

2011

Librarians Can Improve Law Journal Publishing

Benjamin J. Keele
benjamin.j.keele@gmail.com

Michelle Pearse

Repository Citation

Keele, Benjamin J. and Pearse, Michelle, "Librarians Can Improve Law Journal Publishing" (2011). *Library Staff Publications*. Paper 25.
<http://scholarship.law.wm.edu/libpubs/25>

LIBRARIANS CAN IMPROVE LAW JOURNAL PUBLISHING

Benjamin Keele

William & Mary Law Library

Michelle Pearse

Harvard Law Library

Copyright Agreements

- Both journals and authors want flexibility while keeping journal in business.
- Non-exclusive or temporary exclusive licenses are usually good for everyone.

 **WILEY-BLACKWELL** 111 River Street
Hoboken, NJ 07030

COPYRIGHT TRANSFER AGREEMENT

Date: _____

To: _____

Re: Manuscript entitled _____ (the "Contribution")
for publication in *Natural Resource Modeling* (the "Journal") published by Wiley Periodicals, Inc., a subsidiary of John Wiley & Sons, Inc.

Production/Contribution ID# _____
Publisher/Editorial office use only

Author/Journal Agreement
Duke Law Journal

The following is an agreement between the **AUTHOR**, hereinafter referred to as "**the Author**," and *Duke Law Journal*, hereinafter referred to as "**the Journal**," and governs "**TITLE**" hereinafter referred to as "**the Work**."

1. Author's Grant of Rights

a. Except as provided in Paragraphs 1 (c) and 2 (b), the Author grants to the *Journal* the rights to reproduce and distribute the Work in the *Journal*, in

e Wiley-
ed and returned

swals of that
transmit, sell,
ditions of the
v known or later

Publication Agreement & Copyright License


This is a publication agreement and copyright license ("Agreement") between _____ ("Author") and Trustees of Boston University, publisher and copyright owner of the Boston University Journal of Science & Technology Law ("Journal") regarding a written manuscript currently entitled, _____, ("Article").

LICENSE OF COPYRIGHT

1. LICENSE OF COPYRIGHT.

1.1 The Author hereby grants to the Journal a royalty-free, worldwide nonexclusive license:

(a) to publish, reproduce, display, distribute, and use the Article in any form, either separately or as part of a collective work, including but not limited to a nonexclusive license to publish the Article in an issue of the Journal;



Checklist for Agreements

- ✓ What kind of **license** is needed?
- ✓ Any period of **exclusivity** needed?
- ✓ Can author **post article online**?
- ✓ Who should be contacted for copyright **permissions**?
- ✓ Does author **warrant** article is original and non-infringing?
- ✓ Is **attribution** for both author and journal promised?

Version Marking

- Many different versions of article can be online:
 - Multiple **drafts** on SSRN
 - **Published version** on journal website and databases
 - **Corrections or updates** on SSRN or journal website.
- How do researchers know what version they are reading?

Version Examples

DRAFT—Please contact author at bkeele@uimail.iu.edu for latest version before citing.

What
version?
How old?

Copyright Provisions in Law Journal Publication Agreements*

Benjamin J. Keele**

Mr. Keele examined copyright provisions of law journal publication agreements and found that a minority of journals ask authors to transfer copyright. Most journals also permit authors to self-archive articles. He recommends journals make their agreements publicly available and use licenses instead of copyright transfers.

Introduction

¶1 Authors, law journal editors, and librarians should always consider copyright law when dealing with scholarly articles. Generally, copyright issues relating to an article are handled through a publication agreement between the law journal and author. Because journal editors develop agreements, authors negotiate modifications, and law librarians advise and educate about copyright, all three parties have an interest in the terms under which articles are published.

LAW LIBRARY JOURNAL Vol. 102:2 [2010-15]

Copyright Provisions in Law Journal Publication Agreements*

Benjamin J. Keele**

Mr. Keele examined copyright provisions of law journal publication agreements and found that a minority of journals ask authors to transfer copyright. Most journals also permit authors to self-archive articles. He recommends journals make their agreements publicly available and use licenses instead of copyright transfers.

