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1-1-2010

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Recommended Citation
Cadmus, Femi and Shapiro, Fred, "Leveraging a Library Collection through Collaborative Digitization Ventures" (2010). *Librarian Scholarship Series.* Paper 4.
http://digitalcommons.law.yale.edu/ylss/4

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Volume 20

# Trends

IN LAW LIBRARY MANAGEMENT AND TECHNOLOGY

*Edited by Philip C. Berwick • •For academic, firm, corporate, and government law librarians*

# Leveraging a Library Collection through Collaborative Digitization Ventures

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One of the primary objectives of forward-thinking and progressive libraries captured in mission statements and strategic plans is the acquiring, developing and preserving of a first-class collection for scholarly research.[1] It is also clear that these materials must be easily accessible. In addition, by using high-volume digital preservation technologies and robust web-based search engines capable of full-text searching, major research law libraries are not only preserving their unique collections but also are providing online access to materials which had formerly been inaccessible or perhaps accessible only on a limited basis by way of onsite visits. Preservation efforts are not only geared towards print materials, but there has also been concerted activity by libraries to preserve electronic materials in stable and enduring formats. The current economic downturn which has resulted in reduced collection budgets has spurred increased interest in



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collaboration between libraries and a deeper commitment to resource sharing and the preservation of both print and "born-digital" materials.[2]

Digitization ventures are not simple, and definitely go beyond scanning and hosting materials on a website. An array of issues come into play, ranging from obtaining funding, seeking out technical and intellectual expertise, legal issues and so forth.[3] Funding and staffing issues can be overwhelming for any library, particularly in this era of constrained budgets. Libraries embarking on such projects have typically sought assistance through grants or have collaborated with private enterprise or nonprofit organizations to achieve their goals.[4] Collaborative activities often take the form of an entity providing the equipment and technical expertise while the library provides the materials to be digitized and part or all of the labor for the project. Legal issues with digitization projects typically center on the delicate scenarios raised by copyright. Determining what is in the public domain or when a library can or cannot digitize for preservation purposes can prove convoluted and tricky.[5]

## History

The Yale Law Library has a long history of collaborating with publishers on print and microform reprints. As far back as the 1980s, the library lent many older books to the Garland Publishing Company for reprinting in hard copy, receiving in return significant fees. The library also lent many older books for hard-copy reprints to the Fred B. Rothman & Co. and its successor, William S. Hein & Co.; and occasional volumes to Gryphon Press (for their *Legal Classics* and *Notable Trials* series); Gaunt; and Lawbook Exchange. Payment from these non-Garland publishers generally took the form of free copies of the reprints, or sometimes credits.

Perhaps more interesting were microform reprint projects. Rothman used our books to help in creating a microfiche set called *A.A.L.S. Law Books Recommended.* Inter Documentation Co. created microform copies of rare manuscripts as part of its *English Legal Manuscripts* product. Law Library Microform filmed our entire Blackstone Collection. K. G. Saur borrowed some constitutions for *Constitutions of the World* in microfiche. These publishers generally provided some compensation in the form of free or discounted copies of the product involved.



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The most ambitious microform project was Research Publications' (later Primary Source Media's) *Nineteenth-Century Legal Treatises* and its related set, *Twentieth-Century Legal Treatises*. These very sizable sets, initially designed by Morris Cohen and Terry Martin and drawing largely on the Harvard Law Library collection, also sourced a small but not negligible fraction of their content from Yale. The legal treatises microforms served the research community by greatly enhancing the accessibility of books from the 1800–1926 period and generated substantial royalties for Harvard and, to a lesser extent, Yale.

In the twenty-first century, micropublishers developed the concept of the "digital vault," resurrecting their microform resources as digital products that were searchable and so revolutionized historical research. In law, one of the major embodiments of the digital vault was produced by Gale, the successor company to Research Publications. Using the name *Making of Modern Law*, Gale digitized the Legal Treatises microforms and two collections of United States Supreme Court records and briefs, then created a legal trials digital archive and an online collection of "Primary Sources" (described below). The Legal Treatises content mirrored the Harvard, and to a lesser extent Yale, sourcing; the Trials module also had a majority of materials from Harvard and smaller contributions from Yale and the Association of the Bar of the City of New York Library; and Primary Sources was derived largely from Yale, with some items coming from the Law Library of Congress. Harvard and Yale again received substantial royalties.

