

Current Trends in the Use of Collection Development Policies in Law Firm Libraries

Abstract: Mark Pexton, of Herbert Smith Freehills LLP, provides a report on the findings of a survey into the use of Collection Development Policies (CDPs) and related collection development issues in law firm libraries. The survey was conducted during September 2014 and during the course of this article he provides an analysis of the benefits and difficulties of creating and implementing a CDP.

Keywords: law firm libraries; collection development

N.B. This article has been developed from a shorter piece entitled, *Collection Development Policy Survey for Law Firm Libraries*, published in the BIALL Newsletter, March 2015, pp14–15.

INTRODUCTION

Whilst Collection Development Policies (CDPs) are widespread in academic and public libraries, libraries in law firms are far less likely to have adopted them. In September 2014, Herbert Smith Freehills conducted a survey to assess their prevalence and also the issues surrounding collection development in firms across the world, whether or not explicitly stated in a formal policy. We were particularly interested in to what extent firms prioritised online resources over print. As all the issues in CDPs are interconnected, this raised further questions regarding the extent to which libraries used document suppliers, subscriptions agents and ultimately who made the acquisitions decisions in the firm.

REASONS FOR A CDP

IFLA (2001) states that “the main reason to write a collection development policy is to prevent the library from being driven by events or by individual enthusiasm and from purchasing a random set of resources, which may not support the mission of the library.” Silber (1999) explicitly states the many motivations behind a CDP including: consistency during staff turnover, reinforcement when purchases are challenged, as a way to measure progress, as being helpful in inductions and helping budgeting justification. Hollingum (2013) goes into detail about the benefits of a CDP for law firm libraries.

SURVEY

The survey was posted on both a UK and an Australian law library mailing list. There were 88 responses in total

from firms located all over the world and of all different sizes. As the survey was self administered there were incomplete responses and the actual sample cannot be strictly regarded as being representative of the sampling frame of law firm libraries. However, the responses can be regarded as giving a general indication of attitudes from around the world.

PREVALENCE OF CDPS

38% of respondents said they had a CDP. Of those that commented on this, some felt that a CDP was essential; for example, in making users aware that they cannot have everything, whilst one respondent commented that decisions about acquisitions were made annually with each renewal, business need and cost being assessed in consultation with fee earners. Perhaps this last response reflected the general feeling that no firm commitments could be made in a formal document when business needs changed so rapidly. Gruben (1995) agrees, “If something is needed, it is purchased. If such a need arises due to a new matter in the firm, the librarian cannot attempt to avoid the purchase by saying that it doesn’t fit into the plan”. To a great extent one must consider whether libraries felt they had the authority to implement a CDP. This was considered with the question, “Who makes decisions regarding purchase of resources?” Just 11% said that this was the library compared to 85% who said that it was a combination of fee earners and the library. Most of the comments reflected that trained lawyers had the final decision regarding purchases. From this it might be concluded that libraries felt they didn’t have the necessary authority to implement a CDP but paradoxically a CDP can give this by creating a contract

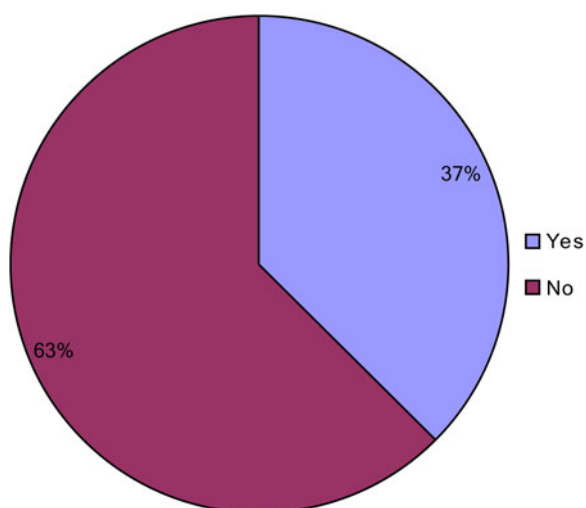


Figure 1: Do you have a collection development policy?

between users and service as argued by Clayton and Gorman (2001).

One respondent commented that it is essential to involve all users in the development of a CDP and this principle is advocated by Lastres (2011). This involvement of users whilst still carrying out what information professionals think is best, is perhaps the most fundamental and challenging aspect to creating and implementing a CDP. Not only users but also the members of the library must be convinced of the validity of the CDP. Key stakeholders within a firm need to be supporting the development of the CDP and this requires good advocacy skills from the library but also a senior person who is supportive of the services libraries provide.

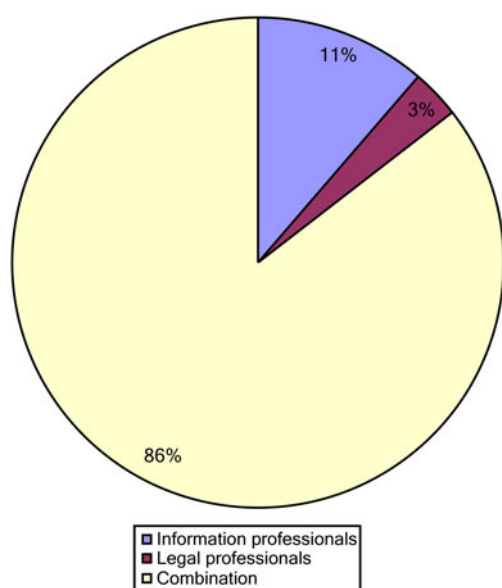


Figure 2: Who makes the decisions regarding the purchase of resources.

DIGITAL RESOURCES

Of all the issues surrounding collection development, the increasing availability of digital resources, in e-book format or online, is perhaps the one that creates the most complexity when planning for the future and dealing with access issues in the present. Whilst digital resources from an information manager's point of view might well be regarded as the preferred format, there are very significant obstacles in responding to users who prefer to read in print. Digital resources are preferred for their ability to offer access, in theory, at any time, in any place and to anyone. In addition, as a medium they have none of the costs associated with cataloguing or physical processing as well as being secure from physical deterioration or loss due to disaster. There is a risk of electronic resources suppliers hypothetically ceasing to trade, thus in one go firm's losing their content, but law firm libraries are not repositories of legal information and it would be unrealistic for every firm to preserve every legal resource; firm's still have access to document suppliers whose function is to do just that. It is also a different question to ask whether the electronic resources would still be preserved if a business ceased trading than whether they would still be available from the same company.

However, despite the potential advantages of digital resources, only 31% of firms prioritised online resources with 64% still preferring to acquire a combination of print and digital. Many respondents commented that they preferred digital but that the cost was often prohibitive whilst a few said that print had fewer licensing restrictions, was better for niche products and was easier to read. There was a marked preference for acquiring textbooks in print whereas journals were acquired digitally. The development of digital resources appears to be in its infancy in other ways too; 62% of respondents answered that they had no plans to incorporate e-Readers or tablets into their service, suggesting that printed textbooks are still the norm. A significant percentage of firms, 18%, did support these devices however. In addition the vast majority of firms, 87%, were archiving old editions of texts suggesting that this was a key reason for acquiring at least some copies of print materials. The future availability of point in time resources is clearly a concern, particularly for textbooks, tax materials and the White Book. Overall there certainly seemed to be an ad hoc approach to acquiring resources, treating each acquisition on an individual basis. There was also a consensus that the junior associates and trainees who do the research were coming through an educational system where digital resources were the norm and so the future looked likely to favour digital.

FORMULATING A CDP

The ad hoc basis of acquisitions for many firms presents a challenge for a CDP which favours universal principles.

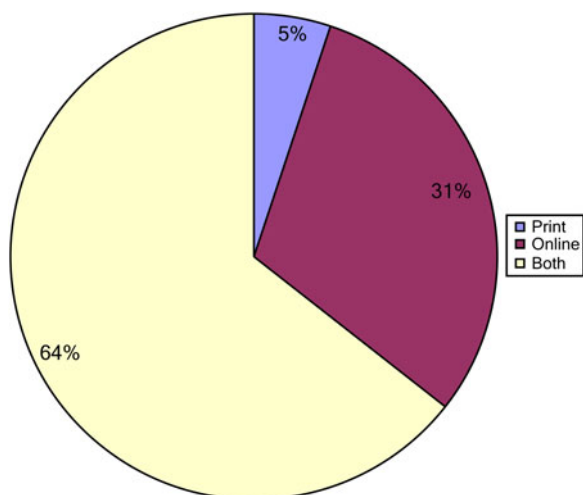


Figure 3: Does your library prioritize the acquisition of print or online resources or a combination of both?

