

The Effect of Economics and Electronic Resources on the Traditional Law Library Print Collection*

Amanda M. Runyon**

The exponential rise in the cost of legal materials and the increasing availability of and expectation for electronic materials have strained the budgets of academic law libraries. The author surveyed directors of academic law libraries to identify trends in collection management, such as canceling, weeding, and signing library maintenance agreements.

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Introduction

¶1 The American Bar Association Standards for Approval of Law Schools charge the library of a law school with being an “active and responsive force in the educational life of the law school”¹ that provides “effective support of the school’s teaching, scholarship, research and service programs. . . .”² Despite the fact that the

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** Reference Librarian, Tarlton Law Library, Jamail Center for Legal Research, The University of Texas School of Law, Austin, Texas.

1. ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, 2008-2009 STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS Standard 601, at 44 (2008), *available at* <http://www.abanet.org/legaled/standards/standards.html> [hereinafter ABA STANDARDS].

2. *Id.*

law library's role in legal education is largely overlooked by *U.S. News and World Report* when performing its annual ranking of law schools,³ it is clear that a law library plays an essential role in the education of law students and in the scholarship and teaching of faculty and staff members. Unfortunately, in a time of national economic hardship, funding for higher education has been limited and continues to decline.⁴ In a climate of stationary or decreasing budgets, finding a way to provide the students, faculty, and staff of the law school, the legal community, and at times the public at large with access to "a core collection of essential materials"⁵ is a challenge. Even libraries that are not facing budget restrictions struggle to find the correct balance between the need to maintain and expand a print collection and the requirements of the ever-changing environment of electronic legal research.

¶2 Given these issues, I designed a study to examine how expenditures on acquisitions and electronic resources changed between the 2002–03 and 2006–07 academic years and how academic law libraries are managing their print collections given the increasing electronic availability of the same legal resources. Much has been written over the past few years concerning the discontinuation of print materials,⁶ and the study looked at how this has actually played out in law libraries.

Increasing Costs of Legal Materials

¶3 Since the 1970s, the price increases for legal materials have been nearly double the rate of inflation.⁷ For example, from 1973 to 1996, the cost of legal serials increased at a rate that was 95% higher than the Consumer Price Index's rate of

3. The *U.S. News and World Report* rankings consider a law library's role in two of their twelve ranking factors. Of the total overall score, 0.75% is based on the total number of volumes in a law school library, and 9.75% is based on the average per capita expenditures for the current and prior year for instruction, library, and supporting services. Brian Leiter, *The U.S. News Law School Rankings: A Guide for the Perplexed* (May 2003), <http://www.leiterrankings.com/usnews/guide.shtml>.

4. See, e.g., Sandra Block, *Cost of Higher Education Gets More Pricey: In Some States, Budget Gaps Push Tuition up 10% or More*, USA TODAY, July 27, 2007, at 1B; Daniel J. Hurley, *Colleges Restrain Spending*, USA TODAY, Apr. 7, 2008, at 13A.

5. ABA STANDARDS, *supra* note 1, Standard 606, at 46.

6. For an excellent annotated bibliography of relevant books and articles concerning the print versus electronic debate, see Paul E. Howard & Renee Y. Rastorfer, *Do We Still Need Books? A Selected Annotated Bibliography*, 97 LAW LIBR. J. 257, 2005 LAW LIBR. J. 15. Other notable resources include, e.g., LAW LIBRARY COLLECTION DEVELOPMENT IN THE DIGITAL AGE (Michael Chiorazzi & Gordon Russell eds., 2002); Penny A. Hazelton, *How Much of Your Print Collection Is Really on WESTLAW or LEXIS-NEXIS?*, LEGAL REFERENCE SERVICES Q., 1999, no. 1, at 3; Mary Rumsey & April Schwartz, *Paper Versus Electronic Sources for Law Review Cite Checking: Should Paper Be the Gold Standard?*, 97 LAW LIBR. J. 31, 2005 LAW LIBR. J. 2; Gordon Russell, *Re-Engineering the Law Library Resources Today for Tomorrow's Users: A Response to "How Much of Your Print Collection Is Really on WESTLAW or LEXIS-NEXIS?"*, LEGAL REFERENCE SERVICES Q., 2002, no. 2-3, at 29; and Michelle M. Wu, *Why Print and Electronic Resources Are Essential to the Academic Law Library*, 97 LAW LIBR. J. 233, 2005 LAW LIBR. J. 14.

7. See Kent Milunovich, *Issues in Law Library Acquisitions: An Analysis*, 92 LAW LIBR. J. 203, 203, 2000 LAW LIBR. J. 18 ¶ 2.

increase.⁸ This trend has contributed to law libraries' loss of purchasing power for acquisitions.⁹

¶4 More recent data is available in the *Price Index for Legal Publications*,¹⁰ which includes information for 2006. The *Price Index* measured the rate of inflation for legal materials between 2005 and 2006, and compared these rates to the overall inflation rate in the United States for the same time period.¹¹ While the overall inflation rate was 3.22%, the prices of certain types of legal materials rose at a much higher rate. For example, commercial periodicals increased in price by 18.75%; academic periodicals increased by 6.52%; citators increased by 21.14%; and newsletters increased by 14.20%.¹²

The Role of the Legal Publishing Industry

¶5 Considering the high cost of legal materials, it is not surprising that the legal information market is the largest segment of professional publishing revenue in the United States.¹³ Out of a total U.S. professional publishing market of \$15 billion in 2003–04, legal publishing accounted for \$5.33 billion, or 35.5% of all revenue.¹⁴ Part of the reason why legal publishing is such a large part of the professional publishing market share is because “tens of thousands of new or revised laws and regulations are enacted” in the United States each year.¹⁵

¶6 In addition to this logical reason for the high revenues in the legal publishing market, several other factors help account for the skyrocketing costs of legal materials. One key issue has been the consolidation of the legal publishing industry. In 1977, “there were 23 fairly substantial independent legal publishers.”¹⁶ In contrast, by 2006, three conglomerates—Thomson West (41.5%), Reed Elsevier (23%), and Wolters Kluwer (20%)—controlled 80% of the legal publishing industry.¹⁷ In fact,

8. *Id.* (“During the period from 1973 through 1996 . . . the Consumer Price Index showed an increase of 253 percent [while] the average cost of legal serials rose 495 percent. During that same time period, the most dramatic increase was in the category of legal continuations, which rose an astounding 1,006 percent.” (citation omitted)). The Consumer Price Index measures the inflation rate in the overall economy.

9. *Id.* at 204, ¶ 2.

10. AM. ASS'N OF LAW LIBRARIES, PRICE INDEX FOR LEGAL PUBLICATIONS (4th ed. 2006), http://www.aallnet.org/members/price_index-2006.asp [hereinafter AALL PRICE INDEX] (available only to AALL members).

11. The Consumer Price Index increased from 195.3 to 201.6 between 2005 and 2006, which is an inflation rate of 3.22%. *See id.*

12. *Id.* The inflation rate for some types of legal materials was negative; some examples include digests, which decreased in price by 53.68%, and legal encyclopedias, which decreased by 46.63%. A cursory glance at the sample sizes for the materials with negative inflation shows that there are fewer titles in those samples than in the samples with positive inflation; the legal encyclopedias (which has a negative 46.63% inflation rate) data set includes 3 titles, while the commercial periodicals data set (which has an inflation rate of 18.75%) contains 167 titles. *Id.*

13. Robert Becker, *Trends in Legal Publishing*, in FIRST UPDATE SUPPLEMENT: ENCYCLOPEDIA OF LIBRARY AND INFORMATION SCIENCE 370, 370 (Miriam A. Drake ed., 2d ed. 2005).

14. *Id.* at 370 n.a (citing SIMBA INFO., PUBLISHING FOR THE PROFESSIONAL MARKETS 2003–2004, at 8).

15. *Id.* at 370.

16. *Id.* at 372.

