

**Marketing Toolkit for Academic Law Libraries  
Academic Law Libraries Special Interest Section  
American Association of Law Libraries**

**Why Print and Electronic Resources are Essential to the Academic Law Library**

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**Introduction**

With the advent of the web and the proliferation of electronic information, law libraries are more frequently confronted with questions from their administrations and their patrons on the present and future value of the printed book. On the other hand, other law library constituencies argue that the rapidly changing technological environment should cause librarians to turn their backs on existing technologies until they have matured. The library director's responses to these questions have wide reaching impact, from space allocation, to budgeting, to the content of the library's permanent collections, to general user education.

The following information is designed to provide the respondent with data to support the proposition that a 21<sup>st</sup> century library needs traditional print materials as well as technology. The bibliography attached is selective and only covers resources from the mid-1990s to present.

**Why do we still need books?**

Not everything is online. A common fallacy is that all information is available on the Internet, whether free or through a fee-based service. Despite tremendous strides in electronic publishing and in digitization technologies, the majority of the world's published materials remain in physical (print or microform) formats only. Since the invention of the Gutenberg press, the publishing world has produced over five centuries' worth of materials, and recent efforts to digitize scholarly historical publications<sup>2</sup> have covered only a small proportion of these. For law

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<sup>1</sup> At the time of drafting, I was employed by the University of Houston Law Center (UHLC) as Acting Director of the O'Quinn Law Library. I would like to thank UHLC for its support of my research and writing.

<sup>2</sup>Examples of digitization projects that have or will transform tremendous amounts of print material to electronic format include the Library of Congress' American Memory Collection at <http://memory.loc.gov/>; JSTOR at <http://www.jstor.org/>; HeinOnline at <http://heinonline.org/>; Readex' Serial Set at <http://www.readex.com/scholarl/serlset.html>; LexisNexis' Serial Set at <http://www.lexisnexis.com/academic/serialset/>; and the National Digital Information Infrastructure and Preservation Program (NDIIP) at <http://www.digitalpreservation.gov/index.php?nav=4>.

schools, this historical component is particularly worth noting, as much of legal research depends on analyzing law's evolution. This does not deny that there are enormous amounts of information online, but rather recognizes that, to a great extent, that which is in print is not online and that which is online is not in print.

Further, the printed book has not been made obsolete by e-publishing. In fact, in 2003, the output of print publishers outpaced that of previous years, and most of the produced titles were not available in electronic format.<sup>3</sup> These numbers demonstrate that libraries seeking to serve their patrons must continue to examine and collect print materials. Notably, most legal monographs are not found in e-book format.<sup>4</sup>

#### Materials in electronic format may not be free or reliable.

Free. In looking at availability, users who do not directly authorize purchases will frequently overlook the cost component involved in selecting a library resource. With so much information available to web surfers, it appears as if no-cost is the norm for e-resources. However, many online resources can be made available at a user's desktop without user awareness of costs. Patrons may not realize that libraries can arrange for seamless authentication processes that eliminate the requirement for individual user passwords and identification information; this makes a resource appear "free" to the end-users. Docket information and Bureau of National Affairs (BNA) newsletters are examples of added costs to basic academic subscriptions. Both sources of data are available through Westlaw, but are not included as part of the base academic contract. Additional fees must be paid by academic users in order to access them. What looks like just another Westlaw database is, in fact, an expensive extra acquisition. A law library, even the most well endowed one, has a finite budget, and its resources must be judiciously allocated among a range of interests and needs.

Reliable. The greatest strength of the Internet is also one of its greatest weaknesses. Anyone with a computer and the necessary rights to a web server can post data on the Internet. This greatly increases accessibility and availability of information on a limitless range of topics. It also means that anyone with such access can remove or edit documents and disseminate false information, actions which cannot necessarily be

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<sup>3</sup>Bowker's Bookwire, [http://www.bowker.com/bowkerweb/Press\\_Releases/DecadeBookProd.htm](http://www.bowker.com/bowkerweb/Press_Releases/DecadeBookProd.htm) reports that over 150,000 new print or hard copy titles were issued in 2003. According to OpenEBook ([www.openebook.org](http://www.openebook.org)), only 3,614 titles were published in the for-profit market during the same year. Even if all of these online titles were also published in print, there would still be 146,386 titles available only in hard copy.

