

A Library for the Modern Law School – 2009 Revision

Abstract: This article by Dr Peter Clinch, Senior Subject Librarian for Law, Cardiff University, provides a brief background to, and reprints a part of, the latest revision of the Society of Legal Scholars (SLS) document: *A Library for the Modern Law School: the Statement of Standards for University Law Library Provision in the United Kingdom*. Dr Clinch was a member of the Working Party responsible for revising the standards and he adds comments describing current practices relating to the standards.

Keywords: academic law libraries; standards

Introduction

The Statement was revised by a Working Party of the Libraries Sub-Committee and approved by the Council of the Society on 9th September 2009. The document is in three parts: an Introduction, the Statement of Standards itself and an Appendix: the Indicative List of Sources for Law Libraries. The full text of the Statement is reproduced at the end of this article. The full text of all three documents is on the SLS website <<http://www.legalscholars.ac.uk/documents/SLS-Library-for-a-Modern-Law-School-Statement-2009.pdf>>. At the time of writing (mid-November 2009) there are two links to the documents from the SLS home page: under Society Publications and under Committees: Libraries Sub-Committee. Eventually, the text will be published in an issue of the Society's journal: *Legal Studies*. For information on the significance of the document to academic law libraries and law schools, see my article Getting the Picture: UK Academic law library Standards (2008) 8 *Legal Information Management* 185–188.

Purpose of the Standards

The purpose of the Statement of Standards is to assist law libraries meet the needs of the research and teaching objectives of different law schools. The diversity of institutions teaching law in the higher education sector has been a constant challenge to those responsible for drawing up and revising the documents over the last fifteen years. For the first time the Standards are prefaced by a clear statement of the courses and the type of library to which they apply, for they 'are applicable to the academic stage of legal education only (undergraduate and postgraduate) delivered through all modes of study (full-time, part-time, franchised and distance learning)' (Introduction, third paragraph).

How the Standards are presented

Each Standard is expressed briefly so as to be of general application. Generally, they focus on outputs rather than inputs. Guidance on their application is provided through Comments and, where available, information on current Practice is provided, drawn from the results of the SLS/BIALL Annual Academic law library Survey. The results of the survey provide realistic benchmarks and targets.

How the current Standards were revised

The origin of the Statement may be traced back to 1958, but the present form and content derives from the Statement of Standards published in a special issue of *Legal Studies* in December 1995, comprising the Introduction, Statement and Indicative List. The Statement was revised three times in the next fourteen years. In 1997 it was extended to take explicit account of the positions in Northern Ireland and Scotland. In 1999 and 2003 the revisions were limited to the Commentary. The Indicative List was revised in 1999 only.

The latest revision was carried out by a working party on behalf of the Libraries Sub-Committee of the Society, chaired by the Honorary Secretary of the Society Prof. Stephen Bailey, Head of the School of Law, university of Nottingham, and the Convener of the Sub-Committee, Jules Winterton, Librarian of the Institute of Advanced Legal Studies, University of London. The working party conducted a full review of all three parts of the Statement. During 2008 two questionnaire surveys were conducted, one among heads of law schools and the other among university and college law librarians, to obtain their views on where the Statement and Indicative List were thought to be

lacking and in need of revision, and on the form the revision might take. Particular attention was paid to the balance between print and electronic sources of information, remote access to information resources and services, the use of wireless technology, the relative roles of the library and the law school in teaching research skills, the growing incorporation of information literacy objectives, the comprehensive collection statements, and the standards for franchising and distance learning. In addition, Dr Peter Clinch, a co-opted member of the Libraries Sub-Committee, gave a presentation on the results of the two surveys to the BIALL Annual Study Conference held in Dublin in 2008 and gathered further views from the audience.

The revision benefited at various stages from comments arising from extensive consultation with individuals and organisations including the Association of Law Teachers, the British and Irish Association of Law Librarians, the Committee of Heads of university law schools, the Socio-Legal Studies Association and a range of professional bodies, and advisers from the jurisdictions covered by the Statement.

The topic which perhaps created the most comment throughout the consultation process was how to strike the right balance between print and electronic sources of information. A few Heads of School felt that the main thrust of the standards should be on the provision of electronic sources and that there was now little need for print materials. Others felt that there was still a very great need for print resources. Most stated opinions somewhere between, especially those Schools providing a greater vocational accent to undergraduate studies. This wide diversity of opinion reflected key characteristics of the modern academic sector: diversification in the style of teaching, range of courses and qualifications. The solution devised by the working party (Standard 4.6) was to place the responsibility for striking the correct balance on the individual law school, to best serve the needs of its users and meet the teaching and research objectives of the law school. Rather than prescribe the balance the working party listed at Comment B the factors which should be taken into account when considering where to strike the balance.

