

CD-ROM, Internet, and Electronic Formats¹

The Underwood Law Library considers the acquisition of alternative formats for publications. Alternative formats include CD-ROM, digital databases, disk-based products, electronic journals, multimedia products, online databases, and developing technologies. This portion of the collection development policy covers background information; the general guidelines followed, the criteria to be used in making purchase decisions, and related policies.

BACKGROUND

The library has long been the coordinator for faculty, library, and student access to LEXIS and WESTLAW. The information available through these growing online databases is considered in making both print and non-print selection and de-selection decisions. In the long-term, the library should be prepared to consider alternate solutions if one or both of these services cease to be available to law schools and/or the removal of selected materials from either database.

In order to have products available on more than one computer, the preference is to acquire Internet-based access rather than loading and maintaining individual product software on multiple computers. Acquisition of CD-based products has been limited by the constraints imposed by available technology. The lack of a viable CD jukebox server on the network within the law school meant that CD products were only loaded on individual machines. (If CD's are acquired, the CD is made available through the Circulation Desk for checkout.) Handling products on CD is extraordinarily inefficient and time consuming for the limited available computer support staff and has proven to be a problematic format, therefore Internet-based access is preferable.

In light of the above circumstances, the library does not purchase CD products to major indexes useful for accessing information in other parts of the collection if they are available through the Internet or some other electronic database.

The library has accepted a limited number of "free" products, but these have low priority in terms of maintenance and for the most part are otherwise available through LEXIS or WESTLAW. As of May 2002, the Library accesses *LegalTrac*, *Index to Foreign Periodicals*, the *Readex Index to United Nations Documents*, and *LexisNexis' Congressional* on the Internet.² As of Fall 2000 semester, there is access to *PsychINFO*, *Early American Imprints* and a host of other indexes and databases through the campus network.

The library does not generally purchase disk-based products for essentially the same reasons. The library accepts print products with disk supplements, but the library

¹ See also Introductory section of manual on "electronic information resources."

² See attached appendix for a more comprehensive list of digital and email services licensed by the law library.

does not intend to replace or duplicate disks if the originals are lost or damaged by use. Disks, whenever possible, are inserted in the back of the associated print publication and shelved as any other print title.³

The library policies toward acquiring CD or disk-based products will be modified if a suitable technological solution becomes available. Resources may be acquired that can be used on a centralized network and that otherwise meet the criteria below.

POLICIES

The library currently strongly prefers Internet-based access to CD-ROM access in order to provide broad access from library and faculty office computers. [3/12/98] The library prefers IP access to usernames and passwords for web-based products. [12/4/00] The library will purchase CD-ROM or other electronic sources when:

- The publication is uniquely suited to the collection of the Library and is only available in that format.
- The publication is a particularly effective or efficient format for research using other parts of the collection, or for the development of the curriculum, or for developing law student research skills, e.g. periodical or document indexes or specialized subject databases.
- The electronic source comes as part of another format, such as forms on disk with a bound volume or set. [6/18/98]
- The publication is donated to the library, and otherwise meets the guidelines for donations. The library will take into account whether or not there are other cost considerations?⁴ [12/4/2000]
- The CD-ROM or electronic access is compatible with existing library computer equipment.
- The material has satisfactory documentation and/or customer service support from the publisher. [3/15/96]

LICENSING/SELECTION ISSUES FOR ELECTRONIC FORMATS [added June 2002]

- Quality & Contents: Who is the author or producer of the content? Reputation? How are the contents checked for accuracy by the vendor? If full text, how does the vendor interpret the meaning of that term? What is included or excluded from “full text?” If a database, what guarantees are there that the same material will be provided from year-to-year by the database?
- Value added: Does the service provide wider access to the materials than existing sources in the library? What value-added features are offered by the electronic

³ With rising levels of the theft of these CD's, the library is reviewing its policy with respect to associated CD's. (June 4, 2002)

⁴ Consider whether or not there are ongoing subscription fees for essentially static publications. Example is the CIS historical indexes for Congressional materials in December 2000. Weigh value of information and utility of format against costs incurred over time.

format for the particular database/publication? How does cost compare to the added value?