Introduction

¶1 Authors, law journal editors, and librarians should always consider copyright law when dealing with scholarly articles. Generally, copyright issues relating to an article are handled through a publication agreement between the law journal and author. Because journal editors develop agreements, authors negotiate modifications, and law librarians advise and educate about copyright, all three parties have an interest in the terms under which articles are published.

Authors and editors should include more information on what version an article is in (draft, published, corrected, etc.)

Persistent Identifiers

Standard URLs often break.

www.source.com/cite => 404 not found => ☹️

Persistent identifiers (digital object identifiers, handles, persistent URLs, archival resource keys) add an intermediate resolver that is updated by publishers so identifiers stay accurate.

www.dx.doi.org/10.cite# => resolver =>
www.correct_URL.com => 😊

Publishers assign persistent IDs...

...and so do some libraries.

INDIANA UNIVERSITY PRESS
INDIANA UNIVERSITY

Search This Issue for

Indiana Journal of Global Legal Studies > Vol. 16, No. 1, Winter 2009

Indiana Journal of Global Legal Studies [Publication Info](#)

Vol. 16, No. 1, Winter 2009
Published by: [Indiana University Press](#)
Issue Stable URL: <http://www.jstor.org/stable/10.2979/gls.2009.16.issue-1>

- Latest Issue
- Most Cited
- All Issues
- Most Accessed

TABLE OF CONTENTS

- Save Citation | Email Citation | Export Citation | Track Citation
- Select/unselect all
- Introduction—Operationalizing Global Governance (pp. 1-5)
Hannah L. Buxbaum
DOI: 10.2979/GLS.2009.16.1.1
Stable URL: <http://www.jstor.org/stable/10.2979/GLS.2009.16.1.1>
- Emerging Global Environmental Governance (pp. 7-23)
N. Brian Winchester
DOI: 10.2979/GLS.2009.16.1.7
Stable URL: <http://www.jstor.org/stable/10.2979/GLS.2009.16.1.7>
- "The Momentous Gravity of the State of Things Now Obtaining": Annoying Westphalian Objections to the Idea of Global Governance (pp. 25-58)
Timothy William Waters
DOI: 10.2979/GLS.2009.16.1.25
Stable URL: <http://www.jstor.org/stable/10.2979/GLS.2009.16.1.25>
- Deliberative Democracy in Severely Fractured Societies (pp. 59-83)
Adeno Addis
DOI: 10.2979/GLS.2009.16.1.59
Stable URL: <http://www.jstor.org/stable/10.2979/GLS.2009.16.1.59>
- Theocratic Constitutionalism: An Introduction to a New Global Legal Ordering (pp. 85-172)
Larry Catá Backer
DOI: 10.2979/GLS.2009.16.1.85
Stable URL: <http://www.jstor.org/stable/10.2979/GLS.2009.16.1.85>

Might change if journal leaves JSTOR or website changes

DOI much less likely to change.

IU ScholarWORKS repository

Repository Home > Maurer School of Law (Bloomington) > Student Research > View Item

Search

Entire Repository
This Collection

Browse

Entire Repository
Communities & Collections
By Issue Date
Authors
Titles
Subjects

This Collection
By Issue Date
Authors
Titles
Subjects

My Repository
Login
Register

Privacy by Deletion: The Need for a Global Data Deletion Principle

Show full item record

Title: Privacy by Deletion: The Need for a Global Data Deletion Principle
Author: Keele, Benjamin J.
Date: 2009
Publisher: Indiana University Press
Citation: Keele, B.J. (2009). Privacy by Deletion: The Need for a Global Data Deletion Principle. Indiana Journal of Global Legal Studies, 16(1), pp. 363-384.
Other version: The final published version of this is available in the William and Mary Law School Scholarship Repository. See link location below.
Rights: This work is licensed under a Creative Commons Attribution 3.0 Unported License
Rights URL: <http://creativecommons.org/licenses/by/3.0/>
Abstract: With global personal information flows increasing, efforts have been made to develop principles to standardize data protection regulations. However, no set of principles has yet achieved universal adoption. This note proposes a principle mandating that personal data be securely destroyed when it is no longer necessary for the purpose for which it was collected. Including a data deletion principle in future data protection standards will increase respect for individual autonomy and decrease the risk of abuse of personal data. Though data deletion is already practiced by many data controllers, including it in legal data protection mandates will further the goal of establishing an effective global data protection regime.

