

Changing Times in the Law Library of the Future

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The times are changing so rapidly, we often don't even have time to think about them or fully absorb their implications. Many of us, at least subconsciously, hang on to a mind set which says that somewhere, someday we'll get to a plateau; that change will stop for a while and we will be able to straighten things out, evaluate, make plans. Well that plateau doesn't exist. Its *Never Never Land*. Our task as law librarians is to stay abreast of the changes, to be aware of them, and to position ourselves to select from the most useful and cost effective of them; to channel information about change to our users, to help effect access to the new technologies and to educate and broaden horizons. This article talks about some of the ways in which Monash University Law Library is responding to change

Farewell to olde England?

Only ten years ago Australian law libraries were essentially English in content. We relied extensively on English law reports and English texts. The number of Australian specialist law report series was small, as was our collection of texts, looseleaves and journals (of which there were hardly any specialist titles). We had no Australian legal encyclopedia. Automated library catalogues were becoming the norm, although by no means all pervasive. We were becoming accustomed to such online services as CLIRS and SCALE. Some of us subscribed to LEXIS. The Internet and email were unknown.

The *Australia Act 1986* commenced operation on 3 March 1986 and appeal from Australian courts to the Privy Council in London ceased. The word of the High Court of Australia on any point of law became, at long last, final and in the decade since 1986, Australian courts have spawned an enormous body of jurisprudence which is no longer subject to change from London. This is no more obvious than when leafing through the pages of a volume of the *Commonwealth Law Reports* (CLR) from 1996 and comparing it with one from 1986. The decline in references to English law reports is notable. Much the same pattern can be seen from a comparison of the decisions of the US Supreme Court immediately after the Revolution and those of the first decades of the nineteenth century.

This burgeoning Australian jurisprudence has spawned a vast and growing body of Australian legal literature. Ever more specialist areas of the law now have their own texts, looseleaf services and journals. There are dozens of newsletters, electronic products and of course Internet sites. We have two legal encyclopedias (compared to England's one). The doubling in numbers of Australian university law schools in the past decade has also increased the population of lawyers and law academics writing and researching in all areas of the law. This has in turn increased the demand for legal publication and the potential market for publishers. Each law school has contributed by publishing two or more journals - often a generalist and a specialist title. Centres specialising in various areas of law have proliferated in our universities and other institutions and the number of specialist federal courts and tribunals has grown - a development which has led to the publication of further dedicated reporting services.

Developments on the international scene like the creation of the World Trade Organization (WTO) and Asia-Pacific Economic Cooperation (APEC), developments in human rights, arms control and intellectual property, have all helped increase our awareness of international law and made manifest its extreme importance to Australia's international relations. High Court decisions like those in *Mabo*, *Dietrich* and *Teoh* have opened the floodgates for increased influence by international and foreign courts, tribunals and conventions on our domestic judiciary.

All of this has crept up on us and we are only now awakening to the implications of our new found independence. Ten years after the *Australia Act*, we have a well developed and growing Australian jurisprudence and yet if you go into many major Australian law libraries today you will still find sets (often multiple sets) of most UK law report series. Everything from the *Law Reports* (Authorised series) to the *Road Traffic Reports*.

We contend that, for law libraries struggling with budgets that are less each year in real terms, subscription to many series of UK law reports cannot be justified. Libraries which are struggling or unable to afford new *Australian* legal publications or access to decisions of important international tribunals, should cancel subscriptions to print series of UK law reports in order both to make ends meet and to free up available funds for more important purchasing priorities, relying instead on electronic access and/or document delivery services for these now lesser used materials.

We would retain (for the time being, and at least in a university situation) at least one print subscription to the three UK *major*s - the *Law Reports*, *Weekly Law Reports* and *All England Law Reports*. These series provide ready access to the decisions of those UK courts most likely still to be required in 1996 and later - the Privy Council, House of Lords, the Court of Appeal and the several divisions of the High Court of Justice. There are of course many decisions of UK courts and tribunals lower than those august bodies dated from the mid-1990s which are not included in these series. They are reported in the various specialist series which, if not consulted on a regular basis should be cancelled in favour of either electronic access or reliance on document delivery services.