It is the intention of the Libraries Sub-Committee to continue to update the comments on the Standards and the supporting data on current practice at regular intervals and to keep the Standards themselves under review for revision at more extended intervals.

The statement

I Policy, management and staffing

1.1 The core function of the law library is to provide services, premises, facilities and collections sufficient in quality and quantity to permit the attainment by the law school of its teaching and research objectives

Comment A. Linkage between the operations of the law library and the objectives of the law school is the central

concept of these standards, and in particular, of the management standards set out in the remainder of this section.

Comment B. “Core function” does not imply the absence of other functions, such as the provision of service to readers from other disciplines, to non-university readers in the local community, or to the national or international scholarly community. It is recognised that such activities may be of considerable significance to some law libraries.

1.2 In its arrangements for the management and direction of library and information services, the university should identify one person (the law librarian) who has formal responsibility for the management of the law library, and should ensure that that person can participate fully in the determination of law library policy

Comment A. The purpose of this standard is to ensure that the law library is managed with proper regard to the distinctive requirements of the teaching and research programmes of the law school.

Comment B. The standard does not require the university to maintain its law collection in separate accommodation: see 3.1 below.

Comment C. Nor does it require the appointment of a law librarian who carries no other responsibilities; though a commitment of less than 50 per cent of the law librarian’s time should be regarded as insufficient.

Practice. In 2007, regrettably, 8 per cent of universities employed a librarian whose commitment to servicing the information needs of the law school occupied less than 50% of their time. (2007/8 Survey).

Comment D. Where a library administration is organised on a functional rather than a subject basis, this standard will be met where one person is given responsibility for the co-ordination of functions as they affect the law library.

1.3 The law librarian should be appointed only after consultation with the head of the law school, should be properly qualified for the discharge of the responsibilities of the post, and should hold an appointment on an academic grade or one of equivalent responsibility

Comment A. In most cases the law librarian will be a member of the university library staff rather than of the law school and formal responsibility for the appointment will therefore rest with the university library. “Appointment” includes assignment, within the university library, of an existing member of staff to the duties of law librarian.

Comment B. The law librarian should possess a professional librarianship or information science qualification, or equivalent experience.

Practice. In 2007, only 91 per cent of Universities appeared capable of meeting this criterion (2007/8 Survey).

Comment C. The law librarian should hold an appointment on an academic grade or one of equivalent responsibility.

Practice. Performance does not yet reach the criterion, for in 2007, 9 per cent of institutions had no-one of academic or academic-related grade with their principal or sole function as the care and servicing of the law collection (2007/8 Survey).

Comment D. It is desirable that the law librarian also hold a law degree or other legal qualification or equivalent experience.

Practice. In 2007, 75 per cent of institutions had no member of library staff with a legal qualification (2007/8 Survey).

1.4 The law librarian should be assisted by staff who are properly qualified and adequately experienced, and sufficient in numbers, to provide library services appropriate to the size and mission of the law school and to the forms of provision it offers

Comment A. For library services see standards 2.1–2.7 below.

Comment B. For forms of provision see definitions, above.

Practice. In 2007, it was evident that law schools need to take action on this matter for 46 per cent of institutions had no one on a clerical grade with their principal or sole function as the care and servicing of the law collection (2007/8 Survey).

Comment C. Training should be provided to law library staff to enable them to acquire, and to up-date as necessary, the skills required in order that support may be provided for the full range of services the library offers.

1.5 There should be effective formal machinery for communication and liaison between the law librarian, the head of the law school and the academic staff of the law school so that all decisions affecting the law library are properly informed by the academic programme of the law school, and vice versa

Comment A. The purpose of this standard is to ensure that the law librarian is properly informed in advance of any developments within the law school, such as new programmes or courses, or changes in teaching methods,

which might have implications for library provision, and that the law school is similarly informed of any changes in library provision, such as the discontinuance of subscriptions, which might affect its academic programme.

Comment B. The requisite formal machinery might include membership of the law librarian on relevant academic committees of the school, participation in formal arrangements for vetting new courses, and machinery for consultation of the law school on decisions affecting the law library.