- Accessibility: Who can use the electronic database/publication under the library/law school license? Are there restrictions on the purposes for which it can be used? What kind of online or in-house end-user training is offered or provided? Is the electronic service's organization, presentation, and interface user-friendly, intuitive to use, clearly labeled?
- Functionality: What kind of search capability is provided to contents? Are there limits on downloading or printing individual documents or items from the electronic service/publication?
- Currency: How often are the materials updated? Is there a clear statement of this information visible or easily found by an end-user?
- Pricing: How does the vendor price the electronic service? How does the electronic price compare to any print versions of the same product? What relationship is there between the pricing of the electronic format and any related print product, if owned by the library?
If pricing is on the basis of faculty/student headcount, is it limited to the subset of students/faculty most likely to use the service? In relation to this issue, does the vendor provide unlimited simultaneous use, or a restricted number of simultaneous users? Discuss with vendor in terms of their pricing model. How will pricing change if more "titles" are added to the particular electronic service? Does pricing change if a print subscription is canceled? Does the vendor currently work with any existing library consortia for pricing discounts?⁵
- Archive: Does the vendor provide permanent access to material should the venture ultimately fail, i.e. provide subscribers with a copy of the database at the time of its demise?
Does the subscriber obtain access to a copy of the database at the time that the subscriber cancels its subscription, i.e. permanent access to the database when the subscriber discontinues ongoing live access? Or, is it an "all or nothing" license?
- Interlibrary loan: What policies are followed by the vendor with respect of interlibrary loan requests made to a subscriber library for particular items found in the electronic service, such as articles or particular "pages"?
- Technical issues: Are there special software or hardware requirements? Is there any issue of Internet browser compatibility?
How do print and download functions operate for end-users?
Does the system provide password or IP access? Does access include both in-library and remote authorized user access (i.e. a proxy server system)?
Does the vendor provide usage statistics, and if so, what are they and how does the vendor define them?
- Other internal considerations: Is the material already available through LEXIS or WESTLAW or some other digital means? How much use will there be for the material?

⁵ Consortia examples are INCOLSA, NELLCO.

- Renewal/cancellation/substitution considerations:
 - (1) If we establish electronic usage statistics, do our internal statistics or vendor-provided statistics justify continuing subscription to the electronic format?
 - (2) What will be the cost/impact on faculty or students if we discontinue a particular electronic service? Do we lose LexisNexis and Westlaw rights to access the comparable database?
 - (3) If we are considering an alternative electronic service, how do the contents compare?
 - (4) Are there separate full text databases within LexisNexis and Westlaw that would overcome the loss of content from a particular electronic service? [For example, indexing of legal newspapers in *Legal Resources Index* might be compensated for by full text databases of the separate major legal newspapers in LX or WL.]
 - (5) Do we have public terminal access rights to the service under consideration? Would these be lost if a substitute service was selected or does the substitute service licensing allow for public terminal access within the law library? These public terminal rights affect services to SMU undergraduates and lawyers using the Underwood Law Library. Are they critical service activities?
[Revised section 6/10/03]

COOPERATIVE AGREEMENT

The Underwood Law Library has agreed (April 2, 2002) to contribute \$480.60 to the first year of the Kluwer “Big Deal” offer made to SMU through the Central University Libraries. This offer provides full text access to nearly 700 Kluwer journals in all fields including law. See attached memorandum and text of email. [*The issue of whether or not this service will become available is improbable as of June 2004.*]

STAND-ALONE ELECTRONIC TREATISES & PUBLICATIONS

The library is considering when to undertake the purchase of stand-alone monographs and documents in electronic format as opposed to databases of such documents. This question arises with the offering of official drafts and other publications from the American Law Institute as downloaded electronic documents purchased independently. [*Need to explore possibilities for electronic standing order also.* July 2004]

Need to develop guidelines for what materials might be acquired in this format and whether they would be a substitute for or just an added alternative format to print.
Raised issue for further discussion. [Jul. 2, 2004]

DIGITIZATION PROJECTS

A possible activity of the law library is the digitization of print materials or manuscripts already in the collection and/or donated to the library. Digitization may be considered to meet preservation needs of print materials (surrogate for original) as an alternative to microform, improved or broadened access to particular materials, replacement of originals, or as a needed/expected service for research by law faculty and law students.⁶