17. Kendall F. Svengalis, PowerPoint Presentation at the 2007 AALL Annual Meeting, Legal

2005 data showed that these three companies, along with mid-size publisher Bureau of National Affairs (BNA), had control of 97% of the legal publishing market.¹⁸ This lack of competition has allowed the major legal publishers to increase their prices with abandon. From 1996 to 2000, the consolidation of the industry led to “predictable” price increases of approximately 72% for all “value-added” legal publications.¹⁹ One example of these significant price increases occurred after Thomson acquired the Lawyer’s Co-op Publishing group; the resulting increase was “about twice the rate of legal publications generally.”²⁰

¶17 The nature of the market for legal information is also a factor in the publishers’ success in increasing the prices of certain legal materials, such as loose-leaves and supplements. It is estimated that 85% of profits for legal publishers are derived from supplementation costs for legal materials.²¹ Stephanie Marshall of AALL’s Committee on Relations with Information Vendors (CRIV) reported that from 1995 to 2006, the “average annual increase in supplementation costs” for monographs, such as legal treatises, was “higher than the average new item cost.”²² During the same time period, the range of price increases in annual supplementation costs for Thomson West print publications was from 11.5% (for state and federal codes and treatises) to 22% (for digests).²³ One example of these extraordinary supplementation costs can be seen by looking at *Law of Water Rights and Resources*, which was published in 1996 at a price of \$228.²⁴ Over the next seven years, the costs of annual supplementation for the volume rose from \$113 to \$216 or 91%, which is “an average annual rate of increase of 13 percent . . .”²⁵ The academic law library cannot, as law firms can, pass the consistently increasing costs of legal publications onto their clients by increasing their billing rates. Additionally, not all academic law libraries are created equal: private law schools have more flexibility to increase tuition and fees to cover escalating costs.

¶18 The hyperinflation of the cost of legal materials means that law libraries are facing difficult decisions about how best to stretch their already limited resources for acquisitions expenditures. The problem shows no signs of abating in the foreseeable future, and it is likely that the decisions that are currently or will soon be made by libraries will forever impact how information is located and delivered in academic law libraries. For this reason, it is imperative that the decision makers in

Information: Globalization, Conglomerates and Competition—Monopoly or Free Market 2 (July 15, 2007), available at <http://www.rilawpress.com/AALL2007.ppt>.

18. Becker, *supra* note 13, at 372.

19. Michael Ginsborg, *Consolidation in the Legal Publishing Industry Means Rising Costs for Attorneys*, S.F. DAILY J., Feb. 21, 2002, at 12.

20. *Id.*

21. Stephanie Marshall, *Program A-3: Legal Information: Globalization, Conglomerates and Competition. Monopoly or Free Market?*, CRIV SHEET, Nov. 2007, at 3, 4.

22. *Id.* (citing speaker Ken Svengalis, president of Rhode Island LawPress and publisher of the *Legal Information Buyer’s Guide and Reference Manual*).

23. *Id.* (citing speaker Ken Svengalis).

24. Linda Will, *Creative Budgeting of Information Resources*, PRAC. INNOVATIONS, July 2005, at 4, 5, available at <http://west.thomson.com/pdf/iii/PractInnovJul05.pdf>.

25. *Id.*

academic law libraries have an accurate picture of the issues faced by similarly situated libraries and the actions that libraries have taken to address these problems.

Earlier Studies

¶9 In 2005, Judy Meadows and Kay Todd published an article detailing the results of several different surveys that examined how different types of law libraries were managing their print collections of digests.²⁶ In addition to their own survey, which examined the management of print digests in state court, county, and private law libraries, Meadows and Todd also summarized findings from surveys of academic law libraries by Mike Beard and of acquisitions librarians done by Cynthia Aninao. Beard's survey found that while academic law libraries were canceling print digests, they still had substantial holdings; Aninao's survey found that 10 of 36 responding libraries, or 27.8%, had canceled the *General Digest*.²⁷

¶10 The surveys by Meadows and Todd, Beard, and Aninao provide a solid starting point for examining how law libraries are managing one aspect of their print collections in light of budgetary tensions and the increasing electronic availability of "legal titles that were formerly sacred cows . . ." ²⁸ Since these studies were conducted in 2005, law libraries have continued to face escalating budget pressures. Further complicating this situation is the need to keep pace with technological advances and the struggle to confront the question of print versus digital formats. Together, these issues necessitate further exploration of how academic law libraries are managing legal titles, beyond digests, that are becoming increasingly available electronically.

Study Methodology

¶11 To explore these issues, I first wrote a set of guiding questions to help develop the overall study. These questions served as the basis for the construction of a survey instrument exploring changes in the treatment and maintenance of print collections in academic law libraries over the past five years (between the 2002–03 and 2006–07 academic years). Underlying these guiding questions and the resulting survey questions were three initial assumptions about the practices of academic law libraries: (1) most libraries would have signed Library Maintenance Agreements (LMAs)²⁹ with Thomson West to save money; (2) most libraries would

26. Judy Meadows & Kay Todd, *Our Question—Your Answers*, 13 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 113 (2005).

27. *Id.* at 115. Twenty-seven of the 70 libraries (38.6%) that responded to Beard's survey were subscribing to all of the regional digests. Additionally, he found that all of the responding libraries owned the *Bankruptcy Digest*, *Federal Practice Digest*, and *United States Supreme Court Digest*. Beard also found that state digest holdings among the libraries were sizeable; "while only 11 schools reported having all state digests, only 9 schools own only their home state's digest." Additionally, a number of libraries that held the *Decennial Digest* no longer retained the interim *General Digest*. *Id.*

28. *Id.* at 113.

29. Library Maintenance Agreements (LMAs) are contracts offered to libraries by Thomson West that provide a fixed-rate subscription cost for a library's print materials over a certain time

have canceled their print copies of Shepard's citators due to increasingly affordable electronic access to KeyCite and Shepard's for the public;³⁰ and (3) consortial activities would be common because they would allow libraries to further stretch shrinking funds.

¶12 The guiding questions I used to create the questionnaire were:

1. How have acquisitions expenditures in general and expenditures on electronic resources changed between 2002–03 and 2006–07?
2. How many and which electronic databases are libraries subscribing to?
3. What print materials that are duplicated by electronic databases, if any, are libraries either no longer updating, canceling, and/or considering canceling?
4. How many law libraries joined consortia since 2002? What are their reasons for doing so?
5. How many law libraries have signed an LMA with Thomson West? What were their reasons for this decision? How satisfied are libraries with these agreements?
6. Does the percent change in the amount of a library's acquisitions expenditures between 2002–03 and 2006–07 influence: the number of electronic database subscriptions held by a library; what print materials are no longer updated, canceled, or being considered for cancellation by libraries; whether a library joins a consortium; or whether a library signs an LMA?
7. Are libraries canceling, weeding, or considering canceling their print Shepard's citators? Do the needs of public patrons impact these actions?

Participants

¶13 To investigate these issues, an online survey was distributed to the directors of law school libraries in the United States. The directors were invited to complete the survey within five days via an e-mail posted to the Law Library Director Listserv.³¹ A follow-up e-mail reminding directors about the study and asking them

period. LMAs provide a predictable pricing scheme for libraries and enable libraries to simplify their accounting practices by providing one invoice for all West print products instead of issuing individual invoices for each item. See Thomson Reuters, Thomson Legal & Regulatory North American Legal 2006 Investor Meeting (May 24, 2006), http://www.thomsonreuters.com/content/PDF/corporate/exec_pre/others/TLRFT2006PresentationOverv1.pdf [hereinafter 2006 Investor Meeting]. LMA contracts are typically for three or more years. Thomson Reuters, 2008 Presentation (Feb. 2008), http://www.thomsonreuters.com/content/PDF/corporate/exec_pre/others/ThomsonReuters02008.pdf. Additionally, some libraries subscribe to West Packs through Thomson West, either in addition to or instead of Library Maintenance Agreements. West Packs offer bundled print and online subscriptions for a similar contract length as LMAs, and also offer a discount on print materials over the life of the contract. 2006 Investor Meeting, *supra*. See also Svengalis, *supra* note 17.

30. This assumption was made because many law libraries that are affiliated with a larger university are able to access Shepard's on LexisNexis Academic, which is a database provided to many university students through their library system; and they have been able to add KeyCite to their offerings for public patrons as part of the West Pack service. As long as public patrons are on-site at these libraries, they are typically able to access these services that are available to the university community.

