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Cooperative Acquisitions among Law Libraries: A Review*

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A brief review of established cooperative arrangements among large academic libraries may suggest reasons for the recent emergence of cooperatives among law libraries. The authors examine in detail three law library consortia that are developing cooperative acquisitions plans. Although the prospects for a single, physical national law library are slight, the full potential of a national data base of law library holdings has yet to be explored.

Cooperative programs among academic libraries have existed since the late nineteenth century,¹ yet only in the last twenty years have law libraries seriously considered or implemented any significant cooperative plans. Despite the different needs and expectations of large academic libraries and specialized research libraries, such as academic law libraries, many cooperative agreements have been successful. Law libraries have been able to examine the successes and failures of earlier cooperative plans and so avoid the pitfalls of arrangements that did not survive and gain from the experiences of those that have flourished.

Of the major cooperative plans over the last forty years, libraries or networks typically have started resource sharing programs with interlibrary loan and document delivery agreements, union lists, reciprocal borrowing privileges or cooperative cataloging. Cooperative acquisitions programs have been relatively few in number; frequently they have emerged out of a more general cooperation agreement, suggesting that resource sharing in the acquisition of library material may present problems that require greater planning and commitment than other areas of cooperation. Nonetheless, the evidence of successful joint acquisitions programs indicates that there are positive benefits from pooling resources that should be examined.

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1. See Weber, *A Century of Cooperative Programs Among Academic Libraries*, 37 C. & RESEARCH LIBR. 205, 206 (1976).

Major cooperative acquisitions programs among academic libraries began in the period immediately following World War II and entered their greatest growth period in the 1960s and 1970s, when general programs of library cooperation flourished. A few successful acquisitions programs are described below.

1946: The Cooperative Acquisitions Project for Wartime Publications, conducted by the Library of Congress, shipped nearly a million volumes from Europe to 113 participating American libraries in three years.

1948: The Farmington Plan was one of the major and most effective cooperative programs in which about sixty research libraries coordinated foreign acquisitions for current materials of research value.

1951: The Midwest Inter-Library Center, later to be known as the Center for Research Libraries (CRL), was started by ten midwestern university libraries as a program for joint buying with various categories of center ownership.

1959: The Latin American Cooperative Acquisitions Program (LACAP) was a commercial endeavor for about forty academic libraries.

1961: Congress authorized expenditures under Public Law 480 of blocked currencies for acquisitions and cataloging of multiple copies of publications from eight countries. This program benefited over 300 academic libraries with materials from Ceylon, India, Indonesia, Israel, Nepal, Pakistan, the United Arab Republic, and Yugoslavia.

1966: The National Program for Acquisitions and Cataloging (NPAC), managed by the Library of Congress, was initiated by the Association of Research Libraries.

1973: The Research Libraries Group (RLG), formed by Harvard, Yale, and Columbia Universities and the New York Public Library, began a program that included coordinated collection building and reciprocal access privileges.²

Two of these programs, RLG and CRL, have been remarkably successful and should be mentioned with a view to applying some of their ideas and procedures to a regional, or even national, cooperative collection development program for law libraries. The Research Libraries Group, which in 1982 consisted of twenty-six full, affiliate, and associate members and sixteen special members, developed RLIN (the Research Libraries Information Network), a bibliographic utility supporting many of the functions of the consortium. By 1980 the group's Collection Management and Development Committee had developed a comprehensive collection evaluation tool, the RLG Conspectus.³ Conspectus is an overview, arranged by subject, of existing collection strengths and future collecting intensities of RLG members. RLG Con-

2 *Id.* at 209-10.

3. See Gwinn & Mosher, *Coordination Collection Development: The RLG Conspectus*, 44 C. & RESEARCH LIBR. 128 (1983).

spectus On-line, an interactive data base, serves as a location device for collections considered to be national resources and as a basis for assignment of primary collecting responsibilities.⁴ The planning, development, and expense put into RLG activities is enormous, but the group's achievements have given impetus to other regional collection development programs and the possibility of a national policy. The Conspectus idea is particularly interesting for law libraries, as it can fulfill many of the goals of a national law library by providing a detailed description of existing research collections nationwide.

The Center for Research Libraries in Chicago simply described is a cooperative library for libraries. It is designed to make accessible to its participating libraries scholarly materials that complement and supplement their individual collections. This is achieved through the efficient use of interlibrary loan. The charter universities incorporated the Center as a free-standing, non-profit educational institution designed to function as depository of certain research materials. In 1961 all geographic restrictions on membership were removed; since then the Center has developed into an international organization supported by its 119 members and 46 associate members.⁵ The relationship of the Center to its members is analogous to that of the local library to the individual scholar; that is, individual libraries, unable to acquire all materials of interest for their users, have access through Center membership to resources that supplement their own. From the beginning, the Center's collection development policy has been to acquire those materials not readily available in members' own collections. Each member is assured of rapid access to this material. The Center's holdings are formed both through direct acquisition (purchase, exchange, or gift) and by deposit from member libraries, with all deposits being accepted in accordance with the established guidelines.⁶ By 1984 the Center had a collection of more than three million volumes.