Other Information: This article was published as Keele, B.J. (2009). Privacy by Deletion: The Need for a Global Data Deletion Principle. Indiana Journal of Global Legal Studies, 16(1), pp. 363-384.

Location: <http://hdl.handle.net/2022/3268>
<http://scholarship.law.wm.edu/libpubs/2/>
<http://dx.doi.org/10.2979/GLS.2009.16.1.363>

Type: Article

Files	Size	Format	View
Keele_Preprint_12_2_08.pdf	151.3Kb	application/pdf	View/Open

Handle is a persistent identifier supplied by library

We already know it is a problem, but how could libraries actually help with link rot in footnotes?

Proper web archiving if fits within collection development scope?



Services like Webcite

WebCite

[HOME | FAQ | NEWS | APPLY | MEMBERS | SEARCH | COMB | ARCHIVE | BOOKMARKLET]

13. See, e.g., Lyn Giguere, *Google Alarm: Exposing Internet Privacy Issues One Page at a Time*, TOPWIRENEWS, Aug. 11, 2010, archived at <http://www.webcitation.org/5wA7LI581> (stating that most web surfers are unaware of internet privacy issues and that Google tracks their activity online).

Individual projects?



Legal URL Citation Archive Project Pilot

[Columbia Law Journals](#)

[Copyright Notice](#)

[Acknowledgments](#)

This pilot project is currently focused only on Columbia Law Journals.¹ Its aim is to eventually become a centralized archive of all online sources cited in all domestic law review articles in the form they existed as of the date they were cited by the journal and/or author.

In this age of technology, digital publishing is a reality legal scholarship has to face. Digital publishing includes what is conventionally understood to be electronic publishing (a means of distribution of information directly in electronic format), as well as that which is conventionally understood to be digitization (a means of conversion of paper materials into electronic format).

However, in the present state of digital publishing legal scholarship, which requires reliability -- accurate and continuing access to the same body of work -- is under perpetual threat because of two recurrent phenomena:

1. the constant possibility of alteration of the content of online sources (as demonstrated by the ubiquitous 'last modified' mention for almost every online citation), and
2. the threat of their disappearance.²

Under these circumstances, and with the Bluebook's effective encouragement, the use of URL citations in law journal citation has created a new factor of unreliability in scholarly law publications. Thus, it has become essential that cited online sources should be stored and accessible in a permanent archive, similar to a 'mirror site.' The archived materials will reflect the state of the source as of the date of the citation, in a permanently accessible and unchanging fashion.

Dana Neacsu
Reference Librarian
Columbia Law School



Plagiarism Checking

- Many journals already do **preemption-checking** in databases, which can help catch some illegitimate copying, but additional tools are available.
- Most institutions subscribe to some plagiarism-checking software. Librarians can offer it to journals. Options include:



Empirical Support

- Increasing number of law reviews are publishing **data-driven** articles. Increasing number of libraries being asked to provide **empirical support services**.
- Not a lot of law students understand **research methodology** or **statistical work**.
- Librarians are already grappling with research support on the “front” end. They are well-positioned to coordinate review by those more knowledgeable about this kind of research. Librarians or other library staff education in empirical work might be positioned to review methodology, basic statistics work, etc.
- Help improve **quality and credibility** of empirical work in law reviews from the publishing end (not just the research end).

Data Curation

- Librarians are also in the position to provide repositories for data (preservation, curation, metadata, etc.) and help journal rethink presentation.
- Why important?
 - replication
 - citation (akin to “on file”)
 - credibility
 - accessibility
- Help with journal workflow.
- Complications with rights, file formats, etc.
- Most commonly used tool for social sciences: **Dataverse**
- Raw data sets and visualization.