31. The Law Library Director Listserv is available at <http://lists.washlaw.edu/mailman/listinfo/lawlibdir>, but is open only to current academic law library directors. The survey was posted to the

to complete the survey was sent approximately five days later.³² Of the 194 directors on this list, 32 completed the survey, for an initial response rate of 16.5%. Unfortunately, one survey was completed by a respondent from an unaccredited law school who did not have access to the information sought about acquisitions expenditures. This survey was eliminated from the final sample for a final response rate of 15.9%.

¶14 The majority of the participants were from law libraries that have been in existence for fifty or more years (87.1%, 27). The remaining 12.9% (4) of the libraries represented in the study were opened during the past nine to forty-nine years. As shown in table 1, all geographic regions of the United States were represented by at least one library.³³

Table 1

Library Representation by Geographic Region

Region	Percent (No. of Libraries)³⁴
South Atlantic	19.4 (6)
East North Central	16.1 (5)
West North Central	16.1 (5)
Pacific West	16.1 (5)
New England	12.9 (4)
West South Central	9.7 (3)
Mountain West	6.5 (2)
East South Central	3.2 (1)

Note: $N = 31$

lawlibdir listserv via e-mail by Professor Penny Hazelton, director of the Gallagher Law Library at the University of Washington and the head of the law librarianship program there. E-mail from Penny Hazelton, Associate Dean for Library and Computing Services and Professor of Law, University of Washington School of Law, Marian Gould Gallagher Law Library, to US Law School Library Directors' Mailing List (Apr. 2008) (on file with author).

32. E-mail from Penny Hazelton, Associate Dean for Library and Computing Services and Professor of Law, University of Washington School of Law, Marian Gould Gallagher Law Library, to US Law School Library Directors' Mailing List (Apr. 2008) (on file with author).

33. The geographic regions used in this survey were taken from the 2007 edition of the *AALL Biennial Salary Survey*. AM. ASS'N OF LAW LIBRARIES, THE AALL BIENNIAL SALARY SURVEY & ORGANIZATIONAL CHARACTERISTICS (2007), available at http://www.aallnet.org/products/pub_salary_survey.asp (online edition available only to AALL members). The geographic regions are broken down as follows: New England (CT, MA, ME, NH, RI, VT); Middle Atlantic (NJ, NY, PA); South Atlantic (DC, DE, FL, GA, MD, NC, SC, VA, WV); East North Central (IL, IN, MI, OH, WI); West North Central (IA, KS, MN, MO, ND, NE, SD); East South Central (AL, KY, MS, TN); West South Central (AR, LA, OK, TX); Mountain West (AZ, CO, ID, MT, NM, NV, UT, WY); and Pacific West (AK, CA, HI, OR, WA). *Id* at 8.

34. In all tables where results are displayed as $x(y)$, x is the percentage of libraries responding this way, and y is the number of libraries that percentage represents. N is the total number of libraries answering a particular question.

Survey Procedure and Instrument

¶15 Overall, the survey was relatively brief, consisting of only twenty-eight questions, and none of the participants were required to answer all questions.³⁵ Through the use of filtering and branching questions, participants were directed to questions that pertained to their library's current situation.

¶16 The survey consisted of seven broad sections. The first section asked participants to refer to their ABA Annual Law School Survey Take-offs³⁶ from academic years 2002–03 and 2006–07 to report the amount of acquisitions and electronic resources expenditures for those years. Next, participants identified their current subscriptions to or holdings of aggregate electronic legal databases (e.g., LexisNexis) and legal databases that provide PDF copies of print materials (e.g., HeinOnline).

¶17 The third section of the survey examined current trends regarding purchasing and maintenance of law library print collections. Participants indicated which of fifteen types of print materials (digests, citators, state reporters, the National Reporter System, state annotated codes, federal annotated codes, session laws, the *Code of Federal Regulations*, the *Federal Register*, administrative materials, loose-leaf services, Commonwealth country materials, foreign materials, international materials, and law journals) their libraries either continue to update, have already canceled, or are considering canceling because they are duplicated by electronic resources.

¶18 The survey then examined how libraries addressed their collection of print Shepard's citators prior to 2002 and between 2002 and the time the survey was completed (i.e., canceling, weeding, considering canceling, considering weeding). Participants were also asked if they had electronic access to KeyCite or Shepard's for the public, and which state statutes they had subscribed to prior to 2002.

¶19 The fifth section of the survey examined the role of library maintenance agreements in law libraries. Participants were asked if they had signed an LMA with West. If an LMA had been signed, participants were asked to indicate (1) why they had decided to sign an LMA, (2) if they had renewed the LMA since 2002, (3) whether they will renew the LMA at the next renewal date, and (4) why they would or would not renew the LMA. Participants who had not entered into an LMA were asked to list reasons for this decision.

¶20 The sixth section of the survey focused on the functions and influence of consortia in law libraries. First, participants were asked whether their library had joined a consortium since 2002. If the library had recently joined a consortium, participants were asked to indicate all of the library's reasons for joining the consortium: to borrow materials to review for purchasing decisions, to weed materials from collections, to save money on electronic subscriptions, to broaden user access

35. For a complete list of survey questions, see Appendix, *infra*.

36. Each fall, the American Bar Association requires each of the law schools that it accredits to complete its Annual Questionnaire. After collecting the responses, the ABA compiles the data into a statistical report that they refer to as "take-offs" and distributes the report to the dean of each law school. See The ABA and USN&WR's Law School Rankings, Posting of Tom W. Bell to Agoraphilia, <http://agoraphilia.blogspot.com/2006/06/aba-and-usnwrs-law-school-rankings.html> (June 5, 2006).

to materials, to provide physical access to other libraries, to provide unmediated interlibrary loan, or other. Using an open-ended question, consortia members were then asked if their buying patterns for print materials had changed since joining.

¶21 Finally, all participants were asked an open-ended question to see if the increasing availability of free access to official sources of primary law on the Internet had already or was expected to change purchasing behaviors for print materials. General information about each law library, specifically geographic location and the number of years that the library had been in existence, was then solicited.

Results and Discussion³⁷

Acquisitions and Electronic Resources Expenditures

¶22 All libraries must work within budgetary constraints when deciding which items to purchase, update, or subscribe to, regardless of the format of those materials. Key issues that were explored in this study were the amount of money that academic law libraries were able to actually dedicate to, rather than budget for, both acquisitions in general and electronic resources (i.e., “online legal and non-legal databases”³⁸) in particular, and how these expenditures have changed over the past five years. As shown in table 2, law libraries spent, on average, \$952,212 on acquisitions in 2002–03. Expenditures on electronic resources accounted for, on average, 10.4%, or \$97,666, of overall acquisitions expenditures. By 2006–07 the respondent libraries had increased their overall average acquisitions expenditures to \$1,137,235, of which 19.8%, or \$215,298, was for electronic resources. In 2002–03, the number of libraries that spent at least 20% of their acquisitions expenditures on electronic resources was 10%. By 2006–07, that number had risen dramatically, to 40%.

¶23 Overall, between 2002–03 and 2006–07, the respondents saw an average increase in their acquisitions expenditures of 20.7% and electronic resource expenditures of 147.6%. Unfortunately, as shown in table 3, not all libraries were able to increase or maintain their overall expenditures on acquisitions. Despite this, all libraries did increase their expenditures on electronic resources.

¶24 Of the twenty-nine participants who provided complete information about their acquisitions expenditures in 2002–03 and 2006–07, two libraries (6.7%) saw a negative percentage change in their acquisitions expenditures. Further, during the five-year time frame covered by this survey, the Consumer Price Index grew at a rate of 12.66%.³⁹ When factoring in this rate of inflation, 40.0% (12) of the participants

37. All survey responses are on file with the author.

38. This definition of electronic resources was taken from the ABA Annual Law School Survey Take-offs, question 43 (“Spent Databases”).