Comment C. The formal machinery should be such as to ensure that any law teaching and research staff in the university who are assigned to posts outside the law school have adequate opportunities to participate in processes of consultation on law library matters.

1.6 In particular, there should be adequate means for ensuring that law library resource requirements of new teaching and research developments are identified, and adequately provided for, in advance, and for reviewing periodically the adequacy and appropriateness of law library provision for continuing teaching and research activities and for addressing any resource requirements or other matters disclosed by such reviews

Comment A. This standard provides for concrete application to the law library of widely accepted principles of academic planning, see Quality Assurance Agency for Higher Education, Code of Practice for the assurance of academic quality and standards in HE, particularly Section 1: Postgraduate research programmes, Section 2: Collaborative provision and flexible and distributed learning (including e-learning), and Section 7; Programme Design, approval, monitoring and review, <<http://www.qaa.ac.uk/academicinfrastructure/codeOfPractice/default.asp>>

The Aide Mémoire for reviewers evaluating learning resources, published by the Society for College National and University Libraries in 2003 at http://www.sconul.ac.uk/groups/quality_assurance/papers/Aide_MemoireFeb2003.pdf remains a useful supplement to the Handbook for Institutional Audit in England and Northern Ireland, Handbook for Institutional Review in Wales, and the Enhancement-led Institutional Review Handbook in Scotland, <http://www.qaa.ac.uk/publications/RMguides/default.asp>.

Comment B. Relevant new developments may include not only new degrees involving studies of a nature new to the institution, and new courses, but also new specialist subjects within existing courses.

Comment C. The adequacy and appropriateness of provision for continuing activities may be affected by such factors as increases in student numbers, changes in the pattern of student choice, new methods of teaching, new publications or sources of information, new ways of

accessing information, and the outdated of existing library stock through the appearance of new editions or through the simple passage of time. Whilst revisions reflecting such changes are likely to occur on a rolling basis, there should be some effective system for periodically taking stock.

1.7 There should be effective means of obtaining and considering the views of users of the law library

Comment A. Means might include users' committees, student representation on committees of the law school considering library matters, surveys, and suggestions boxes.

Comment B. In applying this standard, regard should be paid to the particular interests or requirements of distinct academic groups such as full-time undergraduates, postgraduates, research students, staff, part-time students and mature students.

2 Services

2.1 The law library's opening hours should be adequate to meet the needs of users

Practice. In 2007, median weekly term-time opening hours were 81 hours, with 75 per cent of universities offering at least 72 hours, and 25 per cent 96 hours or more; median weekly vacation hours were 49.6 hours. One library did not open on Saturdays in term-time and 85 per cent of libraries open on Sundays during term-time (2007/8 Survey). Five libraries stated that they provided 24 hour access throughout the term to their paper-based collections.

Comment A. In determining what opening hours are adequate, regard must be had to the character of the law school and of users of the library. Some students e.g. part-time students may find access difficult during ordinary opening hours and may need late evening and weekend opening, with full services. Opening hours may also need to be extended where reader places or library services are under pressure because of the weight of student numbers. Libraries serving law schools with a high percentage of part-time students, and libraries showing high student/seat ratios (below, standard 3.2), may properly be expected to provide above-median opening hours.

Comment B. Flexibility in opening hours is desirable, so as to provide e.g. for the needs of students in periods of preparing assessments or examinations.

2.2 The law library should maintain a comprehensive and up-to-date catalogue of its holdings, conveniently accessible to users

Comment. "Conveniently accessible" implies an online catalogue that can be freely accessed and searched on the internet.

2.3 The law library should, having regard to the teaching and research objectives of the law school, formulate a loans policy distinguishing the types of material available for loan from those for use within the library only, and specifying loan periods and conditions for different types of loan material. The policy should be subject to periodic review

Comment A. In determining the loan periods, if any, for which materials shall be available, regard should be paid to the format of the item, its cost, the number of copies and the demand.

Comment B. In determining the hours over which the loan service should be available, regard should be paid to the factors noted in comment B to standard 2.1 above.

Practice. In 2007 the median weekly term-time hours for which a book loan service was available were 70 hours. Two institutions reported the replacement of the staffed loan service with an entirely self-issue service (2007/8 Survey).

2.4 There should be adequate means of providing assistance to users and answering enquiries

Comment A. The normal way of offering assistance is by means of a properly staffed enquiry desk, open for adequate periods of time each week. Periods of opening totalling less than 35 hours per week, in the absence of alternative means of providing assistance, would not generally be considered adequate.

Practice. In 2007, the median weekly period of availability of a professionally staffed enquiry service was 35.8 hours, 51% of respondents provided an enquiry service for between 35 and 40 hours per week. Two respondents did not provide an enquiry service for law (2007/8 Survey).

Comment B. Assistance to users might additionally be provided by means of self-study packs, plans and guides, and electronic help.

2.5 The law library should provide users with appropriate information about the services available to them and, by agreement with the law school, with appropriate induction or training in the use of those services

Comment. This standard refers to induction and training in use of the library and its services. It refers to topics such as how to use the library catalogue effectively, find different types of library stock at the shelves, understand and use loan and return facilities, locate fire exits and toilets. For legal research skills training see standard 2.7, below. Views differ as to whether an introduction to library services should be provided by academic staff, or by library staff, or by both. It is for each institution to

judge, according to its own circumstances, how new library users, particularly students, should be given an adequate induction, and post-induction instruction. Induction should include an introduction of the law librarian and his/her support staff to law students.

2.6 The law library should make available to users information about other services which may be used to supplement its own direct provision

Comment. Users should be informed about the collections and services available through other libraries within the university's library service, the availability of inter-library loans and the terms on which they may be obtained; and other libraries or services (including electronic services) to which the user might have access.

2.7 The law library and law school should work together to ensure students receive adequate grounding through tuition and training, in the effective and efficient access to, and ethical and legal use of, information held in both paper and electronic formats

Practice. In 2006, legal research skills instruction was a joint responsibility of law library and law school staffs in 83 per cent of institutions, solely a law library responsibility in 10 per cent, and in the remainder, other professional library staff and IT training officers in the law school were involved. 69% of responding institutions took advantage of free training provided by major database suppliers and in 40% of institutions Lexis student associates contributed to the training (2006/7 Survey).

Comment A. The principles of information literacy within the higher education curriculum in the UK may be traced back to the Society of College, National and University Libraries (SCONUL) position paper on Information Skills in Higher Education (SCUNUL, 1999) <http://www.sconul.ac.uk/groups/information_literacy/papers/Seven_pillars2.pdf>

Practice. In 2006, 40% of institutions required undergraduates studying law to follow a course based on the principles of information literacy. Of this number, 87% embedded the principles within a law course rather than a generic information literacy programme (2006/7 Survey).

Comment B. These standards do not prescribe that institutions adopt the principles of information literacy in training students but, whilst it is fundamental to the development of good lawyer's skills that a student develops effective and efficient skills to access information, the importance of skills related to the ethical and legal use of information, embracing good citation practice, avoidance of plagiarism and adherence to copyright law should be recognised. Tuition and training should be

directed to developing in students a full range of information seeking and use skills.

Comment C. Optimum learning is achieved if skills training is integrated with the rest of the syllabus. Assessment of the skill is highly desirable. The skill of effective legal research underpins the development of all lawyer's skills and should be developed throughout the undergraduate programme. Training should not be restricted only to the first term of the first year.

Comment D. Appropriate library skills training should be provided for students on all degree programmes, both undergraduate and postgraduate.

2.8 The law library should provide support services (such as, for electronic sources: technical fault-finding generally and support in particular to enable remote access to electronic sources through access control or authentication systems; and for paper sources: conservation, binding and repair) which are of sufficient quality and availability to sustain the law school's teaching and research objectives

3 Space and physical facilities

3.1 The extent of the law library's premises should be sufficient, and their layout appropriate, to accommodate its services, collections, staff operations and equipment in a manner consistent with the teaching and research mission of the law school and the consequent needs and practices of its users

Comment A. Space provision for the law library needs to reflect the tasks associated with educational provision in law: for qualifying degree provision, the inculcation of the skills of discovering, tracing, stating and applying legal rules and principles through the use of both primary and secondary materials. These activities imply a much higher level of in-library consultation of material than is requisite in other disciplines. The level increases further where there is postgraduate teaching or research provision, or where teaching approaches call for group work with in-library access to collections.

