

Chapter 11

AVAILABILITY, ACCESSIBILITY, AND MAINTENANCE OF LEGAL COLLECTIONS

Librarians are 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. Courts are experiencing an increasing number of self-represented litigants—lay people who are litigating a variety of legal issues without formal legal representation by an attorney. This group often turns to their local public libraries as a first step in seeking legal information. Thus, it is more important than ever that public libraries are prepared to assist the legal researchers amongst their clientele.

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General Issues of Accessibility

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 available in a variety of formats. A significant amount of current and historical primary legal materials (i.e., cases, statutes, and administrative materials) are available online on government, academic, and free reputable legal Web sites, such as the U.S. Government Publishing Office's [govinfo](#), Cornell Law School's [Legal Information Institute](#), and Thomson Reuters's [FindLaw](#).

But challenges remain for librarians to efficiently provide access to the legal information that library users need. Despite some legal information being available freely online, a portion of the population is not computer-literate. In addition, understanding and using legal materials in any format can be challenging, especially

if there are language barriers. Lastly, few researchers of any background are able to answer their legal questions by accessing only primary sources. Most need the in-depth explanations of the law contained in secondary resources, such as legal treatises, practice guides, and formbooks. Those secondary sources generally are not available online free. Thus, issues related to technology, reading comprehension, and general availability should be considered, along with the factors below, when strategizing how to make legal materials accessible to patrons.

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

The general principles of building and maintaining a general library collection also apply to legal collections. However, public librarians should consider additional factors when making acquisitions decisions for a legal reference collection. The following suggestions may serve as general guidance for public librarians who are developing and maintaining legal reference collections.

One: Locate Area Law Libraries

- Know the proximity to a county law library, law school, academic, or public library that provides 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. The law librarians at those institutions are committed to providing and improving public access to legal information. They are accustomed to assisting pro se users.

Two: Network with a Law Librarian

- There are three major regional law librarian groups in California that public librarians can contact for advice:
[Southern California Association of Law Libraries](#) (SCALL)

¹ This [California Council of County Law Libraries](#) webpage leads to a list of California county law library Web sites. Those Web sites link to research guides, forms, courts, government agencies, and 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.

[San Diego Area Law Libraries](#) (SANDALL)

[Northern California Association of Law Libraries](#) (NOCALL)

- Public librarians should contact their local [American Association of Law Libraries chapter](#) because AALL members may be able to provide assistance by evaluating public library legal reference collections. A chapter may also offer legal information programs and workshops for professionals and the public.

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 with 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, debt collection law, etc.

Four: Consider Costs of Legal Materials, Including Updating

- If a library decides to build and maintain a print legal reference collection, library staff must consider the budgetary impact. Legal materials are infamous for being expensive and for continuous price increases. In addition, it is imperative to keep law materials up-to-date. This upkeep only adds to the expense.²

² If the cost of updating a secondary source is an issue, a librarian might consider whether a new edition or supplement contains a sufficient amount of new material pertinent to a particular jurisdiction to warrant continuous updating. However, please note: *this advice applies only to secondary sources like treatises*; primary sources like legislative codes *must* be continuously updated or a library will risk users relying on superseded law. In addition, if a library chooses not to update a source but continues to

- In addition, never assume that an order for a legal title includes its supplementation. Publishers may not automatically send supplementation unless a standing order is established. To set up a standing order, consider 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, place an “update expected” note 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 legal materials correctly is labor intensive.
- It is imperative that library staff members receive adequate training, or updates may be incorrectly filed or mistakenly discarded. This training includes understanding the necessity of keeping all shipping material such as filing instructions with the title until it is completely updated. Having the updating instructions available to consult throughout the update process ensures that materials are added and removed properly.

Legal Information Vendors

In recent years, smaller legal publishers have been absorbed by the two main legal publishing conglomerates: RELX Group, owner of LexisNexis, and Thomson Reuters, owner of West. One result from this change is that responsibility for publishing a specific legal title may have 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. See Chapter 12: Major Legal Publishers for a complete list.

make the source accessible to patrons, the volume should indicate that it is not up-to-date.

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The upside of this consolidation of smaller publishers is that legal information vendors are more aware of the potential for enlarging their customer base beyond the traditional law school, court, and law firm libraries. They are increasingly willing to market their materials to public law libraries, university libraries that do not support a law school, and even public libraries. Some legal vendors offer consortium pricing for some of their products to county law libraries as discussed in the next section.

Providing Access to Online Legal Information from Vendors

The two largest commercial legal information vendors, [Lexis Advance](#) (part of RELX Group) and [Westlaw](#) (part of Thomson Reuters), offer “public access” subscription packages to county law libraries in California. These contracts allow online access through the libraries’ public computers to a specific list of databases, including state and federal primary materials, 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.

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 to determine whether they have staff with sufficient training in legal terminology and legal research methodology to assist 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 regarding legal materials. [CRIV 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.



Internet Sources Cited in This Chapter

Legal research-related Web sites:

- CEB OnLAW (FAQs): <https://ceb.com/faqs-onlaw>
- Cornell Law School's Legal Information Institute: <https://www.law.cornell.edu/>
- FindLaw: <http://www.findlaw.com/>
- govinfo: <https://www.govinfo.gov/>
- Lexis Advance: <http://lexisadvance.com/>
- Nolo Press: <https://www.nolo.com>
- Westlaw: <http://westlaw.com>

California Council of County Law Libraries:

- <http://www.publiclawlibrary.org/law-libraries>

Law Library Organizations:

- American Association of Law Libraries (AALL) Chapters: <https://tinyurl.com/yc3ue9ta>
- Northern Association of Law Libraries (NOCALL): <https://nocall.org/>
- San Diego Area Law Libraries (SANDALL): <http://www.sandallnet.org/>
- Southern California Association of Law Libraries (SCALL): <http://scallnet.org/>

Additional Information:

- AALL Committee on Relations with Information Vendors (CRIV):
 - Vendor Relations: <https://tinyurl.com/yabye8o7>
 - CRIV Tools: <https://tinyurl.com/yb9chvo3>
 - Request Assistance: <https://tinyurl.com/y92trx44>