Example of Law Review's Use of Dataverse

ABOUT ADMISSIONS ACADEMICS FACULTY STUDENTS CENTERS LLM & JSD GLOBAL ALUMNI

Law Review

Masthead

Membership

Issues

Data Repository

Submissions

Subscriptions

Copyright Policy

Contact Us

All IQSS Dataverses >

NYU Law Review Dataverse

POWERED BY THE **Dataverse Network**™ PROJECT

[Search](#) [User Guides](#) [Report Issue](#)

[Log In](#) [Create Account](#)

The [New York University Law Review](#) is a generalist journal publishing legal scholarship in all areas, including empirical legal studies, legal theory and policy, taxation, international law, and more. We publish [six issues per year](#), with Articles and Essays written by professors, judges, and legal practitioners, as well as Notes written by members of the *Law Review*.

NYU Law Review

[Advanced Search](#)
[Tips](#)

Sort By:



Studies: 4

[Paying-to-Play in Securities Class Actions: A Look at Lawyers' Campaign Contributions](#)

by Drew Johnson-Skinner

Abstract: Congress enacted the Private Securities Litigation Reform Act of 1995 (PSLRA) to reduce plaintiffs' lawyers' influence in securities fraud class actions. The PSLRA's presumption that the class member ...

hdl:1902.1/13769

83 downloads

Last Released: Jan 16, 2010

[The Constitutional Life of Legislative Instructions in America](#)

by Christopher Terranova

Abstract: In America's early history, state legislatures often formally instructed their federal representatives on particular votes. This practice flourished for a century, but then died out—a change that ...

hdl:1902.1/12889

48 downloads

Last Released: Nov 13, 2009

[Myth of Mess? International Choice of Law in Action](#)

by Christopher Whytock

Abstract: Choice of law is a mess—or so it is said. According to conventional wisdom, choice-of-law doctrine does not significantly influence judges' choice-of-law decisions. Instead, these decisions are ...

hdl:1902.1/12818

63 downloads + analyses

Last Released: Jul 20, 2009

[Are All Legal Probabilities Created Equal?](#)

by Yuval Feldman ; Doron Teichman

hdl:1902.1/12386

122 downloads + analyses

Last Released: Jun 12, 2009

Visualization Potential

- Making data accessible/understandable
- Librarians know how people understand information and how to help develop systems
- Libraries are used to helping patrons find and use information---can advise on ways to **present data**, **rethink creative ways** to display and **mash up** with other content
- Tools: ManyEyes, Visual.ly, functionality built into repositories/software (e.g. Dataverse)
- Computational legal studies

COMPUTATIONAL LEGAL STUDIES™

Home About CLS Blog VTR Tax Court Article JLE Law Prof Article ICPSR Complex Systems Cour

JLE Law Prof Article

May 18th, 2011

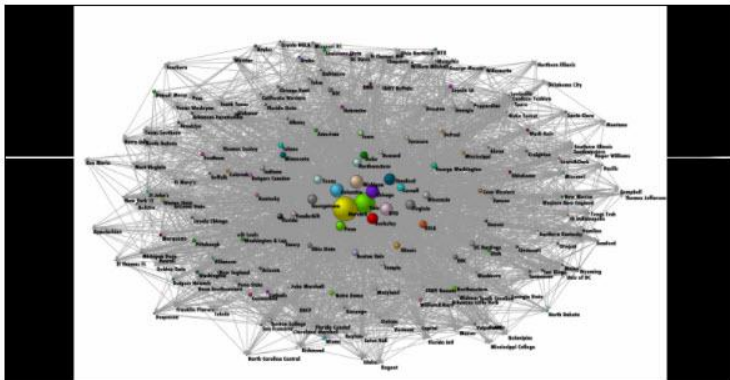
[Go to comments](#) [Leave a comment](#)

Welcome to the Online Supplement for **Reproduction of Hierarchy? A Social Network Analysis of the American Law Professoriate**, 61 Journal of Legal Education 1 (2011) by Daniel Martin Katz, Joshua R. Gubler, Jon Zelner, Michael Bommarito, Eric Provins, and Eitan Ingall.

