

5-12-2014

Osgoode Digital Commons: An Update

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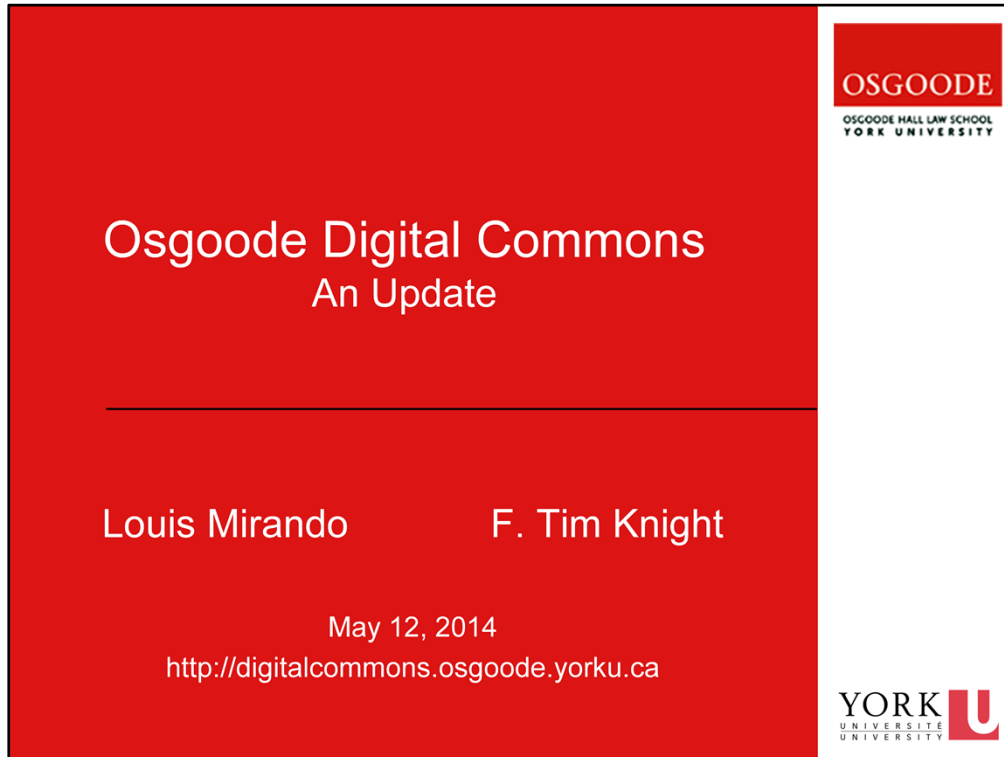


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Repository Citation

Knight, F. Tim and Mirando, Louis, "Osgoode Digital Commons: An Update" (2014). *Librarian Publications & Presentations*. Paper 1.
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Osgoode Digital Commons
An Update

Louis Mirando F. Tim Knight

May 12, 2014
<http://digitalcommons.osgoode.yorku.ca>

OSGOODE
OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

YORK
UNIVERSITY

Good morning everyone. Thank you for this opportunity to provide an update on the implementation of your Digital Commons. I'm going to start things off with a short presentation that will provide an overview of our recent activity. Following that we'll open the floor for questions and discuss any issues you might have.

Today's Update

- Osgoode scholarship added to date
- Results of the “soft launch”
- SSRN and Osgoode Digital Commons
- Digital Commons and AODA compliance

I will talk about what we have managed to add to the Osgoode Digital Commons so far; how the “soft launch” has been received including a brief look at some of the benefits of using Digital Commons; then I'll shift to the relationship between Osgoode Digital Commons and the Social Science Research Network; and finally I'll touch on Digital Commons and compliance with the Accessibility for Ontarians with Disabilities Act.

Scholarship Added to Date

- Osgoode Hall Law Journal
- Journal of Law and Social Policy
- CLPE Research Paper Series
- Videos of past seminars, lectures and events

Since the “soft launch” of Osgoode Digital Commons in January of this year we have added the complete collection of papers for both the Osgoode Hall Law Journal and the Journal of Law and Social Policy. Most recently we’ve also uploaded the CLPE Research Paper Series from its inception in 2005 up to 2013. We’re also in the process of adding the video recordings of our research seminar series, special lectures and some of the events that have been held at Osgoode.

In total this amounts to about 2,000 resources that have been added to date.

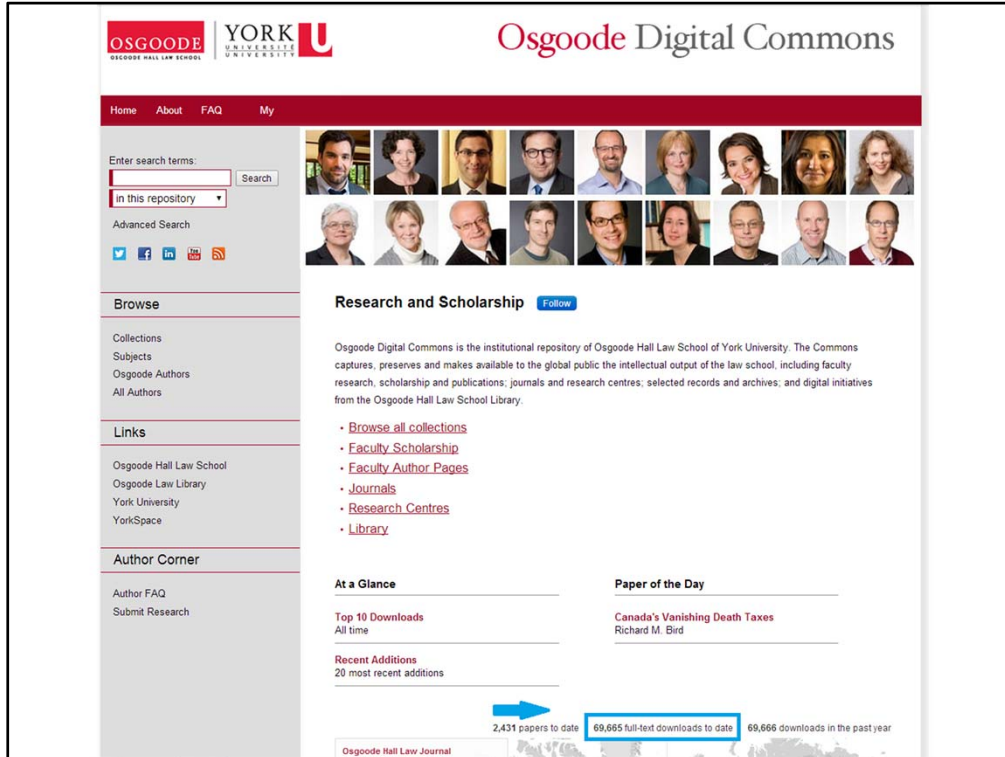
The results of this activity have been remarkable. It has been a classic case of ...



