

Chapter 11

AVAILABILITY, ACCESSIBILITY AND MAINTENANCE OF LEGAL COLLECTIONS

Librarians remain committed to providing the best collections possible for the communities they serve. Library users expect to be able to find the information they need to conduct their personal and business affairs. This expectation includes finding legal information when they need it. In addition, during the last decade, courts have seen an increasing number of self-represented litigants—lay people who are choosing to litigate a variety of legal issues without being represented by an attorney. This group often turns to their local public libraries as a first step in seeking legal information.

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When Legal Information in Print is Preferred

As mentioned in Chapter 1: [*Introduction*](#), legal materials may be divided into three types of sources: primary authority, secondary authority, and indexing/finding tools (e.g., citators and digests), all of which are now available in a variety of formats. As discussed previously, the good news is that much of the primary material (i.e., cases, statutes, and administrative materials) is now available on government Web sites, which is helpful for researchers seeking current legal information. There are also a number of reputable legal Web sites, such as [*Cornell's Legal Information Institute*](#), [*FindLaw*](#), and [*WashLaw*](#).

With the wealth of legal resources that are available online today, the challenge for the

librarian is being able to effectively and efficiently access the information library users need. Even with all the “free” legal information available through the Internet, there is still a significant percentage of the population that is not computer-literate. Additionally for those with limited education or for whom reading English is difficult trying to use and understand legal materials in any format can be very challenging. The reality is that few researchers are able to answer their legal questions by just accessing the primary sources. Most need the in-depth explanations of the law contained in secondary resources, such as legal treatises, periodicals, practice guides and formbooks.

Five Factors to Consider When Building and Maintaining a Legal Reference Collection in a Public Library

The general principles of building and maintaining a library collection are also applicable to legal publications. However, there are a number of factors public librarians may need to take into account when making acquisitions decisions about a legal reference collection for their community. The following is intended to serve as a general guideline for public librarians developing and maintaining legal reference collections.

One: Locate Area Law Libraries

- Know your proximity to a county law library, law school, academic or other public library that may provide legal materials and reference services to the public.¹
- Learn the hours and types of services and resources of the law libraries open to the public in your area and distribute this information to your users. These law librarians are committed to the goal of providing and improving public access to legal information. It is important to note that they are serving the same people being served by public libraries in their communities.

¹ The California Council of County Law Libraries' [Public Law Library](#) Web site is a great place to start. There is a list of county law libraries under [Find Your . . .](#) that includes links to those county law libraries that have Web sites. These sites offer an increasing amount of online legal information to the public, including links to fillable forms, courts and other local government agencies, as well as to local legal referral services and clinics. Some county law libraries also offer classes for the public that provide an introduction to legal research and law library resources.

Two: Network with a Law Librarian

- There are three major regional law librarian groups in California:
[Southern California Associations of Law Libraries \(SCALL\)](#)
[San Diego Area Law Libraries \(SANDALL\)](#)
[Northern California Association of Law Libraries \(NOCALL\)](#)
- Public librarians should contact their local [American Association of Law Libraries \(AALL\)](#) chapter, as the members are often willing to provide assistance by evaluating public library legal reference collections. The chapters also occasionally offer legal information programs and workshops for both professionals and the public we all serve. (For public librarians in states other than California, go to the [Chapters](#) page on the [AALL](#) Web site.)

Three: Identify the Information Needs of Your Users

- This may seem obvious, but it is important to keep a record of the number of legal reference questions and use of the legal reference collection.
- Can you identify separate user groups of the collection, such as small business owners, government employees, students, or self-represented litigants? Is there a high proportion of a particular user group whose population might have many do-it-yourself individuals?
- Many public libraries provide some [Nolo Press](#) self-help law books for their users; however, these sources may not provide the depth of legal information some researchers need. For example, in a community where there are many small business owners, the public library may need to build its legal reference collection as part of its mission to serve this section of the community. These library users may need information on a variety of legal issues, such as federal and state employment law, consumer issues, insurance and related liability information, and debt collection law.

Four: Consider Costs of Legal Materials, Including Updating

- Once the decision is made to build and maintain a legal reference collection, there are several factors that must be considered in budgeting for legal materials. It is imperative to keep law materials up-to-date, and the upkeep expense can be considerable, as legal materials in all formats continue to increase in price. Never assume that an order for a legal title includes its supplementation. Publishers

will not automatically send supplementation unless a standing order is established. This can be done when placing the order by including on the order form a phrase such as *“including standing order for supplementation until forbidden”* or similar wording.

- Almost all law publishers offer the option of automatic standing order plans for individual titles. On a title by title basis, verify with the publisher that a standing order exists for items you already have in the collection. A few legal publishers will notify customers of new supplementary materials and request instructions without automatically sending the materials. If a library’s budget process does not permit standing orders, an “update expected” note should be placed in the check-in record for each legal title as a reminder to the acquisitions staff to check for and order updates.

Five: Consider Level of Staff Commitment Necessary to Keep Legal Materials Current

- Updating print law materials is labor intensive and will require staff time to be done correctly.
- It is imperative that the library staff receives adequate training, or updates may be incorrectly filed or discarded. Part of this training includes understanding the necessity of keeping all shipping material such as filing instructions together with the book through its processing until it is finally shelved, so that superseded volumes are pulled according to the instructions.

