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Wrangling Weirdness: Lessons Learned from Academic Law Library Collections

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Abstract

Academic law libraries face some challenges that are consistent with larger trends in higher education. However, there are unique aspects that shape the way collections are selected, evaluated, managed, and promoted. Most electronic resources designed for legal research do not generate COUNTER-compliant usage data. Many subscription resources and services that libraries provide access to are primarily geared toward nonacademic customers, such as law firms and corporations. Patrons increasingly need and request research products that rely on data collection, personalization, and non-IP access controls, which complicates law librarians' professional commitment to things like preserving patron privacy and providing walk-in access. Law library technical services departments are perpetually negotiating these and other challenges to ensure the needs of law faculty and students are met as seamlessly as possible. Some of these methods and strategies might be applicable to other types of libraries navigating unfamiliar issues.

Cultural Context

To better understand the challenges law libraries face, it is helpful to examine their cultures and organizational identities. To begin with, the relationship between a law library and the libraries elsewhere on campus can be torn between autonomy and collaboration. Law libraries are often administered separately from the main university libraries, which can create a unique set of priorities, workflows, and service cultures. They typically have separate budgets, different systems, and different decision-makers. Some of this autonomy, partially driven by ABA accreditation criteria, has historically placed heavy emphasis on law library self-sufficiency. While absolute autonomy is no longer really possible, let alone desirable, the emphasis on separation has left a lasting impression on law library culture (Milles, 2004).

Law library culture is also shaped by its relationship to the customs and norms associated with law firms and legal practice. Law libraries serve faculty who often come from law firms or practice environments. Law students, on the other hand, are preparing to enter these realms, postgraduation. Faculty from top firms have high service expectations, because attorneys' information needs are extremely time-sensitive and must be met in order for them to win cases and bolster the firm's prestige. In these pressurized environments, for-profit models may be more common than mainstream library practices. Preparing law students to thrive in practical environments impacts law library culture and service priorities, as well.

Within the academic environment, competitive law school rankings place additional pressure on law schools and their libraries. For example, retaining well-regarded law faculty, and supporting their publishing endeavors, often has a direct impact on library collections. While these rankings might not seem like obvious library concerns, they have wide-ranging consequences for the entire law school. Law school rankings impact student enrollment, alumni donations, and other facets of the organization's overall stability.

Collections

Law school collections are designed to meet the research needs of faculty and students, support the work of law school clinics, and help students pass the bar exam and prepare for legal practice. Because legal materials are very niche, and are usually more expensive than the average attorney or legal professional can afford, law library collections are also intended to serve the legal information needs of communities and local practitioners. Part of this mantle also involves preserving legal history. Many law libraries are federal depositories and contain government documents to be made available at no cost to the public. This dual responsibility to academic stakeholders and the larger community

impacts the collections themselves, but it also shapes access policies and priorities.

Unlike their counterparts in university libraries, law library collections contain a great deal of continuing resources that often include inserts and addenda. These resources take more time and staff to painstakingly replace individual sections and pages that have been updated at various frequencies. Commitments to continuations typically account for a significant portion of law library collections budgets, limiting the ability to adapt to new research and information needs. While many of these resources are gradually shifting to online platforms, students are often still required to learn how to research and cite the print versions. Though the prominent law databases such as Westlaw and LexisNexis are heavily used in law school, students who graduate and find positions at smaller law firms may not have access to these costly platforms.

Westlaw and LexisNexis are noteworthy components of e-resource offerings. However, law libraries are also tasked with providing access to research management tools that help students prepare to practice law. Legal news resources are also an important part of e-collections as students and faculty strive to stay abreast of emerging legal issues. Law library collections are often a hybrid of print subscriptions, traditional databases, and nontraditional resources that are specifically designed to support the success of students after they graduate and begin to practice law.

Challenges

Many legal resources are not designed with academic customers in mind. Rather, they are geared toward the needs of corporate and government accounts. This dynamic creates some unique obstacles when it comes to licensing, aligning resources with library values or priorities, and assessing library collections.

Licensing

Because many legal resources are not designed for academic markets, the boilerplate license agreements we receive are very restrictive and do not include provisions for typical academic needs. Ensuring scholarly use and interlibrary loans are permitted in the license agreement can require extra negotiation. Model language from NERL or LIBLICENSE can be used to help demystify academic needs.

Law libraries that have a collections focus on foreign and international content might face licensing challenges such as foreign jurisdiction and interpreting agreements written in a range of languages. The difficulty of successfully licensing foreign and international e-collections can often make print a more attractive format for these resources, even though they require physical processing and shelving space.

Alignment

Law librarians deal with many resources that aren't designed for libraries or scholarly use. This means, to succeed in their roles, they must educate niche publishers and vendors about how students and faculty will engage with the resources. Without this foundational understanding, it is incredibly difficult to acquire the right resources, for the right price, and with agreeable terms of use. There is also the struggle to align priorities like content, platform efficiency, and user experience. Law schools are similar to vocational schools, and the pressure of practice often shapes how collections are developed.

At nonlaw academic libraries, collection priorities might emphasize the quality and uniqueness of content, accessible and user-friendly platform features, and price relative to demand. In a law library, this matrix looks quite different. While quality content is still important, a great deal of emphasis is placed on the platform features that save users time and make their searches more efficient. Because legal practice involves minimizing nonbillable hours, activities like basic research and information gathering must be completed as quickly as possible. As a result, platforms that offer a customizable, personalized experience that caters to the user's specific interests are considered essential, even if their other features are not as competitive.