In reviewing the literature on cooperative acquisitions arrangements, it appears that there have been many different approaches to coordinated collection development. The most significant models for regional or national cooperative activity have been well defined and approved by the Resources and Technical Services Division of the American Library Association.⁷ At the risk of oversimplifying, it can be said that nearly all programs fall generally into one of two approaches to cooperation, with variations depending on the group's type, size, and goals of its members. The first approach puts an emphasis on sharing ownership or use of the material with extensive,

4. *Id.* at 128.

5. THE CENTER FOR RESEARCH LIBRARIES ANNUAL REPORT 21-23 (1983-84).

6. THE CENTER FOR RESEARCH LIBRARIES HANDBOOK 1 (1978).

7. Mosher & Pankake, *A Guide to Coordinated and Cooperative Collection Development*, 27 LIBR. RESOURCES & TECHNICAL SERVICES 417, 423-24 (1983).

guaranteed borrowing privileges. In this category, CRL is the major example of a centralized cooperative arrangement where material is housed and processed in one location and libraries, through their memberships, indirectly "own" and can freely borrow research materials.

Another common arrangement in sharing physical resources is an agreement under which participating libraries hold material in specific subjects, from certain geographic areas, of particular format (e.g., microforms) or some other more specifically designed arrangement (e.g., collecting particular editions of treatises). The earliest and one of the most famous examples of such an arrangement was the Farmington Plan, where for the purpose of acquiring material, a group of large research libraries divided up the world of book production by Library of Congress class. The need for the Farmington Plan was obviated in 1972, when the Library of Congress, under the National Program for Acquisition and Cataloging (NPAC) gained in strength. In the NPAC system, the Library of Congress attempts to collect everything in certain areas chosen in consultation with research libraries nationwide. The cooperative plan among a group of New York city law libraries, discussed below, is another example of this type of shared acquisitions.

The other approach to cooperative collection development places somewhat less emphasis on the physical collection and concentrates instead on gathering comprehensive information about the holdings of libraries in the group. The advent of readily accessible and relatively inexpensive computer networks has made cooperative collection plans of this nature feasible. The creation of local, regional, or even national data bases of libraries' collections has given a new perspective to cooperative collection development. The RLG bibliographic data base and the RLG Conspectus are excellent examples of using computer technology to encourage coordination among member institutions for the greater benefit of libraries across the nation. Conspectus, essentially a breakdown of subject fields, was created by members assessing their collections' strengths. Used in conjunction with the bibliographic data base, a bibliographer or acquisitions librarian readily can ascertain not only whether an item is held by a member library but also the collection level and commitment of another library to that subject. Using Conspectus data, a committee then makes recommendations about a member's collection responsibility in each subject area.

As indicated earlier, cooperative or coordinated collection development programs have evolved more slowly among law libraries. Possibly this is due to the scale of operations: the 1960s and 1970s were a time of enormous growth and expansion in research and, correspondingly, in the growth of published material. Large research libraries realized that it was impossible to build and maintain a total collection. Writing in 1975, de Gennaro pointed out that librarians had been caught up in an involuntary numbers game where success, progress, and achievement were measured by comparing their vital

statistics with those of other libraries. Although recognizing the importance of statistics, he warned, "It should be clear by now that the goal of self-sufficiency or even comprehensiveness is unrealistic and unattainable."⁸ The response to these economic pressures is reflected in the 1984 *American Library Directory*, which lists 376 networks, consortia, and other cooperative agreements,⁹ compared to 142 in 1974.¹⁰

Law libraries undoubtedly have felt the same economic pressures, but did not experience exponential growth of cooperative programs in the 1970s, possibly because as a group law libraries are relatively well funded. The situation may be changing, however; the nationwide trend of declining enrollments in law schools¹¹ will definitely affect funds available to academic law libraries. Another factor that cannot be ignored in accounting for the relatively slow growth of cooperatives among law libraries is an attitude problem, which to some degree is present in all libraries. Librarians, faculty, deans, boards of trustees, or library committees are concerned about the prestige of their institutions, and the size of the libraries' collections. Many law librarians have recognized that the competitive pressure from law school deans has resulted in a variety of inflated volume counts. This competitive attitude has been persistent among law libraries because until recently they have not been adequately motivated to change. It is significant that although 1,642 law libraries are listed in the 1984 *American Association of Law Libraries Directory*,¹² a national law library cooperative program has never been attempted seriously. Law libraries have not ignored cooperative programs totally. Local and regional programs have been effective, though few cooperative acquisitions programs have been established.