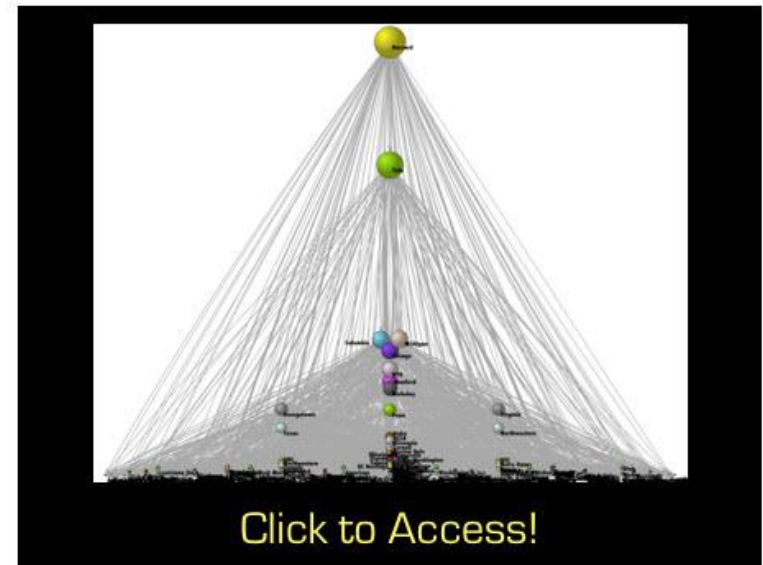
On this page, you will be able to access presentation slides, review high quality color versions of the images presented in the paper and run the computational simulation in your browser.

Best,
Dan, Josh, Jon, Michael, Eric, and Eitan

(1) Primary Network Visualization from the Paper – Fully Zoomable (via Zoom.it)



(2) The Other Visualizations from the Paper



Metadata

- Librarians well-positioned to move journals to the **semantic web** (take advantage of linked data) so more discoverable and interactive with other sources.
- Not just technical structure for properly “formatted” data, but substantive contribution to ontologies/subjects? Time for ontology for law (e.g. Neurocommons) as being developed in other legal informatics communities? Librarians reviewing articles for subciting are well-positioned to assign subjects/ontologies.
- Potential for **mapping to other systems** (e.g. in open law).
- Consult on usage of **citation parsers/extraction tools** (e.g. ParsCit, FreeCite, CiteSeer, etc.) to develop self-referencing.
- Suggest **solutions for link rot** (proper web archiving, WebCite, etc.).
- Develop **common standards** and some of these additional functionalities as part of the **Durham Statement** project, larger collaborative project for publishing, and aggregating data.

Incorporating into Larger Research Systems

- Provide journals with “checklists” and **facilitate (and lobby for)** inclusion in major research systems.
- Encourage vendors to think **more broadly** about inclusion of content.
 - Indexes
 - Aggregators (HeinOnline, Westlaw, Lexis, etc.)
 - Directory of Open Access Journals (DOAJ)
 - ISSN
 - Cataloging

New Ways of Publishing

- Librarians know how readers use information and are struggling with the same issues of making content relevant, usable and reaching out to patrons in new ways (e.g. social media). They are also well-positioned to identify related content for mixing and referencing. Help journals rethink and reinvent **beyond traditional text!**
 - Video (including metadata enhancement)
 - Mashups
 - Mobile
 - Short-form writing (blogs, online companions)
 - Social media
 - Development of ancillary or related content
- Help integrate what we learn from the **other disciplines** like the sciences and humanities.
- Beyond traditional repositories---rethink mixing and presenting content---help journal evolve into **new forms** beyond volumes/issues/articles and help facilitate access to that content.

Blogs, ancillary content

facebook

Search

HARVARD NATIONAL SECURITY JOURNAL
Community

Wall Harvard National Security... Most Recent

Shares: Post Photo Link Video

Write something...