39. See Bureau of Labor Statistics, U.S. Dep’t of Labor, Consumer Price Index—All Urban Consumers (Jan. 16, 2009), <ftp://ftp.bls.gov/pub/special.requests/cpi/cpi.txt>. The annual average CPI numbers were used. The inflation rate is calculated using a simple “percent change” calculation, i.e., $[(\text{CPI } 2007 - \text{CPI } 2003) / \text{CPI } 2003] * 100$. In this case, the calculation was: $[(207.3 - 184.0) / 184.0] * 100 = 12.66$.

Table 2
Expenditures

	Mean	Minimum	Maximum
Overall Acquisitions			
2002-03 ^a	\$952,212	\$435,543	\$2,421,663
2006-07 ^b	\$1,137,235	\$563,606	\$2,513,076
Percent change from 2002-03 to 2006-07 ^a	20.7%	-11.5%	48.0%
Electronic Resources			
2002-03 ^c	\$97,666	\$27,893	\$310,428
2006-07 ^a	\$215,298	\$42,593	\$391,423
Percent change from 2002-03 to 2006-07 ^c	147.6%	10.0%	413.8%
Proportion of Acquisitions Expenditures Spent on Electronic Resources			
2002-03 ^d	10.4%	0.1%	40.0%
2006-07 ^a	19.8%	8.0%	40.0%
Percent change from 2002-03 to 2006-07 ^d	9.1%	-1.0%	31.0%

^aN = 30. ^bN = 31. ^cN = 28. ^dN = 29.

were unable to increase their acquisitions expenditures to keep pace with inflation.

¶25 This information is useful for several stakeholders who are directly impacted by these findings: law school deans or any other person responsible for allocating funds to the library; law library directors and acquisitions librarians, who are increasingly having to make difficult decisions when trying to stretch acquisitions funds that frequently have less purchasing power; and vendors and publishers of legal information, who attempt to implement consistent price increases that are beyond what most academic law libraries can afford. In an attempt to lessen the impact of the decreasing purchasing power of their acquisitions funds, many academic law libraries have turned to electronic legal databases.

Database Holdings

¶26 As discussed previously, law libraries spend a large part of their acquisitions budgets on electronic resources, or legal databases. Reflecting this was the finding that all of the law libraries surveyed subscribed to at least one aggregate electronic legal database at the time of the survey: Westlaw (100.0%, 31), LexisNexis (96.8%,

Table 3

Percent Change of Acquisitions Expenditures between 2002–03 and 2006–07

	Acquisitions Expenditures ^a	Electronic Resources Expenditures ^b	Proportion of Acquisitions Expenditures on Electronic Resources ^c
-20.0 to -10.0	3.2 (1)	0.0 (0)	0.0 (0)
-9.0 to 0.0	3.2 (1)	0.0 (0)	10.3 (3)
1.0 to 10.0	26.7 (8)	3.6 (1)	58.6 (17)
11.0 to 20.0	20.0 (6)	10.7 (3)	20.7 (6)
21.0 to 30.0	16.7 (5)	0.0 (0)	6.9 (2)
31.0 to 40.0	13.3 (4)	3.6 (1)	3.4 (1)
41.0 to 50.0	16.7 (5)	3.6 (1)	0.0 (0)
51.0 to 60.0	0.0 (0)	7.1 (2)	0.0 (0)
61.0 to 70.0	0.0 (0)	3.6 (1)	0.0 (0)
81.0 to 90.0	0.0 (0)	3.6 (1)	0.0 (0)
101.0 to 110.0	0.0 (0)	3.6 (1)	0.0 (0)
121.0 to 130.0	0.0 (0)	7.1 (2)	0.0 (0)
131.0 to 140.0	0.0 (0)	7.1 (2)	0.0 (0)
141.0 to 150.0	0.0 (0)	3.6 (1)	0.0 (0)
171.0 to 180.0	0.0 (0)	7.1 (2)	0.0 (0)
181.0 to 190.0	0.0 (0)	3.6 (1)	0.0 (0)
191.0 to 200.0	0.0 (0)	7.1 (2)	0.0 (0)
211.0 to 220.0	0.0 (0)	3.6 (1)	0.0 (0)
221.0 to 230.0	0.0 (0)	7.1 (2)	0.0 (0)
271.0 to 280.0	0.0 (0)	3.6 (1)	0.0 (0)
291.0 to 300.0	0.0 (0)	3.6 (1)	0.0 (0)
401.0 to 410.0	0.0 (0)	3.6 (1)	0.0 (0)
411.0 to 420.0	0.0 (0)	3.6 (1)	0.0 (0)

^a*N* = 30. ^b*N* = 28. ^c*N* = 29.

30), BNA (87.1%, 27), CCH (71.0%, 22), or RIA (64.5%, 20).⁴⁰ In addition to aggregate electronic legal databases, all of the libraries subscribed to or purchased one (29.0%, 9) or two databases (71.0%, 22) that provide PDF copies of print materials. All of the libraries held subscriptions to the HeinOnline database and 71.0% (22) of libraries had purchased the Making of Modern Law database. Of the seven data-

40. Throughout this section, numbers in parentheses reflect the percentage of the whole being discussed, and then the actual number of libraries in that category. E.g., RIA (64.5%, 20) in this context means 64.5% of the libraries, which is 20 libraries, subscribed to the RIA database.

Table 4**Number of Specified Legal Databases Held**

Databases Held	
Seven	35.5 (11)
Six	32.3 (10)
Five	22.6 (7)
Four	6.5 (2)
Three	3.2 (1)

Note: *N* = 31.

bases specified above, the average library subscribed to or purchased 5.9 of the databases.

¶27 Given the impact that the size of a library's acquisitions budget has on its purchasing decisions and the range in the amount of acquisitions expenditures by libraries surveyed for this study, it was logical to classify libraries based on the percentage increase in their acquisitions expenditures over the five-year time period covered by this study. This allowed for a closer examination of whether libraries with smaller increases in their acquisitions budgets engaged in different collection development and maintenance behaviors than libraries with larger increases in their acquisitions budgets during this five-year time period. To this end, a median split was performed to divide the libraries into two categories based on the percent increase in their acquisitions expenditures from 2002–03 to 2006–07. During this time period, the median percent change in acquisitions expenditures was 17.05%. The fifteen libraries with a percent increase in acquisitions expenditures less than 17.049% were labeled as “small increase acquisitions expenditures,” and the fifteen libraries with a percent change in acquisitions expenditures greater than 17.05% were labeled as “large increase acquisitions expenditures.” One library did not provide information about acquisitions expenditures for both 2002–03 and 2006–07. As a result, this library was not included within these analyses.

¶28 Table 5 shows that when comparing libraries with negative or small increases in their acquisitions expenditures between 2002–03 and 2006–07 to libraries with large increases in their acquisitions expenditures, no statistically significant differences between the two groups were found in the libraries' average number of legal database holdings. In other words, irrespective of the amount of acquisitions expenditures that a particular library is capable of making and the loss in purchasing power that a particular library faces, law libraries are subscribing to numerous databases. This trend clearly shows that libraries view database holdings as a way to maximize their acquisitions funds.

Table 5

Relationship between Acquisitions Expenditures and
Number of Specified Legal Databases Held

	Mean	Standard Deviation ⁴¹	Minimum	Maximum
Small increase acquisitions expenditures ^a	5.80	1.01	4.0	7.0
Large increase acquisitions expenditures ^a	5.93	1.16	3.0	7.0

^aN = 15.

Print Materials Duplicated by Electronic Resources

¶29 Due to increasing fiscal constraints, libraries may question the importance and feasibility of continuing to update their existing holdings and whether they should cancel standing orders for new or additional titles when those materials may be duplicated within legal databases to which the library provides access. Indeed, several libraries have stopped updating some of their print holdings, as shown in table 6. Interestingly, at some point since 2002, the majority of law libraries have stopped updating at least one copy of the National Reporter System (83.9%, 26). Other materials that a large number of libraries have stopped updating during the same period include: citators (48.4%, 15), foreign materials (48.4%, 15), state reporters (45.2%, 14), and Commonwealth countries' materials (45.2%, 14). In contrast, all libraries continue to update their print copies of federal annotated codes and the *Code of Federal Regulations*.