Legal Information Vendors

In recent years, smaller legal publishers have been absorbed by the two main legal publishing conglomerates: Reed Elsevier PLC, owner of LexisNexis, and Thomson West. One problem that has resulted from this change is that responsibility for publishing a specific legal title may have been shifted from the original publisher to another publisher within the larger conglomerate. While many of the formerly independent legal publishers continue to exist as divisions and publish under their traditional names, determining the current publisher of a law book can often be challenging. Please see Chapter 12: [*Major Legal Publishers*](#) for a complete list.

The upside of this consolidation of smaller publishers is that legal information vendors have become more aware of the potential for enlarging their customer base beyond the

traditional law school, court, and law firm libraries. They have become increasingly willing to market their materials not only to public law libraries, but also to university libraries that do not support a law school, and even to public libraries. Some legal vendors have even begun to offer consortium pricing for some of their products. Several examples of this trend, of which county law libraries have been able to take advantage for their users, are discussed in the section on “Accessing Online Legal Information” below.

Maintaining a Traditional Print Legal Collection

A unique characteristic of law book publishing is the need for constant revision. New laws and amendments to existing laws are passed almost daily when Congress or the state legislature is in session. New court decisions interpreting the law are issued daily. It is very important that law books in the collection are current. It is better to send a user to another library, rather than to offer an out-of-date publication, because offering out-dated law could be detrimental to the user.

To keep their books up-to-date, legal publishers issue supplements in one or more formats:

- *Separate Hard-Bound Volumes*

These separate volumes may be added to sets such as case reporters that are published in chronological order, as an additional volume supplementing the information in the earlier volume, or a replacement volume that incorporates current information from the same earlier volume into a new revised volume. The instructions accompanying the new volume should explain whether or not the earlier volume is out-of-date and should be discarded.

- *Pocket Parts*

Pocket parts may be issued annually or on some other regular schedule. They are used to supplement both single volume texts and multi-volume sets. Occasionally, a volume in a set will have no revisions, so a pocket part will not be issued for that volume. This is most likely to occur if the main volume is new, if the volume is scheduled to be revised fairly soon, or if there is a separate supplementary pamphlet as described below. In these instances, the publishers will often provide a card to be slipped into the main volume, which will read: *This volume has no pocket part.* Care should be taken that the cards are filed with the proper volumes in order to inform researchers that they have the most recent

volume or to direct them to a separate supplement to update the information in the main volume.

- ***Paper-Bound Pamphlets***

These are usually issued annually or on a similarly regular schedule, and are designed to stand on the shelf next to the main hardbound volume. The pamphlet for the prior year is usually, although not always, discarded when the new pamphlet arrives. Be sure to read the directions carefully. Occasionally, when the pocket part grows too big to be placed in the back of the main volume, the next supplement will become a pamphlet. Again, in this instance, the publishers will often provide a card to be slipped into the main volume, which will read: *This volume contains no pocket part. Refer to the separate softbound supplement to this volume for the latest updating material.*

One traditional example of paperbound pamphlets is the advance sheets to the case reporters, which are produced as the appellate courts issue their written opinions. Prior to computer access and the availability of court opinions online, legal publishers created the advance sheet as a means of publishing new case law in a timely manner. Rather than waiting until there were enough opinions to fill a hardbound reporter volume, the publisher compiled these decisions as they were issued by the courts, and printed them out in the paperbound advance sheets. After several advance sheets were published, the publisher would then combine all the cases published in the separate pamphlets and produce the hardbound case reporter volume. After the library processed the reporter, the advance sheets containing the same cases would then be pulled from the shelf and discarded. The legislative pamphlets to *West's* and *Deering's Annotated Codes* are another example of this type of advance pamphlet.

- ***Loose-Leaf Pages***

Loose-leaf supplementation for legal materials is usually the most current and the most labor intensive of the print materials, since packets of supplementary pages may be issued as frequently as weekly. Packets are usually numbered and dated. Each packet should be checked in separately to insure that all supplements are received and filed in order. Proper training of staff who will be responsible for filing the loose-leaf pages is essential.

Printed instructions accompany the packet and must be followed carefully. If a packet is missing or was never received, contact the publisher for a replacement. Never file a packet if an earlier packet has not been filed.

Usually filing involves replacing obsolete pages with new pages; however, old pages are not always replaced with new pages. Some publishers send transfer binders to hold older, but still relevant materials. The instructions should alert you to shifts of pages from one volume to another.

After filing a packet, date and place the filing instructions in the volume with previous instructions. If a contents checklist is included with the packet, the volume may be checked against this. Place the most recent checklist in the front of the book. These information sheets may help resolve future questions about the volume's contents.

Other Considerations for Print Legal Collections

Once supplemental materials are received, updating must be completed in a timely fashion. Superseded materials must be promptly discarded. Supplements almost always include filing instructions. If supplements or loose-leaf pages are missing, claim them from the publisher's customer representative immediately. For questions concerning how to file pages, local law libraries can be very helpful. There are also several private loose-leaf filing companies that provide trained employees to do this work at an hourly rate.

