

COLLECTION DEVELOPMENT:

THE QUESTIONS WE FACE

ROSENNE
DOCUMENTS ON
THE INTERNATIONAL
COURT OF JUSTICE
SECOND EDITION

LAW
JX
1971.6
.86
1979

Deutsch
An International
Rule of Law

LAW
JX
1971.6
.D48

Virginia

SINGH
The Role and Record of
the International Court of Justice

LAW
JX
1971.6
.S66
1988

Kopaczynski

NO HIGHER COURT

Law
HQ
767.15
.K66
1995

THE
AMERICAN WOMAN 1996-97

Law
HQ
1421
.A447
1996

J. Ross Harper

Global Law in Practice

Law
K
120
.G49
1997

Law
JX
3185
.V6
1992

M

OF JUSTICE

SHARIAL ROSENNE

SIJHOF

CTICE

LAW
JX
1971.6
.R626
1983

CTICE

LAW
JX
1971.6
.R626
1983

LAW
JX
1971.6
.R64
1973

AT IT IS AND HOW IT WORKS

LAW
JX
1971.6
.R64
1973

COURT

Stipod

LAW
JX
1971.6
.R64
1973

LAW SCHOOL
FOCUS
extra

DO YOU HAVE THE
 CURRENT CODE OF
 MALAWI?

CAN I SEE BURNS'
 ECCLESIASTICAL LAW,
 PUBLISHED IN 1763?

WHERE CAN I FIND
 STATISTICAL DATA ON
 DEATH-ROW INMATES IN
 TEXAS?

CAN I COPYRIGHT MY
 WEB SITE?

WHERE CAN I FIND ALL
 OF THE INTERNATIONAL
 AGREEMENTS ON
 ENVIRONMENTAL
 POLLUTION?

WHAT ARE THE CUSTOMS
 REGULATIONS FOR
 AUSTRALIA?

HOW LONG WILL IT TAKE
 YOU TO FIND THE
 INFORMATION?

WILL IT BE HERE IN TIME
 FOR CLASS TOMORROW?

BY JANIS JOHNSTON,
 ASSOCIATE DIRECTOR
 OF THE KRESGE LAW
 LIBRARY

These questions represent just part of an average day in the lives of the librarians and staff of the Kresge Law Library, and illustrate the issues that arise on an almost-daily basis when trying to determine how best to develop the library's collections. It used to be enough for a law library to have federal and state primary materials, and a few digests and some treatises — all those other books on the shelves — for good measure. A *University Bulletin* from the 1904-05 academic year describing the holdings of the law library, which at the time contained primarily “[a]ll the latest reports of state and federal courts,” noted that students experienced “no difficulty . . . at any time in finding cases needed for reference, thesis writing, and Moot Court work.” A *Bulletin* from 1918-19 lists the entire library collection — mainly state and federal reporters and a few digests — in a paragraph, and noted that the collection was “quite extensive and adequate for the needs of our growing law school.”

Even as recently as a decade ago, with much the same types of publications on our shelves and access to LEXIS or Westlaw databases, our average law student was well-poised to perform most, if not all, research assignments. Those days, however, are long gone.

Today's law students and legal scholars are engaged in research at more complex and far-reaching levels than those imagined by previous generations, or even by our research staff just a decade ago. Few study just the law anymore. Our scholars want to study the future of space law and the history of Elizabethan ecclesiastical law. They want to study beyond the law. The typical faculty member (and increasingly, the typical student) comes to us with interests that extend beyond the law into topics such as law and religion, law and bioethics, and law and economics. Overall, the scope of legal study and work has crept irretrievably beyond traditional boundaries — beyond the study of cases and statutes, and beyond the domestic law of the United States.

The NDLS curriculum is continually responding to these transformations in the interests of our students and faculty. We offer more specialty courses in areas such as law and religion, law and education, and law and economics. Currently, the Law School offers more than 15 courses related in some way to international law. And the library must grow and develop its collections to be responsive to the needs of faculty and students involved in this important scholarship and course work.

And as the Law School extends its reach around the world, through more foreign-study programs, participation by our faculty in international conferences, and an ever-more-international student body, we can predict that we will need access to ever-more-exotic sources of information involving ever-more-exotic fields of law. We can predict that technological developments will cause us to evaluate our information delivery systems on an almost continual basis — even today's kindergarteners, the law graduates of the year 2018, know how to use the Internet and fast become used to retrieving information from anywhere around the world almost instantaneously. What we cannot predict, however — as our predecessors in this library a century, or even two decades, ago could not predict — is exactly how, today, we should plan to meet the needs of our 21st-century scholars.

Ultimately, we face two issues: first, what to acquire and second, when to acquire it. We try, as best we can, to answer these questions by evaluating the immediate needs of our faculty and students. Our first priority, obviously, is to meet current research needs by purchasing books, microforms and CD-ROMs. What we cannot purchase immediately we try to secure through legal databases, the Internet, and interlibrary loan — methods that suffice in the short term.