## A Recent Venture and the Ensuing Process

Most recently the Lillian Goldman Law Library embarked on a digitization venture with Gale, the *Making of Modern Law: Primary Sources, 1620–1926,* which launched officially in June 2010. The database of Primary Sources contains early U.S. state codes; state constitutional conventions; city charters; and early American law dictionaries, for the most part not previously available in digital form. Primary Sources will also include colonial records from the Primary Source Microfilm collection *Published Records of the American Colonies.*[6]

The development of this project involved extensive intellectual input from the library's Associate Librarian for Collections and Access Services, who selected



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primary materials from the library's collection for this project. Since the materials involved were all in the public domain, murky copyright issues were averted. The library was able to contribute almost 90% of the materials for this project from its own holdings, with gaps in the collection being filled by the Law Library of Congress, which rose wonderfully to the occasion. By the conclusion of the project, approximately 1,500 individual titles and a total of about 1.5 million pages had been digitized from Yale.

The entire process necessitated involvement by several departments in the library, including collections, access, and technical services. Materials were retrieved from the stacks and the library's offsite storage location by Collections and Access staff on a weekly basis. The library's Rare Books Librarian inspected the materials, some of which were very old, to ascertain whether they could be shipped off for scanning and to provide proper handling instructions. The Collections and Access Coordinator also ensured that outgoing materials could be properly tracked by checking them out and sending previously uncataloged materials to cataloging. The Associate Librarian for Technical Services generated files of MARC records for books being lent, and the Head of Cataloging cataloged books requiring it. Once the materials were checked out, they were held in a staging area for pickup and shipment to the Gale facility located close by.

## Conclusion

Collaborative digitization ventures yield the deep satisfaction of preserving materials in perpetuity and providing access to hitherto obscure or inaccessible materials to the research community at large. Another pleasant by product of some collaborative digitization ventures (mostly with private enterprise) is access to the finished product at a substantially discounted rate and or even, on rare occasions, revenue generation for the library. Collaborative digitization ventures are here to stay, as long as libraries house materials that need to be preserved and made accessible to researchers, and as long as the need to rely on outside sources for funding persist.



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## Notes

1. The Lillian Goldman Law Library at Yale Law School's 2005 strategic plan had at the top of the list: "To be known nationally and internationally as a leader in developing law library collections, technology and innovative programs. In support of Yale Law School's outstanding educational and scholarly programs and the University's global mission, the Lillian Goldman Law Library is dedicated to acquiring and preserving a superb collection of resources in the best formats available."

2. A good example is the Legal Information Preservation Alliance's Chesapeake project, a collaborative pilot project by Georgetown Law Library, Maryland State law Library and the Virginia State law Library. "The purpose of the Chesapeake project is to successfully develop and implement a program to stabilize, preserve, and ensure permanent access to critical born-digital legal materials." http://www.aallnet.org/committee/LIPA/Chesapeake_Project.asp.

3. For an excellent bibliography, see Laurie Lopatin, *Library digitization projects, issues and guidelines: A survey of the literature,* 24 Library High Tech 273–89 (2006).

4. Jenny Meade, *GW Law Library, LLMC Embark on a Digitization Project, 48* Law Library Lights 1 (Summer 2005).

5. Mary Minow, *Library Digitization Projects and Copyright—Part I: Introduction and Overview*, LLRX.com, June 28, 2002.

6. http://galesupport.com/law2009/mmlp.htm.

***Trends*** is published by
*William S. Hein & Co., Inc.*
1285 Main St. / Buffalo, NY 14209
Phone: (800) 828-7571; (716) 882-2600
Fax: (716) 883-8100
Email: mail@wshein.com
ISSN 0893-6773
The complete collection of articles published in ***Trends*** is available in HeinOnline (http://heinonline.org)

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