

The Library at Washington and Lee University School of Law Access and Retention Policy

Revised as of March 19, 2014 and adopted by the Law Library Committee on June 17, 2014, this policy supersedes and replaces all prior collection policies as of such date.

A. Introduction

The Law Library's information resources collection serves the curriculum and research needs of the faculty and students of the Washington and Lee University School of Law. The goal of this policy is to guide the development of a collection of information resources to meet faculty research needs, and the requirements of J.D. and LL.M. degree programs, clinical and externship programs, law journals, and the practice-based third-year. Additionally, the Law Library serves the legal research needs of the University, alumni, the local 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 responsibilities. This policy embraces the changes in manner of consumption of information by the consumer reflecting preferences for access to both digital and print resources, and seeks to maximize access to information and efficient use of library resources.

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

The Director of the Law Library, with the assistance of the other librarians (collectively the "Collection Development Team"), is responsible for the maintenance and development of the resource 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 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 resources. Information requests which fall outside the framework of this Policy are met through the interlibrary loan process or are treated as exceptions necessary to support the scholarship and programs of the Law School.

The resource selection and de-selection process involves professional judgment, a thorough knowledge of our collection of resources, and ongoing assessment of current and future needs. It often includes an analysis of holdings and access in specific areas. Selection and de-selection occur in consultation with the faculty, as described above. The Law Library acquires resources in English.

Both economic and space constraints are constant factors in the management of the information collection. The Library manages its information resources in a manner designed to increase access to information in whatever is determined to be the most appropriate format. De-selection of resources is a tool in the management of the collection. De-selection 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 both historical and current materials. With the adoption of this policy, print format remains the stated preference for monographs, while 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 which provide for University-wide access, 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) address-based access is preferred.

Duplication of resources held in either the Law Library's collections, or in other library units within the University, is avoided unless a need for duplication is determined by the Director. The Law Library collaborates with the University Library and develops and fosters 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 to accept the gift. The Law Library will recognize the gift with a letter of thanks, an electronic "bookplate," or other form of attribution, but reserves the right to dispose of all gifts in a manner most beneficial to the Law Library. This includes accepting, discarding, selling or exchanging 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 specific state governments (Virginia and the Fourth Circuit). Access is provided through a combination of resources in print, digital, and microform formats. Selective duplication of primary authorities may be required, based on the research and curricular needs of the Law School.

2. Periodicals

Access to a collection of periodicals supporting the curriculum and the research interests of faculty and students is provided through a combination of print and digital 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, Bloomberg Law, and other online subscription databases. Periodicals not available in a digital format and meeting the selection criteria are held in print.

3. Secondary Authorities

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

4. Audiovisual Materials

Audiovisual materials, such as documentaries and other programs with a legal focus, are purchased to serve general research needs. New purchases are in CD or DVD, or other formats as they are required or requested; 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 School 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, study aids, or study aid-like materials are not generally collected because of their limited utility; however, donations of commercial outlines, study aids, or study aid-like materials may be accepted 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, however, considered appropriate for this collection. Duplicate copies of current editions may be provided, based on level of use, with one copy of superseded editions retained.

6. Continuing Legal Education

The Law Library purchases continuing legal education (CLE) materials on a selective basis. Materials addressing issues on a national scope are generally purchased from ALI-ABA (The American Law Institute-American Bar Association). The Law Library also purchases materials specific to the Commonwealth of Virginia. Materials are selected based on topical importance, or faculty or student interests.

7. Examinations

The Law Library collects Washington and Lee University School of Law examinations when provided directly 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 permanently. A separate access policy for exams is available in the "Policies" section of the Law Library web site.

8. Foreign Law

The preferred format for foreign law is digital. The focus is Commonwealth of Nations and Europe, based upon curricular needs.

9. 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.

10. Legislative Documents and Legislative Histories

The Law Library provides access to federal legislative history materials in multiple formats.

11. News Sources

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

12. Popular Reading and Viewing Collection

The Law Library maintains a small popular works collection for leisure reading and viewing, designed to appeal to law students and faculty. 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 prominent character.

13. U.S. Government Documents

The Law Library is a selective depository for federal documents through the Federal Depository Library Program (FDLP). The Law Library also obtains selected documents from outside the depository program from individual agencies or the GPO Sales program.

14. Special Collections

14.1 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.

14.2 Publications of Washington and Lee University Law Faculty

Print publications of full-time law faculty, when provided, are kept to maintain a record of the scholarship of tenured and tenure-track faculty. Collection Services oversees all aspects of collection and processing; 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 School 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.

14.3 Law School Publications

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

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

Law News (student produced newspaper)

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.

14.4 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.

14.5 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.

14.6 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.

14.7 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.

14.8 Rare Books

The Rare Book Collection consists of over 1500 volumes, primarily United States and Virginia law books. There are 4 main components: the general collection, the Charles E. Burks collection of Virginia law, John W. Davis' Cases and Points, and Justice Lewis F. Powell, Jr.'s Supreme Court chambers library. The library usually receives additions to the rare books through gifts.

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.

15. Institutional Repository

15.1 Publications of Washington and Lee University Law Faculty

In addition to print publications of full-time law faculty as described in section 14.2 the Law Library acquires digital copies of faculty scholarship for archiving in an institutional repository. The Electronic Services Librarian oversees the collection of journal articles and other items of faculty scholarship as appropriate.

15.2 Student Journals and Other Student Scholarship

Volumes of the Washington & Lee Law Review and other student journals are archived in the institutional repository.

Publications related to the activities of the Moot Court Program are acquired. These publications may include briefs, event or competition programs, competition problems and rules, and images.

15.3 Multimedia

The law library collects multimedia content for archiving in the institutional repository. This includes audio, video, and still images in varying formats. Materials may depict law school events, law library events, conference and symposium proceedings, lecture series, and other events as appropriate.