

Washington and Lee University School of Law
Library Collection Development and Retention Policy

Revised as of December 9, 2010 and adopted by the Law Library Committee on December, 2010; this policy supersedes and replaces any and all prior collection development policies as of such date.

A. Introduction

The Law Library collection serves the curriculum and research needs of the faculty and students of the Washington and Lee University School of Law. The primary goal of this policy is the development of an information collection to meet faculty research needs, the requirements of a traditional J.D. degree program, the LL.M. program, clinical and externship programs, law journals, and the practice based third-year curriculum. Additionally, the Law Library serves the legal research needs of the University, alumni, the practicing bar, and the larger community.

This document presents the methods by which the Law Library selects, acquires and maintains the information resources necessary to carry out these duties. The focus of this policy is maximizing access to content and minimizing duplication of materials.

B. Selection, Format, Duplication, Gifts, and Language

The Director of the Law Library, with the assistance of the head of Technical Services, and at least two other librarians appointed by the Director (collectively the “Collection Development Team”), is responsible for the maintenance and development of the collection. The Collection Development Team routinely evaluates the information needs of the Law School with specific attention to curriculum changes, addition of new faculty, and changing research interests of existing faculty. Faculty members are consulted at regular intervals to determine their interests and needs. Recommendations of faculty and students are encouraged and given full consideration within the guidelines of this policy. Maintenance of the information collection is an on-going process of reviewing, weeding and acquiring materials. Information requests which fall outside the framework of this policy are met through the interlibrary loan process or are treated as an exception necessary to support the scholarship and programs of the Law School.

The materials selection and deselection process involves professional judgment, a thorough knowledge of the collection, and an ability to assess current and future needs. It often includes an analysis of holdings in specific areas. Selection and deselection occurs in consultation with the faculty, as described above. The Law Library collects resources in English and, in limited instances, dual languages.

Both economic and space constraints are constant factors in the management of the information collection. The library manages the collection in a manner designed to increase access to information. Deselection of materials is a tool in the management of the collection. Deselection decisions consider: (1) current or potential interests of the faculty (2) curricular and student needs and (3) duplication of content.

Legal information is published in a variety of formats including electronic, print, and microform. Choice of format is guided by the nature of the resource, usability, long-term access, cost, and

the benefits of ownership versus licensing. This policy acknowledges increasing reliance on access to electronic sources of legal information and the requirement for a balanced collection reflecting the need for historical and current materials. With the adoption of this policy, print format is the stated preference for monographs and digital format is the stated preference for serials subject to an analysis of the following: (1) availability of pdf (preferably PDF/A, or other subsequent digital formats meeting ISO standards) (2) availability of information from an established vendor or governmental entity with the capacity for preservation and a reputation for reliability, and (3) ability to acquire an ownership interest in digital information rather than a mere license to use the information. The Law Library is also responsive to requests for information in a particular format. When possible, and subject to the terms of this policy and to the needs of all users, the Law Library attempts to meet such demands. Microforms are purchased only when required for preservation, space, or availability. Collection of CD-ROM, or other fixed, non-networked electronic storage devices is highly discouraged.

Best efforts are made to negotiate license agreements for electronic resources for the greatest possible audience subject to fiscal limitations. The standard request is for proxy (off campus authenticated) access, use for ILL purposes, and permission to use in course packs and electronic reserve. IP (Internet Protocol) access is preferred. Ownership of content is also a preference.

Duplication of materials held in the law library's collection or other university library units is avoided unless a need for duplication is determined by the Director. The Law Library collaborates with the University Library and looks to develop and foster strategic partnerships with other libraries to promote common goals of access to and preservation of legal information.

Proposed gifts of materials for the law library collection are sent to the Law Library Director or a designee, who decides whether or not to accept the gift. The Law Library reserves the right to dispose of all gifts in any way that is beneficial to the Law Library. This includes accepting, discarding, or selling or exchanging of unwanted and/or duplicate materials. Gift evaluations are not provided. Restricted gifts are discouraged.