Harvard National Security Journal
http://harvardnsj.com/2011/05/killing-osama-bin-laden-and-the-law/

The Legality of Killing Osama bin Laden Harvard National Security Journal
harvardnsj.com
On Sunday, May 1st, an elite unit of U.S. Navy SEALs carried out a raid on a

twitter

HarvardNSJ
@harvardnsj Cambridge, MA
The Harvard National Security Journal is a student edited journal at Harvard Law School dedicated to improving scholarship in the area of national security.
http://www.harvardnsj.com/

Follow Text follow harvardnsj to 40404 in the United States

Tweets Favories Following Followers Lists

harvardnsj HarvardNSJ
Read "Detention" by Phillip B. Heymann - http://harvardnsj.com/2011/03/detention/
29 Mar

harvardnsj HarvardNSJ
Justice Department plans 'silent witness' in leak trial - Josh Gerstein - POLITICO.com http://politico.gT09T4
10 Mar

Getting social

SEARCH

HOME | SEE ALSO | DICTA | EVENTS | PUBLICATIONS | SUBMISSIONS | ABOUT | CONTACT

DICTA REVIEWS AND REACTIONS TO RECENT BOOKS PUBLISHED ON VARIOUS LEGAL AND INTERDISCIPLINARY TOPICS

Featured International Book Reviews
No reviews in this category

ABOUT DICTA
Dicta fills a underserved need in the legal scholarship community: reviews and reactions to recent books published on various legal and interdisciplinary topics. This void was pointed out in an essay in Texas Law Review by Stanford Law Review: **The Vanishing Book Review in Student-Edited Law Reviews and Potential Responses, 87 TEXAS L. REV. 603 (2000)**. It has since been observed in a number of notable legal blogs, such as Brian Leiter's Law School Reports, TaxProf Blog, and PrawfsBlawg. Dicta, at its simplest, is a place to share thoughts, reactions, and recommendations on legal books. The site features short and accessible pieces covering any and all recently published books that are of interest to the legal academy.

Going Mobile

Stanford Law Review: Volume 63, Issue 5 - May 2011 by Stanford Law Review (Jun 1, 2011) - Kindle eBook

Formats Buy new New from Used from

Kindle Edition \$5.99
Auto-delivered wirelessly

Tulane Law Review Volume 85, Issue 5 & 6 June 2011 by Tulane Law Review (May 25, 2011) - Kindle eBook

Formats Buy new New from Used from

Kindle Edition \$5.99
Auto-delivered wirelessly

iTunes Preview

What's New What is iTunes What's on iTunes iTunes Charts

Yale Law Journal by Yale Law Journal [View More from this Provider](#)

To listen to an audio podcast, mouse over the title and click Play. Open iTunes to download and subscribe to iTunes U collections.

Description
Members of the Law School's renowned faculty and distinguished legal experts and scholars from around the world share their views on philosophical and practical issues related to law and justice in this collection from the Yale Law Journal.

Name	Description	Released	Price
1 Justice "Promptly, and Witho...	Chief Justice Margaret H	3/31/08	Free View In iTunes
2 State Court Reform of the A...	Chief Justice Randall T. S	3/31/08	Free View In iTunes
3 Emerging Issues in State Law	Chief Justice Randall T. S	3/31/08	Free View In iTunes
4 Postmortem Rights of Public...	In this Commentary, Mitc	4/8/08	Free View In iTunes
5 Taking States out of the Wor...	In this Commentary, Jeff	4/8/08	Free View In iTunes
6 First Do No Harm: Why a Co...	In this Commentary, Pau	4/28/08	Free View In iTunes
7 Curing Congress's Ills: Crimi...	In this Commentary, Jos	4/28/08	Free View In iTunes

Customer Ratings
We have not received enough ratings to display an average for this collection.
Total: 7 Episodes

For More Information

- This poster is based on a forthcoming paper, Benjamin Keele and Michelle Pearse, “How Librarians Can Improve Law Journal Publishing.”
- LibGuide for the paper with additional references and examples is available at:
<http://libguides.law.harvard.edu/lawjournalpublishing>

- Or scan:

