

EIGHTH CIRCUIT COURT OF APPEALS

**COLLECTION DEVELOPMENT PLAN**

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(Final Report, September 2001)

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## EIGHTH CIRCUIT LIBRARY SYSTEM

# COLLECTION DEVELOPMENT PLAN

## PREFACE

*The Collection Development Committee would like to dedicate this plan to Kirk Gregory. Kirk was the reference librarian for the Eighth Circuit for 14 years and was the chairman of the committee until 1999. He was a writer of the original draft, parts of which are still in the final plan. Kirk was an inspiration to our committee.*

## PART I: POLICIES

### *A. Introduction*

The primary mission of the United States Courts Libraries of the Eighth Circuit is to serve the legal research and information needs of federal judiciary staff in the seven states of the Circuit. Court locations without libraries on-site are included in the service areas of the circuit library system. Included in the audience are federal judges, law clerks, staff attorneys, clerks of court, other court support staff, probation and pretrial services officers, and federal public defenders. In addition, access to materials is provided to members of the federal bar, other federal agencies and the general public. Information services are provided through the headquarters library in St. Louis and nine branch libraries located in Cedar Rapids, Des Moines, Fargo, Kansas City, Lincoln, Little Rock, Minneapolis, Omaha and St. Paul.

### *B. Overview of the Main Collection*

The libraries maintain an extensive collection of materials that serve the Eighth Circuit courts' needs for current legal information and legal research. The collection emphasizes and is responsive to the practice and interpretation of the law, rather than the learning of the law. Historical and other special collections are maintained. American law is emphasized. As headquarters library, St. Louis houses a significant portion of the collection, and as a result, the branch libraries can call upon it to supplement their holdings as needed. Size of the physical collection is determined by available floor space and number of volumes needed to meet the following selection criteria. Purchasing and funding decisions are made using the criteria in this policy with consideration given to existing library holdings.

In general the libraries collect the following:

- primary legal materials of the federal government, Eighth Circuit and selected adjacent states. Primary materials include session laws, codes, opinions of the appellate courts, legislative history materials, and administrative rules and regulations.

- secondary materials on a wide variety of legal subjects. The libraries each collect in topical areas of law that meet the information needs of their clientele. Emphasis is on currency, and, at a minimum, on providing introductory coverage in major areas of law heard in all levels of federal courts. On a periodic basis, the library staff assess the bibliographic strength of these areas and purchase or weed materials accordingly. The librarians also select materials that are ancillary and complementary to the practice of law, as well as new and developing areas of law in the courts.
- local states' law, including legal materials concerning interpretation of the circuit states' law. Historical state materials are maintained for each library's local state.
- federal government documents selected through the depository program for the headquarters library, and as needed in the branch libraries.
- finding aids and user guides, including citators, dictionaries (legal and non-legal), digests (federal and state), directories (legal and non-legal), encyclopedias (legal and non-legal), federal statutes, legislative indexes and abstracts, periodical indexes (legal and non-legal), state statutes, and any other appropriate reference materials.

Secondary materials and finding aids are further delineated in Part II: Annotations.

All formats are considered, including the traditional book, loose-leafs, audio and video cassettes, microforms, compact disks, online databases and other formats which may be developed in the future. Access to electronic or computer services are a factor in selection.

### *C. Overview of Special Collections*

Below are some of the special collections that are maintained at certain branches and the headquarters library.

#### **Audiotapes**

The libraries have a few tapes on legal topics, such as famous trials, training tapes on courtroom techniques, oral histories, and judges' speeches.

#### **Videotapes**

The libraries collect videotapes primarily in the areas of oral history, court archives and training. The "Portraits of Justice Series", oral history interviews with many of the federal judges, judges' speeches, CNN programs relating to the circuit are examples of the first. Tapes of FJTN programs, and purchased CLE tapes are examples of the second.

#### **Government Publications**

The Headquarters library is a partial depository for U.S. Government publications. Depository items are retained as required by the Superintendent of Documents.

### **Electronic Resources**

The 8th Circuit Virtual Library contains briefs, oral arguments, opinions, court rules, jury instructions, procedural manuals and Internal Operating Procedures. Some libraries have additional materials which are only available electronically. The Administrative Office provides other publishers' electronic services to which the libraries have access.

### **Federal Appellate Court Documents**

The library maintains a collection of unpublished 8th Circuit opinions.

### **Current News**

The headquarters library will maintain subscriptions to major or "national" newspapers, such as the National Law Journal, Legal Times, and U.S.A. Today. In addition to "national" newspapers like the New York Times and the Wall Street Journal, each branch library will be responsible for having subscriptions to the major newspapers of its respective city. Fargo will be responsible for both North and South Dakota.

Library funds will not be used to purchase recreational reading materials or popular magazines. Each library may have a subscription to one or two news magazines such as Newsweek, Time, or U.S. News and World Report.

### **Judicial Archives**

The Headquarters library maintains the archives for the 8th Circuit. It includes, but is not limited to publications of the circuit historical societies, oral histories, pictures and newsclippings, and proceedings of ceremonial sessions of the courts. Some branch libraries house their local judicial archives.

### **Rare Books**

The U.S. Courts Libraries will not spend book funds to purchase rare books. At the present time the small collection of rare books owned are donations, such as the Limbaugh rare book collection. Additions may be accepted in accordance with the gift policy (see Gifts, below). Occasionally, a rare publication may be found in the circulating collection of a branch library. When this happens, the book should be sent to the Circuit Librarian if a local archival area isn't available.

### **Vertical File**

Each library may keep a vertical file. This collection contains short publications, pamphlets, and photocopies of articles of current interest. These publications are not cataloged and will be weeded as necessary.

### **Outreach Services**

Libraries have outreach service collections for their communities that include court history, displays and archives. The North Dakota library maintains the Burdick room, a collection of archival material and memorabilia from Senator Burdick's career, an annual time capsule, and a collection of maps and brochures from neighboring states.

### **Book Exchange**

Some of the libraries maintain uncataloged collections of donated fiction for casual reading and

exchange. No government funds are used to acquire or process these materials.

#### ***D. Evaluation of the Collection***

##### ***General Guidelines***

It is important that all the 8<sup>th</sup> Circuit libraries evaluate their materials on a continual basis. This helps the librarian determine:

- the physical condition of the collection
- books that are in need of repair
- what titles/subjects are most often used
- any titles or subject areas that need new editions or subscriptions
- if there are any subject areas that are under-represented
- if weeding is necessary
- items that are missing
- whether shifting is needed
- whether special treatment is needed (temperature control, dusting, spraying, etc.)
- any items that are rare or valuable and might require special maintenance (storage, etc.)

##### ***Replacements***

Each library will maintain a list of missing or destroyed books and other media. The following criteria should be used when ordering replacements:

- cost and availability from publisher or excess list
- availability from another circuit library
- publication date
- demand for title or subject
- requests from court staff
- other titles in the collection which cover the same information

##### ***Weeding***

Weeding is the systematic removal of materials which no longer meet the criteria for inclusion in the collection. The headquarters library weeding policy is Addendum C. It is an evolving policy and is subject to change. The following criteria will be used to determine which titles to remove:

- no longer accurate due to changes in the law
- superseded by new edition
- no longer current
- poor physical condition

- no longer used
- available in another 8<sup>th</sup> Circuit library
- available in another format

### ***E. Selection of Materials***

It is the responsibility of each branch librarian to keep informed about the subjects before the courts by reading judiciary newsletters, news releases, and legal newspapers.

#### ***Selection Criteria***

The following factors should be considered in determining whether a publication should be purchased:

- relevance to the collection and research needs of court staff
- availability of this title or similar titles at other circuit libraries
- timeliness of the material
- credentials and authority of the author
- requests from users for specific titles or subjects
- reviews/recommendations of the item in question
- cost
- format, e.g. audios, videos, microforms
- thoroughness of footnotes or updating frequency in a loose-leaf
- necessity, frequency and cost of updates
- necessary equipment for non-book materials
- availability in another existing format in the collection
- availability online or on the Internet
- availability as a federal depository item

Failure of an item to meet one or more of the selection criteria is grounds for denial of purchase, but all factors should be considered during the decision making process. Some factors may weigh more heavily depending on the item in question.

#### ***Selection Tools***

Listed below are some of the publications and other resources librarians can use to help assist them with collection development:

Publications:

- *Law Books in Print*
- *Law Books and Periodicals in Print*
- *Legal Information Buyer's Guide & Reference Manual*
- *Encyclopedia of Legal Information sources*
- *Legal Reference Services Quarterly*

- *Legal Newsletters in Print*
- *Legal Looseleafs in Print*

Other sources:

- Accession lists from other libraries
- Law review and bar journals
- Legal and general library journals
- Publishers flyer and web sites
- Legal and general newspapers

### ***Gifts***

The Circuit Librarian has been delegated authority by the Chief Judge to accept gifts on behalf of the Circuit. Gifts of books and other media will only be accepted if they fit the scope of the library's collection. The Circuit Librarian reserves the right to determine if all or part of the donations should be added to the collection, excessed, or discarded. The Librarian will not place any value on donations for tax purposes.

### ***Duplication***

Normally, duplicates are not necessary. Each library will decide based on requests and the other selection criteria if duplication of a set is necessary.

### ***Resource Sharing***

All collections will be developed and maintained with the restrictions of limited funding firmly in mind. To this end, the circuit libraries' collections will be considered as a whole to the greatest extent possible. Resources are to be shared within the entire circuit. The state materials retention policy in Appendix A insures a solid historical collection of 8th Circuit state materials.

### ***Interlibrary Loan***

The Library cannot acquire all materials requested or needed by court staff. When a title is not in the collection, efforts will be made to locate and obtain it through interlibrary loan.

### ***Archives***

Each location needs to keep abreast of articles and books which have historical references to the local lower federal courts and judges or the 8th Circuit Court. These may be important additions to the local archives collection or the 8th Circuit archives in the headquarters library.

## **PART II: ANNOTATIONS**

**(SecondDraft0813version2)**

### **Applicability of Levels**

*These levels of collection, shown on the chart which follows, are applicable to all Eighth Circuit Libraries. If a location wishes to collect at a level different than designated, this decision should be approved by the Circuit Librarian.*

#### **Basic Level of Collection (Level 1)**

This level consists of current, general materials that are intended to introduce patrons to a particular subject by providing an overview of fundamental principles. A basic collection should include one or more introductory materials such as a nutshell, hornbook, or checklist. In addition, there should also be one well-respected treatise on the subject to provide slightly more depth, and any subject matter Restatements of the Law that apply. Subject areas designated for a basic level of collection would be well-defined areas of the law that are significant, but not heavily researched by the courts. *Examples:*

Agency  
Contracts  
Torts  
Professional Responsibility  
Property  
Trusts

#### **Intermediate Level of Collection (Level 2)**

This level of collection is adequate to support research into a subject, but is not comprehensive and does not generally include historical materials. If a category (subject) is designated as intermediate, it might include (in addition to the basic materials) several major treatises by the more important writers and one or two looseleaf services. It enables the researchers to maintain knowledge about a legal subject in a systematic way, but at a level less than comprehensive.

*Examples:*

Antitrust  
Trademarks  
Securities Law

#### **Maximum Level of Collection (Level 3)**

This collection level includes all materials and information required for Federal judicial decision-making. It allows for expansion in any way required by changing legislation or legal precedent. Included are primary source materials, all major treatises, all basic reference works, a wide selection of journals and major indexing systems. Selected older material will be retained

for historical research. *Examples:*

Federal Civil Procedure  
Federal Civil rights  
Commercial Law  
Federal Constitutional law  
Federal courts  
Federal Criminal Procedure  
Employment discrimination

#### **Local Option Level of Collection (Level 4)**

The Local Option level of collection is based on local court needs. This could be either a specialized or new area of law. *Certain locations may have no holdings in these topics.* Because this could be an ephemeral collection, any acquisition decisions should be made in conjunction with the Circuit Librarian. *Examples:*

Native American Law  
International Law  
Gaming Law

A detailed subject list with collection levels *appears* on the following pages.

**Subject list version 08/13/02**

- Basic Level of Collection 1
- Intermediate Level of Collection 2
- Comprehensive Level of Collection 3
- Local Option Level of Collection 4

Subject Area	General Holdings	Significant Local Holdings
Abortion Law	2	
Accounting	4	
Administrative Law (Regulatory)	2	
Admiralty	4	
Agency Law	1	
Agricultural Law	4	
Air Law	4	
Alternative Dispute Resolution	1	
Animal Rights	4	
Antitrust and Trade Regulation	2	
Arbitration	1	
Art Law	4	
Aviation Law	4	
Banking Law	1	
Bankruptcy	3	Minneapolis
Biography-Judicial	2	
-General legal/historical	1	
Biotechnology	4	

Children's Rights	4	
Church and State	1	
Civil Rights	3	
Commercial Law - UCC	2	
Communications Law	4	
Computer Law -Criminal Aspects -Privacy -Contractual Aspects	1 1 1	
Conflict of Laws	4	
Constitutional Law	3	
Consumer Law	4	
Contracts	1	
Corporations -finance -business aspects	1 1	
Criminal Law(General)	2	
Criminal Procedure (General) -Constitutional -Practice	3	
Criminology	4	

Damages-Remedies	1	
Disability Law	2	
Domestic Violence	4	
Economics	4	
Education Law	1	KC
Employment Discrimination	3	
Entertainment Law	4	
Environmental Law	1	
Equity	4	
Estates and Trusts	1	
Ethics		
-Legal	2	
-Non-legal	4	
Evidence	2	
Family Law	4	
Federal Civil Procedure	3	
Federal Criminal Procedure	3	
Federal Grand Jury Practice and Procedure	2	
Federal Jury Instructions	3	

Federal Courts -Theory and Policy -Practice	3 3	
Federal Government	1	
Federal Sentencing Guidelines	3	
Food, Drug and Cosmetic Law	2	
Forensic Medicine and Psychology	1	
Forfeiture	1	
Gaming Law	4	
Government Contracts	4	
Health Law	2	
Historic Preservation	4	
Human Rights	4	
Immigration and Emigration Law	2	Fargo
Insurance Law	2	
Intellectual Property -Copyrights -Patents -Trademarks	2 2 2	
International Law	4	Des Moines
Judicial Administration	2	
Jurisdiction	3	
Jurisprudence(Philosophy of Law)	4	
Jury Instructions (topical and state)	2	

Juvenile Law	4	
Labor Law		
-Collective Bargaining	2	
-Labor Relations	2	
Land Use	4	
Law of the Sea	4	
Legal Education	1	
Legal History	1	KC
Legal Profession	2	
Legal Research	2	
Legal Writing	2	
Legislation		
-Statutory Construction	1	
-Separation of Powers	1	
-Legislative Drafting	1	
Librarianship	2	
Local Government	4	
Medical Malpractice	2	
Medical Reference	2	Kansas City
Military Law	4	
Native American Law	4	Fargo, Omaha
Natural Resources	1	
Nonprofit Organizations (legal aspects)	4	

Occupational Health and Safety Law	4	
Partnerships	2	
Pension Law	2	
Pornography	4	
Poverty Law	4	
Prisoners	2	
Prisons	1	
Privacy Law	1	
Products Liability	2	
Property	2	
Public Utilities Law	4	
Real Estate Law	1	
Religious Law	4	
Right to Die	4	
Securities Regulation	2	
Sexual Orientation Law	4	
Sociology and the Law	4	
Space Law	4	
Sports Law	4	
State Civil Procedure (8 <sup>th</sup> Circuit)	2	



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## Statutes and Finding Aids

For state materials see also Appendix A

Type of Material	General Holdings	Local Holdings
Citators	4	
Dictionaries		
-Legal	2	
-Non-legal	1	
Digests		
-Federal	3	
-State (See Appendix A)	1	
Directories		
-Legal	2	
-Non-legal	1	
Encyclopedias		
-Legal	2	
-Non-legal	1	
Federal Statutes	3	
Legislative Indexes and Abstracts	1	