Comment B. More specifically, this pattern of reader use implies the housing of all relevant collections in regular use as a unified whole in one place, so that readers may conveniently make simultaneous reference to different types of hard copy material (law reports, statutes, legal periodicals, monographs etc) and, so far as practicable, to electronic sources. Legal research monographs may be housed together with other legal materials, or alternatively integrated into the social science collection, if this is more appropriate for the mission of the law school. (From a socio-legal perspective the housing of legal research monographs in one separate section together with formal legal

materials is considered of less importance since law is viewed as one field of study within the social sciences).

Practice. In 2007, 69 per cent of law libraries either occupied a location separated from other subject collections or, while not so separated, formed a single identifiable unit. It would appear not to be satisfied by the 8 per cent of law libraries whose collections were dispersed, wholly or in part, among other subject collections (2007/8 Survey). Clearly, a few law schools need to take action to meet this Standard.

Comment C. For implications for reader seating see standard 3.2.

Comment D. These requirements do not preclude closed-access or off-site storage of material which is not in regular use, as long as the material is properly organised and catalogued and readily available to users on request. Nor do they preclude the shelving apart from the law collections of relevant material the principal users of which are from outside the law school.

3.2 Sufficient seating should be provided for law library users, in close proximity to the law collections

Comment A. Seating provision, like opening hours (above, standard 2.1) should take account of the character of the law school and of library users.

Practice. In 2007 the median ratio of students per seat “in reasonable proximity to the law collection” was 5.4:1; reported ratios ranged up to 87.38:1 (2007/8 Survey). This indicates that study space is under increasing pressure from both student numbers and conversion to PC workstation use.

Comment B. Whilst a ratio of students per seat exceeding the median ratio given in Comment A above, should be regarded as less than satisfactory and in need of reduction, or of compensation through extended opening hours, the study habits of today’s students are different from those of five or more years ago. Increasing ease of remote access to electronic databases and the increasing number of hours that libraries are open for study, at some institutions have resulted in seat availability becoming less of an issue than hitherto, except perhaps at examination time.

Comment C. “Close proximity” implies provision of seating on the same floor(s) as the collections. It is admitted that where several subject collections including law are located together on the same floor of a library, it is difficult to distinguish the ‘law seating’ from that for other subjects. The determination should be pragmatic.

Comment D. Ideally provision of one or more small rooms for group discussion should be made in close proximity to the law collection. This will be particularly relevant to enable postgraduate research students to network and build a postgraduate research community.

3.3 The law library should provide adequate equipment to access, use and, within legal limits, copy all information in whatever formats are represented in the collection

Comment A. On multiple copies of books, periodicals etc see standard 4.6 below.

Comment B. Adequate printing from the computer network and photocopying facilities should be provided in a convenient location and at a reasonable price.

Comment C. Whilst these standards do not prescribe any particular balances between hard copy and electronic materials in the law collection (below, standard 4.7), any significant reliance on electronic sources, particularly as a means of ensuring adequate simultaneous access to materials, must be accompanied by adequate provision of computer workstations and/or wireless network, whether in proximity to the law collection or elsewhere in the law school.

Practice. In 2007, the median number of workstations available in proximity to the law collections was 126. 56 per cent of respondents reported that there were workstations in the law school building, with a median number of 29 workstations (2007/8 Survey). The median ratio of students to workstations in 2007 was 3.44:1. The trend is for provision of computer workstations to be in clusters or large shared facilities. The provision of wireless-enabled areas continues to increase.

Comment D. Important efforts continue to be made by universities to provide the hardware necessary to support the shift to electronic provision of materials. Continuing improvements in remote access to databases and study materials over the web have the potential to speed up existing trends for study to be undertaken away from the library, in places such as halls of residence or at home. Nevertheless, the number of workstations available at any time for consultation of electronic materials is one of the factors that a law library should take into account in determining its provision of multiple copies of law materials, in whatever format (below, standard 4.7).

4 Collections

4.1 The law library’s collections must be adequate, in terms of range and quantity, to permit the law school to attain its teaching and research objectives

Comment A. Actual expenditures on acquisition of law materials, that is, on all law materials in all formats, coupled with indications of the degree to which law library holdings permit the attainment of the law school’s teaching and research objectives, may together afford some guidance on what levels of current expenditure are needed to maintain adequate collections.

Practice. In 2007 the median expenditure by law libraries on acquisition of law materials in all formats was £113,247. This is equivalent to a median figure of £161 per student (not a full time equivalent figure).

Practice. Within the overall picture of expenditure described above, there is clearly a continuing increase in provision of information in electronic format (see comment A to standard 4.6). There appears to have been a relative fall in expenditure on other materials and particularly in expenditure on monographs. In 2007 the median expenditure on monographs was £21,400 and, on average, expenditure on monographs represented 24 per cent of total law material expenditure, recording a slight fall in the actual sum expended but a stable percentage share of all expenditure. The median expenditure on serial publications was £55,905 and on average represented 55 per cent of total law material expenditure – a slight fall on the previous year. The median expenditure on electronic databases was £18,415 and electronic databases on average accounted for 23 per cent of total law materials expenditure. The average percentage spent on electronic databases has continued to rise steadily in recent years.

Comment B. The succeeding standards in this section are designed to indicate, in greater detail, the minimum range of materials likely to satisfy the general standard in relation to each of the different types of educational provision by law schools (4.2–4.5); to deal with questions of format (4.6) and to provide guidance on multiple copies of materials (4.7). Further guidance as to the identity of specific materials may be obtained from the Indicative List.

Comment C. A significant amount of legislation and case law is now available over the internet either through commercial databases or from free websites. Commercial databases generally provide the text of consolidated legislation and the full text of decisions with a variety of value-added services relating to case law such as headnotes, citators and commentary. Free websites frequently provide only unconsolidated legislation and the transcripts of cases without value-added features. Whatever mix of commercial databases and free websites an institution chooses to select for access to primary legal materials, it will need to demonstrate how the resources it makes available to its staff and students embody the essential qualities of currency, accuracy and authority.

4.2 *Where the law school offers only service or subsidiary provision, the law library should provide access to, as a minimum*

1. **A selection of Public General Acts in official or reprint form appropriate to the subjects taught;**

2. **Leading reported decisions of the superior courts of the United Kingdom, relevant to the subjects taught;**
3. **A selection of European Union primary materials (treaties, legislation and case-law) appropriate to the subjects taught;**
4. **Such secondary works as are needed to support the teaching of the subjects offered.**

Comment. “Support of teaching” (4.2.4) includes meeting the needs of teachers for varied and up-to-date sources of information and commentary for the purpose of teaching preparation.

4.3 *Where the law school offers provision of qualifying degree teaching, or postgraduate course provision, or both, the law library should provide access to, as a minimum*

1. **All Public General Acts currently in force in official or reprint form;**
2. **A selection of statutory instruments and other secondary legislation, in original or reprint form, relevant to the subjects taught;**
3. **The treaties and legislation of the European Union in original or reprint form, relevant to the subjects taught;**
4. **All reported decisions of the superior courts of the jurisdiction in which the law school is located that are relevant to the subjects taught, together with such decisions of other courts as are necessary to the understanding of those subjects;**
5. **All reported decisions of the European Court of Justice relevant to the subjects taught;**
6. **Parliamentary materials of the United Kingdom and its constituent jurisdictions, to include Bills, Parliamentary Papers, and reports of Parliamentary proceedings, appropriate to the subjects taught;**
7. **Such other official publications of the United Kingdom and its constituent jurisdictions as are necessary to support the teaching and research objectives of the School;**
8. **Where teaching is provided in the law of any legal system other than that of the European Union and of the jurisdiction in which the law school is located, primary legal materials and official publications from that legal system, in official or reprint (including, where appropriate, translated) form, sufficient to support the objectives of such teaching;**
9. **Such secondary works (including textbooks, monographs and periodicals) relating to the**

law of the jurisdiction in which the law school is located, of the European Union, and of other legal systems which are the subject of study, to comparative law, legal history, jurisprudence, and analyses and critiques of law and laws by other disciplines, as are necessary to support the teaching and research objectives of the school;

10. Those tools, such as general law encyclopedias, citators, periodical indexes, and current awareness services, which are necessary for the identification and up-dating of primary and secondary legal materials for the legal systems in which teaching and research are undertaken.

Comment A. In 4.3.1 and 4.3.2, as applied to Scotland, “Public General Acts includes Acts of the Scottish Parliament, and “Statutory Instruments” includes Scottish Statutory Instruments. As applied to Northern Ireland, “Public General Acts” includes Orders in Council made pursuant to the Northern Ireland Act 1974, and “Statutory Instruments” includes Northern Ireland Statutory Rules. As applied to Wales, “Public General Acts” includes Measures of the National Assembly for Wales and “Statutory Instruments” include Statutory Instruments made by the National Assembly for Wales.