A critical element for such projects is evaluating the cost of a project versus the value of the benefits derived from the project. Cost elements to consider are:

- Selection.
- Physical preparation of original materials for digitizing. If originals are to be retained, can they withstand the scanning process?
- Physical capture (digitizing process); quality of image created; quality of the image needed to meet scholarly uses.
- Who holds copyright interest in the originals? Public domain, law school/library, or others? Do fees need to be negotiated and paid?
- Creating metadata and cataloging the digitized materials.
- Enhancing captured information with appropriate indexing, search engine, etc. (post-scan processing)
- Mounting and managing the digital files; including hardware and software needed, format and size of files created.
- Designing and maintaining digital (web) site.
- Providing end-user services in conjunction with digitized materials.
- Creating and implementing a long-term digital preservation strategy (i.e. preservation of the digital objects themselves as opposed to the original items) – this includes refreshing files and future migration.
- Creating a “high quality digital master” to avoid rescanning original materials or not.
- Preservation of original materials after digitizing.

⁶ Useful resource: Dan Hazen, Jeffrey Horrell, & Jan Merrill-Oldham, *Selecting Research Collections for Digitization* (Aug. 1998) at <http://www.clir.org/pubs/reports/hazen/pub74.html> (last visited Dec. 11, 2003).

Value elements of a project to consider are:

- Do the materials have legal scholarly, historical, or research interest (intellectual value)? Is that interest law school, SMU, local, regional, national?
- Are the materials unique, unpublished, or not commonly held?
- Can original materials withstand frequent handling or not (fragility)? Originals are in what physical condition and what level of preservation is needed?
- Does handling of originals by end-users pose a security risk (i.e. theft or loss or damage)?
- Does the digitized format provide enhanced access to the contents of the originals?
- Quality and utility of images produced by project for expected end-users.
- Does the project expand access or outreach of the collection to SMU audiences or others?
- Public relations value of the digital project to the law school and library.
- Does the digital project meet existing collection development needs and policies?
- Does the project meet a specific end-user demand?
- Are there existing related or complementary projects which add to the intellectual value of the project standing alone?
- Will digitization increase the use of the materials or expand the audience for the materials?

ELECTRONIC COLLECTION DEVELOPMENT: SOURCES BY EMAIL

American Bar Association
American Psychiatric Publishing, Inc.
Bernan
BookWorld Publications (BWP)
Council of Europe publications (book.coe.int:8080)
Fernando Garcia Cambeiro (Argentina)
Gale
International Monetary Fund, Law Library, *Legal Digest*
Kluwer Academic (and Kluwer International)
OCED Recent Publications (stopped print in Spring '03, now email notification)
Oxford University Press
Primary Source Media (Gale Group, Microforms)
Puvill (Spain and Mexico)
Servilibros (Josep M^a Rubiols) (Spain) (www.servilibros.net)
UN publications email notices

COLL. DEV. DATABASES ON THE INTERNET

W. H. Everett & Sons, Ltd. (U.K., Europe)
Harrassowitz OttoEditions (Germany, Europe)
Midwest Library Services (www.midwestls.com)
Yankee Book Peddler (GOBI 2)

MISCELLANEOUS

World Health Organization (bookorders.who.int)