Note that we would not discard backsets of any series as historical decisions are in many cases still the basis of many Australian decisions, but now as interpreted by Australian, not UK, courts. The nature of work, study or practice engaged in by a particular organisation or institution will be the ultimate governor of any decision to cancel UK law report series, however, we offer the suggestion as food for thought whilst noting that although at Monash we have not yet taken this step, it is under serious discussion. It is our sincere hope that suggestions of this nature will help stimulate debate and the questioning of long-accepted norms and practices.

Note also that we speak of *print* subscriptions. We would retain *electronic* access to these still important primary materials and indeed hope to expand that electronic access to encompass far more than we were ever able to hold or afford in print. This we can do by freeing up funds tied to little used print subscriptions. We argue that instead of doubling up by maintaining print subscriptions to expensive foreign law report series that are *not in regular daily use*, that law libraries accept that the electronic revolution is a fait accompli and give serious consideration to cancellation of the print equivalents where they already have electronic access; with the rider that where that course of action is appropriate for the given situation and of course weighing up the financial, access and other advantages or lack thereof.

Print subscriptions to US, UK and Canadian law report series - at any rate those available as part of electronic services, like LEXIS, which contain this material and much more - should be cancelled; where the series concerned are not in *constant* use. Why pay to maintain a print series which may be used to the extent of perhaps one or two cases a year when the cases contained therein are already available under an electronic subscription which is certainly expensive but which contains the contents of those print series and so vastly much more? Not to mention the accessioning, binding and other costs that go with print holdings.

It is certainly still far preferable to read printed law reports rather than electronic and printing out is a poor and time-consuming substitute, especially when engaged in indepth legal research. This is the reason for our repeated proviso about materials that are in regular use. In a typical law school situation this will certainly mean the retention of multiple sets of Australian series. Statutes too are very cumbersome to search electronically. Whilst e-based products are great for *finding*, especially where, like Computer Law Services' (CLS) statutes products, they are consolidated, nothing beats the ability to spread out several acts and regulations on a table around you to compare provisions and gain an understanding of how the pieces fit together. The same applies to case law if following a thread through several volumes and over many decades.

Trade-offs

At Monash we are proposing an *ever changing mix* approach for our Law Library. Although some would say that we are moving too fast to embrace electronic access over print, we would rather argue that we are adopting a careful resource management approach and positioning ourselves to take best advantage of changes and technological advances.

We have *not* replaced print holdings with electronic access (either on CD-ROM or online database or the Internet) holus bolus or because we have been carried away with the new toys or seduced by the publishers. Rather, faced with a shrinking budget and publication of so much more material that we really *should* have, particularly Australian material, we have, as responsible managers, considered other ways by which we might maximise our available funds. We are endeavouring to utilise our resources in order to maintain access to that which we have always had, expand that access to what we would *like* to have, and do it all in such a way as to make that access more readily and easily available to our large population of users. In certain respects, *but by no means* all, these decisions have led to a preference for, and replacement by, electronic access over print holding of materials. Essentially we are speaking of a trade-off process.

Librarians by nature are acquisitive and law librarians are no exception. No-one enjoys cancelling subscriptions but we are all required to budget and find ways both to make ends meet and satisfy our clientele. Although electronic resources are often the best method to employ when searching for all mentions of a particular phrase or case, when needing to read and compare cases or statutory provisions, nothing beats the print; being able to go into the library and pull out the relevant volumes, spread them out on a table and generally create a happy mess. Where trade-offs come in is in attempting to provide in the most useful format - print - those materials in greatest demand by the majority and still satisfying, *by some means*, demand for lesser used material.

That is the situation which we at Monash are addressing. If a new Australian law report series covering a new tribunal is published or a new looseleaf on a sexy new area of law, and the budget is exhausted, which option ought we suggest? Should we not buy the new series? Or should we cancel say a UK specialist law report series, relying instead on LEXIS or document delivery services?

These choices are simplistic and doubtless we could all think of others, but increasingly, management of law libraries is being reduced, by necessity, to these kind of trade-offs.

Horses for courses

The solutions which we are trialing (and which must themselves be subject to constant review) will not suit all situations. Electronic access to a multi-volume encyclopedia or loose-leaf service via networked CD-ROM, in place of the print, is suited to the environment of Australia's largest university - with well over 2000 law students and many others with a need for access to legal information. Infrastructure grants and *quality funds* have made it possible for the Law School to provide state-of-the-art computer laboratories for our students and a PC on the desk of every faculty member. Our network is highly efficient and well supported. Home access will be a reality in the next year or so. A docking-station project we have recently embarked on will soon allow student-direct access to the University network via their personal laptop PCs.