¶30 An overwhelming majority (93.5%, 29) of the libraries reported that they had canceled at least one of the fifteen different print materials specified in the survey. Other than the federal annotated codes, the *Code of Federal Regulations*, and the *Federal Register*, each type of material specified in the survey was canceled by at least one-quarter of the responding libraries. Unsurprisingly, the most commonly canceled item was citators (90.3%, 28). Libraries have also canceled digests (67.7%, 21), loose-leaf services (61.3%, 19), and law reviews and journals (48.4%, 15). A few libraries indicated that they had canceled a standing order for at least one copy of the federal annotated codes (6.5%, 2) and the *Code of Federal Regulations* (9.7%, 3); however, all libraries reported that they continued to update the federal annotated codes and the *Code of Federal Regulations*. It should be noted that for some materials, particularly the National Reporter System and federal annotated codes, libraries that have canceled these materials or are considering doing so may have been referring to the cancellation of only one of multiple copies when responding to these survey questions. At this time, it seems unlikely that any law libraries would com-

41. Standard deviation is a measure of dispersion or how values are spread out around the mean. A small standard deviation means that all of the numbers that participants reported were close to the mean. This measurement provides a better picture of how the data looks, and how tightly clustered the reported values are around the mean.

Table 6

Trends in Print Material Since 2002

	No Longer Updated	Canceled	Considering Canceling
Digests	19.4% (6)	67.7% (21)	77.4% (24)
Citators	48.4% (15)	90.3% (28)	74.2% (23)
State reporters	45.2% (14)	38.7% (12)	45.2% (14)
National Reporter System	83.9% (26)	25.8% (8)	58.1% (18)
State annotated codes	16.1% (5)	25.8% (8)	61.3% (19)
Federal annotated codes	0.0% (0)	6.5% (2)	19.4% (6)
Session laws	35.5% (11)	25.8% (8)	29.0% (9)
<i>Code of Federal Regulations</i>	0.0% (0)	9.7% (3)	12.9% (4)
<i>Federal Register</i>	3.2% (1)	6.5% (2)	12.9% (4)
Administrative materials	35.5% (11)	25.8% (8)	38.7% (12)
Loose-leaf services	9.7% (3)	61.3% (19)	71.0% (22)
Commonwealth country materials	45.2% (14)	35.5% (11)	38.7% (12)
Foreign materials	48.4% (15)	25.8% (8)	38.7% (12)
International materials	22.6% (7)	25.8% (8)	35.5% (11)
Law reviews and journals	9.7% (3)	48.4% (15)	74.2% (23)

Note: *N* = 31.

pletely rid themselves of these materials, given the collection requirements set out in ABA Standards for Approval of Law Schools.⁴²

¶31 Additionally, each type of print material specified in the survey was considered for cancellation by at least four libraries. This included the federal annotated codes and the *Code of Federal Regulations* (19.4%, 6; 12.9%, 4; respectively). A majority of law libraries also indicated that they had considered canceling digests (77.4%, 24), citators (74.2%, 23), law reviews and journals (74.2%, 23), loose-leaf services (71.0%, 22), state annotated codes (61.3%, 19), and the National Reporter System (58.1%, 18). Only one library reported that it had not considered canceling any of the print materials specified in the survey.

¶32 After looking at the overall picture of trends in table 6, the next step was to explore the impact of changes in a library's acquisitions expenditures on the development and maintenance of a print collection. Using the median split that divided libraries into two groups based on the percentage change in their acquisitions expenditures over the five-year period covered by this study, several additional analyses were conducted, comparing the practices of these two groups of libraries. Overall, it was found that the percent change in the libraries' acquisitions expenditures rarely impacted the *types* of materials that the libraries stopped updating,

42. ABA STANDARDS, *supra* note 1, at 46–48 (Standard 606).

canceled, or considered for cancellation. Instead, the libraries with both smaller and larger increases in their expenditures generally differed in how many of them had stopped updating, canceled, or considered canceling these materials. There was one exception to this generalization: both types of libraries were nearly equally likely to stop updating citators and state reporters.

¶33 Libraries with smaller or negative increases in their acquisitions expenditures were more likely to stop updating administrative materials (40.0%, 6) than their larger counterparts (26.7%, 4). The libraries with larger increases in acquisitions expenditures tended to stop updating Commonwealth materials (66.7%, 10), foreign materials (60.0%, 9), and session laws (40.0%, 6) in greater numbers than the libraries with smaller increases (20.0%, 3; 33.3%, 5; and 26.7%, 4, respectively). It is possible that this is because they are more likely to own these materials. The one type of material that libraries with smaller increases stopped updating at a greater pace than libraries with larger increases was administrative materials (40.0%, 6; 26.7%, 4). However, it must be noted that none of these trends reached statistical significance, making it possible that a larger sample size would produce slightly different results.

¶34 Both types of libraries canceled or considered canceling similar types of print materials. For example, the majority of libraries with both small and large changes in their expenditures had canceled citators (100.0%, 15; 80.0%, 12, respectively), digests (80.0%, 12; 53.3%, 8, respectively), and loose-leaf services (66.7%, 10; 60.0%, 9, respectively). Both types of libraries have considered canceling several types of print materials at nearly the same rate: digests (86.7%, 13; 73.3%, 11, respectively), law reviews and journals (86.7%, 13; 66.7%, 10, respectively), citators (80.0%, 12; 73.3%, 11, respectively), loose-leaf services (73.3%, 11; 73.3%, 11, respectively), the National Reporter System (66.7%, 10; 53.3%, 8, respectively), and state codes (66.7%, 10; 60.0%, 9, respectively). The one major, statistically significant exception is that libraries with smaller increases were far more likely to have canceled law reviews and law journals, while libraries with larger increases in their expenditures maintained these subscriptions (73.3%, 11; 26.7%, 4, respectively).⁴³

¶35 Another statistically significant finding noted in table 7 is that libraries with larger increases in expenditures were significantly more likely to stop updating materials from Commonwealth countries than those with smaller increases. While this finding seems to be out of place given other findings in this study, it may be due to the fact that many libraries with smaller expenditure increases may never have had the resources to purchase Commonwealth materials.

43. $\chi^2 = 6.53$, $df = 1$, $p < .05$. Chi square (χ^2) is a statistical test used to identify differences in frequency data. This test indicates whether groups created within the data by merging two variables together are larger or smaller than they would be if the variables were not related. *df* refers to Degrees of Freedom—the number of independent pieces of information available to calculate the value of a statistical test. Degrees of freedom are used in conjunction with the value of a chi square to determine whether results are larger than a set “critical value.” Together, chi square and degrees of freedom verify whether a finding is statistically significant. *p* refers to statistical significance of data—the likelihood that the result occurred because of chance or a sampling error— $p = .05$ indicates a 1 in 20 chance that the result is due to chance or error. If *p* is less than .05, the result is considered to be statistically significant because the odds of the finding occurring by pure chance are very low. For an overview of statistical tests and analyses, see EARL R. BABBIE, *BASICS OF SOCIAL RESEARCH* (2005).