There may be instances when a law library subscribes to a database or practical tool, even though it does not adhere to what the library might consider essential standards. Patron privacy is one example. While libraries strive to ensure user data is protected, stakeholders' interest in personalization tools that leverage user data to anticipate information needs or queries puts them in an awkward predicament. Every library has its own approach to navigating tensions between values and user needs, but law libraries face additional pressures because of the weight of faculty satisfaction and the obligation to prepare students to practice law.

Assessment

Another by-product of the nontraditional resources that constitute the bulk of law library collections is that typical assessment strategies are often untenable. While many academic libraries examine cost per use to gauge how resources are performing, law libraries struggle to assemble a coherent picture of usage. COUNTER (Counting Online Usage of NeTworked Electronic Resources) is not common for law resources. In fact, legal resource providers often have their own idiosyncratic methods for capturing and representing use. One vendor might report a single data point to represent searches, filtering, document views, and clicks on related information tabs, while another might separate usage by hits, visits, page views, and searches. Due to this lack of consistency in metrics, often the only way to evaluate a resource is to compare its overall usage trends over time. Otherwise, attempting to compare separate resources may lead to inaccurate results. Other possible methods for capturing usage are by way of proxy logs, link resolvers, and Web analytics. While these may help to supplement vendor-provided statistics by giving approximate number of uses, or insight into users' information-seeking behavior, they often do not provide an adequate picture of usage on their own (Verminksi & Blanchat, 2017).

Other issues with non-COUNTER-compliant access providers are the lack of consistency in access to statistical reports and a lack of validity in the numbers presented. Some vendors provide online access to reports at all times, while others require librarians to request them monthly. In some cases, only a certain number of requests per year are allowed. Depending on vendor representatives to supply statistics can make the process extremely difficult or inconvenient. And since there are no standards to adhere to, there is no way to prove the accuracy of the statistics—how they are obtained or changes to metrics used. There may even be the possibility of embellishment on data that may originally have reflected low usage. Relying on a multitude of vendors to supply statistics can be cumbersome and incredibly convoluted.

These tendencies may reflect the alignment issue, that law resources are not designed for academic use, and corporate clients may not have a need or concern for comparing usage statistics to make collection development decisions. This, in turn, makes it difficult to make data-driven decisions and assess the academic library collection in a meaningful way. Culture plays a role here, too, since even when usage data is available, faculty expectations or preferences might be more persuasive or influential.

Coping Strategies

There are numerous challenges and pain points when it comes to acquiring, licensing, and assessing law library collections. However, law libraries are making strides to cope with these challenges and optimize the resources and opportunities they have at their disposal. Some issues, like law school culture, are beyond the scope of a library's direct influence. But there are still strategies we employ to make the most of what we have.

Benchmarking

When it comes to assessment, we have to consider alternative methods of measuring use and overall impact. The absence of COUNTER-compliant statistics makes cross-comparisons difficult, because many legal resources have distinctive definitions of measurable user engagement and lack general standardization. Instead of looking at metrics such as cost per use, law libraries can apply benchmarking to e-resources. We can define what a solid return on investment might look like for a particular resource, and then measure its activity against that standard to inform renewal decisions. We can also look at how a resource has performed over time. If usage of one resource declines, while another similar product is attracting additional engagement, we can attempt to identify causal factors, target promotional activities, or schedule information sessions or trainings that might bolster usage of an underutilized resource.

ALLStAR (Academic Law Libraries: Statistics, Analytics, and Reports) data helps with internal benchmarking and interinstitutional comparison. Each law library has different strengths and weaknesses, but sharing and comparing data related to collections, personnel, services, and budget allocations enables better decision-making. By gathering this information consistently at the local level and comparing it across institutions, "libraries can better align limited resources to meet current demands and anticipate emerging trends" (Panella, Iaconeta, & Miguel-Stearns, 2017, p. 13).

Advocacy

Law librarians strive to improve the e-resource landscape. When it comes to licensing, for example, law libraries fight for walk-in access, interlibrary loan

rights, IP-based authentication, and patron privacy whenever possible. In the process of negotiating with vendors and publishers, they educate information providers about academic usage and needs. This can foster mutually beneficial cooperation, as libraries are able to better serve their users and legal publishers are in a better position to market their resources to other academic customers.

The American Association of Law Libraries (AALL) brings law libraries together and helps consolidate advocacy efforts. One example is the Committee on Relations with Information Vendors (CRIV), which helps formalize librarian concerns about privacy and other issues, while working toward more cooperative, transparent relationships between libraries and vendors.

Collaboration

Advocacy involves a great deal of collaboration and interinstitutional coordination. Law libraries also work with one another in consortial relationships to leverage purchasing power and collaboratively problem-solve.

While opportunities to collaborate within professional organizations and consortia can be very valuable, it's also important to explore opportunities to partner at the campus level. If a law library can work with the university library, it can be mutually beneficial. For example, law librarians can share their experience working with nontraditional vendors.

Participating in cost-shares for resources that benefit the entire campus can make costly subscriptions more affordable for both a law library and the university library. Other opportunities to collaborate might include open access advocacy, license review, and trial management.

Conclusion

Because of their distinctive cultures and the unique collections they manage and develop, academic law libraries must navigate some special challenges involving licensing, collections decision-making, and assessment. These factors might put them out of step with the work being undertaken at nonlaw academic libraries. However, as more academic libraries are being asked to acquire nontraditional resources, like data sets, business resources, and test preparation or practice-based tools, challenges that have been common among law libraries are impacting other academic libraries, too.

Law libraries are cultivating strategies to mitigate the challenges they face. Some of these tactics might benefit other libraries, as well. Accumulating assessment data through a shared system like ALLStAR could model a viable approach to interinstitutional assessment for other types of libraries. Perhaps, in the future, the professional organizations that bring together law librarians might partner with other kinds of special academic libraries, such as medical, to strengthen their relationships and leverage their complementary expertise.

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