Recently, there have been positive signs of national cooperation, however. In June 1984 the Council of Law Library Consortia was established to act as a clearinghouse for ideas and activities of the existing law library consortia. The thirteen consortia members of the Council are the Chicago Legal Academic Network (CLAN), Legal Information Network of New York, Council on Institutional Cooperation (CIC), Law Library Microform Consortium, LAWNET, Michigan Legal Information Network, Mid-America Law School Library Consortium, Mid-Atlantic Law Library Cooperative, New England Law Library Consortium, New York Joint International Law Program, Ontario Law School Libraries Consortium, Pacific Northwest Law Library

8. de Gennaro, *Austerity, Technology, and Resource Sharing: Research Libraries Face the Future*, 100 *LIBR. J.* 917, 918 (1975).

9. 2 *AMERICAN LIBRARY DIRECTORY* 1897-1916 (37th ed. 1984).

10. *AMERICAN LIBRARY DIRECTORY* 1113-24 (29th ed. 1974-75).

11. D. Vernon & B. Zimmer, Preliminary Draft of a Report on the Demand for Legal Education: 1984 and the Future, a Report to the Association of American Law Schools and the Law School Admission Council (January 1985) (mimeographed).

12. See *DIRECTORY OF LAW LIBRARIES* (23d ed. 1984).

Consortium, and a nascent Southeastern Group.¹³ In size, the consortia range from three members to 284 worldwide members. Although most of these consortia have typical consortium agreements, such as free interlibrary loans, photocopies, and union listing, only seven have or are planning any cooperative acquisitions program. Three of these best typify the general trend of coordinated collection development among libraries: the Legal Information Network of New York, the Mid-America Law School Library Consortium, and the New England Law Library Consortium.

In the Legal Information Network of New York (known initially as the Columbia/New York University Cooperative), Columbia Law School and New York University Law School have had a long-standing informal agreement of sharing resources. Under the arrangement, the libraries rely on each other for particular materials. For instance, Columbia collects even editions of English legal treatises, New York University acquires the odd number editions; Columbia collects state administrative material, New York University acquires official state advance sheets; Columbia is relied on for foreign law, particularly Western European and international documents, New York University has a commitment to keep up its strong tax, copyright, and United States documents collections. These agreements reflect careful planning and a continuing commitment to a resources sharing program. In 1982 the informal agreement between these two law libraries was expanded and transformed into the Legal Information Network of New York, which includes the library of the Association of the Bar of New York. One of the first tasks of the network was to hire a consultant to suggest ideas and methods for a formal cooperative and on-line network. As a result of the consultant's report, the network is planning to use computers to provide ready access to information on other members' collections. This project, which is still under development, facilitates resource sharing through a minicomputer library system linkage and will eventually provide ready access to holdings and ordering information of the individual libraries.¹⁴

The Mid-America Law School Library Consortium, formed in 1979, had a membership of nineteen academic law libraries by 1984. Typical of most consortia, the group was formed primarily to encourage cooperation among libraries to combat escalating costs of research materials. To this end the consortium has created union lists of microforms, looseleaves, audiovisual materials, Canadian materials and legal periodicals on-line in OCLC, and agreed to no-fee photocopying and interlibrary loans. In the spirit of the

13. See COUNCIL OF LAW LIBR. CONSORTIA NEWSLETTER, Dec. 1984, at 3-15 for a description of the consortium, their membership and activities.

14. Remarks by Janet Tracy at the program, "Cooperative Collection Development: The Past as Prologue," 77th Annual Meeting of the American Association of Law Libraries, San Diego, California (July 2, 1984).

more recent developments of cooperatives, the consortium also has established systems in which information can be rapidly communicated between institutions including a telefacsimile network, an electronic mail network, and an on-line conferencing network.

In 1984 the Consortium took the first steps to develop a cooperative acquisitions program. One of the first functions of the Cooperative Acquisitions Committee was to poll and coordinate each member's assessment of their collection's particular strengths. The assessments were general, unlike RLG's intensity level evaluations, but did indicate adequately that no member had any particular subject area significant enough for other libraries to depend upon. This eliminated the possibility of coordinating a collection development program similar to the Columbia/NYU model. Instead, the committee decided to study collection development policies and goals of each library. The committee then could more definitely assess existing collections and, at the same time, concentrate on future acquisitions of each member. To this end it was agreed that libraries will inform one another via electronic mail when planning to acquire items of \$500 or more.