Rather than advocating a blanket approach to acquiring only online or only print, a CDP might best provide a framework for discussion. This is also a useful approach when factoring in other acquisitions decisions such as whether the product should be purchased one off from a document supplier or bought permanently and whether the product ‘fits’ with the subject areas prioritised by the library. Relatedly, the survey asked whether any firms used a Conspectus approach to subject acquisition and a resounding 87% said no. A Conspectus approach is sometimes used in academic libraries to aid selection based on levels of depth of collection for different subject areas. The contrast between academic and law firm libraries could not be clearer with this response. The necessity for a corporate library to quickly respond to change raises fundamental questions about the usefulness of a CDP with high level principles, a far more nuanced approach being necessary. It cannot be predicted by the library what subject areas might be required in the future

and the reduction of costs is an ever present concern. Furthermore, users of the library are authoritative stakeholders in the parent institution meaning their individual requirements need to be met in a very flexible way. The acquisition of materials in law firm libraries is a process requiring ongoing negotiation and adaptation to user needs. Nevertheless, a CDP can bring more order to the process by providing the framework of questions to be asked when acquiring new resources. The library might for example choose to acquire digital resources unless there are compelling reasons not to, for example significantly lower prices of the print equivalent, or the necessity to archive old editions. Broad subject area collecting levels could also be agreed upon so that the library can provide current awareness services regarding new materials of interest. If such a policy were agreed between stakeholders and the library, the library is then better able to steer the service in its preferred direction based on objective professional standards and theory.

DOCUMENT SUPPLIERS AND SUBSCRIPTION MANAGEMENT AGENCIES

The survey also asked about use of document suppliers and subscription management agencies. The majority of firms used document suppliers moderately, 31%, or sparingly, 36%, suggesting that firms liked to acquire the majority of resources in house. Resources are often needed very quickly and having old editions of texts to hand for example is very important. These results also suggested that the majority of firms’ collections are mostly sufficient for their users’ needs, not so often needing to acquire resources from outside the firm at the cost of extra expense and time. This is part of the assessment of how current resources are meeting user needs and is an essential first step in formulating a CDP alongside user surveys and usage statistics.

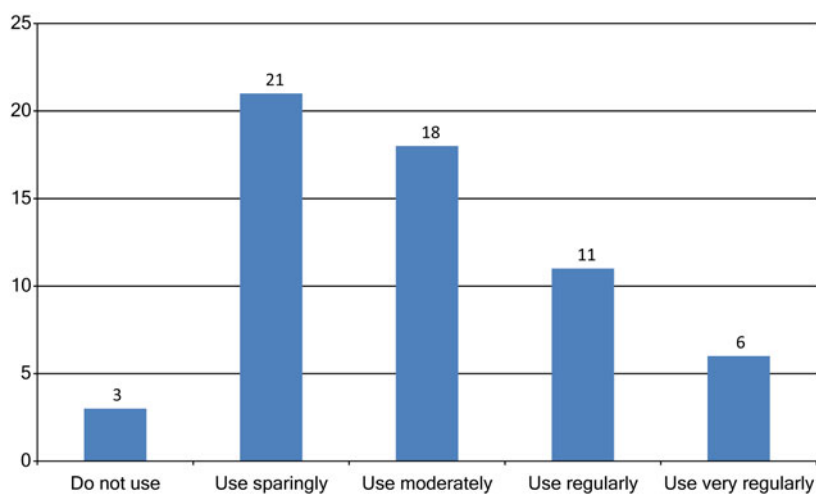


Figure 4: To what extent do you rely on external document suppliers to meet document requests.

