldCat**. That number is on the WorldCat documentation page, at <http://www.oclc.org/firstsearch/documentation/z3950/worldcat.htm> - the use attribute is 56 and the structure attribute is 2. To add this line to the WorldCat Connection File search attributes, click on the last box on the Search Attributes template and hit Enter. You should be able to type a new entry under "Search field name" - call this "Library Holdings." Tab to "Use" and enter 56. Tab to "Str" and enter 2. Now close the connection file (saving changes).

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 records 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

continued on page 70

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.
2. Standard 602(b), Ibid. p. S602.
3. American Bar Association Standards for Approval of Law Schools and Interpretations, Chicago: American Bar Association, Office of the Consultant on Legal Education, 1995, Standards p. 49-51; Daly, Gail M. "Law Library Evaluation Standards: How Will We Evaluate the Virtual Library?" *Journal of Legal Education*, v. 45 no. 1 (March 1995) p. 61-78, 72-73.
4. Daly, supra note 3, p.72.
5. The Dean's List of Recommended Reading for Prelaw and Law Students, Julius J. Marke & Edward J. Bander, eds., New York: Oceana Publications, 1984.
6. Association of American Law Schools, Law Books Recommended for Libraries, South Hackensack, N.J., F.B. Rothman, 1967, supplement 1974.
7. Recommended Publications for Legal Research, Comp. Oscar J. Miller & Mortimer D. Schwartz, Littleton, CO: Fred B. Rothman Publications, 1985-.
8. Svengalis, Kendall F., *Legal Information Buyer's Guide and Reference Manual*, Providence, R.I.: Rhode Island LawPress, c1996.
9. Legal Looseleaves in Print, Comp. Arlene L. Eis, Teaneck, NJ: InfoSources Publishing, 1981-.
10. Louis-Jacques, Lyonette, *Legal Research on International Issues Using the Internet*, Chicago: University of Chicago Law School, D'Angelo Law Library, 2001, available at: <http://www.lib.uchicago.edu/~llou/forintl.html> (last modified July 30, 2001).
11. International and Foreign Legal Research: Researching International Trade Law, Washington, D.C.: Georgetown University Law Center, E.B. Williams Library, 2001, available at: <http://www.ll.georgetown.edu/intl/Intrade.htm> (last modified June 11, 2001).
12. The topic of how to evaluate electronic resources is just too broad to cover here. Readers interested in evaluating international databases might look to Mirela Roznovschi, "Update to Evaluating Foreign and International Legal Databases on the Internet," *LLRX.com*, Oct. 2000, available at: <http://www.llrx.com/features/evaluating2.htm>.
13. Germain, Claire M., *Germain's Transnational Law Research: A Guide for Attorneys*, Ardsley, NY: Transnational Publishers, 1991-; *Guide to International Legal Research*, 3d Ed., Comp. Editors and Staff of the George Washington University Journal of International Law and Economics, Charlottesville, VA: Lexis Publishing, 1998.
14. "Specialties: Programs Ranked Best by Faculty Who Teach in the Field" *U.S. News and World Report*, v. 130, no. 14, (April 9, 2001) p.79.
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.
16. Apologies to Charles Schultz.
17. Apologies to Itasca Community Library.
18. Emeritz, Robert E., *Internet Law & Regulation*, Silver Springs, MD: Pike & Fischer, 1999-.
19. Daly, supra note 3, p. 71-72.

Biz of Acq — What Color Is ... from page 69

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:

- a) situational ethics, in which the end justifies the means;
- b) power ethics, which justify exploiting the weakness of others (e.g., a company's disclosing a competitor's financial problems);
- c) 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 be-

havior. 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.

Amitai 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**, **ALAALCTS's Guidelines**, and **AALL's Ethical Principles**. These guidelines might be summarized by Article VI of the **ALA 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

Biz of Acq — Assessing ... from page 68

mentioned contain primarily references to print texts. The comparative bibliographies from WorldCat, as well, include mostly print titles.

Yet a focus on print does not necessarily render this kind of evaluation obsolete, so long as we, the evaluators, do not consider ourselves bound to a single format. For example, the book-bound evaluation of our high technology law collection may suggest that we need a comprehensive guide to Internet law, such as Emeritz's *Internet Law and Regulation*. Investigation of this title would show that it's available via the World Wide Web. A trial of this Internet service may reveal its value to a faculty member who often works off-campus. As **Gail Daly** observes, evolving collection development standards "need not represent a drastic new approach to library evaluation. [We] must merely recognize

and evaluate the different means by which libraries now deliver the same resources and services [we] have always offered."

A final note: as I've said, this collection assessment, and the methods for conducting it, are a work in progress. Clearly there is room for a more systematic way of finding and evaluating our "electronic holdings." However, given the current foment of electronic publishing, we have not come up with one. (Any suggestions are, of course, appreciated.) We would also like to modify our use of EndNote to search for titles that had been acquired by a certain number or group of libraries — something to replace what some of us affectionately remember as Peter Ward's Hot Sheets. Finally, and perhaps most importantly, our collection evaluation will never be complete without a dialogue with our primary patrons, our students and faculty, to find out how well our collection is meeting their needs. 🍌