Although the Mid-America Consortium's cooperative acquisitions program is only in its infant stages, it does have potential. Members of the Consortium have demonstrated their willingness to cooperate and share resources. In addition, because the group was started so recently, it can learn from the experiences of others. Having discovered that sharing collection development responsibilities is at present not a practical option, the group has agreed to concentrate its efforts in analyzing present collections and future growth of the members; with this information it will be in a better position to move towards actual sharing through the division of collection responsibilities. If resources are available, this will be the logical stage for the group to use an interactive data base, similar to RLG's On-line Conspectus, which then can be developed to provide information about intensity of subject collections in each library.

The New England Law Library Consortium, incorporated in November 1984, is a group of fifteen academic law libraries that has achieved considerable success in traditional consortium activities. Similar to the Mid-America group, the consortium is in the process of developing a coordinated acquisitions program. In late 1984 an assessment questionnaire was sent to libraries to collect information on the strengths and weaknesses of each collection; in addition, each library had the opportunity to express a preference for concentration. It was anticipated that by May 1985 geographic and subject specialization assignments would be made to each institution. For example, Boston University Law School, with a master's program in banking law, would commit a share of its budget to that area; Franklin Pierce Law Center, which has decided to concentrate on intellectual property, will develop its collection in that area; Harvard Law School will continue to build its extensive collection in foreign

and international law. The New England Consortium probably will go beyond this *Conspectus*-type resource, and also share ownership in some future acquisitions, along the lines of the Center for Research Libraries. If this is approved by the members, a certain percentage of the Consortium's income will be allocated for joint purchases and for establishing a clearinghouse for desirable joint purchases.¹⁵

One other resource-sharing program markedly different from the others should be mentioned. The New York Joint International Law Program (JILP), which has as its members New York Law School Library, Brooklyn Law School Library, and City University of New York Law School at Queens College, signifies a bold approach to the idea of physically sharing a collection. These three institutions have made a budget commitment to support the purchase and maintenance of a research-level international and comparative law collection. Materials purchased with JILP funds will receive a JILP stamp with the purchaser's initials and will be housed at one of the three libraries. By agreement, and using joint funds, the libraries hired an international and comparative law librarian responsible for collection development who will rotate between the three institutions. The progress and success of this arrangement will be of interest to many other law library networks.

No law library resource-sharing program yet has reached a level of cooperation comparable to Research Libraries Group or Center for Research Libraries. Most of the law library consortia are in the fledgling stages of development and are still wrestling with the practical problems of creating a formal network: finalizing bylaws, seeking funds, developing methods for collection analysis, assessing strengths, weaknesses, and preferences in shared acquisitions, or deciding on type and scope of an on-line data base. Given this situation, it is difficult to envisage a national resource sharing plan being developed in the near future. Whether law libraries need a national clearinghouse should be considered, however.

Considerable resources, time, and funds have gone into the creation of regional cooperatives. These various networks and consortia are fulfilling important local and regional needs of member libraries. Regional consortia have not attempted to standardize any aspect of their cooperative agreements; equipment, policies, and goals vary from network to network. Having so recently endured the birthpains of establishing a regional consortium, probably few members would willingly consider starting again or adapting their scheme to a national plan. Conceivably, the same human elements that hampered the formation of law library cooperatives in the first place—*independence, self-sufficiency, and a failure of will*—also may hinder national resource sharing. Given the apparent lack of interest and rather overwhelm-

15. Letter from Joan Duckett to Margaret Goldblatt (March 13, 1985).

ing practical problems, it appears unlikely that a single, physical clearinghouse will be established for law libraries in the foreseeable future. But this does not nullify the concept of a "national library" in a different form.

This form should be access to and products derived from a national data base of law libraries' collections. This would provide the most important element of a national library: knowing where a particular title or subject collection can be found. Eventually, complex information relating to specialized collections, large purchases, and level of collection intensity could be shared on a national level. Rather than being constrained to the vision, goals, and collection development policies of one institution, a national data base would synergize a range of libraries' individual characteristics and collection development programs. The vitality of this type of data base would certainly enrich the concept of national resource sharing among law libraries.

Although no such on-line national data base is planned in the immediate future, a print version of this concept began publication in 1984. The *National Legal Bibliography*¹⁶ is a monthly, quarterly, and annual compilation of all post-1980 material acquired by nineteen academic law libraries in the United States. The bibliography is created from a program that processes the RLIN and OCLC MARC tapes of the individual libraries, arranged by LC subject headings within jurisdictional divisions. The creation of this data base was a significant step in establishing an awareness of the resources of other libraries. Were it expanded to include collections from a broader spectrum of law libraries, a form of the *National Legal Bibliography* has the potential of being a book catalog to a modified "national law library."

16. NATIONAL LEGAL BIBLIOGRAPHY: RECENT ACQUISITIONS OF MAJOR LEGAL LIBRARIES (P. Ward ed. 1984).