... build it ...



... and they will come.



When you visit Osgoode Digital Commons at digitalcommons.osgoode.yorku.ca you will find a running total of the full-text downloads displayed at the bottom of the front page (seen here at the blue arrow at the bottom of this slide).

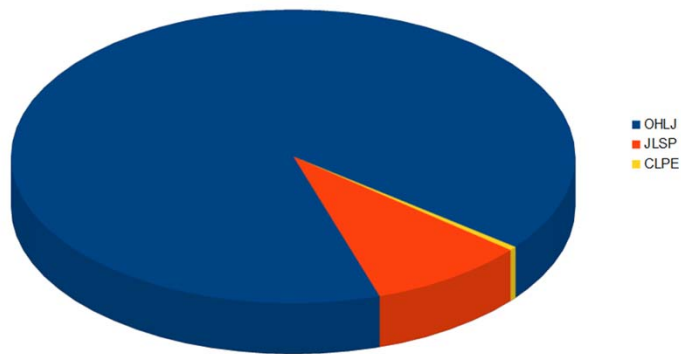
Since our “soft launch” our site has received ...

The screenshot displays the Osgoode Digital Commons website. At the top, the Osgoode Hall Law School and York University logos are visible alongside the site title 'Osgoode Digital Commons'. A navigation bar includes links for Home, About, FAQ, and My. A search bar is located on the left, with a dropdown menu set to 'in this repository'. Below the search bar are social media icons and a 'Browse' section with links to Collections, Subjects, Osgoode Authors, and All Authors. A 'Links' section provides access to Osgoode Hall Law School, Osgoode Law Library, York University, and YorkSpace. An 'Author Corner' section includes an Author FAQ and a Submit Research button. The main content area features a 'Research and Scholarship' section with a 'Follow' button. A descriptive paragraph explains the repository's purpose. A list of links includes 'Browse all collections', 'Faculty Scholarship', 'Faculty Author Pages', 'Journals', 'Research Centres', and 'Library'. The 'At a Glance' section shows '2,431 papers to date', 'Top 10 Downloads All time', and 'Recent Additions 20 most recent additions'. A prominent statistic is highlighted: '69,665 full-text downloads to date' for the article 'Canada's vanishing death taxes' by Richard M. Bird. A blue arrow points from this statistic to a bar chart at the bottom showing '2,431 papers to date', '69,665 full-text downloads to date', and '69,666 downloads in the past year'.

... over 69,000 full-text downloads. Which as I mentioned is rather remarkable considering that this represents only 4 months of exposure and we have not yet announce our “official launch.”

Scholarship Added to Date

Osgoode Digital Commons
Downloads by Collection
[May 2, 2014]



The breakdown of download figures for each of our text collections for the past 4 months looks like this. About 90% (58,303) have gone to OHLJ, 9% (5,825) to JLSP and 1% (287) to CLPE.

Digital Commons: Benefits

- Search engine optimization (SEO)
- Enhanced visibility in Google, Google Scholar and other search engines
- Full-text indexed



One of the reasons for these results, aside from the highly regarded reputation of Osgoode's scholarship, is that in addition to metadata like title, author, abstract, etc. the full-text of our scholarly resources available in Digital Commons are indexed for searching on the web. Digital Commons is optimized to be immediately visible to the major search engines which maximizes discovery and makes the content of Osgoode Digital Commons easy for researchers and the public to find.

Digital Commons: Benefits

Law Commons

- 228 institutions
- 117 disciplines
- 205,179 scholarly works
- 48,841,286 full-text downloads



Digital Commons Network™

Open Access. Powered by Scholars. Published by Universities.®

Another beneficial aspect of Digital Commons is the additional exposure gained by being a part of the Digital Commons Network. This network helps to reveal relationships and connections that exist between the scholarly output of all of the institutions that have contributed to Digital Commons.

The Law Commons currently has 228 participating institutions in 117 law related disciplines. That represents over 200,000 scholarly works that have received over 48 and a half million full-text downloads.

And based on download results for April, Osgoode scholarship has already begun to appear among the top 10 institutions in some of these Commons.

Digital Commons: Benefits

Digital Commons Network™ / Law

Open Access. Powered by Scholars. Published by Universities.*

Indian and Aboriginal Law Commons™

RELATED DISCIPLINES

- Accounting Law »
- Administrative Law »
- Admiralty »
- Agency »
- Agriculture Law »
- Air and Space Law »
- Animal Law »
- Antitrust and Trade Regulation »
- Arts and Entertainment »
- Banking and Finance »
- Bankruptcy Law »
- Biography »
- Civil Law »
- Civil Procedure »
- Civil Rights and Discrimination »
- Commercial Law »
- Common Law »
- Constitutional Law »

617 Full-Text Articles
422 Authors
161,152 Downloads
54 Institutions »

Popular Articles

Based on downloads in April 2014 Follow

The Debate Over Indian Removal In The 1830'S, George Goss
University of Massachusetts Boston

Criminal Justice In Indian Country, Sarah Deer
William Mitchell College of Law

Improving Access To Justice: Plain Language Family Law Court Forms In Washington State, Charles R. Dyer, Joan E. Fairbanks, M. Lynn Greiner, Kirsten Barron, Janet L. Skreen, Josefina Cerrillo-Ramirez, Andrew Lee, Bill Hinsee
Seattle University School of Law

Citizenship And Suffrage: The Native American Struggle For Civil Rights In The American West, 1830-1965, Willard Hughes Rollings
University of Nevada, Las Vegas -- William S. Boyd School of Law

Popular Institutions

Based on downloads in April 2014 Follow

- University of Massachusetts Boston
- Claremont Colleges
- University of Nebraska - Lincoln
- Yale Law School
- Osgoode Hall Law School of York University
- Western University
- College of William & Mary Law School
- Georgetown University Law Center
- Washington and Lee University School of Law

Popular Authors

For example, the results show that we were ranked **5th** in the Indian and Aboriginal Law Commons ...

