



LawLink

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The Digital Law Library: Is it Time to Byte?

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In recent years we have seen rapid technological changes in law libraries. Computers are now ubiquitous in a wide-variety of legal research applications. They are used to search library catalogues, CD-ROMs, commercial online databases (such as QUICKLAW, Westlaw and Lexis-Nexis), Web-sites and other databases found on the Internet.

The advantages provided by computers, when combined with the cost and space pressures of maintaining an ever-expanding print collection, raise the issue whether law libraries should become "digital" by removing print resources in favour of acquiring only electronic resources. Has the time come for an academic law library such as the Bora Laskin Law Library to convert itself into a digital law library? This article will explore the pros and cons of our becoming a digital law library.

Sources of digital law-related information:

There are four main sources of law-related information in digital format:

Source	Description
Online commercial databases:	There are three primary online commercial databases used by U of T law students: QUICKLAW, Westlaw and Lexis-Nexis. These three databases combined provide access to countless court decisions, legislation and full-text law journals.
CD-ROMs	Our library has over 90 CD-ROM titles which provide access to a wide-variety of law-related information, including legal periodical indexes, legislation and case law from a variety of jurisdictions and various international legal materials.
World Wide Web (WWW)	Government, law schools, lawyers and other law-related organizations publish a growing amount of free, good quality legal information on the Internet.

Internet subscriptions

In order to maintain revenues and to take advantage of Internet technology, more and more legal publishers are offering their products through paid Internet subscriptions. These publishers include Carswell (*law.pro*) and CCH Canada (CCH *iworks*).

Advantages of electronic sources of legal information

Electronic sources of law have a number of advantages over print legal resources:

- **Less shelf-space is needed:**

Electronic materials require little or no space compared to print materials, which expand as new volumes of law are added to the book shelves each year. The Law Library will soon face a shortage of space unless materials are withdrawn or additional space is created. The cost of new library space to store print materials is likely much greater than the cost of acquiring and providing access to electronic resources.

- **Keyword searching:**

Computer technology allows searching full-text information by keyword, something which cannot be done or cannot be done well using print resources and print indexes. If you are looking for cases involving *ankylosing spondylosis* (an injury or disease of the spine), a computer search would reveal those cases instantly across whichever jurisdiction is desired.



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LawLink is published 9 times a year by the staff of the Bora Laskin Law Library. The purpose of *LawLink* is to inform Law faculty and students of upcoming library activities, new developments in legal research and new electronic sources of legal information.

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An electronic version of *LawLink* is also available on the Bora Laskin Law Library's home page (<http://www.law-lib.utoronto.ca/lawlink/index.htm>)

Please direct comments, suggestions or submissions to Susan Barker, *LawLink* editor at 978-5799 or by e-mail to susan.barker@utoronto.ca.

- **Less loose-leaf filing and reshelving of print material:**

Many of our print materials are loose-leaf publications which must be regularly updated, something which is very labour-intensive and which could be reduced or minimized if we moved more to electronic resources. Reshelving material is also time consuming and labour-intensive.

- **Allows multiple access to the same article or case:**

Most electronic resources allow multiple access to the same article or case (subject to licensing restrictions) thereby eliminating the frustrating problem of not being able to find the applicable print volume on the shelf. Barring technological problems (such as server crashes), users of electronic legal resources are usually guaranteed access to the materials they need.

Disadvantages of electronic sources of legal information

Although electronic-based legal resources have a number of advantages over print resources, they also have a number of disadvantages:

- **The scope of electronic resources is limited:**

Most law-related information in electronic format emphasizes current material and is geared towards practicing lawyers who require up-to-date legislation and case law. As an academic law library, probably less than 10 to 15 % of our collection in print could be found online. This means that the bulk of our collection — textbooks, treatises, biographies, essays, historical works, government reports, and interdisciplinary works — is not available in electronic format. It is therefore difficult for an *academic* or *research* law library to go completely digital.

- **Loss of ownership of information:**

The Law Library owns its print collection. It does not own most of its current electronic collection. Vendors (such as QUICKLAW or Carswell) own or retain rights to the material in their databases. While it is not necessarily bad if we do not own our collection, it exposes us to the vagaries of onerous license terms, the risk of publishers going out of business or unilaterally withdrawing particular electronic resources at their discretion. CD-ROMs are programmed to expire and therefore become useless if the subscription is cancelled.

- **Difficulty in historical research**

If print materials are removed in favour of electronic sources of law, there is often a loss of archival or historical information. Since vendors of online information are by and large targeting legal practitioners, online materials tend to emphasize the most recent information. Thus, in the

case of legislation, if the law library were to remove complete sets of statutes in print in favour of an online source, researchers would be unable to trace legislative history since legislation in electronic format is regularly consolidated.

- **Loss of archival information**

In addition to not being able to easily research historical information online, there is a risk that much of the historical information would be lost forever in a digital world. There are several reasons for this. Unlike some academic researchers, vendors of online information may lack sufficient financial incentive to heavily invest in the archiving of historical information. In addition, there is the risk of software or media obsolescence — unless someone is paying to continually transfer existing databases of online law-related information onto the new types of software and online media, the possibility exists that older forms of law-related digital information may be inaccessible to future generations.