Solutions suited to our situation might not be so for an institution less well equipped with the necessary infrastructure - or even necessary. It would hardly be worth a small firm or a judge's library replacing a print set of the *Australian Digest* with the networked CD-ROM version, but where we have had to pay little more to make such services (of which we formerly only had one print set) widely available, the advantages for our large population and the Library are obvious - multiplicity of access, no *missing* or stolen volumes or pages, no necessity for filing of updates, no replacement from continual heavy wear and tear.

Electronic only

As well as *strategic* replacement of looseleaf services and encyclopedias where the results are greater access for similar or lower cost, we have also established networked CD-ROM access to many services never before held by our law library - like the International Labour Organization's (ILO) international labor documents, the World Intellectual Property Organization's (WIPO) intellectual property database, the major new Papua New Guinea legislation database produced by the University of Tasmania, US, Canadian and UK tax and securities services and more.

We have gone *electronic only* with our journals indexes - with a bigger range than we ever had in print - in part because of the ever growing demand that our single print sets could not cope with, and of course, because of the ease of searching one stop in the CD-ROM over checking many single annual volumes and monthly parts in print. Having the electronic access, how can we justify tying up badly needed funds in the less efficient print equivalents as well? Funds that can be used to buy other publications.

We *do* maintain a collection of networked CD-ROMs that contain material which is duplicated in print - and will be for the foreseeable future. Mainly Australian primary materials. We are currently Gold Card subscribers to the CLS range which includes court decisions and legislation, as well as Butterworth's Info-One range and LBC's new *Federal Cases* product. The material is also duplicated to a great extent and freely available in raw form via the Internet, principally on the Australasian Legal Information Institute (AUSTLII). LEXIS of course, also provides access to all of this material.

We do this because of the greater capacity for *finding* references for research purposes that comes with the e-based products; because even though we maintain multiple sets of series like the *CLRs*, we never have enough, and the new products take some of the pressure off the print resources; because of the multi-locational access (soon from home as well). Also, because of the unreported judgments and other enhancements like the High Court special leave applications which are added to these products. Maintaining e-access has, for instance, enabled us to stop getting print copies of unreported judgments. Except for the High Court (which we get same day from the Registry) the percentage of unreported judgments used is low, so in being able to rely on the e-based products we have saved the Library a deal of money, a great deal of staff processing time and hopefully a few trees!

We should note that we often employ a combination of products to find unreported judgments - CD-ROM can never be up-to-date, AUSTLII is not yet so and LEXIS usually has more recent judgments more quickly. We still quite regularly rely on our courier service to collect recent Federal Court and Supreme Court decisions and until all courts get to the *same day on the Internet* status achieved by the High Court, thanks to Peter Farris QC's service, then we shall continue to do so.

We will maintain print subscriptions to all Australian primary materials and all other series in regular use for the present (in some cases multiple sets). If screen technology or virtual reality advances to the point where readers are just as comfortable as with print (the 'I can't take it to bed with me' test) then this policy would certainly be reviewed.

Selecting the best

What the electronic access to these primary materials has done is to make research easier, to encourage research (our law students are increasingly computer literate and more comfortable in that medium) and to allow for the reduction in numbers of duplicate sets of the print versions of primary materials. Again what we have done is not to *replace* the print, but supplement it and immeasurably widen the access of our researchers to this important material. As part of our *changing mix* we do not and would not maintain access to the publications of all the electronic publishers. We naturally select those that are best value for money. At the moment, for instance, LBC (formerly Law Book Company) appears to have an edge with respect to the decisions of the federal courts because their CD-ROM contains the *authorised* version of the decisions of the High Court and Federal Court. However, as in the US, the days when there will only be one series of law reports acceptable for court citation are probably numbered. CLS are adding page numbers, catchwords and headnotes to their versions and they also have vastly more unreported judgments available, not to mention the High Court special leave applications which they alone provide. So, nothing is certain, and what is marvellous to see is the continued product enhancement and availability of new products which is being stimulated by the publisher competition.