Table 7

Comparing Trends in Print Material since 2002 between Libraries
Based on Percentage Increase in Acquisitions Budgets

	No Longer Updated		Canceled		Considering Canceling	
	Small Increase ^a	Large Increase ^a	Small Increase ^a	Large Increase ^a	Small Increase ^a	Large Increase ^a
Digests	20.0 (3)	13.3 (2)	80.0 (12)	53.3 (8)	86.7 (13)	73.3 (11)
Citators	46.7 (7)	46.7 (7)	100.0 (15)	80.0 (12)	80.0 (12)	73.3 (11)
State reporters	46.7 (7)	40.0 (6)	40.0 (6)	40.0 (6)	60.0 (9)	33.3 (5)
National Reporter System	20.0 (3)	6.7 (1)	26.7 (4)	20.0 (3)	66.7 (10)	53.3 (8)
State annotated codes	20.0 (3)	6.7 (1)	33.3 (5)	13.3 (2)	66.7 (10)	60.0 (9)
Federal annotated codes	0.0 (0)	0.0 (0)	6.7 (1)	6.7 (1)	26.7 (4)	13.3 (2)
Session laws	26.7 (4)	40.0 (6)	26.7 (4)	26.7 (4)	40.0 (6)	20.0 (3)
<i>Code of Federal Regulations</i>	0.0 (0)	0.0 (0)	13.3 (2)	6.7 (1)	20.0 (3)	6.7 (1)
<i>Federal Register</i>	6.7 (1)	0.0 (0)	13.3 (2)	0.0 (0)	20.0 (3)	6.7 (1)
Administrative materials	40.0 (6)	26.7 (4)	40.0 (6)	13.3 (2)	53.3 (8)	26.7 (4)
Loose-leaf services	13.3 (2)	6.7 (1)	66.7 (10)	60.0 (9)	73.3 (11)	73.3 (11)
Commonwealth country materials	20.0 (3)	66.7 (10) ^b	46.7 (7)	26.7 (4)	33.3 (5)	46.7 (7)
Foreign materials	33.3 (5)	60.0 (9)	40.0 (6)	13.3 (2)	33.3 (5)	46.7 (7)
International materials	6.7 (1)	33.3 (5)	40.0 (6)	13.3 (2)	33.3 (5)	40.0 (6)
Law reviews and journals	6.7 (1)	13.3 (2)	73.3 (11) ^c	26.7 (4)	86.7 (13)	66.7 (10)

^a*N* = 15. ^b $\chi^2 = 6.65$, *df* = 1, *p* < .01. ^c $\chi^2 = 6.53$, *df* = 1, *p* < .05.

¶36 Table 8 addresses the relationship between the percent change in libraries' acquisitions expenditures over the five-year period and the actual number of the types of print materials that libraries no longer update, have canceled, or are considering canceling. One noteworthy trend revealed here is that libraries with smaller or negative increases in their acquisitions expenditures were significantly more likely to have canceled a wider variety of print materials (e.g., loose-leaf services, administrative materials, digests, foreign materials) than those libraries with larger increases in their acquisitions expenditures.⁴⁴ No other statistically signifi-

44. *t*(28) = 2.15, *p* < .05; 28 refers to the degrees of freedom, discussed *id.*, and 2.15 is the *t*-value. *t*-tests are used to detect differences between groups using one variable to divide a data set into two groups. The mean for another variable is then calculated for each group. These two means are compared to determine if the difference between them is larger than could be expected by chance.

Table 8

Relationship between Acquisitions Expenditures and Number of Types of Print Materials Updated, Canceled, and Considered for Cancellation

	Mean	Standard Deviation	Minimum	Maximum
<i>No Longer Updated</i>				
Small increase acquisitions expenditures	3.1	2.8	0.0	11.0
Large increase acquisitions expenditures	3.6	2.6	1.0	9.0
<i>Canceled</i>				
Small increase acquisitions expenditures	6.5*	3.4	1.0	13.0
Large increase acquisitions expenditures	4.0	2.9	0.0	10.0
<i>Considering Canceling</i>				
Small increase acquisitions expenditures	7.8	3.6	3.0	14.0
Large increase acquisitions expenditures	6.4	4.2	0.0	15.0

* $t(28) = 2.15, p < .05$.

cant differences between libraries with large and small or negative changes in their acquisitions expenditures were found in terms of the total number of types of print materials that the libraries were no longer updating, had canceled, or were considering canceling.

¶37 When taken together, tables 7 and 8 paint an interesting picture for academic law libraries. The lack of numerous statistically significant differences between libraries with large and small acquisitions increases in terms of what materials are no longer being updated, are being canceled, or considered for cancellation indicates that libraries, regardless of spending capabilities, are responding to the decrease in purchasing power in a similar manner. The only difference is that libraries with smaller increases have canceled more types of materials than those with larger increases. However, even libraries that have had larger increases in their expenditures are clearly anticipating future budget tightening as they consider the same number of types of materials, including some of the standard sacred cows of print material such as the *Code of Federal Regulations*.

State Annotated Codes and Shepard's Citators

¶38 Over the years, as the price of legal information has skyrocketed and libraries have found their acquisitions funds being stretched further, annotated state codes and print citators have frequently been considered to be the most likely targets for cancellation. For that reason, participants were asked about their holdings of these types of materials both pre- and post-2002.⁴⁵ Before or since 2002, all of

45. Respondents were not asked which or how many titles in each category that they had stopped updating or canceled. It is likely that some libraries still have a few Shepard's in print. Additionally, it is likely that those libraries that had stopped updating or canceled state annotated codes had done so only for selected states.

Table 9**Canceling and Weeding of Shepard's Citators**

Canceled since 2002	93.5 (29)
Weeded since 2002	77.4 (24)
Canceled before 2002	9.7 (3)
Weeded before 2002	9.7 (3)
Not considering canceling or weeding	9.7 (3)
Considering canceling and weeding	3.2 (1)
Considering canceling only	3.2 (1)
Considering weeding only	3.2 (1)

Note: $N = 31$.

the libraries (100%, 31) had canceled at least some of their print copies of Shepard's citators. Further, 80.6% (25) of the libraries had also weeded their collections of Shepard's citators. For some libraries, additional action within their collections of Shepard's citators was being considered, including: canceling and weeding (3.2%, 1), canceling only (3.2%, 1), or weeding only (3.2%, 1).

¶39 The majority of responding libraries offered the public electronic access to KeyCite or Shepard's (77.4%, 24). Only 16.1% (5) of those surveyed indicated that their library did not offer public access to these programs. One library did not serve the public and one respondent did not answer this question. As shown in table 10, it does not appear that public access to KeyCite or Shepard's is related to the decision to cancel or weed the print collection of Shepard's citators from the collections.⁴⁶

Table 10**Relationship between Cancellation or Weeding of Shepard's Citators and Public Access to KeyCite or Shepard's**

	No Public Access ^a	Provide Public Access ^b	Do Not Serve Public ^c
Canceled and weeded since 2002	80.0 (4)	70.8 (17)	100.0 (1)
Canceled only since 2002	20.0 (1)	20.8 (5)	0.0 (0)
Canceled and weeded before 2002	0.0 (0)	12.5 (3)	0.0 (0)

^a $N = 5$. ^b $N = 24$. This column does not add up to 100% because one library weeded and canceled both before 2002 and since 2002. ^c $N = 1$.

46. The relation between these factors was: $\chi^2 = 1.20$, $df = 6$, $p = 0.98$.

Table 11

Relationship between Increase in Acquisitions Expenditures
and Treatment of State Annotated Codes

	Small Increase ^a	Large Increase ^a
No longer updated	20.0 (3)	6.7 (1)
Canceled	33.5 (5)	13.3 (2)
Considered canceling	66.7 (10)	60.9 (9)

^aN = 15.

Table 12

Relationship between Increase in Acquisitions Expenditures and Signing an LMA

	Small Increase ^a	Large Increase ^a
Have not signed an LMA	46.7 (7)	66.7 (10)
Signed LMA	53.3 (8)	33.3 (5)

^aN = 15.

¶40 Overall, these findings about Shepard's citators are not surprising. First and foremost, "currentness and completeness are the guiding principles of [legal] research. . . ."⁴⁷ The electronic versions of Shepard's and KeyCite, which are updated almost instantaneously, have effectively rendered the print citators obsolete. Additionally, it is far easier for patrons to enter a citation into an electronic citator service than to flip through multiple print monographs to find the same information. The ease of use of the electronic citation services, coupled with the sizeable price inflation of print citators,⁴⁸ has made the decision to cancel or weed print citators an easy one for many libraries.

¶41 Prior to 2002, all of the responding libraries subscribed to the annotated codes of all fifty states. Since 2002, however, many of the responding libraries have stopped updating (16.1%, 5), canceled their standing orders to (25.8%, 8), or considered canceling (61.3%, 19) their standing orders to these materials. When the overall group of libraries is broken down by the size of the percent change in their acquisitions expenditures from 2002–03 to 2006–07, a clearer picture emerges. Libraries with smaller increases were more likely than their counterparts with larger increases to stop updating (20.0%, 3; 6.7%, 1, respectively) and cancel their standing orders to (33.3%, 5; 13.3%, 2) at least some of their state annotated codes. There

47. Roberta I. Shaffer, *Controlling Government: The People and the Rule of Law* (May 12, 2000) (paper presented at 66th IFLA Council and General Conference, August 13-18, 2000, in Jerusalem, Israel), available at <http://www.ifla.org/IV/ifla66/papers/046-160e.htm>.