- **Users do not like to read material on the computer screen:**

Patrons quite obviously prefer to read case law and journal articles from the printed page where visual and textual clues make understanding and reading more enjoyable and meaningful. Journal articles currently on Lexis-Nexis, for example, contain footnotes in the middle of the text, making it difficult to read. In addition, it still remains somewhat difficult for researchers to cite online materials and information online is not always identical to its print equivalent.

- **Printing costs are transferred to the library or to the user:**

General wisdom has shown that the advent of computers has not reduced printing — many people still want a hard copy of what they see or read on the screen. If this is true, the cost of obtaining “hard copy” is passed onto the end user or the law library when information from online resources is printed out.

- **Not all online interfaces are user-friendly:**

There still remains a learning curve for users to be trained to find material online. Search engines and interfaces differ from one source to the next and the technical skills of patrons vary widely, making access to online information difficult and requiring extensive training and support. Using only computers for legal research will always be a barrier for some people.

- **Commercial online databases are not yet available to the public:**

Another potential disadvantage of moving towards law-related information in electronic format is

the lack of access for U of T students and members of the public who are not covered by any licenses or passwords given solely to the law school community. To the extent our Law Library is a general research library for the entire University community (and for the public), a move towards digital resources would conflict with the goal of making our collection as widely available as possible.

- **Technical issues:**

Developing and maintaining a digital law library raises several technical issues: (i) the need for additional hardware and software to provide access, including the need for a more robust network and upgraded wiring; (ii) increased need for technical support and training; (iii) the need to consider cataloging all digital sources of law to ensure that users know what material in digital format is available and how they can access such material.

Results of study regarding the Bora Laskin Law Library's journal collection in print

In March 1999, the author re-visited a study performed in March 1997 at our library regarding the availability of our print journal collection in electronic format. The purpose of the original study was to see what percentage of our journals in print could be found in one or more of QUICKLAW, Westlaw or Lexis-Nexis. The purpose of the follow-up study was to see if the situation had changed.

The study in 1997 showed that 384 of 1596 of the library's print titles were available online (24% of the titles). While this is a fairly high percentage, the average backrun date for these 384 titles was only to 1993, meaning that the bulk of our journal titles in print available online could be searched online from only 1993 onwards and that articles prior to this date were not available online. Stated differently, 76% of our journal titles in 1997 were not available in electronic format, and for those titles that were available, only recent volumes of those journals were available online.

The follow-up study in 1999 revealed no drastic changes from the 1997 study, except for a slight increase of the percentage of our print journals in electronic format in 1999 from 24% to 25% in 1999 (or 410 of 1610 print titles — there was also a slight increase in the number of our print titles). More significant, however, was the finding in 1999 that the back-run of journals available online did not expand retrospectively, meaning that the online vendors are not adding older volumes of legal journals to their databases, keeping the emphasis on current journal articles.

Another finding of this study was that Canadian law journals are grossly under-represented in online format. Of our 1610 journal titles currently in print format, approximately 233 are either published in Canada or related to Canadian topics. Of these 233 Canadian journal titles, only 18 are available online (7.7%), well below the ratio of American law journals available in online format. Removal of

print journals in favour of using only journals online would result in a significant denial of access to Canadian law journals.

The impact of a digital law library on space and costs

If we were to physically dispose of or remove print material that is available online (the *United States Code Annotated*, for example), and assuming the disadvantages of doing so discussed above were acceptable, there would be a definite saving of space. This may be offset, however, by the need to provide more workstations and training labs in the library. Since it is likely in any event that the bulk of our collection would remain in print, and since the print collection will likely continue to grow (it currently grows at about 4,500 volumes per year), there will be conflicting pressures on our space requirements.

There is insufficient data at this time to make definite conclusions on the cost impact if we were to move towards becoming more digital. There are several factors that would affect the issue of costs: Would vendors of online information increase their prices as more and more people rely on electronic information? Such price increases are already evident in the Canadian legal market where vendors are increasing prices to cover their investment in conversion to digital format. Would we store potentially redundant print material off-site and how would the off-site storage and retrieval costs compare to the cost of keeping material on-site? Would we still be able to provide inter-library loan (ILL) services and at what cost? These questions need further investigation.

What role will librarians play in a digital law library?

Although librarians are sometimes stereotyped as being old-fashioned “fuddy-duddies”, they have in fact usually taken the leading edge in introducing technological advances into the library where this helps the patron find relevant materials. Law librarians do not therefore need to be defensive about any possible move towards the digitalization of libraries since librarians would remain to play an important role in a digital law library, albeit perhaps a slightly different role. Reference librarians would likely become more like consultants and online trainers, with an increased demand for Intranet content managers to organize and provide easy access to information. Thus, any cautionary notes put forward by librarians about digital libraries are not necessarily motivated by job preservation but by concerns whether a digital law library could properly and fully meet the needs of the patrons of the library.

Since the bulk of our collection is not available online, it is unlikely the Bora Laskin Law Library would take the “byte” into becoming a pure digital law library. At best, we will continue to be a “hybrid” law library combining the advantages of print and online resources whenever possible with the challenge of making the use of resources — regardless of whether they are in print or online — as easy as possible for the end-user. The library invites your comments on these issues.