Many people question the need to actually buy books. We hear the argument all the time that so much is available on-line that books have become unnecessary or obsolete. Our experience has shown us, however, that nothing could be further from reality.

Our last decade of intensive growth has moved us toward the threshold of greatness.

We are now counted among the few research-quality law libraries in the country. Nevertheless, we still have work to do.

What about the scholar, decades (or even a decade) from now, who needs a piece of information we've secured once before by interlibrary loan or found on the web? Ten years from now, will it still be on Westlaw, LEXIS or the Internet? (We've seen many web sites go inactive or contain outdated material when the site provider loses interest in maintaining it.) Will we still be able to borrow it from another library? (Although we belong to a large network of libraries from which we can borrow much of what we need, no library will loan us their entire 10-volume set of the LAWS OF MALAWI to satisfy the needs of a single NDLS patron.) In some instances, we have no choice today but to hope that sources owned by others will be available. But if possible, we prefer to purchase information rather than just access someone else's information. Despite the advent of computer-based legal-research resources, building a research collection requires more than fifty computers and web access — and in fact, it will always require investing in the purchase of information and preserving it for future generations.

Moreover, reliance on the web and on interlibrary loans for scholarship presents a more general, but sometimes all-too-subtle problem — the inability to browse. It is tempting to dismiss the necessity and advantages of browsing. But think how often, in your own research, you have scanned the shelves, noticed a halfway-relevant title of a book, and fortuitously discovered an extremely relevant passage or article. This valuable — and legitimate — research method is impossible through interlibrary loan, and often is not as easy as it seems to accomplish on the Internet. Without ready access to books, on a shelf, grouped by subject matter, some information will be lost to the researcher.

But what to purchase? We know today that we need, for example, to enhance our international law collections. Recent faculty appointments have both reflected and kindled a new focus on international law in our curriculum; even a few of the "old timers" have developed a fresh interest in international aspects of their traditional

courses in, for example, criminal or labor law. These faculty are more likely to be looking for an English translation of the Russian Constitutional Court case on Chechnya than they are for a section of the U.S. Code.

The student body is also more diverse and more attuned to foreign and international law. The LL.M. program in civil and human rights, for example, each year attracts a dozen or so scholars from around the globe. Their research requires legal materials from international organizations like the United Nations and the Inter-American system, as well as the laws and cases from virtually any given country. (Speaking of these rather far-flung needs, the library reference staff currently is tracking down particular statutes and cases from Malawi, El Salvador, the Republic of Korea, Argentina and Pakistan! If you have any leads, please give us a call at [219] 631-5664.)

It seems easy enough to say that we need books, journals and database subscriptions. But ours, like all other libraries, does not have unlimited funds for building a foreign and international law collection, and the sheer mass of legal publications available for purchase is too extensive for any library to collect. We need to make choices. The choices are not always easy — and sometimes even the questions themselves are difficult to discern.

To meet the overwhelming needs of our faculty and students, should the library just concentrate on public international law issues such as human rights, international criminal law and international environmental law? Should the library select topics that concern most practicing international lawyers, including international business transactions, international trade, and foreign investment? (These publications are voluminous and almost always very expensive.) Should we totally ignore the law of foreign jurisdictions? If not, exactly which of the world's 185-plus countries should we represent in our collection? Once these decisions are made, we are faced with the further issue of determining what type of foreign material to acquire: Just the cases

and statutes? Any treatises and journals? On what topics? Should we restrict ourselves to English translations of these foreign primary and secondary sources, where such translations are available even if unofficial or possibly not current? And on and on the questions go.

In addition to these substantive policy issues surrounding the goal of building a good international and foreign law collection, the library faces some personnel matters as well. Beyond a certain rudimentary point, we must hire librarians and staff with specialized knowledge and training to identify the books to purchase (few African or Asian publishers furnish glossy catalogs of their legal publications), to help with the cataloging (try cataloging *Mujeres y derechos humanos* without some knowledge of Spanish), and to sort through the complexities of certain reference services (GATT/WTO documents are not as intuitive to use as they ought to be). Without adequate staff to support a foreign and international collection, it is probably folly to think that the collection will prove fruitful for the Law School community.

We are making progress. Limited resources make the progress painfully slow. And in the meantime, we are losing our ability to acquire some key sources — sadly, some of the most important titles are no longer in print and are otherwise unavailable.

Our last decade of intensive growth has moved us toward the threshold of greatness. We are now counted among the few research-quality law libraries in the country. Nevertheless, we still have work to do. We need to find ways to support the increasingly diverse research needs of our faculty and students. We need to decide how best to manage our resources to meet these needs both in the short and long terms. We need to position ourselves to meet the as-yet-unknown research demands of the next century. And we need to do this in a way that suits the unique character of the Notre Dame Law School.

We have some interesting questions to answer in the short term. But more interesting, in the long term, are the questions we haven't yet asked.