48. For example, the inflation rate from 2005 to 2006 for Shepard's federal, regional, state, and subject-specific citators was 21.14%. See AALL PRICE INDEX, *supra* note 10.

was little difference between the two groups, however, in the percentage of libraries that are considering canceling these materials (66.7%, 10; 60.0%, 9).

Library Maintenance Agreements

¶42 An additional question driving this study related to the number of law libraries that had signed an LMA with Thomson West and the rationale for signing, or not signing, an LMA. Library Maintenance Agreements are attractive to many law libraries because they allow them to forecast a large amount of their acquisitions expenditures by specifying a consistent inflation rate for legal materials over the life of the contract and by including all Thomson West materials on one monthly invoice, “calculated at the same monthly sum.”⁴⁹

¶43 Nearly half (45.2%, 14) of the responding libraries had entered into an LMA with Thomson West. While all of these agreements were signed between 2002 and 2008, most were entered into in 2006 (50.0%, 7) or 2005 (28.6%, 4). The remaining agreements were signed during 2002 (7.1%, 1), 2007 (7.1%, 1), and 2008 (7.1%, 1). Signing an LMA was not related to acquisitions expenditures.⁵⁰

¶44 Those respondents who indicated that their library had not signed an LMA were asked to list some of the reasons why. The responses to this question were varied, though some general themes did emerge. Several respondents indicated that their primary objection to signing an LMA was because they felt that they could not be locked into such a long-term contract without the opportunity to cancel materials to deal with uncertain budget situations (47%, 8, $N = 17$; e.g., “We thought it interfered with our ability to be nimble, i.e., to make decisions in a timely fashion when confronted with new budgetary situations.”). Four respondents (23.5%) indicated that they felt that being bound by an LMA would limit their flexibility in library and collection management; for example, one responded stated that LMAs contained “Too much pressure and control from one company. It limits our ability to do collection management and ties up our money unfairly.”

¶45 Participants who had signed an LMA were asked to identify some of the reasons why their library decided to enter into those agreements. A common reason that LMAs were signed was to provide public access to Westlaw (42.9%, 6, $N = 14$; e.g., “for approximately the same dollars we were able to add Westpack access, important for us as a library that serves the public”). However, the vast majority of comments from participants centered on the need to control costs (92.9%, 13, $N = 14$). Participants felt that LMAs helped to control costs by avoiding overwhelming inflation rates (e.g., the library was able to “control [the] inflation rate of important materials, which are updated regularly”; the library was able to “avoid 11% inflation” because they “locked in at 6%”) or by receiving a lower, guaranteed price on materials (e.g., “the LMA guaranteed a price for 3 years at a lower cost than without the LMA”). Several participants indicated that they saw great benefit to being able to lock in at a fixed inflation rate because the fixed rate gave “better budget predictability in uncertain budgetary times.”

49. Will, *supra* note 24, at 5.

50. The relation between these factors was: $\chi^2 = 1.22$, $df = 1$, $p = 0.27$.

¶46 While these reasons motivated participants to sign an LMA, they do not guarantee that participants will be inclined to renew the LMA when the opportunity presents itself. Failure to renew an LMA was considered for the purposes of this survey as an indicator of dissatisfaction with the LMA. To examine this issue, participants who had signed an LMA were also asked if they had renewed their LMA since 2002 and whether they intend to renew the LMA at the next renewal date.

¶47 The renewal rates for LMAs, as shown in table 13, seem to indicate that most libraries are struggling to decide whether the benefits of an LMA outweigh its costs, while at the same time realizing that they may be backed into a corner financially and have no choice but to sign or maintain one. LMAs are likely among the most discussed issues among law library professionals, although at the present moment there is no consensus about the LMA's place in the acquisitions sphere. Looking at the responses to the open-ended questions in this survey and comments on Internet message boards and mailing lists, libraries' experiences with LMAs have been varied.⁵¹ For each benefit provided by the LMA, there seems to be an equal or greater number of complaints about the agreements. Despite the fact that LMAs provide their perceived value to libraries by reducing flexibility, the informal belief is that the loss of purchasing power in acquisitions expenditures will force many academic law libraries to enter into these agreements in the coming years. Given the high levels of dissatisfaction as indicated by a lack of renewal or hesitation to renew, these agreements may become a necessary evil that is entered into because of fiscal concerns rather than for the betterment of the library.

Table 13

Satisfaction with LMA

	Renewed since 2002	Will Renew at Next Renewal Date
Yes	28.6 (4)	28.6 (4)
No	57.1 (8)	14.3 (2)
Undecided	0.0 (0)	57.1 (8)
Did not answer	14.3 (2)	0.0 (0)

N = 14.

Consortia Membership

¶48 One possible way for patrons to access materials that law libraries cancel or cease to update is through other libraries that are members of a consortial arrangement with the patron's home library. Further, consortial arrangements have the potential to maximize libraries' acquisitions funds. Therefore, an important question in this study considered whether libraries had joined consortia, and if so, their

51. See Megan Schulz, Summary—West's Library Maintenance Agreement (June 29, 2006), available at <http://listproc.ucdavis.edu/archives/law-lib/law-lib.log0606/0393.html>.

reasons for membership. Overall, only a slight majority of the libraries had joined consortia since 2002 (51.6%, 16). As table 14 shows, a large majority of the libraries that joined consortia (81.2%, 13) did so to save money on electronic subscriptions. Another common reason for joining a consortium was to broaden primary user access to materials (37.5%, 6). One surprising result was that no libraries reported joining a consortium for the purposes of unmediated interlibrary loan.

Table 14

Reasons for Joining a Consortium

Save money on electronic subscriptions	81.2 (13)
Broaden primary user access to materials	37.5 (6)
Weed materials	25.0 (4)
Provide physical access to other libraries	12.5 (2)
Preserve legal materials	11.8 (2)
Review purchasing decisions	6.2 (1)
Provide unmediated interlibrary loan	0.0 (0)

Note: N = 16.

¶49 Because the majority of respondents joined a consortium to save money on electronic subscriptions, the relationship between acquisitions expenditures and consortium membership was explored further. Surprisingly, libraries with small or negative changes in acquisitions expenditures joined at approximately the same rate as those with larger increases in their expenditures. Therefore, it appears that saving money on electronic subscriptions is a critical issue for libraries of all sizes.

Changing Trends in Buying Patterns

¶50 Those respondents whose libraries had joined consortia since 2002 were asked whether they felt that the consortial arrangement had changed their buying patterns for print materials, and if yes, how. Over half (53.3%, 8, $N = 15$) believed that the consortial agreements have not yet changed their buying patterns, but some in this group indicated that they believed that consortial agreements would change buying patterns in the future (e.g., “Not yet”). Of the remaining libraries that had entered consortial arrangements since 2002, two (13.3%, $N = 15$) believed that their consortial memberships had changed their buying patterns for print materials; for example, “If I can borrow it, or save money on an electronic version, there is less need to own it physically.”

¶51 Respondents were also asked whether the increasing availability of free access to official sources of primary law on the Internet had changed their buying patterns for print materials, or if they anticipated that it would do so in the near future. The majority of respondents who answered this question (55.5%, 10, $N =$

Table 15

Relationship between Increase in Acquisitions Expenditures
and Consortium Membership

	Small Increase ^a	Large Increase ^a
Have not joined consortium	33.3 (5)	60.0 (9)
Joined consortium	66.7 (10)	40.0 (6)

^aN = 15.

18) indicated either that their buying patterns for print materials had already changed or were likely to in the future; for example:

Free access to official sources of primary law on the Internet likely will affect our purchasing and retention of certain materials, mostly like the codes for states that are not close to us in proximity and that we do not use in our research and writing program.