Digital Commons: Benefits

The screenshot displays the homepage of the Transnational Law Commons. At the top, it features the Digital Commons Network logo and the text "Open Access. Powered by Scholars. Published by Universities." A search bar is located in the top right corner. Below the header, a navigation bar shows statistics: 311 Full-Text Articles, 295 Authors, 72,086 Downloads, and 41 Institutions. A left sidebar lists various legal disciplines such as Accounting Law, Administrative Law, Admiralty, Agency, Agriculture Law, Air and Space Law, Animal Law, Antitrust and Trade Regulation, Arts and Entertainment, Banking and Finance, Bankruptcy Law, Biography, Civil Law, Civil Procedure, Civil Rights and Discrimination, and Commercial Law. The main content area is divided into two sections: "Popular Articles" and "Popular Institutions". The "Popular Articles" section lists three articles, each with a "Follow" button. The first article is "A Blue Thai Affair: The Blue Diamond Affair's Illustration Of The Royal Thai Police Force's Standards Of Corruption, Meghan A. McClincy" by Penn State Law. The second is "China And The Anti-Counterfeiting Trade Agreement - Acta Faith, Or Act Futility?: An Exposition Of Intellectual Property Enforcement In The Age Of Shanzhai (山寨), Leroy J. Pelicci Jr." by Penn State Law. The third is "The Cost Of Fear: An Analysis Of Sex Offender Registration, Community Notification, And Civil Commitment Laws In The United States And The United Kingdom, Kate Hynes" by Penn State Law. A red arrow points from the third article to the "Popular Institutions" section. The "Popular Institutions" section lists several law schools and libraries, including Duke Law, Loyola University Chicago, Fordham Law School, University of Georgia School of Law, Georgetown University Law Center, Cornell Law Library, Washington University School of Law, Penn State Law, and Osgoode Hall Law School of York University. A "Popular Authors" section is also visible at the bottom right.

... and we were **9th** in the Transnational Law Commons.

Digital Commons: Benefits

Digital Commons Network™ / Social and Behavioral Sciences / Political Science Open Access. Powered by Scholars. Published by Universities.*

Political Theory Commons™ Search this Commons

RELATED DISCIPLINES 803 Full-Text Articles 424 Authors 171,863 Downloads 80 Institutions »

American Politics »

Comparative Politics »

International Relations »

Models and Methods »

Other Political Science »

Other Refinements »

Popular Articles

Based on downloads in April 2014 Follow

A Comparative Analysis Of The New York Times [U.S.A.] And The Nation Media Group [Kenya] Presidential Opinion Polls Coverage 90 Days Prior To Election Day, David Okoth
Marshall University

Hearts And Minds In Guerrilla Warfare: The Malayan Emergency 1948-1960, Richard Stubbs
McMaster University

Editor'S Note: I Think; Therefore, I Don'T—Tackling The Enormous Intellectual Inadvertency, Mohammad H. Tamdgidi
University of Massachusetts Boston

Locatina Rousseau's Legislator In The Social Contract. Courtney C.

Popular Institutions

Based on downloads in April 2014 Follow

2014

- Marshall University
- Brigham Young University Law School
- University of San Francisco
- Public Deliberation
- Loyola University Chicago
- McMaster University
- The University of Maine
- Osgoode Hall Law School of York University
- Macalester College

Popular Authors

We were also ranked **8th** in the Political Theory Commons giving us additional exposure in a discipline that falls outside of Law in the Digital Commons.

All of these results demonstrates an excellent start to the reception of our institutional repository in Digital Commons.

Digital Commons: Benefits

- Visitors can 'Follow' many different facets
 - Authors
 - Disciplines
 - Institutions
- Share on social media (Facebook, Twitter, etc.)
- Advanced searching within Digital Commons
- Controlled vocabulary for consistent results

There are a number of other benefits some of which I've listed here on this slide.

But what I'd like to turn to now is the interrelationship between Ogoode Digital Commons and SSRN.

SSRN and Digital Commons



From the start I want to make it clear that these two platforms are complimentary to each other. They both offer fantastic value for the dissemination of scholarship. So please, let's not think of this in terms of SSRN *versus* Osgoode Digital Commons.

Having said that, I know that some of you are concerned with how the introduction of the Osgoode Digital Commons might impact readership for the papers that have been, and will be, uploaded to the Legal Scholarship Network on SSRN.

SSRN and Digital Commons



"... encourages the early distribution of research results ... to provide rapid worldwide distribution of research to authors and their readers and to facilitate communication among them at the lowest possible cost. ... majority of downloads of papers from the SSRN eLibrary are free."--FAQ

Let's start with a little background information.

SSRN was founded about 20 years ago, and it has become a popular place for individual legal academics to share their research. They encourage early distribution of research to authors and their readers to facilitate communication, support open access and provide most of the research papers free of charge.

The success of their efforts currently lists SSRN as 2nd in the world by the Ranking Web of Repositories.

