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### Statutes and Limitations: Thinking Collaboratively About Print State Codes

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## Statutes and Limitations: Thinking Collaboratively About Print State Codes<sup>1</sup>

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There are a fantastic number of things we do well as law librarians, and one of the most important is our facility for working collaboratively. We invest time and energy in our national organization and give individually and as institutions to our regional chapters and consortia. We blog about our experiences and ideas, consult each other daily through the use of discussion lists, emails and phone calls and have embraced various social media resources that allow us to share our professional lives. As members of this profession, we genuinely seem to understand the importance of staying immersed in the conversations that keep us working together.

One of the topics of conversation I have seen floating in the cloud as of late is the question of how best to achieve reduced expenditures for print state statutes without compromising the level of service we provide. More often than not, we are finding savings through cancellation of at least some portion of our print state statute collections. Most of the reports I have seen show a strong tendency for libraries engaged in such cancellations to maintain both the official and unofficial print codes from the library's home state, along with a few other print codes from selected jurisdictions. Many libraries that have chosen this path have elected to fill the gaps in their collections through the use of interlibrary loan on an as-needed basis. In my own academic law library we have elected to cancel the majority of our print state statutes, keeping only the official and unofficial statute sets for our own state, codes for a few states critical to our faculty scholarship, and annotated codes for New York and California.

Among those reporting that their libraries continue to maintain a complete collection of state codes, most reference the need for access to print codes for citation purposes as the leading factor in their decision. Some respondents indicate that they have retained only official codes, while others have a combination of official and unofficial sets. While most of us are equally comfortable performing and teaching state statutory research in print or online sources, there remains a strong preference for citation in legal scholarship to the official and authenticated print statutes. It is this preference for citation to official and authenticated material<sup>2</sup> that has been perceived to assure the integrity and accuracy of the foundations of legal scholarship. There are, however, a number of voices both in libraries and the realm of legal scholarship that are calling for increased flexibility in citation to statutory materials given the rapid growth in access to online codes. Yet concerns about accuracy and reliability in online sources remain, as evinced by the discussion surrounding the recent addition of Title 51 of the United States Code.<sup>3</sup>

One logical outgrowth of the situation in which we find ourselves is the need for continued work toward encouraging both federal and state governments to make official and authenticated versions of codes freely available online.<sup>4</sup> However, the problem with pursuing this solution to the exclusion of other initiatives is the fact that it will not take care of the problem we are facing immediately. We need access to official and authenticated versions of state codes right now, and many of our libraries simply cannot afford to provide it. An alternative stop-gap measure may be the return to a common practice in librarianship, the use of collaborative collection development plans and agreements to assure that each of us is able to get reliable access to the materials we need, even though we may not be able to purchase them for our own collections.

In preparation for this column I contacted a number of collection development librarians, posted a query on the law-lib discussion list and reviewed the publicly accessible information on a number of law library consortium websites. I was unable to find a single instance of documented collaboration between libraries in which individual institutions committed to continue updating a particular code or list of codes for the benefit of the group. While a number of informal arrangements were referenced by the individuals I consulted, there remains an apparent absence of any kind of systematic agreement whereby at least one library promises to maintain a given state code so that others may rely on their collection when in need. The most obvious problem with agreements of this kind is that some of us are unable to predict our funding in a way that allows us to make long-term promises about the maintenance of particular titles. I believe, however, that there are enough libraries in a position to commit to the retention of at least one official print code to allow all of us to breathe a bit easier about the possibility of continued access.

There are certainly details that will need to be attended to and concerns that need to be addressed in order to get a collaborative effort such as this up and running. Should we enter into agreements on a regional basis through existing consortia? Or

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would it be better to develop these collaborative collections based on the nature of the libraries involved? Perhaps this is an opportunity to build bridges beyond the distinctions we typically recognize and develop a retention list that includes the holdings of academic, firm, public and private libraries. Given the potential scope of this type of project, my comments here will fall short of providing the detailed recommendations needed to complete this journey. Yet the most critical element of this type of project is firmly in place; we already possess a deeply rooted history of collaboration within our profession. The challenge before us is to take the relationships we have established and the knowledge we have developed and apply them to the information need with which we are presented, and it is a task for which we are uniquely well-suited. We are librarians. This is what we do.

#### Endnotes

1 I want to extend my sincerest thanks to Merle Slyhoff of the University of Pennsylvania Biddle Law Library for starting the conversation that led to this column.

2 The 19<sup>th</sup> edition of *The Bluebook* allows citations to statutes in the following order of preference: current official code or its supplement, current unofficial code or its supplement, official session laws, privately published session laws, a commercial electronic database, a loose-leaf service, an internet source or a newspaper. (see Rule 12.2.1)

3 Title 51 was added by Pub. L. No. 111-314, which was signed by the President on Dec. 18, 2010. As noted by a keen observer in the law-lib discussion list, the title was still unavailable on *Westlaw* as of January 30, 2011.

4 For more information on the current status of advocacy in this area, consult the AALL Government Relations Office page on AALL Leadership on Authentic Legal Information in the Digital Age at <http://www.aallnet.org/summit/>.

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