

## Biography

Mark Stanley works in a London law firm and this paper stems from his master's thesis in Information Science at City University, completed in 2006. He has a law degree and completed pupillage after being called to the Bar. Tamara Eisenschitz is a lecturer in information science at City University specialising in legal information. She acted as supervisor for this project.

*Legal Information Management*, 8 (2008), pp. 135–139

© The British and Irish Association of Law Librarians Printed in the United Kingdom

doi:10.1017/S1472669608000339

# Finding Foreign Law Collections in the UK: the 2007 FLAG Update and Questions it Raises for Future Collection Development Policy in the UK

**Abstract:** The purpose of this article by Peter Clinch and Ruth Bird is to outline the latest findings from the recent review of foreign law holdings in the United Kingdom, and, in Part 4, to raise key questions relating to the future of these potentially endangered resources. The authors invite the legal research community to consider the many issues of concern raised by the results of this latest FLAG survey.

**Keywords:** inter-library co-operation; international law; comparative law; online services

## Introduction

Since the 1980s the librarians of the five most extensive collections of foreign and international law in the United Kingdom (the Institute of Advanced Legal Studies (IALS) University of London; the School of Oriental and African Studies (SOAS) University of London; the Bodleian Law Library, University of Oxford; the Squire Law Library, University of Cambridge and the British Library), had identified the need for some mechanism which would help them identify the strengths and weaknesses of their collections and allow them to create a coherent collection development strategy. The first step towards these goals would be to map the holdings of the five libraries.

In 1999 the five libraries successfully bid to a government-funded body, the Research Support Libraries Programme (RSLP), and obtained approval and funding for a plan which went further than merely mapping their own holdings. It proposed the development of a national database describing the contents of all major collections of foreign, comparative and international law (FCIL) in universities in the United Kingdom. The database would be the map upon which a national collection development strategy could be traced.

The FLAG database <<http://ials.sas.ac.uk/library/flag/flag.htm>> was the product of that research into FCIL collections across the UK and was built using data collected between mid-2000 and mid-2002. The FLAG Project Manager (Dr Peter Clinch) visited more than 60 UK

libraries and collected data from the shelves. This was very time consuming but ensured consistency and (relative) accuracy in the data collected and keyboarded (for more detail on the development of the database between 2000 and 2002 see Clinch (2002)).

## Update methodology

In 2004 the Institute of Advanced Legal Studies (IALS) made available funds to carry out the first update of the database. Given the limited money available, it was quickly apparent that the original method of data collection could not be repeated. Further, it would not be possible to check all the 13,920 individual records in the database for currency. Therefore, the first update was undertaken by staff in the libraries which contributed to the database, who checked a print-out from the database of records relating only to the 2,823 collections designated 'active' in 2001. Closed collections were excluded from the update, but forms were provided to each library to note any re-activated collections and any new collections started since 2001.

In 2004, to assist some of the larger contributors to the database, the former FLAG Project Manager paid visits to four libraries to help staff undertake the appraisal of their stock and check the printouts. For more detail on the 2004 update see Clinch (2005).

The 2007 update adopted the same methodology as used in 2004 for the same reasons as set out above. It was financed from the University of London Vice-Chancellor's Development Fund. This time, only one of the larger contributors requested help to undertake the appraisal of the stock and check the printout. Grateful thanks are expressed to all those librarians who made time to check their holdings and current acquisitions against the data sent to them. It should be noted that the survey period in 2007 was much longer than in 2004 because many libraries which eventually responded asked for extra time to carry out the work. The timing of the despatch and return of the print-outs (mid-August to the end of October) was not ideal.

## Results

### Response rate

In total 48 (92%) of the 52 libraries with active collections responded. This compares with 47 (87%) of the 54 libraries with active collections which responded in 2004.

A comparison of the libraries responding to the two updates indicates that three did not respond in both 2004 and 2007. This is most regrettable since the details of their collections are now very out of date. Three further libraries responded in 2004 but not 2007. However, six libraries which did not respond in 2004 did respond in 2007.

Only nine libraries reported no changes to their collections between 2004 and 2007.

### Libraries and collections disbanded, disposed of, relocated etc.

Updating the database in 2007 took more time and effort than in 2004 due to several unforeseen circumstances. A number of large collections were either disbanded, disposed of, relocated, rearranged or reclassified. In some cases every classmark entry on the database for a particular library had to be amended.

Two libraries are no longer available, one disbanded and one removed from the UK between 2004 and 2007, including a major collection built up by, and the personal property of, a law professor. It comprised a unique collection of material relating to the law of the Russian Federation and the independent republics and went when he moved to a new academic appointment in the USA, taking his private library with him.

Between 2004 and 2007 many changes to the location and extent of collections were reported. Three FCIL collections in universities were re-located into other library buildings and five libraries carried out re-arrangements or re-classifications of stock. All these changes had to be recorded for each relevant collection in the database. Of greater significance was the large number of stock disposals by two libraries in particular: one sent out of the UK 45 collections relating to legislation of all the territories of Australia, Cyprus (including the Sovereign Base Areas), the Falkland Islands, Gibraltar, New Zealand and Singapore. The other sent 139 collections mentioned in the database, related mainly to legislation from earliest times to the later half of the 20<sup>th</sup> Century for Canada (including all the provinces), Lesotho, Mauritius, New Zealand, Pakistan, Philippines, Puerto Rico, South Africa (including the provinces), United States (including many of the individual states). Some court reports for Canada and South Africa were also disposed of.

The Institute of Advanced Legal Studies, University of London (IALS) had disposed of seven collections in the database relating to the official gazettes of East European countries, but these had been sent to the British Library to be added to its collections as part of a co-operative collection development project.

As a result of all these changes, the FLAG database now contains 13,680 entries, as compared with 13,920 at the close of the 2004 update, a decrease of 240 entries or less than 2%.

### Changes to the number of active collections

Between 2004 and 2007 the number of active collections fell by 233 or 9.1% to 2,423. This may be compared with the situation discovered in 2004 when, between 2001 and 2004, the number of active collections fell by 6% to

2,656. Sixty-two collections which were active in 2004 were amongst the collections disposed of between 2004 and 2007. In addition, 209 (2004: 167) previously active collections were no longer acquiring material by late 2007. 28 (2004: 13) new collections had commenced (sixteen at the British Library relating to East European countries and six relating to official gazettes or legislation for South East Asian or South African countries, four at the Squire Law Library, Cambridge relating to codes for Scandinavian countries and the Russian Federation) and two at IALS relating to Tanzania and Nigeria. Thirty-one (2004: 9) hitherto closed collections had re-started. Twelve at the British Library relating to East European countries and eight relating to official gazettes or session laws for countries in Africa (Southern & West), Asia (South & South East) and New Zealand, ten at IALS and one at Inner Temple.

This general picture of decline in active collecting requires clarification. When reviewing acquisitions records it is sometimes difficult to tell whether acquisition of some library stock has actually ceased. This is especially so for the largest libraries (British Library and IALS, for example) where some publications are acquired as gifts or from parts of the world where publishing and despatch of material can be erratic.

Of the 209 collections now categorised as closed, 49 were rated as active in 2001 even though the last item acquired was in the 1990s or earlier. Now, six years on, it is clear to the staff controlling those collections that acquisition ceased before 2001 and the source of supply has dried up. Eighty-three of the remaining collections ceased acquiring material between 2000 and 2004.

Some patterns emerge from a detailed analysis of the changes. The impact of the internet has been felt in two ways: first, an increasing number of materials are now available only via the internet and paper publication has ceased, for example, a number of official gazettes and some publications of the United Nations. Second, the free availability of case law through the Legal Information Institutes, AUSTLII (Australian Legal Information Institute) and CANLII (Canadian Legal Information Institute) in particular, has encouraged seven libraries to cancel subscriptions to many Australian state and Canadian provincial law reports. In addition, some United Nations publications are now available both over the internet and in print (in particular, the UN Treaty Series), encouraging a few libraries to cancel the paper copies in preference to internet access.

Changes in political geography have also led to the closure of collections. The hand-back of Hong Kong to China in 1998 has led since the update in 2004 to the closure of more collections of legislation for Hong Kong (though the British Library has started taking the official gazette for the first time), but case law collections appear to be surviving actively. At the time of the original survey in 2000/2002, because of delays in supply, it was difficult to tell whether collections of session laws, delegated legislation, and parliamentary debates for Hong Kong

would continue, but it is now clear that collecting has practically ceased.