SSRN and Digital Commons



Legal Scholarship Network (LSN)

- **Bernard S. Black** - *Professor of Law, University of Texas Law School and Professor of Finance, McCombs School of Business, University of Texas*
- **Ronald J. Gilson** - *Charles J. Meyers Professor of Law and Business, Stanford Law School and Marc and Eva Stern Professor of Law and Business, Columbia Law School*
- **A. Mitchell Polinsky** - *Josephine Scott Crocker Professor of Law & Economics, Stanford Law School*

The Legal Scholarship Network is under the direction of three notable legal scholars: Bernard S. Black, a leading American scholar of corporate law and finance who recently moved from Stanford to University of Texas; Ronald J. Gilson is an experienced practitioner who also teaches corporate finance and acquisitions at both Stanford and Columbia, and has written on comparative corporate governance; and A. Mitchell Polinsky also at Stanford who's research focuses on the economic analysis of a wide variety of legal topics.

SSRN and Digital Commons



“... an open access institutional repository with a suite of tools and services that enables institutions to manage, display, and publish scholarship to the web in a beautiful, highly visible online showcase. ... institutions can collect, preserve, and make visible all of their intellectual output, including pre-prints, working papers, journal articles, dissertations, master’s theses, conference proceedings, presentations, data sets, images, and a wide variety of other content types.”--FAQ

Digital Commons is an open access institutional repository. They provide a suite of tools to collect, preserve, and make visible all of an institution’s intellectual output.

I think it’s important to note the focus here on the “institution’s intellectual output.” This is slightly different to SSRN’s approach which tends toward supporting the research of the individual scholar.

SSRN and Digital Commons



- *built by scholars to serve the needs of scholars*
- *puts publication control in the hands of scholars and libraries*
- *designed to make peer-review workflow quick and easy*
- *leading hosted institutional repository*
- *content is the institution's own*
- *bepress provides the platform, the support, and the expertise*

Digital Commons was developed under the Bepress umbrella which was founded in 1999 by University of California, Berkeley professors Robert D. Cooter (a pioneer in the field of law and economics), Aaron S. Edlin (an authority on antitrust, contract remedies, and law and economics), and Benjamin E. Hermalin (who is a scholar in the areas of economics, corporate governance and finance).

Bepress was built by scholars for scholars and they initially set out to improve scholarly publishing. They have since become a valued partner in the scholarly communication process providing a leading hosted institutional repository solution.

SSRN and Digital Commons

“Faculty members should not view the proposed IR [institutional repository] as a drain on their SSRN rankings. While SSRN excels at delivering their work to the cadre of legal specialists, IRs typically do a better job of presenting it to a broader readership. This expanded exposure should be judged a positive benefit of participation in the IR ... Anyone interested in giving their ideas the widest possible hearing should deposit their intellectual work in as many venues as possible. For law professors, this means they should have both SSRN and the IR working for them.”

Donovan, James M. and Carol A. Watson. 2012. "Will an Institutional Repository Hurt My SSRN Ranking?: Calming Faculty Fear". AALL Spectrum, p. 13.

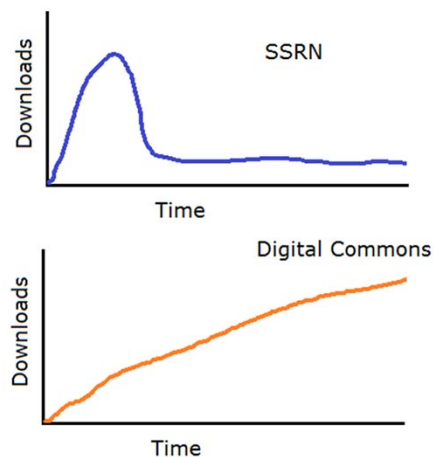
So how do these two services work together?

Carol Watson and James Donovan considered this question and wrote about the interrelation of SSRN and Digital Commons in 2012. After examining the situation at the University of Georgia School of Law they arrived at this conclusion:

“Faculty members should not view the proposed institutional repository as a drain on their SSRN rankings. While SSRN excels at delivering their work to the cadre of legal specialists, IRs typically do a better job of presenting it to a broader readership. This expanded exposure should be judged a positive benefit of participation in the IR ... Anyone interested in giving their ideas the widest possible hearing should deposit their intellectual work in as many venues as possible. For law professors, this means they should have both SSRN and the IR working for them.”

Their point here that the SSRN audience is largely made up of “legal specialists” and that an institutional repository tends to reach a broader audience is a good one to keep in mind.

SSRN and Digital Commons



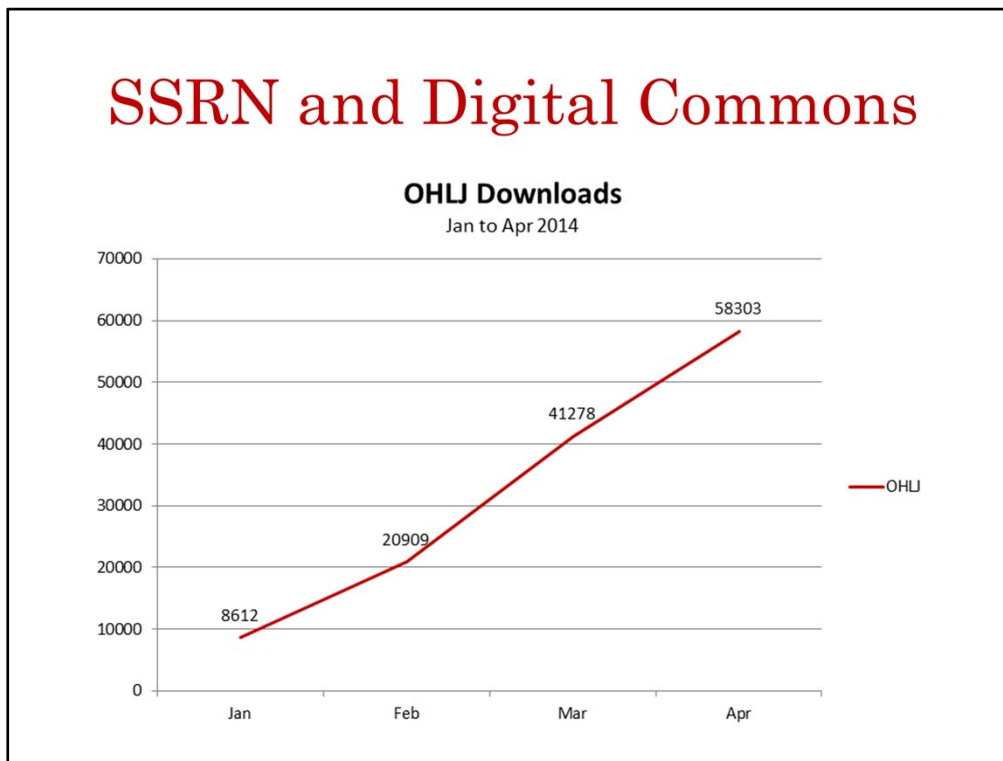
In a recent webinar delivered by these same authors they describe the typical pattern of download behaviour that is experienced on these two platforms. I've crudely tried to illustrate that on this slide here.