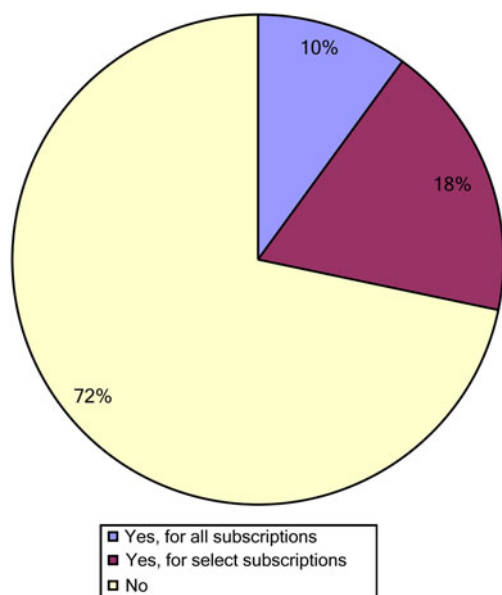


Figure 5: Do you use a subscription management agency to manage subscriptions?

Use of subscription management agencies was a significant minority, with 10% saying they used them for all subscriptions and 18% for select subscriptions. Respondents commented that the service was more efficient when using an agency and that it was easier to deal with an agent. One respondent commented that some publishers appeared to prefer to deal with the library direct however. Overall agencies afford an opportunity to invest more time in research rather than burdensome administration and have the great benefit of a single contact to deal with for claims queries and invoicing.

APPLYING CDP PRINCIPLES TO ALL ASPECTS OF THE SERVICE

Apart from the areas covered in the survey, a CDP has the potential to be a vital tool in policy formation in all areas of the library's service. It can further define the mission of the library with the aims of the CDP. This can then feed into policy decisions regarding key service aspects. These include copyright, current awareness and choices between satellite and centralised services. One of the clearest principles that can be applied to these different aspects is that of equity of access, for a library's job is to provide access to resources and information as quickly and efficiently as possible to all users.

In any library copyright is a major consideration which governs how this access is regulated. A CDP can make policy recommendations for how best to make users and staff aware of their obligations such as how best to display copyright information, and also what formats and license agreements best enable equity of access. This is one area where the balance between print and online is most difficult. Whilst print enables materials to be permanently owned by the library and passed

between users (if not copied), online journal resources are often costly single user licences that cannot be shared. In this sense for niche products it can be the print format that provides more equitable access whilst for materials that exist on online aggregators it makes more sense to rely on the online version. Judgements have to be made based on the expected usage of the resource.

Current awareness is a fundamental part of providing equity of access. Journal circulation in print form can be slow and unreliable; online contents distribution is an excellent way of mitigating this problem. Related to this are decisions on where physical material is kept, whether in local satellite libraries, centralised libraries or a combination of both. How materials are best preserved and maintained is a big decision that affects the quality of service. Missing items are one of the main causes of problems in an information service and strategies to minimise this risk are needed. This is a problem unique to physical collections and where digital resources have a great advantage. Ultimately, information professionals wherever they are situated need to be able to monitor resources throughout their lifecycle; through their selection, acquisition, maintenance and withdrawal; "continuous review of library materials is necessary as a means of maintaining an active library collection of current interest to users." ALA (2008).

IMPLEMENTING A CDP

Creating a CDP is challenging but implementing one is where the real work begins. If fundamental changes are made to the library's structure, implementation can be time consuming, detailed, and sometimes controversial with users. Staff within the library need to be behind the project as well as users. As with creating the CDP, the support of key stakeholders is required. Most of all clear reasoning behind policy decisions needs to be demonstrated. Reviewing a CDP is also important, 89% of respondents said they reviewed theirs yearly. This enables the service to adapt to changes in the parent organisation's needs and also technological changes.

CONCLUSION

The use of CDPs across law firms as a whole is not as common as might be expected. Acquisitions decisions are complicated and often made on an ad hoc basis. Hollingum (2013) argues that they are less prevalent than in other sectors due to a lack of public professional discussion of CDPs in academic literature and also the difficulties associated with responding to a fast changing legal environment. Both of these issues are factors but also there remains a difference in the nature of library users in law firms in that they are often authoritative partners in the parent business who normally need to agree on an individual basis to any changes made to the service they receive. Nevertheless a very significant proportion of law

firm libraries do have a CDP and value its contribution. It remains to be seen whether CDPs become even more commonplace in this sector but they do provide a structure to decision making and an opportunity to think hard about the future of the service. Most importantly they provide a contract between service and user that

manages expectations and sets performance standards. Digital resources have provided great opportunities but also posed difficult questions for libraries and it is still relatively early days in the development of these resources.

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Biography

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