Comment B. The latter part of 4.3.4 refers to decisions of courts in other parts of the United Kingdom, and of foreign courts, which contribute to an understanding of the law of the jurisdiction; 4.3.8, by contrast, refers to such decisions, and other primary materials, in relation to the teaching of the relevant foreign law. A law school located in one jurisdiction within the United Kingdom which makes qualifying degree provision in relation to the law of another should for that purpose be treated as if it were located in the latter jurisdiction.

Comment C. The term “legal system” in 4.3.8–10 is intended to be broad enough to encompass non-State as well as State systems of law, including international law and specific components thereof such as the European Convention on Human Rights and its organs; canon and other religious laws; private legal orders; etc.

- 4.4 *Where the law school offers provision of LPC or BPTC teaching, or, in Scotland, of teaching for the DLP or for subjects recognised by the Conveyancing and Executry Services Board, the responsibility for ensuring that provision meets adequate standards shall rest with the appropriate professional body responsible for validating the course*

Comment A. Detailed indicative lists of holdings needed for the purpose of BPTC teaching have been prepared by the Bar Standards Board, the regulatory body for the BPTC, and copies may be obtained from them.

- 4.5 *Where the law school offers postgraduate research provision, the holdings of the law library, taken with those of the university library as a whole and those of any other readily accessible library with which formal collaborative arrangements exist for this purpose, should be sufficient to provide the principal research resource in any field of law in which the School offers supervision*

Comment A. “Formal collaborative arrangements” refer to arrangements of the kind described in the Joint Funding Councils’ Libraries Review Group Report (the Follett report) (paras. 176–185) and the Report of a Group on the National / Regional Strategy for Library Provision for Researchers (the Anderson report) paras. 16–17, whereby different institutions – not necessarily all in the higher education sector – co-ordinate stock acquisition, opening hours, etc., with a view to providing a wider range of facilities for all their users.

Comment B. It is to be expected that postgraduate legal research, especially at doctoral level, will entail the use of the resources of a range of libraries, archives etc. This standard, consistent with the general requirement in 4.1, requires only that the relevant holdings in any field in which research supervision is offered be strong enough to serve as the core library resource for the research student, and to avoid the necessity for the student to rely on the resources of some other, unconnected university as the main support for his or her work.

- 4.6 *The collections of the law library should be held in the format, or combination of formats, that best serves the needs of its users and the teaching and research objectives of the law school*

Comment A. It is for the law school and the law library to determine, within the general framework of these standards, what mix of formats – paper, remote on-line databases, in-house databases (CD-ROMs), microforms – should be adopted for this purpose. A collection restricted to paper sources should, however, be regarded as inadequate for the purposes of any School offering more than merely subsidiary or service provision of legal education.

Practice. In 2007, all respondents subscribed to at least two legal databases. The median number of databases accessible in responding libraries was four, the same as in recent years. At the time of the 2007 survey, virtually every legal database in academic law libraries was Internet-based. These figures and the expenditure figures at standard 4.1, comment B confirm the very significant movement towards electronic sources since 1994. A fall in the median number of databases since the 1999 survey, from 10 to 4, indicates a trend of subscribing to large services which include an increasing number and variety of legal materials. The move towards web-based databases has been swift and decisive; in 1999 the CD-ROM was the delivery medium for 68 per cent of databases in

libraries, at the time of the 2002 survey it was used for 11 per cent and in 2007 was practically none.

Comment B. The impact of the internet on access to legal materials is apparent. Some institutions may be tempted to tip the balance of resources considerably in favour of electronic access to the detriment of the maintenance of a paper-based collection. There are advantages in terms of remote access, multiple access, and access at any time. However, there are also significant disadvantages attached to this policy:

1. The institution is paying for access and not ownership;
2. If a database provider alters the terms or cost of access to make it unfavourable for the institution to subscribe, the institution has no paper collections to fall back on;
3. Publishers of materials which appear on electronic databases negotiate at intervals licences with each database provider for the display of their publications. There have been instances where because negotiations failed materials disappeared from an electronic source without notice;
4. Students have limited opportunities to be taught and undertake paper-based research – this is frequently commented on adversely by the professional bodies as not equipping students for vocational training and the practice of law;
5. Some students and teaching staff wish to read and use paper sources rather than pay for and depend on downloading and printing from a PC.

Comment C. When providing access to library materials in electronic format, libraries should consider users with special needs, such as the visually impaired etc.