SSRN produces what they call a quick “burst” of activity which is then followed by a tendency to drop off and plateau. So generally speaking it is the new uploads that generate traffic on SSRN. Likely due in part to the distribution of email alerts that are sent around to SSRN subscribers.

Downloads in Digital Commons, on the other hand increase as new and historical scholarship is discovered on the web over time. Traffic here is generated by a public hungry for information and discovering the growing body of Osgoode scholarship now maximized for discovery via search engines. On Digital Commons, it's the full repository, not just the new additions that generates traffic to the site.

But the fact that these behaviour patterns are so different is a good thing. These patterns exemplify the complimentary nature of these two platform. As the downloads in SSRN start to drop off, downloads in the Digital Commons gradually rise over time and take up the slack.

SSRN and Digital Commons



This gradually rising pattern can be seen in our Osgoode Digital Commons. There has been a steady stream of full-text downloads received for the papers available in the Osgoode Hall Law Journal collection.

SSRN and Digital Commons

*“Our law school’s experience with using both SSRN and our repository, Mitchell Open Access, supports Donovan and Watson’s key conclusion; namely that redundant posting dramatically increases **net downloads**. In William Mitchell’s case, SSRN downloads have declined marginally since the debut of Mitchell Open Access, but net downloads have skyrocketed. This is the rare service with no downside; it provides broad dissemination of faculty work, predictable and enthusiastic institutional support, quantifiable and measurable success, and fixed costs.” [emphasis added]*

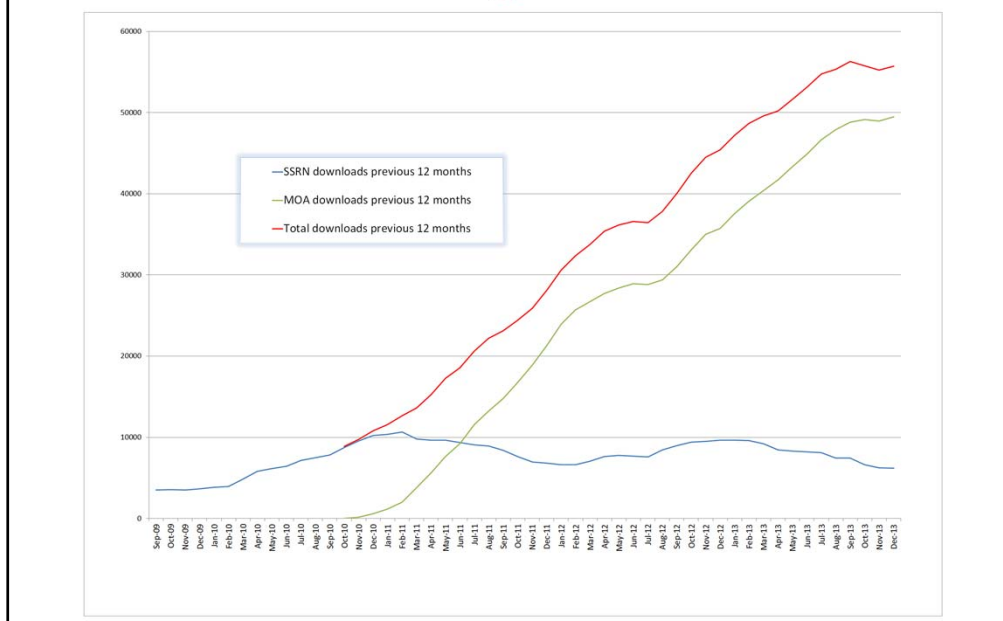
Canick, Simon. 2013. “Library Services for the Self-Interested Law School: Enhancing the Visibility of Faculty Scholarship”, *Law Library Journal*, p. 187-188.

In an article he wrote for the *Law Library Journal* last year, Simon Canick, Associate Dean for Information Resources and Associate Professor of Law, also reflects on the relationship between SSRN and the institutional repository at the William Mitchell College of Law.

“Our law school’s experience with using both SSRN and our repository, Mitchell Open Access, supports Donovan and Watson’s key conclusion; namely that redundant posting dramatically increases net downloads. In William Mitchell’s case, SSRN downloads have declined marginally since the debut of Mitchell Open Access, but net downloads have skyrocketed. This is the rare service with no downside; it provides broad dissemination of faculty work, predictable and enthusiastic institutional support, quantifiable and measurable success, and fixed costs.”

This idea of the “net download” echoes Donovan and Watson’s recommendation that scholars should have “both SSRN *and* the institutional repository working for them.” And again, this demonstrates the complimentary nature of these two services.