<sup>4</sup>Penny A. Hazelton, *How Much of Your Print Collection is Really on Westlaw or Lexis-Nexis?* 18 LEGAL REFERENCE SERVICES Q. 3 (Winter 1999).

detected by the user. Unlike most printed resources, many free online ones are not routinely reviewed, edited, or checked for accuracy prior to publication. After publication, electronic resources may cease to be updated or may disappear without notice. In one study of scientific literature, it was found that the half-life of Internet postings averaged 55 months.<sup>5</sup> Though the study does not include legal information, it does demonstrate the instability of Internet resources in an established and respected field.

Uncertainty. One core purpose of an academic law library is to serve the needs not only of today's users but also tomorrow's. It follows that the academic law library must have an enduring resource collection that is accessible to both current and future scholars. The current unreliable nature of electronic databases does not allow an academic law library to rely solely on e-resources. This weakness is one of the reasons why printed text remains a constant in today's technology driven world. Many electronic documents are fleeting, ephemeral. They may be removed from databases by the publisher for reasons ranging from disinterest in maintaining a low-use resource, to fear of litigation over database copyright issues, to objections of a political nature.<sup>6</sup>

One issue that affects electronic legal resources relates to the manner in which legal documents are drafted. Statutes, regulations, restatements, model laws, and many other important and essential legal documents go through numerous drafting stages, producing working documents and recorded deliberations. In law, examining these successive versions is often critical to understanding a policy's evolution. However, in many cases, the preservation of these multiple materials may not be of economic interest to a publisher, or the documents may be made available for a limited period only. Only a few publishers, like GPO Access, consciously and actively preserve records of deliberations and drafts. Uncertainties over the preservation of electronic resources often lead libraries and users to print out important documents for future use.

Changing laws or interpretations. The Internet, and digital information in general, are developing technologies that are, as yet, barely regulated by federal and state laws. The application of existing doctrine, such as copyright and trademark law, to Internet and electronic resources, is just beginning. Therefore, the contents of databases and web sites may well be significantly affected by attempts at regulation, changes in legal interpretation, or both.

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<sup>5</sup>See John Markwell and David W. Brooks, *Broken Links: Just How Rapidly Do Science Education Hyperlinks Go Extinct?* [http://www-class.unl.edu/biochem/url/broken\\_links.html](http://www-class.unl.edu/biochem/url/broken_links.html). In this analysis, it was found that approximately half of science education hyperlinks disappeared within 55 months of initial discovery.

<sup>6</sup>Marylaine Block, *Beware the E-vanishing Act*, 128 LIBR. J. 81 (2003).

For one example of how information, or access to it, can fall victim to legal stratagems, libraries need only look to the *New York Times Co., Inc. v. Tasini*.<sup>7</sup> Prior to the Supreme Court's decision in *Tasini*, the New York Times, and other information providers, sold electronic versions of their publications to vendors such as LexisNexis and Westlaw, which then included them in their database subscriptions. The issues sold included articles by free-lance writers. Some libraries, relying on the stability of Westlaw and LexisNexis, cut their subscriptions to the print or microform equivalent of the information providers' products.

The Court found, however, that the New York Times and the other information providers had violated the non-employee authors' copyright in their articles, which were not included in the collective work copyright that the publishers owned. Following the decision, the New York Times and other information providers purged their databases of the affected documents, and both users and libraries found formerly complete electronic archives filled with unpredicted gaps.<sup>8</sup> Had the libraries retained the print or microform equivalent, their collections would have remained intact, even after the decision was rendered.

Today, most publishers have carefully assembled their databases and drafted their contracts to protect against this kind of legal challenge. However, the Internet is a fluid entity, and digital information is a relatively new format. Libraries have enjoyed the stability of legal doctrines surrounding print publications for many years. In contrast, with regard to e-resources, legislation has already been enacted, limiting access to digital information in the form of the Digital Millennium Copyright Act,<sup>9</sup> a statute that was strongly opposed by many information user groups from reasons ranging from loss of privacy, to concerns about technology overriding traditional copyright protections. Multiple bills to further restrict e-resource distribution have been proposed in the 108<sup>th</sup> Congress, and libraries anticipate many more challenges before the laws regulating e-documents will be predictable.

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<sup>7</sup>New York Times, Co. v. Tasini, 533 U.S. 483 (2001).

<sup>8</sup>Scott Carlson, *Once-Trustworthy Newspaper Databases Have Become Unreliable and Frustrating: Supreme Court Decision Led Publishers to Purge Much Archival Material to the Dismay of Scholars*, CHRON. OF HIGHER ED., January 25, 2002 at 29.

<sup>9</sup>Digital Millennium Copyright Act of 1998, Pub. L. No. 105-304, 112 Stat. 2860 (1998). For further discussion of the DMCA, see the Association of Research Library's DMCA status and analysis at <http://www.arl.org/info/frn/copy/dmca.html>.

Changing standards. Unlike print, electronic documents are not readable by the human eye. The ability to access them is dependent on equipment and technology, both of which become important considerations when examining the acquisition of information stored in electronic form. Vinyl records, 8-track-tapes, betamax cartridges, and 5 ¼ “ floppy disks have aptly demonstrated that reliance on any one technology, especially intermediate ones, can require significant future expenditures. To keep the data on such formats accessible, information must be migrated to new format(s). Only ten years have passed since the World Wide Web, as currently known, came into being. In that time, we have seen multiple changes in “markup languages” (e.g. HTML, XML) used to prepare documents for web publication, and in our information format choices (e.g. JPEG, TIFF, PDF). In evaluating a resource, libraries must consider whether the data is of permanent or only temporary value to the collection, and factor in future costs for migration or preservation if the data has permanent value. Print titles also have a longevity element, determined by the quality of paper and the elements that touch it, but the measurement there is mostly a matter of centuries and not single years or decades.

Licensing and the splintering of databases. Once purchased, print materials belong to a library, which then has access to the material in perpetuity. On the other side of the spectrum, many electronic products are licensed, not owned. A library has access to their contents only so long as it maintains an annual subscription. This distinction plays a significant role in the analysis of the long-term value of a resource to a library.

Licensing. Licensing brings with it a host of complicated issues, which will only be briefly addressed here.<sup>10</sup> Use of a book is governed by copyright. Rights to photocopy materials, use them in classrooms and for research, place them on reserve in the library, and use the materials in other ways, are well understood under federal copyright law. Use of a licensed database is governed by contract, however, and can be subject to terms that limit or even prevent typical copyright protection. One common example is a license provision that prohibits the use of a database for interlibrary loan purposes. While the print equivalent, under existing copyright law, could be used in interlibrary lending, the exact same title in electronic format would be unavailable for such purposes. Every vendor of electronic information has different licensing terms, and frequently the same vendor has different terms for its various publications. In general, the more limited the license, the less useful an online resource becomes to the library and its users.

Licenses also typically permit the publisher to change database content without informing the subscriber. Even major providers like Lexis and Westlaw frequently drop and add databases and materials without prior warning. Libraries relying solely on electronic

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<sup>10</sup> For further discussion of licensing issues, see <http://www.library.yale.edu/~license/index.shtml> or <http://www.arl.org/scomm/licensing/licbooklet.html>

information could easily find themselves at a disadvantage when unpublicized changes are made to databases. For instance, a user may be unable to locate the same document she found a month ago. Additional expenses may be incurred in re-obtaining the document for research purposes if, indeed, it is even available.

Another aspect of licenses that comes under scrutiny is the continuing availability of materials, or the lack thereof. Payment for hard copies results in ownership. Licenses, by definition, provide merely temporary access.<sup>11</sup> Each year, a library purchases access to a database, even if the new, current information added each year is only a very small subset of the entire database. The library pays for access to “old” information as well as “new” information each billing cycle. Failure to pay for a license in any single year results in the loss of not only the current data, but also the archives of previous years. Absent express agreement in the license by the vendor, libraries can lose access to many years’ worth of electronic resources, including periodical subscriptions, newsletters, newspapers, and supplements, when a current year’s license is not renewed. On the other hand, terminating a print subscription would impact only current access. The library’s print collection for earlier years remains accessible.

Splintering of databases. Ten years ago, e-publishing required a tremendous investment of resources and expertise not readily available at the time. Small companies, therefore, leased their products to high scale data providers like Lexis and Westlaw for the monies it brought them and for a distribution outlet. Today, however, the ease of e-publishing makes it economically feasible for those who once leased their information to large data brokers to construct, mount and independently charge for their own services. Concurrently, they terminate their contracts with data brokers. The consequent unpredictability of “database cohesion” affects the library’s e-collection and budget. For instance, libraries once paid lump sum amounts to Lexis and Westlaw for access to a variety of databases from several publishers. Today, for access to the same databases, they would contract with multiple vendors at a much higher overall cost. Law libraries are affected more by this phenomena than their other academic libraries, for two reasons.

First, long before Internet delivery of data, law libraries had Lexis and Westlaw. For an extended period of time, both of these services were stable, adding new services without

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<sup>11</sup>Recent developments in e-resources have introduced the concept of “perpetual” licenses, which typically have lower ongoing costs. Unlike standard licenses, which require full payment each year, a perpetual license relies on a substantial initial investment, followed by modest annual fee in subsequent years. However, in substance, these instruments are still licenses; failure to pay the nominal continuing fee results in forfeit of the entire database. Some publishers have taken the final step, by allowing libraries to purchase, not license, e-materials. NetLibrary is one such vendor, having both licensing and purchasing options. The purchase option, guaranteeing perpetual access for a one time payment, is typically higher than the licensing option.

significant loss of data. Reliance on the databases for research grew as students, faculty and staff were systematically exposed to the convenience of online searching in a variety of publishers' electronic resources. Recently, though, smaller vendors have launched their own e-services, and removed data from aggregator databases like Lexis and Westlaw.<sup>12</sup> Law libraries, which had long budgeted on Lexis' and Westlaw's steady pricing and consistent databases, were suddenly faced with huge bills for electronic resources that were previously available at no additional charge.

Second, rapid legal publisher consolidation has meant the accelerated removal of licensed data from the databases of long-time hosts. One example is the disappearance of Shepard's from Westlaw, which happened when Shepard's was acquired by LexisNexis and became an exclusive Lexis service.<sup>13</sup> Overall, as legal publishers consolidate, competition is lessened. This leads to higher prices in both print and online materials, as mini-monopolies develop in legal publishing.<sup>14</sup> The combination of licensing (i.e. non-ownership) and monopolization can be extraordinarily detrimental to the library budget, as unpredictable spikes in prices result in cancellations of databases with current and retrospective coverage.

Archiving and preservation. For the purposes of this section, archiving refers to saving data in any format, and preservation refers to saving the original, physical format. The printed word, once printed, is fixed and unchangeable. The content of a book is archived as soon as the book is printed. The book itself is a stable, self-preserving format that can last for centuries. But an electronic document, by definition, is not permanent. Unless its contents are actively backed up and/or consistently converted to current technologies, an e-resource may not be accessible later by a user. Until standards are reached on issues such as (a) archival responsibility and methodology, and (b) format preservation, electronic-only collections jeopardize a library's long term obligations to build a collection for the future.

Further, web sites and information stored thereon change constantly. Even if standards on archiving and preservation are universally adopted soon on specific web-based documents or databases, much of the information previously published on the web, including most of that available today, will not be saved. A news article, on a single site, can change multiple times in

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<sup>12</sup>Bureau of National Affairs removed content from base Lexis and Westlaw academic contracts and introduced a self-supported e-service in 2002.

<sup>13</sup> While that particular move spurred the development of another citator service (KeyCite), improving the options for researchers, removal of other resources has not resulted in the same positive outcome.

<sup>14</sup>“During the period from 1973 to 1996, for example, when the Consumer Price Index showed an increase of 253%, the average cost of legal serials rose 495%... In the past four years alone, the prices of legal continuations rose nearly 72%...” KENDALL F. SVENGALIS, LEGAL INFORMATION BUYER'S GUIDE & REFERENCE MANUAL 2003 15 (2003).

a day.<sup>15</sup> Electronic modifications are not easily identifiable, and patrons seeking to find a former version may be unable to do so. Though ventures like the Wayback Machine (<http://www.archive.org/web/web.php>) are archiving selective free pages and materials, they cannot archive every version of every page on the web. They are also unable to preserve fee-based resources, for obvious reasons, thus leaving extraordinary amounts of valuable information to disappear without a trace.

Ease of use. The evolution of e-documents has just begun, as is most evident for the struggling e-book reader. Studies have shown that users continue to prefer paper for certain types of materials.<sup>16</sup> The reasons vary from desire for familiarity to ease of use. For example, readers have learned to recognize a book's chapters in relation to each other. In a printed text, they can easily find a particular reference by this tactile and cognitive association. A data file, which is without physical form, cannot support that type of reference. A new manner of association will develop as the e-book matures, but its present format is not yet ideal (or even very useful) for legal research, which relies heavily on such associations.

Instructional. Not all employers of law school graduates will have access to online sources. Even when they do, they may restrict access and not permit researchers to rely solely on them. Practitioners have always relied on academic libraries to provide less frequently needed or esoteric documents; now, as their costs of business increase, they are also downsizing their basic print collections and turning more to their local law libraries for their information needs. Law libraries, therefore, must keep their physical collections to ensure that their students have training in, and access to, all types of legal information formats.

Summary. Technology, still in its infancy, has not yet mastered the arts of preservation and reliability. The publishers of e-materials continue to adjust price formulas and delivery methods as they expand from the print world to the digital one. The long history of publishing makes it impossible to provide all materials in online format in short order. For all of these reasons, print materials will continue to be necessary for their predictability, continuity, and stability.

### **Why is technology important?**

Technology permeates everyday life, from email to remote database access to computers in our cars, microwave ovens and cell phones. In terms of information, technology brings many important benefits to the researcher and to libraries. The amount of information — the good, the

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<sup>15</sup> The same peculiarity can be found in print. However, in print, users are still able to identify the "evening edition" version from the "morning edition."

<sup>16</sup> *Technology of E-Books Needs Work Before Students Will Accept Them, Study Finds*, CHRON. OF HIGHER ED., September 13, 2002, at 33.

bad, and the ugly (!) — being produced electronically is growing exponentially each year. In 2003, a Berkeley study estimated that five exabytes<sup>17</sup> of information was generated in 2002, 92% of which was stored electronically.<sup>18</sup> Law firms have moved increasingly towards digital libraries, and they expect new clerks, associates, and partners to be comfortable in such an environment.<sup>19</sup> As educators of future practitioners, academic law libraries must provide students with education on the e-resources that they will need to practice.