4.7 Materials which are likely to be required for simultaneous use by significant numbers of users should be made available by the law library for multiple access. Multiple access may be provided either by multiple log-ins to an electronic source or by the purchase of multiple copies of a paper-based publication. The library should draw up a policy for multiple access, which should be kept under review within the framework of the machinery referred to in standard 1.5 above. In justifying its level of provision of multiple access to any given material, the law library should show evidence of having taken into account

1. **The number of persons who may be expected to need multiple access to the material;**
2. **The nature of the material and its importance to the teaching objectives of the school;**
3. **The availability of the material in different formats;**
4. **The desirable balance as between ownership of and mere access to material in different formats, bearing in mind 4.6, Comment B above;**

5. **The extent to which the material is made available outside the framework of library services, e.g. through inclusion in study packs;**
6. **Copyright law and practice,**
7. **Fluctuating demand for access to multiple copies over the academic year, including examination periods.**

Comment A. These guidelines present a procedural, rather than a substantive standard for multiple copies (the approach of earlier SPTL statements). A wide variety of approaches to the provision of multiple copies of paper publications are in use (RR 7.7), and the increasing diversity of both teaching approaches and materials formats precludes the formulation of quantitative standards suitable for all libraries.

Comment B. Estimates of demand (4.7.1 and 2 above) should where possible be based on empirical data generated by an adequate library management information system, as opposed to “best guesses”.

Comment C. On the significance of the availability of material in electronic formats, see standard 3.3, Comment C above.

Comment D. The need for multiple copies may legitimately be reduced where the law school has a policy of providing study packs or IT courseware as an alternative means of multiple access to materials.

Comment E. Copyright law and practice will be relevant both to the provision of study packs and IT courseware, and to the provision by the law library of a collection of photocopies of selected parts of law reports, books or periodicals. Recent developments in the copyright regime with regard to multiple copying under the terms of the Copyright Licensing Agency blanket licence for higher education institutions have reduced the administrative burden in making such provision.

5 Franchising and distance learning

5.1 Where the legal education provision made by a university is secured, wholly or in part, through teaching or other services furnished by other educational institutions, whether in the United Kingdom or abroad (“franchising”), it is the responsibility of the university (“the franchisor”), by agreement with those institutions (“the franchisees”), to ensure, in consultation with the Head of its law school, that at all stages of the relevant course or courses of study students enjoy convenient and reliable access to a law library whose services, premises and collections satisfy the requirements of these standards, as judged by reference to the teaching and research objectives of its law school in respect of the relevant stage of the course of study

Comment A. Franchise operations are far from uniform, both as to the type and level of teaching that may be

contracted out, and as to the division of responsibility for such matters as library support between franchisor and franchisees. While this standard is designed to be consistent with a wide variety of such arrangements, it insists on two principles: that these standards generally are fully applicable to franchised degrees and other provision of legal education; and that it is the responsibility of the franchisor university to ensure that they are met.

Comment B. Particular standards may call for different forms of adaptation to meet the circumstances of franchised provision. Thus while it is not expected that each franchisee institution will necessarily appoint a law librarian in terms of standards 1.2 and 1.3, in the absence of such an appointment it would be expected both that the franchisor's law librarian should be able to exercise adequate oversight over any library provision made by the franchisees, and that the machinery for consultation in standard 1.5 be extended to the academic staff at the franchisee institution. Most standards relating to services, premises and collections may be taken as applying, without substantive modification, to the overall law library operation of the franchisor and franchisee institutions, though it should be borne in mind that where such resources are distant from one another, duplication of services or collections or both may be needed in order to ensure that the standards are met.

5.2 Law schools which deliver degrees or diplomas, falling within the definitions of legal education provision to which these standards apply, and for which students prepare through distance learning or privately arranged studies, should ensure that those students enjoy access to legal materials, and advice and instruction in their use, functionally equivalent to that afforded to students on equivalent attendance-based courses by the provision of a law library in accordance with the foregoing standards

Comment. The fact that a qualifying law degree or other qualification is conferred on the basis of distance learning or analogous arrangements should not imply any difference in the standards of competence in library and research work reached by the students. The onus is therefore on the relevant law school to provide equivalent access to learning materials by such means as library sessions during any attendance-based parts of the course; special arrangements with other academic or professional law libraries conveniently placed for the student; provision of study packs; or provision of access to electronic materials whether held at the law school or elsewhere.