LEXIS

Like other university law libraries we have arranged access to LEXIS. After the takeover of that company by Reed Elsevier last year, the cost of access increased substantially, causing us to restrict access to faculty members and postgraduate and honours students only. This has not proved to be a problem as undergraduate students are well catered for by our print and CD-ROM collections and given the commercial rates charged by LEXIS it is unlikely that many law students will have access in real life, so it is probably just as well that they are being trained to use the lower priced alternatives.

What we *did do* was to cancel subscriptions to all US law report series - the entire National Reporter system (except for the Digest) and some others that we had. This resulted in an annual saving of over \$US20,000, not to mention the staff processing time and shelf space which that material rapidly consumes. Although there is strong demand for US material it is almost entirely from faculty and postgraduate researchers - a population that appears to be satisfied by access to those decisions through LEXIS (and WESTLAW to which we also subscribe). The point which we emphasise again, being that we already pay large sums of money for those services because of the vast quantity of information they give us access to (including much we never had or could have afforded in print) including that US material which we had formerly subscribed to in print.

Law Library Home Page and the Internet

A key component of the Law Library's electronic strategy is the WWW Home Page, which is seen as the starting point for staff and student access to a wide range of Australian and international legal (and other) information available via the Internet. Given that both staff and students of the University are provided with ready access to electronic sources of information from staff and Laboratory networked PCs, this approach is in keeping with the general philosophy of information provision and access of the Monash Library system.

Whilst the initial design of our Home Page was implemented by the Graphic Design Unit at Monash, it has become essential that the Law Library itself have control over the Library's Internet site as changes to it are intrinsic to its continued success as an up-to-date Internet information resource. These changes are of two basic types: additions to the *internal* content of the site, such as the recent addition of a Law Card page and the ongoing provision of monthly recent acquisitions information; and amendments and additions to the *external* sites to which the home page points. Some examples of recent additions in this area include the APEC site and the searchable Victorian Hansard resource.

Despite this emphasis on the Home Page's changing nature, structural continuity is also seen as fundamentally important to its success and user friendliness. Clearly, users not only require a logical, clear structure, but also one which is reliable and not subject to the changing whims of the creator of the site. Fundamentally then, the Law Library Home Page seeks to be a dynamic, constantly evolving site which, whilst offering regular users stability in terms of its overall structure, also continues to present access to new and exciting Internet information resources as they develop.

Information about potential additions to the site come from a variety of sources, the most important of which are the various listservs to which Law Library reference librarians belong, such as Int-Law and the ANZ Law Librarians listserv. New, important Internet sites are frequently mentioned on these lists, which are always a key method of keeping up-to-date and in touch with the latest legal happenings. Word of mouth can never, of course, be ignored as another valuable source of information and applies as much to Internet developments as to its

myriad other applications. Increasingly, print publications are alluding to Internet resources and citing relevant URLs for access, in various articles, reviews and even Internet-dedicated columns

Obviously, those who are in the business of creating and maintaining Web pages require skills in the area of HTML (the mark-up language of the WWW), as well as a good eye for design and structure (and hopefully aesthetics). As far as the Law Library Home Page is concerned, this has largely been a result of self-teaching supplementing the initial work done by Graphic Design. Additional assistance, as well as some getting started help, has also been close at hand in the form of Systems Support staff (primarily the Library's Network Librarian), which was invaluable in the early stages of creation and maintenance of the site. The major tool used in this process is *Internet Assistant*, although *Hot Dog* has of late been a useful addition to the tools available for Web page creation within the University.

Increasingly, the Law Library Home Page is viewed as the most appropriate place for the posting of Law Library information, particularly, although not exclusively, as it relates to the growing array of electronic resources (both online and CD-ROM) provided within the Library. Clearly, posting such information on an Internet site not only eliminates the often prohibitively expensive cost of printing such information, but also allows for the ready updating which is simply impossible with printed publications.

As far as links to external sites are concerned, the Law Library is keen to utilise the increasing number of full-text law-related Internet resources which are being made publicly available. In Australia, the AUSTLII site epitomises the growing availability of such information, with its full-text case law and legislation from a range of jurisdictions. Similarly, such overseas sites as the US House of Representatives Library offer a vast array of such information covering US Federal and State jurisdictions. Clearly, informing both staff and students of the existence of such resources becomes an important role for Law Library staff, particularly given many users' unfamiliarity with using the Internet, as opposed to more traditional print resources, as a viable option for locating scholarly information. Whilst notices and email play their part in conveying this information to users, it is training and general education which play the key role, especially where students are concerned.