Currency. For obvious reasons, technology allows for rapid updating of information. Print requires gathering, assembling, printing and distribution, the latter two steps of which require physical delivery to the subscribing institutions. Online databases eliminate the delay in delivery and allow information to be posted online even as it is created. Shepard's and Keycite illustrate the beauty and appropriateness of electronic delivery. They are resources designed to advise the practitioner of recent rulings or legislation affecting his/her case or statute. Using the online version, when available, instead of the print volumes saves researchers time and effort; the print version often requires consulting three or more different books or supplements, and is still weeks if not months out of date. The online citators are updated daily and all information is incorporated into one display. Failure to use the online version of a citator could even be seen as malpractice.<sup>20</sup>

Convenience. Technology has transformed libraries and the manner in which they provide their services. Proxy servers and virtual private networks allow users to connect to library resources remotely; hyperlinking in integrated library systems publicizes the location of resources, regardless of format; electronic journal management programs like TDNet can combine or divide aggregator databases to facilitate searching; adaptive hardware and software, such as voice recognition software, enables disabled patrons to "read" resources without requiring the library to provide a human reader or interpreter. Technology expands a library's collection to beyond just purchases or licenses, dissolves the physical boundaries of the library, and permits its users to access resources independent of location.

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<sup>17</sup>“ How big is five exabytes? If digitized, the nineteen million books and other print collections in the Library of Congress would contain about ten terabytes of information; five exabytes of information is equivalent in size to the information contained in half a million new libraries the size of the Library of Congress print collections.” University of California at Berkeley's School of Information Management and Systems, *How Much Information, 2003?* at <http://www.sims.berkeley.edu/research/projects/how-much-info-2003/execsum.htm>

<sup>18</sup>*Id.*

<sup>19</sup>“ . . . lawyers' use of online legal research is competing directly with print. The respondents to the ABA's 2002 Legal Technology Survey reported that 37% (mean) of the time they used fee-based online legal services while 34% of the time they used print.” Catherine Sanders Reach, David Whelan, and Molly Flood, *Feasibility and Viability of the Digital Library in a Private Law Firm*, 95 L. LIBR. J. 369 (2003).

<sup>20</sup>*Cimino v. Yale University*, 638 F. Supp. 952 (1986). See also, Simon Chester, *Electronic Malpractice: Does Reasonable Competence Require Computer Research?* 17 Law Prac. Mgmt. 23 (Nov/Dec 1991) and Susan Cochard and Samantha Whitney-Ulane, *Computer Assisted Legal Research : A Guide to Successful Online Searching* (1997).

Malleability. Legal researchers quote texts and cite data to support their assertions. When that data is in electronic form, it becomes easier to export into the researcher's work product, and easier to massage the information so that it can be easily incorporated into the work-in-progress. The need to take copious notes while reading, or to make photocopies of each referenced page, is reduced when a citation can be "cut" directly from its electronic source and dropped into the citing author's text (and appropriately attributed).<sup>21</sup>

Sum of the parts greater than the whole. A printed book or set of books is self-contained. When a book refers to another source, the user must locate the referenced item on the shelf. E-documents facilitate the delivery of information, regardless of source, to the user. They can link to other databases or e-resources. The user needs only to click on the hyperlink to view the cited document. Examples include RIA's tax library and the BNA newsletters, which contain references to other vendor publications as well as to outside resources such as GPO Access. E-resources frequently also have multiple delivery formats. While print texts can only be copied, either by hand or by machine, databases permit printing, emailing, multiple format choice (e.g. PDF, HTML), saving, etc. In addition to being faster than photocopying, this enhances the malleability function above.

User expectations. Considering all of the benefits listed above, it's unsurprising that users have adapted to technology and have demanded greater availability.<sup>22</sup> Those accustomed to conducting research at odd hours or searching across multiple databases with a single query find print resources constraining. Access independent of location is necessary in today's legal education, as faculty and students work at home, travel, and visit other institutions. Despite the justified reservations over the longevity of e-databases, the fact remains that many, if not most, users now look first towards online access and second to physical formats when researching.<sup>23</sup> Libraries need to meet that expectation while educating the user on the advantages and disadvantages of each format.

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<sup>21</sup> The frequently neglected factor in this approach, and the one requiring frequent repetition, is that even though technology makes it easier to transfer or copy text, the use of data is still protected by copyright. Whether the documents are in print or online, the same laws apply, and users should be respectful of them.