¶52 Other responses also indicated that print buying patterns had already changed or were likely to change in the future as a result of increasingly free availability on the Internet. Responses included comments such as: “We are cutting down on duplicate copies of publications such as court rules that are freely available on the web”; “the availability of state statutes and administrative materials free on the web has encouraged us to cancel print copies”; and “We do not purchase multiple copies of many primary sources as we had in the past.” Another respondent felt that the library’s buying patterns had changed, but only to a limited degree, due to concerns about authentication of freely available online materials. Finally, one respondent indicated that the library’s buying patterns had changed because, as a library that serves the public, the library was able to consider no longer subscribing to resources that were primarily used only by the public.

¶53 Overall, these responses make it clear that while consorcial memberships and the increasing access to official sources of freely accessible law on the Internet have not yet had much impact on law libraries’ buying patterns, many libraries believe that these patterns are likely to change in the future. This shift in thinking could very well indicate that a paradigm shift is imminent, or has already begun.

Conclusion

¶54 One can see from the results of this study that academic law library collections are on the brink of a major change, and indeed have begun to take a new shape over the past five years. Although further research using a larger sample is needed to confirm these results, what is clear is that right now academic law libraries of all sizes are feeling the squeeze in acquisitions funds. Despite the range of acquisitions expenditures reported by the responding libraries, a good number of libraries had already taken action by ceasing to update or canceling some of their print materials, and even more have considered cancellations. While microtrends in

the data show that libraries that have had smaller increases in their acquisitions budgets may be the leaders in this paradigm shift, it is clear that even libraries that have received larger increases are not far behind. It is probable that what we consider the “sacred cows” of the law library collection will change drastically in the near future.

¶55 These issues lend themselves to other interesting research. One issue for a follow-up study is to explore how newer law libraries (i.e., those that have existed for less than a decade) are managing these acquisitions issues. While libraries of all ages were actively recruited for this study, none of the respondents were from these newest libraries. It is conceivable that these libraries, which were created during a time when digital information was already the norm, are able to be more responsive and flexible when faced with the decreasing purchasing power of their acquisitions funds. Another interesting line of research could focus on patrons’ feelings on the shift to electronic resources and the availability of materials as a result. In the meantime, all libraries can use the results of this study to consider the question of what cancellations of these print materials by a large number of libraries will mean to library users in the future.

Appendix

Survey Questions

Q1: How much did your library spend on acquisitions in fiscal year 2002/03? Please use the numbers you provided for the ABA Annual Law School Survey for fiscal year 2002/03. This is found in category 50a of the ABA survey.

Q2: How much did your library spend on acquisitions in fiscal year 2006/07? Please use the numbers you provided for the ABA Annual Law School Survey for fiscal year 2006/07. This is found in category 50a of the ABA survey.

Q3: How much did your library spend on electronic resources in fiscal year 2002/03? Please use the numbers you provided for the ABA Annual Law School Survey for fiscal year 2002/03. This is found in category 43 of the ABA survey.

Q4: How much did your library spend on electronic resources in fiscal year 2006/07? Please use the numbers you provided for the ABA Annual Law School Survey for fiscal year 2006/07. This is found in category 43 of the ABA survey.

Q5: Please indicate which of the following aggregate electronic legal databases your library currently subscribes to (select all that are applicable):

1. RIA
2. BNA
3. LexisNexis
4. Westlaw
5. CCH

Q6: Does your library currently subscribe to either of the following databases that provide PDF copies of print materials (select all that are applicable)?

1. HeinOnline
2. The Making of Modern Law
3. Neither

Q7: Since 2002, which print holdings have you continued to update even though they are duplicated by the electronic resources that you selected in questions 5 and 6? Please choose all that apply.

1. Digests
2. Citators
3. State reporters
4. National Reporter System
5. State annotated codes
6. Federal annotated codes
7. Session laws

8. *Code of Federal Regulations*
9. *Federal Register*
10. Administrative materials
11. Loose-leaf services
12. Commonwealth countries
13. Foreign materials
14. International materials
15. Law reviews and law journals
16. None

Q8: Since 2002, have you canceled your standing order to any of the following print materials because they are duplicated by the electronic resources that you selected in questions 5 and 6? Please choose all that apply.

1. Digests
2. Citators
3. State reporters
4. National Reporter System
5. State annotated codes
6. Federal annotated codes
7. Session laws
8. *Code of Federal Regulations*
9. *Federal Register*
10. Administrative materials
11. Loose-leaf services
12. Commonwealth countries
13. Foreign materials
14. International materials
15. Law reviews and law journals
16. None

Q9: Since 2002, have you weeded any of the following print materials from your collection because they are duplicated by the electronic resources that you selected in questions 5 and 6? Please choose all that apply.

1. Digests
2. Citators
3. State reporters
4. National Reporter System
5. State annotated codes
6. Federal annotated codes
7. Session laws
8. *Code of Federal Regulations*
9. *Federal Register*

10. Administrative materials
11. Loose-leaf services
12. Commonwealth countries
13. Foreign materials
14. International materials
15. Law reviews and law journals
16. None

Q10: Since 2002, have you considered canceling any of the following print materials because they are duplicated by the electronic resources that you selected in questions 5 and 6?

1. Digests
2. Citators
3. State reporters
4. National Reporter System
5. State annotated codes
6. Federal annotated codes
7. Session laws
8. *Code of Federal Regulations*
9. *Federal Register*
10. Administrative materials
11. Loose-leaf services
12. Commonwealth countries
13. Foreign materials
14. International materials
15. Law reviews and law journals
16. None

Q11: Since 2002, have you considered weeding any of the following print materials from your collection because they are duplicated by the electronic holdings that you selected in questions 5 and 6? Please choose all that apply.

1. Digests
2. Citators
3. State reporters
4. National Reporter System
5. State annotated codes
6. Federal annotated codes
7. Session laws
8. *Code of Federal Regulations*
9. *Federal Register*
10. Administrative materials
11. Loose-leaf services

12. Commonwealth countries
13. Foreign materials
14. International materials
15. Law reviews and law journals
16. None

Q12: Before 2002, did your library subscribe to:

1. All state statutes
2. Statutes from a certain geographic area
3. Other: _____

Q13: Since 2002, have you canceled and/or weeded any print Shepard's citators? Please choose all that apply.

1. Canceled
2. Weeded
3. Neither canceled nor weeded
4. Canceled before 2002
5. Weeded before 2002

Q14: If you have not yet canceled or weeded any print Shepard's citators, are you considering doing so?

1. Considering canceling
2. Considering weeding
3. Considering both
4. Considering neither

Q15: If your library serves the public, do you have either public KeyCite or Shepard's access?

1. Yes
2. No
3. Do not serve the public

Q16: Has your library signed a Library Maintenance Agreement (LMA) with Thomson West?

Q17: Please list some of the reasons why your library decided to sign an LMA.

Q18: In what year did your library sign the LMA?

Q19: Have you renewed your LMA since 2002?

Q20: Will you renew your LMA at the next renewal date?

Q21: Please list some of the factors involved in your decision whether or not to renew the LMA, or why you are undecided.

Q22: Please list some of the reasons why your library decided not to sign an LMA.

Q23: Have you joined any consortia since 2002?

Q24: If you have joined a consortium since 2002, what were your reasons for doing so? Please choose all that apply.

1. Save money on electronic subscriptions
2. Broaden primary user access to materials
3. Weed materials
4. Provide physical access to other libraries
5. Review purchasing decisions
6. Provide unmediated interlibrary loan

Q25: If you have joined a consortium since 2002, do you feel that this arrangement has changed your buying patterns for print materials? How so?

Q26: Has the increasing availability of free access to official sources of primary law on the Internet changed your buying patterns of print materials? If not, do you anticipate that it will do so in the near future?

Q27: Length of time that your library has been in existence:

1. 8 or fewer years
2. 9-49 years
3. 50+ years

Q28: Geographic location:

1. New England
2. Middle Atlantic
3. South Atlantic
4. East North Central
5. West North Central
6. East South Central
7. West South Central
8. Mountain West
9. Pacific West