C. Guidelines for General and Specific Collections

1. Primary Legal Materials

The Law Library provides access to constitutions, judicial decisions, statutes, administrative and regulatory materials and court rules for the federal and state governments. Access is provided through a combination of resources collected in print, electronic and microform formats. Selected duplication of primary authorities is intentional based on the research and curricular needs of the Law School.

2. Periodicals

Access to a collection of significant periodicals to support the interests of faculty, students and curriculum is provided through a combination of print and electronic resources. Selection of new titles is made on the basis of cost, duplication, anticipated use, preservation of information, and faculty or student interest. The preferred format is digital with significant reliance placed on Westlaw, Lexis, HeinOnline and other online subscription databases. Periodicals not available in a digital format and meeting the selection criteria are collected in print.

3. Secondary Authorities

Secondary authorities are resources that assist researchers in understanding and finding the law. Treatises, monographs, digests, legal encyclopedias, dictionaries, court records and briefs, and practice guides are collected. Access to a comprehensive selection of secondary authorities is provided through a combined print and electronic presence.

4. Audiovisual Materials

Audiovisual materials are purchased to serve general research and collection needs such as documentaries and other shows with a legal focus. The Law Library also collects popular films for casual viewing. New purchases are in DVD format; purchases of audiotapes and videotapes are discouraged.

5. Casebooks and Study Aids

Casebooks are not collected, except when: (1) authored by a present member of the law faculty, (2) viewed as a seminal text in the area, or (3) viewed as covering a unique topic or subject area not adequately covered by other sources. Commercial course outlines and materials written exclusively to assist students in preparing for course or bar examinations or study aid or study aid like materials are not collected because of their limited utility; however, donations of commercial outlines, study aid or study aid-like materials may be accepted as donations solely for Open Reserve so long as they are published within the last five years and not excessively duplicative in number, such number not to exceed five copies. Hornbooks, materials published as part of the Nutshell series, Sum and Substance, Examples and Explanations, Understanding the Law series, or the like, are considered appropriate for the collection notwithstanding the preceding. Duplicate copies of current editions are provided, based on level of use, with one copy of the superseded title retained.

6. Continuing Legal Education

The Law Library purchases continuing legal education materials on a selected basis. Materials addressing issues on a national scope are generally purchased from ALI-ABA. The library also purchases materials specific to the Commonwealth of Virginia. Materials are selected based on topical importance or faculty or student interests.

7. Directories

The preferred format for the collection of directories is digital. Online access to legal and law-related directories, including Congressional, judicial, federal, and administrative directories is provided.

8. Examinations

The Law Library collects Washington and Lee University School of Law examinations when provided by individual professors. Exams are scanned and made available to faculty and

registered students on the law school's intranet. The Powell Archives retains a copy of each exam for permanent retention. A separate access policy for exams is available in the "Policy Documents" section of the law library web site.

9. Foreign Law

The preferred format for foreign law is digital. The focus is Commonwealth and European based as dictated by curricular needs.

10. International Law

The preferred format for international law is digital. The focus is treaties, international business transactions, international trade, public international law, international organizations, international environmental law, human rights, United Nations Documents, and the law of the European Union.

11. Legislative Documents and Legislative Histories

The library provides broad access to federal legislative history materials in multiple formats.

12. Newspapers

Article level access is broadly provided, principally by online access through subscriptions to multiple databases. Access to newspapers such as the New York Times, Wall Street Journal, and National Law Journal is selectively provided through a combination of print and digital subscriptions.

13. Escape Hatch

The law library's popular works collection is known as the Escape Hatch. It contains fiction and non-fiction books and videos. Works included in this collection involve a legal theme or plot, are written by an attorney or member of the legal profession, or have an attorney or member of the legal profession as a character. This collection is a leisure reading and viewing collection designed to appeal to law students and faculty.

14. U.S. Government Documents

The Law Library is a selective depository for federal documents. The Law Library also obtains selected documents from outside the depository program from individual agencies or the GPO Sales program.

15. Special Collections

15.1 Archives

The School of Law Archives houses materials with an important connection to Washington and Lee University School of Law. It is part of the broader Powell Archives program. The collection focuses on the retired administrative records, Law School publications, and publications of the Washington and Lee University law faculty, with

additional items as deemed appropriate. This collection does not circulate, with the exception of faculty publications which can be checked out by faculty and students.

15.2 Publications of Washington and Lee University Law Faculty

Print publications of full-time law faculty are kept to maintain a paper record of the scholarship of tenured or tenure-track faculty. The Head of Technical Services oversees all aspects of collection; the Archivist handles storage in the archives, preservation and circulation. Publications of adjuncts or visitors, except when the work is produced as a visitor, are not collected.

Books and book chapters written or edited by our faculty are collected. This includes every edition of books and each supplement but excludes small entries in expensive books such as an encyclopedia with an article by our faculty. When an entire issue is not readily available, we collect offprints or copies of journal articles. Books written by law faculty are collected regardless of the subject or genre.

Materials written before or after the faculty member taught here may be added, generally if donated or if the author is particularly notable.

15.3 Law School Publications

Our aim is to acquire a copy of each issue of serial-type publications from the Law School. Titles include:

Washington and Lee Law Review and other W&L law school law journals

W&L Law (law school alumni magazine)

Res Ipsa (not currently produced) or other student yearbooks

Facebooks (photos of 1Ls)

Law School Course Catalog

Publications by Admissions, Career Counseling, the Law Library, or other unit of the Law School

Other periodic and monographic publications of the Law School are collected, as available.

Books about the school, such as histories and memoirs, are also included (e.g.: *Come Cheer for Washington and Lee*).

15.4 History of Washington and Lee University School of Law as part of the University

We do not specifically seek to acquire publications of the University since they are acquired by Leyburn Special Collections. When such material is offered through donation, it will be added to the Law School Archives if it adds to an understanding of the history of the Law School. For example, we have *Come Cheer for Washington and Lee*, which includes extensive history of Washington and Lee University School of Law. Historical artifacts such as student notebooks are included in the *School of Law Collection*, an open-ended manuscript collection in the Powell Archives.

15.5 Archived Law School Exams

Washington and Lee School of Law past examinations are held in three places:

- the Recorder's Office -- as complete a collection as possible;
- in the Lewis F. Powell, Jr. Archives -- only exams given to the library through the years by professors;
- and by law library circulation.

Exams currently held physically by law library circulation, or made available on the library web site are open to W&L law students, professors, and staff.

Exams held in the Powell Archives which were written by current law faculty, whether or not they are in residence and regardless of status (i.e. permanent, adjunct, or visitor,) may be accessed only with the permission of the faculty member who wrote the exam. Exams of professors who have retired or are otherwise no longer employed by the law school are open to the public.

There is no access to the exams in the Recorder's Office, except by professors and administrators who need to see them in the course of their work.

15.6 Records of Legal Clinics

The law school archives coordinates records management of client and other files of clinical programs when such assistance is requested. The archives stores, provides appropriate access, schedules, and supervises appropriate destruction according to the schedules established by each clinic. Access to these files is granted only to the director of each clinic and to the staff and students authorized by the director.

15.7 Manuscripts

The Lewis F. Powell Jr. Archives holds the papers of Justice Powell and about a dozen other collections of personal papers. The latter includes papers of retired faculty, the M. Caldwell Butler Papers, and the papers of Walter E. Hoffman.

Guides to each collection, policies – including the archives collection policy - and more detailed information concerning the archives holdings are available at the Powell Archives website.

15.8 Rare Books

In 2009, the Law Library's Rare Book Collection was physically moved to the archives stacks. The Archivist is chiefly responsible for their care and use. Rare books are defined as books having value as an object, aside from or in addition to the intellectual value of the text. The Law Library considers books printed in England prior to 1800 to be rare. American law books printed in large cities are rare if prior to 1812. If printed in smaller cities in the United States then they will be rare if printed prior to 1820.

Generally, the library does not purchase rare books. There is no part of the acquisitions budget assigned to building this part of the collection.

The rare book collection is one of the finest law rare book collections in Virginia. It consists of over 1500 volumes, primarily United States and Virginia law books, including the Charles E. Burks collection of Virginia law and John W. Davis' Cases and Points library.