<sup>22</sup> Scott Carlson, *Students and Faculty Members Turn First to Online Library Materials, Study Finds*, CHRON. OF HIGHER ED., October 18, 2002 at 37; Carol Tenopir, *What User Studies Tell Us*, 128 LIBR. J. 32 (2003); Council on Library and Information Resources and the Digital Library Federation, *Dimensions and Use of the Scholarly Information Environment* <http://www.diglib.org/pubs/scholinfol/>; *Future of Digital Libraries*, 29 J. OF ACAD. LIBRARIANSHIP 276 (2003).

<sup>23</sup> *Id.*

Online only publishing. The number of resources published exclusively online is increasing. The growth is due to publisher pricing<sup>24</sup>, lower distribution costs,<sup>25</sup> technology's evolution, and user demand, among other reasons. For example, several law reviews have resorted to online publication only, and many reviews and journals are available online at no charge to the library.<sup>26</sup> A significant amount of unique and/or free information is available only in digital format, whether at no charge or in the vast subscription databases. This includes docket information and records,<sup>27</sup> law reviews, journals<sup>28</sup> and newspapers, scientific and technical reports and studies, legislative information, and audio files.<sup>29</sup> New technologies make materials previously accessible only to a few available to anyone with the technology to access it. They expand libraries' "collections" to items that cannot be purchased or are not published in the traditional manner.

Lower costs and fewer space needs. In some cases, electronic databases are less expensive than books and in almost all cases they require less space. In researching the costs of titles included in Lexis and Westlaw, it becomes apparent that the costs of purchasing every title represented by these aggregators would be far greater than the annual licensing fees charged academic law libraries. The space analysis yields similar results. Even taking into account the area needed by machinery, the amount of floor space occupied by shelving for the same resource in print form is significantly greater. Where a publication has no historical research purpose, and relies entirely on currency, an electronic product will save room and staff time, thus costing less than its print equivalent even if their purchase price is the same. E-resources free up shelf space for materials that cannot be found in electronic format or which are not easily accessed in electronic format.

Instructional. Even as print publishing expands, electronic resources are becoming more prominent in research. Students must be prepared to research both in any format, and an academic law library is responsible for ensuring that the necessary skills are learned. Law firm

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<sup>24</sup>Lila Guterman, The Promise and Peril of 'Open Access,' CHRON. OF HIGHER ED., January 30, 2004.

<sup>25</sup> '[e]mphasis should be on streamlining the distribution of traditional paper copies of publications, which may include providing online access and less expensive electronic formats.'" H. REP. NO. 106-796 (2000).

<sup>26</sup> It should be noted that in some cases, these open access journal publishers have transferred costs from libraries and end-users to the authors.

<sup>27</sup> See Public Access to Court Electronic Records (PACER) at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) and Florida State University's Florida Supreme Court Library database at <http://www.law.fsu.edu/library/flsupct/index.html>.

<sup>28</sup> For example, Journal of Online Law, E-law : Murdoch Electronic Journal of Law, selected issues of the Journal of Science and Technology Law.

<sup>29</sup> See the Oyez Project at [www.oyez.org](http://www.oyez.org).

research encompasses both print and electronic resources,<sup>30</sup> and hiring partners have a reasonable expectation that new attorneys will be proficient in using both. Both Lexis and Westlaw have produced online products tailored to the needs of each type of law practice, and a survey of legal publishers reported that “Internet publications making up about a third of total production and CD-ROM, 15%.”<sup>31</sup>

Summary. Advances in technology will continue to open doors for researchers. Libraries, continuing to serve as information brokers, are required to develop expertise in these emerging instruments as to better guide their users to the best resource for any given topic, independent of format. Standard 606 of the American Bar Association’s Standards for Approval of Law Schools clearly states that the collection much contain not only tangible materials, but also access to electronic information.

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<sup>30</sup> “When asked to speculate on the total percentage of each format in their library’s collection, 34% of the responding librarians indicated that 61-80% of their collection was in print, while 29% responded that fee-based online access was closer to 21-41% in their library.” *Supra* note 19, at 376.

<sup>31</sup> *Id.* at 375.