

# A Change of 'Heart': Developing Collections in an Academic Law Library

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## Introduction

The academic law library has long been designated the 'heart' of the law school. This concept, introduced by Christopher C. Langdell, Harvard Law School's first dean,<sup>1</sup> is evidenced by the central role that the Library has played in the provision of legal education, traditionally because of the nature of law itself, as information.<sup>2</sup> A recent history of the Monash University Law School acknowledges that 'a law library is an essential ingredient of a law school'<sup>3</sup> and notes that David Derham, in planning the building, designed it around the law

library as the 'working heart of the law school'.<sup>4</sup> For over 50 years, the Monash Law Library has provided comprehensive collections of primary and secondary sources, essential to scholars and legal practitioners in training. Developments in technology and in the priorities of the University and the legal industry have resulted in changes to the way we develop and manage our collections, including the reduced size of the physical collection. Despite this, or perhaps because of it, the Library remains the 'heart' of the Law School.

## From print to electronic

The Monash Law Library collection was built quickly, as the Faculty was fortunate at the time of founding in 1964 to acquire around 3,000 books from the libraries of two former Supreme Court judges. By 1966, the Law Library had about 10,000 volumes,<sup>5</sup> and by 1993 the collection had grown to over 120,000 volumes, becoming 'clearly the best law library in Victoria and one of the very best in Australia'.<sup>6</sup> Later, in 2009, the Council of Australian Law Deans formally adopted Standards<sup>7</sup> outlining the basic requirements of an academic law library's collection, with a 2013 revision taking into account the

<sup>1</sup> Richard A. Danner, 'Law Libraries and Laboratories: The Legacies of Langdell and His Metaphor' (2015) 107 *Law Library Journal* 7, 8.

<sup>2</sup> Beatrice Tice, 'The Academic Law Library in the 21st Century: Still the Heart of the Law School' (2011) 1 *UC Irvine Law Review* 157, 162.

<sup>3</sup> Peter Yule and Fay Woodhouse, *Pericleans, Plumbers and Practitioners: the First Fifty Years of the Monash Law School* (Monash University Publishing, 2014) 34.

<sup>4</sup> *Ibid* 73.

<sup>5</sup> *Ibid* 36.

<sup>6</sup> *Ibid* 59.

<sup>7</sup> Council of Australian Law Deans, *The CALD Standards for Australian Law Schools: as Adopted 17 November 2009 and Amended to March 2013*, 8-10 <<https://cald.asn.au/wp-content/uploads/2017/11/CALD-Standards-Adopted-17-November-2009-and-Amended-to-March-2013.pdf>>.

increased prevalence of electronic materials and use of technology.

We continue to collect the law reports, legislation, and essential commentary of the Commonwealth and our own jurisdiction and, to a lesser extent, other Australian and foreign jurisdictions. Before the advent of electronic collections, rows of shelving took up most of the Library's space. Multiple copies of law reports were available to enable students to access the cases and materials they were instructed to read; for example, twenty years ago, seven copies of the *Commonwealth Law Reports* and five copies of the *Victorian Reports* lined 24 bays of shelving. Not long after, electronic versions became available on subscription and all but one of the print copies were discarded. We also removed materials available in vast digitised collections on databases such as Hein Online and on the Web from organisations such as the United Nations. The impact of this on the physical library is that although it is still a very well-used space, at least by students, it looks quite different to the library of 20 to 50 years ago. The shelving has been drastically reduced and replaced with the study spaces so desperately sought by the increased numbers of students attending university.

We have embraced the electronic versions, but continue to debate whether to continue or cancel, keep or relocate particular print materials. We examine factors such as accessibility, useability and reliability. There remains a need to purchase print, particularly books; as well as lack of availability, sometimes the electronic version is not

in a suitable or stable format, or print may be preferred (and often is by PhD students especially) if deep research into a source is needed. What about the discovery of sources through browsing? As libraries discard or relocate print materials in huge numbers, students at universities such as Yale<sup>8</sup> are demanding that more books stay. Librarians continue the struggle to find an appropriate balance between study space and collection. At Monash, we will continue to provide the authorised versions of Australian law reports in both electronic and print formats (one copy only!) until attitudes change regarding "authorised reports" or until Australian publishers provide archival electronic versions. Many of the Government Printers have stopped supplying legislation in print, so we have reduced this dramatically for many jurisdictions, only, for example, purchasing annual numbered volumes, instead of the many Reprints needed to reflect changes in legislation.