Five libraries cancelled subscriptions to the major encyclopedia of comparative law and others cancelled subscriptions to encyclopedias of the law of the Antarctic, Canada, France, the Netherlands and the United States as well as encyclopedias of international environmental law, international dispute resolution, and international criminal law. Four libraries cancelled *European Current Law*.

At the end of the updating process two lists were drawn up for the benefit of the Foreign Law Research Group (FLARE), the successor to the FLAG Project Management Committee, the five libraries mentioned at the beginning of this article. The first lists collections in danger since there are only one or two libraries collecting particular types of material for a particular country. The second lists countries featuring in FLAG, the laws of which no library is now collecting. During 2008 the FLARE Group will be considering whether any collection weaknesses should be strengthened or acquisition gaps filled, and which library amongst the members should be responsible for the remedial action.

### Amendments to active collection records

In addition to those instances where the acquisition of material has ceased completely, there were 47 (2004: 137) instances where amendments to records on FLAG were required to take account of changes in the character of active collections. In most instances, the change was a reduction in the number of active titles in a collection because of the cancellation of some subscriptions. There were only three instances where a collection had been enhanced since 2004. So, as well as whole collections ceasing to acquire current material, the variety of material in active collections continues to diminish, though more slowly than reported in 2004.

### New collections

As was noted above, since 2004 only three libraries (2004: 4) have created new collections, covering 28 different topics or countries (2004: 13). 16 of the 22 collections created at the British Library feature back runs and current subscriptions, to official gazettes, legislation, treaties and some court reports for East European countries, the remaining six for countries in south and south-east Asia and southern Africa. The new collections created at IALS and the Squire Library, Cambridge are, respectively, to compiled statutes for two African countries and codes for three Scandinavian countries and Belarus.

### Changes to contact information

Finally, quite apart from changes to collections shown on FLAG, the survey has highlighted changes to institutional information within the survey population of 52 national,

university and Inns libraries. Five institutions have changed their names wholly, or in part, since 2004 (2004: 4). Three have changed site and all the contact details have been revised (2004: 1). Fifteen (2004: 11) web addresses, twenty e-mail addresses and phone or fax numbers have also changed (2004: 15).

### Where should we go from here?

The librarians from the five libraries who initiated this project are concerned about the trends that have emerged over the past decade. The changes in the FLAG database demonstrate an overall decline in the number of libraries holding paper collections from many foreign jurisdictions. As noted earlier in this report, this is, in part, due to the increased publication of government legislation on the internet.

Three of the libraries holding the large foreign law collections – the Institute of Advanced Legal Studies, the Squire Law Library and the Bodleian Law Library – have instigated collaborative collection planning for parts of their collections. Initially, this involves distributed collecting of large paper collections, such as the United States National Reporter Series, and selected Canadian subject-based law report materials that are reliably available online. By agreement, the three libraries will provide copies of items as needed to each other to deal with future requirements of researchers.

As part of the analysis of the current holdings on the FLAG database, primary materials from just over 80 jurisdictions were identified as having no paper holdings in the United Kingdom, and those of just on 100 jurisdictions were located in one to four libraries only. Many of those jurisdictions not held fall into the category of either failed states, or new countries just establishing their governmental publishing systems. Several of the latter are now publishing primary materials directly to the web, bypassing print altogether.

The decline in holdings, or total lack of them, raises several issues which should form part of a discussion for all law librarians and legal researchers in the United Kingdom.

The issues include:

- a) Is there, or should there be, a national responsibility for university law libraries to ensure coverage within the UK, in paper, of primary materials from as many foreign jurisdictions as possible?
- b) Who is, or should be, consulted when collections are disbanded or disposed of, and who takes responsibility for cancelling the last paper holdings for a jurisdiction held in the UK?
- c) Should there be a concerted national effort to ensure that every jurisdiction is held, in paper, and up-to-date, in one location at least in the United Kingdom? Or is this neither no longer practical nor cost effective?
- d) If the collecting for the key 70 or 80 jurisdictions is left to the large research libraries, how will these be funded as materials budgets decline?

e) In this globalised century, should we rely on each country to maintain all its own key primary material in paper collections accessible to all researchers? If we do, is there a need for a watching brief to ensure a country's legal materials remain available in times of political crisis?

f) Who should take on the responsibility for overseeing this discussion, and keeping the issues alive?

g) Do our colleagues care enough to pursue this issue; does the academic community or the profession feel that there is an issue? Do email, the internet, and networking make this discussion obsolete?