It is recommended that public libraries do not attempt to keep outdated legal materials for historical purposes; that is within the province of major law libraries. A public library should focus its attention on keeping its legal materials current, if it determines that maintaining a legal reference collection is within its mission.

New editions of titles in the legal reference collection should be acquired promptly. If a decision is made not to purchase a new edition or not to update a specific legal title, remove the old edition from the shelves. Out of date legal material is worse than no material at all in law publications. If your library is slow at receiving superseding materials, it is important that you alert users about out-dated legal material by affixing a notice in a prominent place (such as the title page and the spine) to indicate that it is not current.

Weeding

For the reasons mentioned above, weeding is more vital in legal collections than in most other subjects. Last year's law may well be bad law. Legal information is sometimes

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out-of-date as quickly as it is printed. A schedule should be established for reviewing the legal collection on a regular basis, and for discarding or replacing outdated materials. If a particular legal title has not been supplemented in some form for several years, a local law librarian can suggest how soon the particular title should be discarded.

West's Annotated California Code & Deering's California Codes Annotated

Many public libraries subscribe to one or both of these California annotated code sets, and they present a special maintenance problem, as they are supplemented in a couple of different ways. These sets are updated with annual pocket parts, as well as with advance legislative service pamphlets, which allow the researcher to identify changes in the law. In other words, the advance legislative pamphlets update the annual pocket parts and supplements to the code print volumes. These advance legislative service pamphlets should be retained for only the current year's legislative session, until the annual pocket parts are received covering that legislative year, usually during the following January.

The pamphlets for the prior year can be discarded, along with the out-dated pocket parts, when the new pocket parts arrive. Both *West's* and *Deering's* list the coverage of the pocket part on the cover for example: *2008 Cumulative Pocket Part replacing 2007 Pocket Part supplementing the 1982 main volume. Pocket Part will be supplemented by Interim Annotation Service Pamphlets in 2008.* Compare the coverage note on the pocket part with the coverage of the advance legislative session pamphlets and discard all pamphlets that have been incorporated into the pocket part.

Accessing Online Legal Information

The two largest commercial legal information vendors, LexisNexis and Thomson West (Westlaw), now offer "public access" subscription packages to county law libraries in California. These contracts offer online access to a specific list of databases, most of which are state and federal primary materials, with additional access to some related secondary sources and citators. In 2006, [California Continuing Education of the Bar \(CEB\)](#), one of the foremost publishers of California legal practice materials began offering [OnLaw](#), its database of practice materials and forms, to county law libraries at consortium prices. These three legal vendors, along with a number of others, are increasingly willing to negotiate subscriptions with libraries that permit researchers to access the databases through their public access computers.

There is a key difference, however, between legal vendors and other vendors who

market their databases to the library community. The legal vendors continue to be reluctant to allow remote access for users of libraries who serve the public. Use of their databases tends to be restricted to in-library use only. These subscriptions are still costly and can consume a significant portion of an acquisitions budget. Public librarians will need to do a cost-benefit analysis before subscribing to any of these legal databases, in order to determine whether they have staff with sufficient training in legal terminology and legal research methodology to provide assistance to users of commercial electronic legal information. However, many county law libraries now offer access to these databases for in-house users. Become familiar with the resources available at your closest county law library.

Additional Information to Assist Public Libraries

The American Association of Law Libraries' [Committee on Relations with Information Vendors \(CRIV\)](#) provides a terrific resource that can assist public librarians with acquisitions information for legal materials. [CRIV's Tools](#) includes a checklist, sample letters, and vendor contact information. One may also [Request Assistance](#) with working with a vendor by contacting the CRIV chair directly.

[IndexMaster](#) is another online resource to which some law libraries subscribe and which can be used as an acquisitions tool. [IndexMaster](#) has contracted with many legal publishers to provide online access to the table of contents and indexes of many of their secondary publications and created a searchable database of this information. It has the added benefit of being relatively inexpensive compared to other acquisitions tools.



Internet Sources Cited in this Chapter

Legal Web sites:

<http://www.law.cornell.edu/>

<http://www.findlaw.com/>

<http://www.washlaw.edu/>

California Council of County Law Libraries: <http://www.publiclawlibrary.org>

<http://www.publiclawlibrary.org/find.html>

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American Association of Law Libraries (AALL): <http://aallnet.org/>
List of Chapter Websites: <http://aallnet.org/main-menu/Member-Communities/chapters/chapter-websites>

Regional Law Library Associations:

<http://www.aallnet.org/chapter/scall/>
<http://www.aallnet.org/chapter/sandall/>
<http://www.nocall.org>
<http://www.aallnet.org/chapter/>

Additional Information:

FAQs: OnLaw: <http://www.ceb.com/support/FAQOnLAW.asp>
AALL's Committee on Relations with Information Vendors (CRIV):
<http://www.aallnet.org/main-menu/Leadership-Governance/committee/activecmtes/criv-dup.html>
IndexMaster: <http://www.indexmaster.com/index.php>