Training/Education

Hand in hand with the introduction of e-based information resources has come increased need for instruction in their use - both at an introductory and a support level. The Law Library has responded to this demand in a number of ways. Having trialed formal, structured student training sessions with little success, the Law Library embarked upon a programme of small, group, informal training sessions some 10 months ago. These one hour sessions, conducted in the wide range of electronic resources (CD-ROMs, online services, Internet) provided by the Library at a variety of times each day, have proved an instant success and are

extremely popular with Law Faculty students. The informal nature of the sessions, coupled with their inherent flexibility, are key factors in this success and it is intended that such a programme will continue to play a major role in the Library's electronic resources training for the foreseeable future.

These sessions are a vital adjunct to the newly accredited Legal Research Methods (LRM) course designed by Petal Kinder of the Law Faculty. In addition to running the informal training sessions, the staff of the Law Library are also heavily involved in the running of those LRM sessions which relate to training in the use of electronic resources. It is evident that those students who have completed this training are better equipped to successfully use the myriad of such resources than has been the case in the past, where such training was not a formal, assessed component of the Law Degree.

In conjunction with such training programmes, the Law Library has also produced various publications to assist its users in negotiating the electronic frontier. Principal among these is the ALIA award-winning *Absolutely fabulous guide to the law online*, the first edition of which was published early in 1996. A supplement has since been issued and a second edition is planned for early 1997, in response to the ever-changing nature of the electronic resources area. This publication not only guides staff and students in the use of specific electronic resources, but also offers general information on the Internet, Listservs, using email, remote access and so on, for both the novice and more experienced user. Another key publication is the *Guide to legal research*, now in its second edition, which attempts to offer a *path way* for legal research, with reference to both print and electronic legal resources. The Law Library also continues to issue other print and email notices and bulletins, which are often also posted on the Home Page, as part of the overall information strategy offered to its diverse body of users.

LIO

Until now we, like most law libraries, have relied on the resources provided by others, at a price. In order both to obtain a greater measure of control over our resources and to make access to it more widely available, the Law Library is embarking upon a project to provide online, full-text access to areas of its print collection of case law, legislation, treaties and journal articles. It is envisaged that such an image database, accessible via the Web, will open up many currently somewhat inaccessible areas of the collection to wider use amongst both the University population and the wider, commercial community.

The currently successful Australasian Legal Literature Index (ALLI) database will be a key component of the new Legal Information Online service (LIO) service, which is largely modelled on a similar service offered by the Chicago Kent College of Law in the United States. LOIS, designed by Professor Mickie Voges of the Chicago-Kent College of Law Library and Library of International Relations, commenced operation in 1991, and has since developed into a highly

successful service for the Library. Currently at the consultancy stage, the LIO project is an exciting new development, and promises to keep the Monash Library at the forefront of new technological applications.

Law Card Service

The ongoing move towards electronic resources raises the issue of demand for these tools by non-Monash clientele. Whilst the Monash community is well served by networked PCs to which users login by way of Computer Centre accounts, there is a clear demand for such access from outside users of the Library. It is in response to this situation that the Law Library, in conjunction with Moninfo, the Library's commercial arm, has launched its Law Card scheme. Subscribers to the service are provided with full access to the Library CD-ROM network (license agreements permitting), copies of the guides to electronic services and legal research and training in the use of these resources from Law Library staff. Additional services include post-graduate borrowing rights and discounted use of Moninfo research services. The latter means that a subscriber need only pick up the telephone to have a request for information met, within a specified time if required and whatever the subject matter. This Moninfo service, which utilises the specialist research skills of the staff of the law library and other library branches as required, can supply information on topics as diverse as the legal right to refuse blood transfusions, to statistics on the Australian export market of bananas to Britain.

The Law Library and Moninfo, with the support of the Law Faculty, have undertaken a series of launches of the Law Card scheme, with presentations to large corporations and law firms, smaller suburban law firms and the Bar. These presentations have been received enthusiastically and augur well for the future success of the Law Card service. Any profits are channelled back into the Library, creating greater opportunities for the Library to continue to provide its users with enhanced access to information. The Law Card initiative is another example of the Law Library's innovative approach to maintaining its position at the forefront of electronic developments in the world of legal information provision.