SSRN and Digital Commons

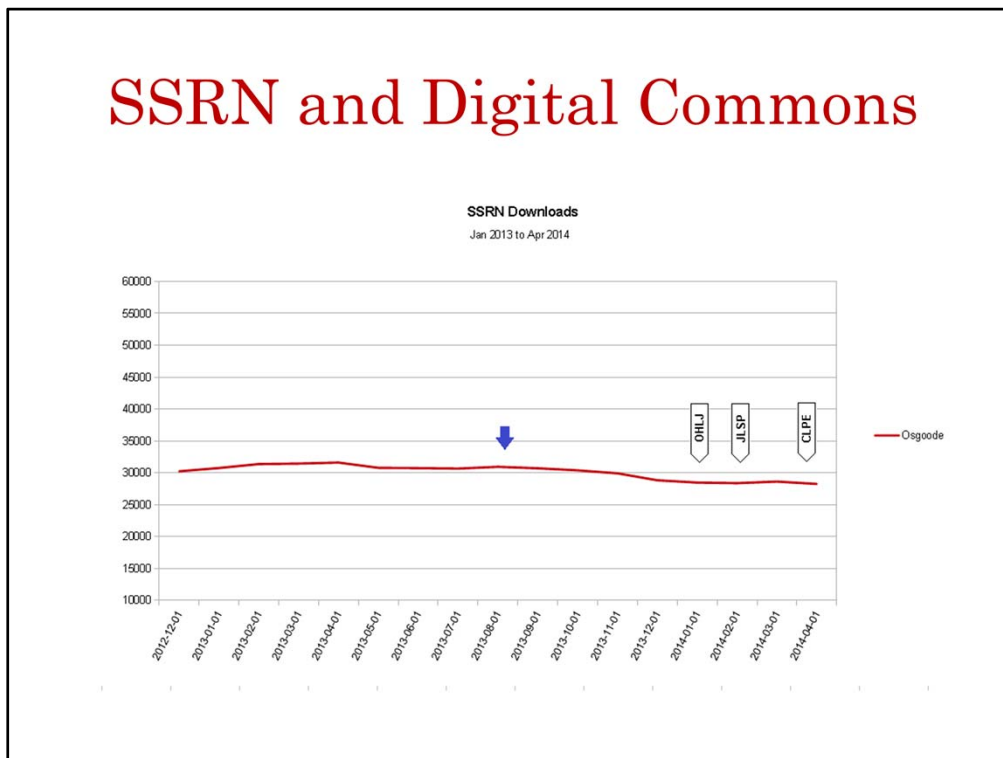


This chart compares the download activity from Mitchell Open Access and SSRN. This is an updated version of the chart that appears in the appendix of Canick’s article and shows their download activity from September 2009 up to the end of December 2013.

Each month SSRN tracks the total download count for the past 12 months. Download counts for Mitchell Open Access are represented here by the relatively flat blue line that runs along the bottom. This number has fluctuated between about 7,000 and 10,000 downloads over the course of the last three or four years. The download statistics for their institutional repository are represented by the green line here which had peaked at about 50,000 downloads at the end of 2013. And the red line shows the combined “net downloads” between the two.

We haven’t quite got enough data at this point to generate an accurate comparison chart for our own scholarship. But concerns have been raised recently suggesting that the introduction of the Osgoode Digital Commons may account for this recent decrease in Osgoode’s SSRN ranking.

SSRN and Digital Commons

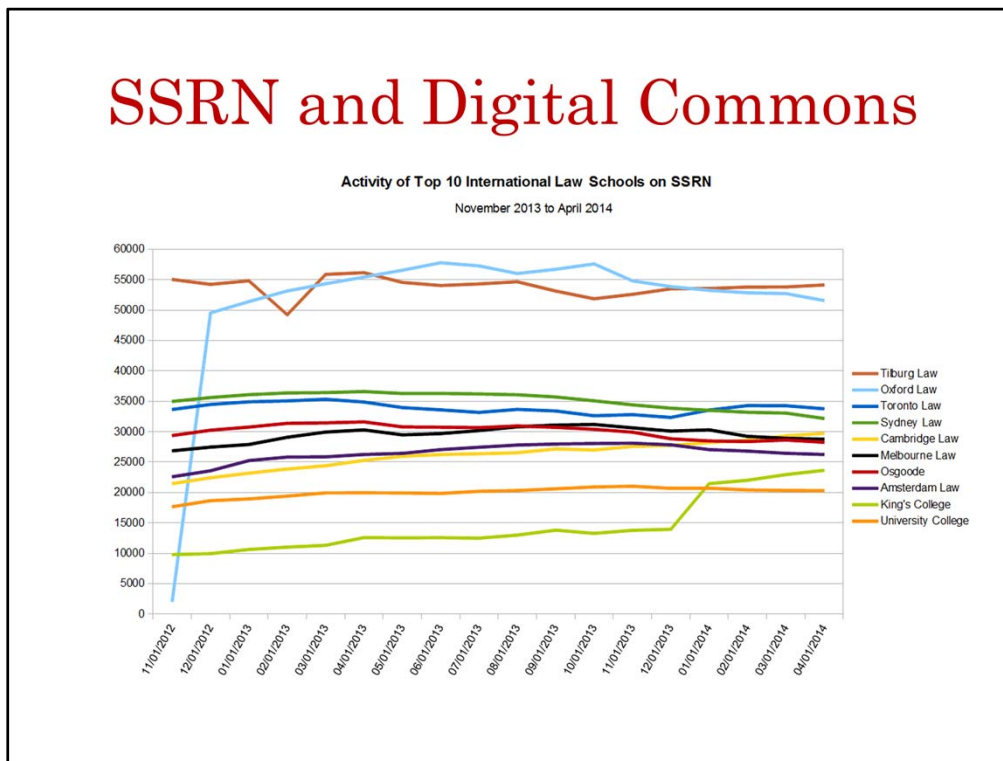


There has been a steady decline in Osgoode SSRN downloads. This trend began in April of last year and then continued further in August where I've placed the blue arrow in this chart. The decline flattens out at around December 2013 leveling off about 28,000 new downloads.

It is my understanding that there was an increase in upload activity to SSRN that began in the winter of 2012 and on into the spring of 2013. This activity may have contributed to the increase in downloads that were recorded at the beginning of this period. And, as others have experienced, after that short-term increase in upload activity had passed, usage gradually dropped off to the present level indicating that these new papers generated new traffic on SSRN.

As mentioned, we began uploading our journals and the CLPE papers beginning in January 2014. This "soft launch" of the Osgoode Digital Commons took place *after* the Osgoode SSRN downloads had already decreased and stabilized. This suggests to me that there may be other factors at play that are impacting the rate of downloads on SSRN.