Appendix

Web-based Subscriptions

Web page

1. AccessUN (Newsbank/Readex)
2. *American Journal of Psychiatry* (Oct. '00)
3. Berkeley Electronic Press (5 journals) (Sept. 2001) (3-yr. License) (electronic only) *Issues in Legal Scholarship, Theoretical Inquiries in Law, Global Jurist Frontiers, Global Jurist Topics, Global Jurist Advances*
4. CQ Congressional Staff Directory
5. *Current Index to Legal Periodicals* (see below under email)
6. ELI *Environmental Law Reporter* (email newsletter + web)
7. *Environmental Policy and Law* (electronic with paper) (Aug. 2001)
8. Hein Online (legal periodicals) (June 2001)
9. Hein Online- *Federal Register* (2003)
10. Hein Online- *Treaties & Agreements* database (2003)
11. Hein Online- *U.S. Supreme Court* database (2003)
12. *LexisNexis Congressional*. (former CIS Congressional Universe)
13. Historical indexes added to LxNx Congressional db (added Feb. 2001). (Three historical index titles added as one subscription).
14. InterAm Databases & newsletter
15. JAMA: Journal of the Am. Medical Assn (as of Sep. '00)
16. *Journal of Law, Technology and Policy* (June 2001) (electronic with paper)
17. Lawtel EU (June 2001)
18. Legal Scholarship Network (LSN, a part of SSRN) (web & email)
19. LegalTrac (changed to two simultaneous users 8/1/03)
20. LexisNexis
21. MIT Press Journals: *International Organization* (Sep. '00)
22. *NBER/Tax Policy and the Economy* (May 2002)
23. OCLC FirstSearch
24. Oil & Gas Journal (username/password; joint electronic/print)
25. Oxford U. Press journals (12 journal titles)
26. RIA *Checkpoint* (Academic Package)
27. RLG, *Index to Foreign Legal Periodicals* (May 2001)
28. RLIN *Eureka on the Web*
29. *Scientific American Medicine Online*
30. U.N. Treaty Collection
31. UN's *ODS Online* database (Sept. 2001)
32. Westlaw
33. Westlaw- Attorney Jobs Online (add-on to Westlaw)
34. *Petroleum Economist* (Fall 2003) (electronic with print)
35. *American Review of International Arbitration* (May 2003)
36. *Stockholm Arbitration Report* (May 2003)
37. *Journal of Oil and Gas* (May 2003)
38. *National Arbitration Laws* (electronic now with print) (June 2003)

39. *Cambridge Journals Online* (with print [Law & CUL]) (Aug 2003)
40. Wilson, *Index to Legal Periodicals & Books Online* (August 2003)
41. Oceana Online: *Constitutions of the Countries of the World* (August 2003)
42. Pacer (2003).
43. I.B.F.D., *Taxes and Investment in Canada* (January 2004). (replaced print)
44. I.B.F.D., *Taxes and Investment in Mexico* (January 2004). (replaced print)
45. I.B.F.D., *Taxes and Investment in South Africa* (January 2004) (replaced print)
46. I.B.F.D., *Taxes and Investment in the People's Republic of China* (January 2004) (replaced print)
47. *Ethics & Behavior* (with print) (Jan. 2004)
48. *Annals of Internal Medicine* (IP-based Jan. 04).
49. *International and Comparative Law Quarterly* (OUP) (March 2004) (print+electronic)
50. *LLMC-Digital* (May 2004)
51. WRIT OF PROHIBITION, 2d ed. by Charles M. Gray (June 2004)
52. *Muslim World Journal of Human Rights* (Dec. 04)
53. *International Commentary on Evidence* (Dec. 04)
54. CCH *Internet Research Network* (Business & Finance, Securities, Govt Contracts, Products Liability, etc) (Mar 05)
55. Hein Online, *Legal Classics Library* (Apr. 05)
56. BEP, *Review of Law and Economics* (June 05)
57. *Industrial & Labor Relations Review* (Sep. 05) (with print)
58. *RMMLF Digital Library* (Dec. 05)
59. *Solicitors' Journal* (Dec 05) (now with print)

~~LawTRIO (added Oct '00) (canceled Jan. 01)~~
~~Sweet & Maxwell Online CDs, European Union Law Library. (May 2002).~~
~~Tax Analysts' Tax Notes (TACampus) (discontinued by vendor Fall 2003)~~
~~China Business Review (discontinued June 2004)~~
~~IndexMaster (canceled July 04)~~
~~Oceana Online: US Treaties Researcher (Canceled Jun 04)~~
~~*Behavioral Sciences and the Law* (electronic is Fondren; paper is ours; May 2005)~~

Emailed Resources

1. *Oil Daily* (emailed doc)
2. *Current Index to Legal Periodicals* (email notice & web download)
3. RFE/RL (emailed doc)
4. Academe Today (email+web)
5. UNIDROIT News Bulletin (emailed doc)
6. Index to the Supreme Court of Texas (emailed doc) (Sept. '00) current issues on UL web