The FLARE group would welcome feedback from colleagues and interested others on these and any related issues, and members can be contacted via the website <http://ials.sas.ac.uk/flare/flare.htm> It is important at this juncture to decide whether this is a discussion worth pursuing in the wider legal community, or whether the view is that the future will take care of itself, or some agreed midpoint that needs to be articulated.

### Conclusions

The challenge of updating the FLAG database for a second time has been successfully met, within the financial and time constraints imposed. The methodology proved appropriate and workable. Apart from the largest contributor, it was well within the capacity of individual libraries to carry out the re-appraisal of their collections themselves. The timing of the update survey in the autumn was not ideal within the academic year.

In the six years since the database was originally compiled, a number of significant changes to collections and institutional contact information have occurred. The increasing availability of foreign, international and comparative law over the internet presents libraries with alternative methods of collection building and will influence the character of law collections in the future.

The impact of the internet, changes of emphasis in law teaching and research and budgetary restraint within libraries will continue to shape the collections of the future.

The results of the FLAG update have led the FLARE Group to consider a number of key questions, set out in section 4, about collection development policy for foreign, comparative and international law collections in the UK. This article is intended as a stimulus to debate. Over to you!

### Acknowledgements

We are grateful to all those librarians who responded to the request to check their current acquisitions against the lists.

Without funds provided through the Institute of Advanced Legal Studies Library, which hosts the FLAG database, the update would not have been possible.

## References

- Clinch, Peter (2002). FLAG The New internet Gateway to Foreign Law Holdings in UK National and University Libraries. *Legal Information Management* 2(4), 37–39; also re-printed in *SLS Reporter* Number 25, Winter 2002, 16–18.
- Clinch, Peter (2005). The FLAG Database Updated. *Legal Information Management* 5(1), 63–65; also re-printed in *SLS Reporter* Number 29, Winter 2004, 7–9.

## Biography

Dr Peter Clinch is Senior Subject Librarian for Law, Cardiff University and Ruth Bird is the Bodleian Law Librarian, University of Oxford.

*Legal Information Management*, 8 (2008), pp. 139–141

© The British and Irish Association of Law Librarians Printed in the United Kingdom

doi:10.1017/S1472669608000340

# From Our Own Correspondent... New Developments in German Law Libraries

**Abstract:** Ivo Vogel brings us news of the latest areas of interest in German legal information, with a report from a recent conference entitled *Legal Information in Change*, held at the Staatsbibliothek zu Berlin, including information literacy, the Virtual Law Library, copyright and catalogue enrichment.

**Keywords:** Law libraries; Germany; information literacy

## Introduction

To explain new developments in German law libraries it is useful to report from a conference which was held on the 14th and 15th of November 2007 in the Staatsbibliothek zu Berlin. The conference, under the title *Legal Information in Change* was organized by the ViFa Recht (Virtual Law Library) and the AjBD (Association for Legal Librarianship and Documentation). Law librarians from the different types of law libraries in Germany were invited and more than 120 guests attended the nine lectures.<sup>1</sup>

The aim of the conference was to present and to discuss the standing of law libraries in relation to the new developments and opportunities of the modern information society. The main topics were information literacy, Virtual Law Library, catalogue enrichment, foreign databases, e-Books and Web 2.0 in law libraries.

## Information literacy

Information competencies are a key factor, not only in libraries overall, but also specifically in law libraries. The development of information competencies should take place during the whole academic year. Librarians should be a part of the learning community and should have a key role in facilitating information literacy. Through the creation of curriculum-integrated programmes, librarians should actively contribute to the students' and academics' learning processes in their search to enhance or develop the skills, knowledge and values needed to become valuable member of the scientific community.

In the first lecture of the conference, Dr. Johannes Mikuteit (University Library Kiel) and his colleague from the Law Library of the University of Kiel, Dr. Thomas Krause, presented the concept of the exchange of legal