SSRN and Digital Commons

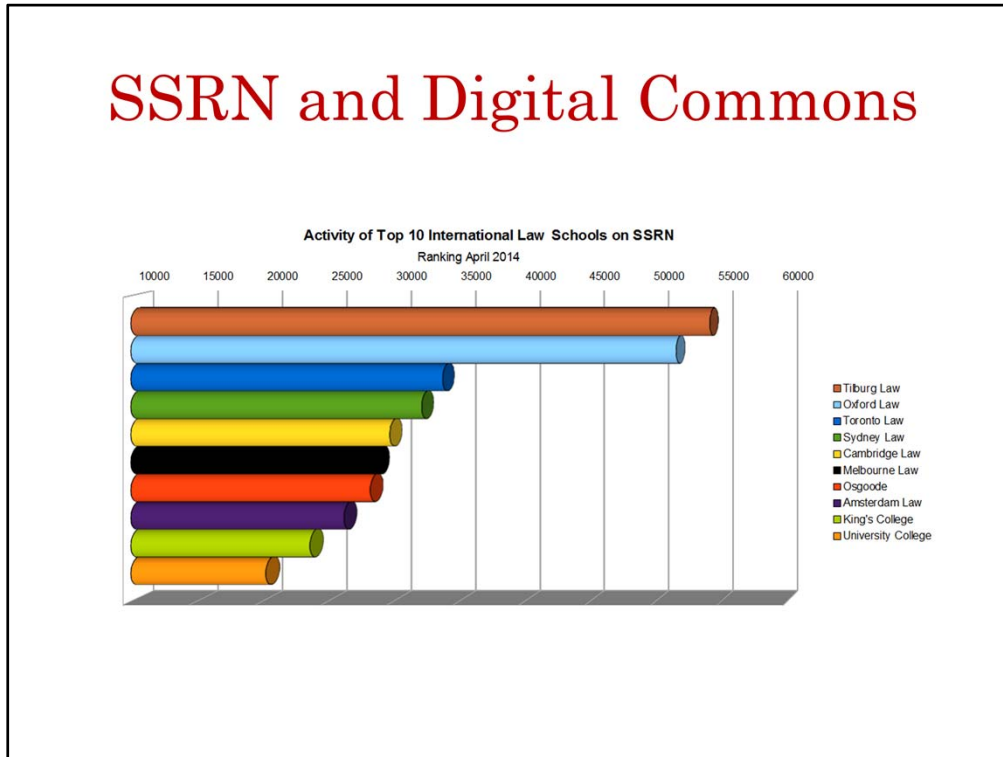


I decided to take a look at the activity of the top 10 international law schools on SSRN and found a couple of interesting things to note.

In November 2012, the University of Oxford, Faculty of Law began uploading their papers to SSRN. Their downloads are represented here by the pale blue line. In the space of only one month they went from a rank of 100 all the way up to number 2. And they continue to dance back and forth at the top with the Tilburg Law School.

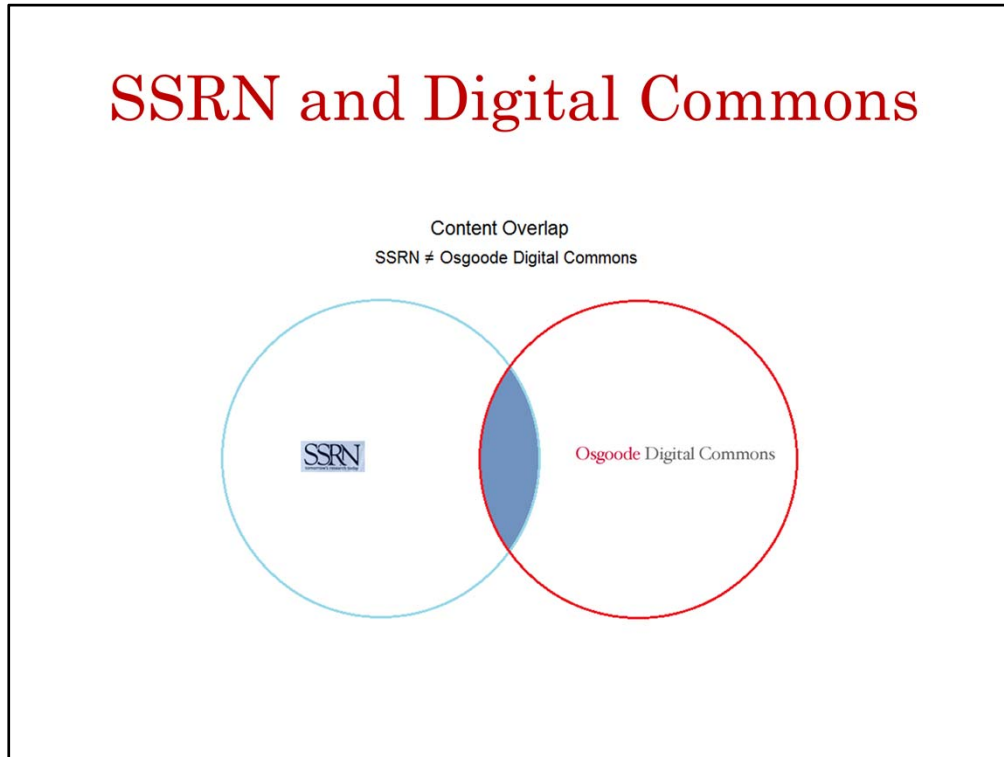
The yellow line in the centre is the University of Cambridge, Faculty of Law. They have also made remarkable gains moving from 9th to 5th between November 2013 and April 2014. Osgoode is represented here by the red line in the crowded middle section of this chart. You can see here too, a very close interaction between Osgoode and the Melbourne Law School which is the black line here.

SSRN and Digital Commons



If you take a closer look at the SSRN numbers for April, you can see just how close Cambridge, Melbourne and Osgoode are in the middle of these rankings.