### Impacts on collection decisions

Collection decisions today are impacted by a broad range of factors. As law librarians, we need to understand the overarching University environment as well as the more specific Law Faculty teaching and research priorities. Add to that a sound understanding of trends in the legal industry, including the requirements of law firms where many of our students will end up. Take, for example, the current significance of the impact of technology and artificial intelligence in the workplace. The increased need for academics to work across disciplines to obtain research grants

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<sup>8</sup> David Yaffe-Bellany and Jacob Stern, 'Yale Students aren't Ready to close the Book on the School's Libraries Just Yet', *Washington Post* (online, April 21 2019) <<https://www.washingtonpost.com/education/2019/04/21/yale-students-arent-ready-close-book-schools-libraries-just-yet/>>.

and find solutions to practical problems means that law librarians need to collaborate with librarians in other disciplines to make decisions about the general resources collected by the Library as a whole. The many multi-disciplinary projects across the University and with industry requires Law researchers to delve more often into less traditional areas. The Library collection needs to both anticipate and react to these trends. We must keep up-to-date by talking to researchers and lecturers, participating in Faculty Education and Research Committees, and attending University and Faculty seminars and events. For example, at Monash, a recent series of 'Affinity' seminars involving Law and other faculties is helping to highlight and create opportunities for exciting new projects.

### Spending the budget

Database and journal subscriptions take up the bulk of the collection budget, with a small amount left over for texts and research books. Gone are the days of selecting title by title to fit the teaching and research priorities of the faculty, saving an enormous amount of time, but perhaps resulting in us being less familiar with our collection. Now we purchase large ebook packages from major law publishers such as Hart, Elgar, OUP, CUP, and Brill. Law books from other publishers are selected by request from academics or when we see an alignment with our needs. The Library also provides user-driven purchasing within a set budget. Books from Australian legal publishers (Lexis, Thomson Reuters, Federation Press, etc.) come through a CAVAL profile approval ordering system, which catches most, but misses some. Texts are checked on unit reading lists and multiple copies ordered depending on student numbers. The availability of Thomson Reuters

law books on Proquest Ebook Central, albeit with limited numbers of concurrent users, is a big step forward in the provision of law texts in electronic format via the Library. However, the cost is substantial and the Library cannot raise expectations that a copy will be available at the time needed by the often more than 300 students in a unit. Lexis ebooks were provided via CCH on the Wheelers platform for a short time, however this has unfortunately not been continued this year. Further improvements must come to the provision of eTexts, and the University is trialling some innovative models in other disciplines.

Negotiations take place with other faculty teams, particularly with Business and Economics, to share the cost of databases of common interest. This is somewhat artificial as the money derives from the Library's budget, however there has been a long tradition of 'dividing the pot' amongst discipline teams. Wider discussion of a product's value also helps justify our decisions. The Library experiences times of concern when the value of the Australian dollar falls, often prompting us to take time to look at our collections from a holistic view and identify subscription cancellations. This is a necessary task, not only to free up budget, but also to justify decisions on retaining or cancelling titles and determining overlaps and priorities. We often check decisions with academic subject experts. When a publisher or researcher alerts us to a unique new resource, if it fits our research profile, we try our best to accommodate it. The emphasis changes, as it should.

### Where do all the old books go?

Vast sections of our collection have been sent to the CAVAL Off-Site Store, where Monash pays for space to accommodate low use materials

and materials available electronically that we no longer want on our shelves. This helps us to work towards fulfilling study space demands. There is content duplication from member libraries, particularly as the collections at both Monash and the University of Melbourne are extensive, and similar databases are subscribed to. As space runs out, we are questioning how many duplicate copies are held in the Store. Recently, with less emphasis on retaining collection items as University "assets", we may discard more freely, and Monash is starting a new project to weed items in the Store as well as in our libraries. We will still, however, want to retain those print only research materials that may be of intense interest to that one PhD student or unique to Monash. As well, we are part of a community, so we can ask for help with the provision of lesser used or more unique items and be fairly confident that a library somewhere will send it to us. The ALLA and INT-Law lists are incredible resources that help us overcome our collection gaps.

### Collection policy to collection principles

Do we have a collection policy that adequately accommodates this changing landscape? At Monash, we are currently revising our Collection Development Policy to turn it into a holistic, principles-based Collection Management Plan.

This will guide us and provide consistency, while ensuring enough flexibility to allow for the many changes taking place around us. The plan will guide decision-making about accepting and declining donations, collection selection, offsite storage, and weeding. For now, we continue to maintain more specific Law Library collection development guidelines, primarily in case the Law Faculty needs to refer to it for Council of Australian Law Deans (CALD) standards<sup>9</sup>, and as a guide to the law collection for our staff, however other faculty teams at Monash have opted to use the generic guidelines.

### Conclusion

The CALD Standards acknowledge the law library's role as an "active and responsive force in the educational life of the law school".<sup>10</sup> The collection still plays a vital role in achieving this, even more so given the continuing rapid expansion of information. There have been significant changes in formats, selection processes, and management of the collection, as well as in university and legal environments. Budgets will always fluctuate, yet we strive to supply the source materials needed to produce effective scholars and lawyers. Over the years, we have redefined the Law Library's spaces and services, ensuring that it remains the 'heart' of the Law School.

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<sup>9</sup> Council of Australian Law Deans (n 7).

<sup>10</sup> Ibid 8.