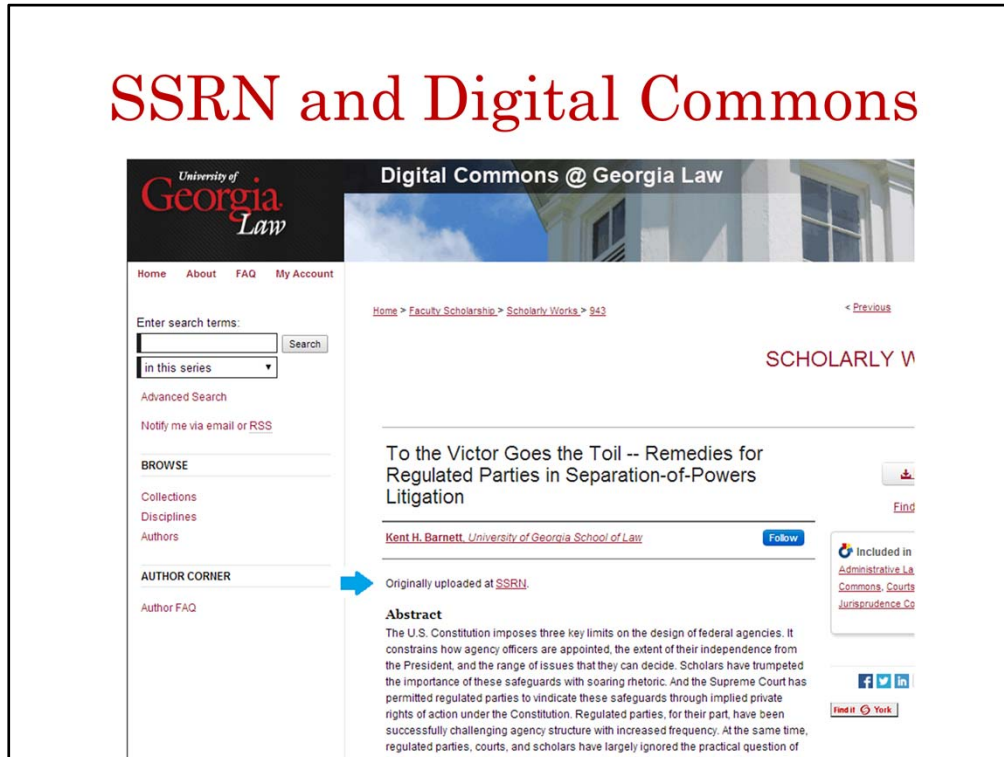
SSRN and Digital Commons



Another factor is the very small content overlap that exists between the papers available on SSRN and those available on Osgoode Digital Commons. Since we have up until this point only loaded Osgoode published journals and the CLPE Research Papers, there is currently very little Osgoode scholarship in Digital Commons that has been published in other non-Osgoode journals. That means that most of the papers available in SSRN stand alone when compared to what's available in the Osgoode Digital Commons.

We will be closely monitoring things as we begin to upload the scholarship for individual Osgoode faculty members.

SSRN and Digital Commons



One thing that has been suggested, and is a relatively easy thing to do, is to add a link from the Osgoode Digital Commons that links back to the paper on SSRN. This has been done by a few other Digital Commons law schools.

We like the way University of Georgia Law has implemented this shown here. They a link that says, "Originally uploaded at SSRN," that takes people back to SSRN.

AODA and Digital Commons

Beginning January 1, 2014:

- If you launch a new public website or your existing site undergoes a significant refresh, the site and any of its web content published after January 1, 2012, must conform to the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0, **Level A**.

Beginning January 1, 2021:

- All public websites and all web content on those sites published after January 1, 2012, must conform with WCAG 2.0 **Level AA**, other than providing captions on live videos or audio descriptions for pre-recorded videos.

The last thing I want to touch on very briefly is compliance with the Accessibility for Ontarians with Disabilities Act.

As of January first of this year our website must comply with the AODA which means it must meet the World Wide Web Consortium, Web Content Accessibility Guidelines (WCAG) 2.0, Level A.

AODA and Digital Commons

- Osgoode Digital Commons accessibility statement

<http://digitalcommons.osgoode.yorku.ca/accessibility.html>

Standards Compliance

1. All static pages follow U.S. Federal Government Section 508 Guidelines.
2. All static pages follow priorities 1 & 2 guidelines of the [W3C](#) Web Content Accessibility Guidelines.
3. All static pages validate as [HTML5](#).
4. All static pages on this site use structured semantic markup. H2 tags are used for main titles, H3 and H4 tags for subtitles.

In the accessibility statement available on the Osgoode Digital Commons site a list of accessibility standards indicates that DC is compliant with the U.S. Federal Government Section 508 Guidelines and the W3C Web Content Accessibility Guidelines. Both U.S. Section 508 and AODA must and do comply with the W3C guidelines.

Selected Resources

Bepress. 2011. "Voluntary Product Accessibility Template (VPAT)." *Digital Commons Reference Material and User Guides*.

<http://digitalcommons.bepress.com/reference/21>

Canick, Simon. 2013. "Library Services for the Self-Interested Law School: Enhancing the Visibility of Faculty Scholarship." *Law Library Journal*

<http://www.aallnet.org/main-menu/Publications/lj/LLJ-Archives/Vol-105/no-2/2013-8.pdf>

Donovan, James M. and Carol A. Watson. 2008. "White Paper: Behind a Law School's Decision to Implement an Institutional Repository"

http://digitalcommons.law.uga.edu/law_lib_artchop/15/

Donovan, James M. and Carol A. Watson. 2012. "Will An Institutional Repository Hurt My SSRN Ranking?: Calming Faculty Fears." *AALL Spectrum*

<http://www.aallnet.org/main-menu/Publications/spectrum/Archives/Vol-16/No-6/institutional-repository.pdf>

Lynch, Clifford. 2003. "Institutional Repositories: Essential Infrastructure for Scholarship in the Digital Age." *ARL*

<http://www.arl.org/storage/documents/publications/arl-br-226.pdf>

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Premasagar. Auroville: Under Construction

file name: 125138024_ef46eb59ea_b.jpg

<https://flic.kr/p/c4nb9>

A Lads Club Escapette. A Morrissey Crowd is a good crowd!

Middlesbrough Town Hall, 8 July 2011

<https://flic.kr/p/a1V3bz>